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Issued for lands outside of the jurisdiction of the Land Department conveys no title and may be attacked collaterally	Oct.	18
Right to a, once vested is treated by the Government as equivalent to a patent issued	Mar.	11
Limitation of time within which suits may be brought by United States to annul patents does not foreclose claims of third parties	Mar.	10
Issued by the Land Department not void on its face cannot be questioned either directly or collaterally by one who does not show himself to be in privity with the paramount source of title	Mar.	11
Issued under the provisions of Sec. 2448 R. S., has the same effect as if the patent had been issued during the life of the entryman	July	14
Delivery of, issued for public land is not essential to the passing of title	Dec.	27

Patents: (cont'd.)

To land is the highest evidence of title and conclusive against the Government, and the world until set aside	Oct.	18
For State lands, priority of possession	Jan.	10
For Louisiana land dated September 1, 1826	Feb.	22
Payments on Fort Peck Indian lands, regulations of March 22, 1923; Circular No. 883	Apr.	37
Petrified forests	May	10
Petroleum withdrawal along the Arctic coast of Alaska; Executive order of February 27, 1923	May	41
Pinnacles National Monument	June	5
Pittman Act, instructions in the matter of final proof	Sept.	26
Practice:		
Right of appeal to the Department not precluded because of appellant's statement that he would accept the decision of the Commissioner as final	Dec.	25
Failure to serve notice of appeal under rule 95 does not deprive the Department of its jurisdiction	Dec.	25
Rehearing will not be sustained on the ground that the decision is not supported by the law and the evidence where such question was fully considered in the decision	Jan.	8
Requirement under rule 8 of practice that proof of service of notice must be made within a specified time where no answer has been filed is mandatory	Jan.	9
Failure to comply with proof of publication prescribed by rules of practice held not a sufficient ground for abatement of contest	Dec.	24
Reinstatement and dismissal of a contest by the Commissioner without granting a hearing to the contestant not an act in excess of his authority, where the charge of the contestant does not constitute a cause of action	July	10

Practice: (cont'd.)

If testimony in a contest is taken before an officer designated for that purpose, additional testimony before the local office should only be admitted on proper showing followed by due order of the officers	Feb.	9
Rule 51 of the Rules of Practice considered in connection with paragraph 13 of the instructions of February 26, 1916	May	19
Contumance granted in a contest case is an interlocutory order from which an appeal will not lie	Feb.	10
Rules relating to notices <u>lis pendens</u> that are applicable in the courts have no application to proceedings before an Executive Department	Feb.	13
Where there is no law making it the duty of a county recorder to record notices of proceedings in a local land office, the Department is powerless to enforce an order directing the recordation of such notice	Feb.	13
Principal Meridian Montana	May	4
Private Claim:		
Lands within a valid Mexican grant did not become a part of the public domain of the United States	July	13
An approved official plat on which are shown the boundaries of a confirmed Mexican grant amounts to the final determination that the position of the grant is that shown on the plat	July	13
Issuance of a patent under a Mexican grant precludes the Secretary of the Interior from afterwards inquiring into its validity for the purpose of annulling it by his own order	July	14
Duly asserted Mexican grant segregates the land embraced therein until its extinction either by a court or other tribunal of competent jurisdiction	July	14
Public lands only acquired by act of Congress	May	15

Railroad Grant:

Does not become fixed and attached until the map of definite location has been filed; and until then the odd sections are not impressed with a double minimum price	July	12
Does not take effect upon lands in actual occupancy of Indians	Mar.	9
Settlement on unsurveyed land will reserve it from railroad lieu selection under act of August 5, 1892	Oct.	16
Lands embraced within the limits of a lode mining claim based on sufficient discovery are excepted from the grant to the Central Pacific	July	17
Act of March 2, 1899, authorizes selection by the Northern Pacific railway company of lands formerly in the Fort Assiniboine military reservation	July	11
Act of July 19, 1899, authorizing the adjustment of disputes between the railway company and settlers, warrants selections by the company under the act providing for surface entries	July	17
The grant of July 2, 1864, to the Northern Pacific conveyed the fee to the lands within the former Mille Lac Indian reservation, the Indian claims to which were extinguished by the act of January 14, 1889	Mar.	15
Rights of actual settler protected under act of February 8, 1887, as against the railroad grant, not lost through tardiness in asserting claim	Apr.	11
Right of railway company to make selection under act of August 5, 1892, defeated by claim of occupancy	Nov.	10
Reclamation settlement office opened in Denver	Feb.	23
Reclamation homestead act of August 9, 1912	Dec.	16
Reclamation Service is entitled to control and regulate the use of seepage water.	Feb.	8

Reclamation project, estimate of cost, completion; decision of the Supreme Court of the United States in the case of the Yuma County Water Users' Association against Schlecht, et. al.	June	25
Reclamation homestead, purchaser of, entry at a mortgage foreclosure treated as assignee	Dec.	25
Red River oil cases	Apr.	45
Red River oil and gas applications, instructions of August 30, 1923	Nov.	18
Red River oil field	Oct.	13
Reinstatement of canceled entries; Circular No. 889	May	28
Relinquishment must be definite in character to warrant its acceptance	Jan.	9
Repayment:		
Applications should not be rejected in the district land office; Circular No. 902	Sept.	28
Act covering cases that cannot be confirmed necessarily contemplated an entry with reference to which the defect could not be cured	Jan.	8
Not permissible where during the existence of the entry it could have been completed upon the terms allowed	Jan.	8
Application for, under act of March 26, 1907, must be denied under the act of December 1, 1919, if not filed within two years after the latter date	July	10
Application filed by one of the heirs on behalf of all the heirs is sufficient to stop the running of the statute as to the affairs of each heir	Oct.	20
Application for, made by one of the heirs of the entryman within the required time does not stay the running of the statute as against the others	July	11
Departmental construction afterwards set aside does not stay the running of the two-year limitation for the presentation of claims for repayment	Oct.	21

Repayment: (cont'd.)

Act of June 16, 1880, was not repealed or modified by the act of March 26, 1908	July	12
May be properly allowed when it is determined on the filing of the map of definite location that the lands entered were not within a railroad grant	July	12
Provision in Sec. 2 of the act of March 3, 1885, by purchase of Umatilla Indian lands recognized	Apr.	12
Of prepaid rentals on oil and gas lands; Circular No. 874	Apr.	18
Reservation in patents by act of August 30, 1890, for canals and ditches constructed before the act as well as those thereafter	Feb.	7
Residence required under the homestead law	June 1; July 1	
Residence on one tract will not support a claim to another and distinct tract	Oct.	16
Residence established prior to knowledge of contest cures failure to establish within six months from entry	Aug.	11
Resignation:		
Ivan G. Bishop	Nov.	41
Frank A. Boyle	Feb.	31
Hubert McDowell	Feb.	31
Res Judicata:		
Application by the Department of the rule of <u>res adjudicata</u> to controversies is based upon a well-established principle that there must come a time when finality of action should be reached	Jan.	9
Land Department should, so far as within it lies, put an end to controversies involving title to public lands which have once been the subject of adjudication	Dec.	26
Restoration of lands formerly embraced in the Oregon and California railroad, and Coos Bay Wagon Road grant	May	7

Restoration and opening of public lands	May	1
Restoration of public lands to homestead entry and other disposition	Mar. 33; Apr. 11; May 35; June 18; July 33; Aug. 18; Sept. 22; Oct. 29; Nov. 13; Dec. 20; Jan. 15; Feb. 17.	
Restoration by order of Secretary prerequisite to the entry of lands within a grant held invalid by the court	July	14
Restoration of lands upon the annulment of an invalid patent carries the preference right to ex-service men	July	14
Retirement:		
Mr. T. W. Aiken	Sept.	34
Mrs. Emmuella R. Burson	Aug.	26
Miss Laura O. Friebus	Nov.	41
Returns of district land offices to be semi-monthly; Circular No. 885	Apr.	39
Right of Way:		
Railroad right of way bordering on navigable body of water confers a mere license to cross such right of way to the water	Jan.	5
The term "public purpose" used in the right of way act of March 3, 1901, defined	Mar.	15
Right of way authorized by act of March 3, 1901, considered in connection with rights under Indian allotments	Mar.	15
Railroad right of way conveys to the company a base or qualified fee	Jan.	5
Railroad right of way not authorized across former Red Lake Indian reservations	Aug.	8
Railroad right of way on approval carries all rights of the United States; land covered by entry at that time becomes subject to right of way if entry is abandoned	Mar.	9

Right of Way: (cont'd.)

Right of way is granted for quasi-public uses; and a breach of conditions can only be taken advantage of by the Government Mar. 9

Supplemental map of location of right of way when filed relates back to the filing of the original Aug. 9

Riparian Rights:

To meandered navigable waters Feb. 9

Owner takes by virtue of the common law prior to legislative declaration of ownership in the public May 15

Exclusive privileges of the shore for access to his land and water possessed by riparian owner are valuable privileges of which he cannot be deprived for any private use; and which the public can acquire only by purchase, prescription, or through the right of eminent domain July 9

Law of, modified to the extent of reasonable use in the State of Washington Aug. 7

How far the title of a riparian owner extends, is one to be determined by State law Apr. 12

Rocky Mountain National Park, statistical information Mar. 20

Sawyer Townsite, Minnesota; regulations governing disposition of town lots July 21

School Lands:

Exchange of granted school lands of Idaho prohibited by the act of admission and Sec. 8, article 9 of the State Constitution Jan. 5

Sections 4 and 5 of the act of July 3, 1890, providing for the admission of Idaho, together with the constitutional provisions of the State constitute a pact which neither may abrogate or modify without the consent of the other Jan. 5

The term "indemnity" as used in the statutes making grants for school purposes implies compensation for losses actually sustained Mar. 14

School Lands: (cont'd.)

Selection of indemnity lands by the county commissioners on behalf of the territory of Washington did not amount to any segregation of the lands	Aug.	7
Vested rights do not attach under indemnity school selection until all the requirements of the law and regulations have been fulfilled	May	17
Failure of selector to fulfill all requirements prior to attachment of a withdrawal will not defeat his selection if, when it is accepted, there has been full compliance with the law	Dec.	26
The State Land Commissioner is authorized only to sell school lands in the manner directed by law, and is without power to insert reservations or exceptions not authorized by law in the patent	Aug.	8
State indemnity selection canceled upon default to answer a charge of mineral character of land will not be reinstated in the presence of an adverse claim	Dec.	28
School indemnity may be allowed where the base has become practically useless for school purposes due to federal action	Mar.	14
Grant of school lands to Montana not to be construed as a denial of right to Indian allotments	Mar.	14
Grant of school lands made to Arizona not defeated by reclamation withdrawal as to lands thereafter restored	Sept.	20
Settlement upon unsurveyed withdrawn public lands is valid against everyone except the United States, and upon approval of the survey and vacation of the withdrawal defeats grant of school lands	Oct.	19
Secretary of the Interior - assumption of duty by Hon. Hubert Work	Apr.	1
Spineless cacti, propagation, Burbank selections, decision of November 5, 1923	Dec.	10

Stock Raising Homestead:

One who makes an entry for the full area allowed by the stock-raising homestead act is thereafter debarred from making a timber and stone entry, or any other form of entry under the agricultural land laws	July	11
Designation under enlarged and stock-raising homestead laws of entered lands within national forests as basis for entry outside such forest; Circular No. 886	June	9
Applicant under the enlarged homestead or stock-raising homestead not charged with claiming the land until the application is allowable	Dec.	25
Designation under enlarged and stock-raising homestead laws of entered lands within national forests as basis for additional entry outside such forests; Circular No. 886	May	24
Suspended application to make stock-raising homestead entry held to defeat preference right for adjoining lands under Sec. 8 of the act	Oct.	19
Rights of stock-raising homesteader relates back to date of application	Mar.	14
Preference right of stock-raising homesteader under Sec. 2 not defeated by intervening adverse claim	Mar.	16
Instructions of March 3, 1923; Circular No. 780	Apr.	17
Preference rights under Secs. 8 and 2 of the stock-raising homestead act considered and construed	May	18
Entryman under Sec. 5 of the stock-raising homestead act not entitled to take more lands under that act, if he does not own and reside upon his original entry	Oct.	19
Right of applicant under Sec. 4 of the stock-raising homestead act may be made dependent upon his compliance with the law under his original entry in case of conflict with another	Dec.	29

Stock Raising Homestead: (cont'd.)

Stock-raising homesteader has a prior right to the surface not subject to contest by subsequent mineral claimants	Dec.	27
Stock-raising homesteader can only be heard to object to the oil and gas prospecting permit as a friend of the Government	Feb.	12
Law modifies the mining laws to the extent of allowing the issuance of separate patents for the reserved mineral deposits and the surface of the lands	Feb.	11
Kinkaid Act has no relevance to the right to make entry under the stock-raising homestead act of one who has not made an entry under the former act	Dec.	28
Soldier's claim protected	Aug.	6
Applications and entries allowed	Sept.	19
Stock driveway changes	Sept.	25
Stock driveways	Mar.	37
Stock watering reservoirs; Circular No. 893	June	13
Surveys and Resurveys:		
Surveying instructions for the current year	Sept.	4
Filing of plats of accepted surveys; opening of lands subject to entry; instructions of July 11, 1923	Aug.	4
Section 2396 R. S. contemplates that in the disposal of public lands the official surveys are to govern	July	16
The survey of lands omitted by reason of fraud or gross error in the original survey not subject to any arbitrary rule	Apr.	12
Survey description "fractional section" defined, and the lines thereof considered as a boundary	Mar.	11
Tracts embraced in homestead entry may be described according to the legal subdivisions as shown upon the plat when the entry was made, or as lots according to a plat of resurvey	Aug.	10

Surveys and Resurveys: (cont'd.)

Acreage described in a patent is a question of fact and must yield when the boundaries of the tract have been determined by competent survey	Aug.	10
Meander line of one of the Great Lakes presumed to have followed the existing shore line	May	16
Detail of surveyors to the General Land Office	Dec.	3
Surveying parties in the field, November 15, 1923	Dec.	2
Santa Fe district land office; statement of business transactions	Aug.	21
Surveyors field camp visited by the Commissioner	Oct.	6
Surveyor's assistant injured in the field	Oct.	6
Field notes of survey; largest book on file	Oct.	7
Monthly service letters from Assistant Supervisor of surveys	Nov.	4
Monuments for public land surveys	Nov.	2
Surveying service; slogans for 1923	June	2
Survey of Oregon and California indemnity lands	Mar.	3
Survey of coal lands	Mar.	2
Surveyors in the field, June 15, 1923	July	3
Surveys of Indian reservations	Mar.	2
Surveying District No. 3; change of headquarters	July	5
Surveys in Oregon district No. 8	July	4
Surveys, use of iron posts in marking corners; Circular No. 880	Apr.	33
Survey of Red Lake Indian reservations; progress of work	May	3
Survey of isolated claims under special order	May	3
Survey of oil shale lands provided for by the act of January 25, 1923	Apr.	3

Surveys and Resurveys: (cont'd.)

Survey of Indian lands provided for by allocation of funds	Apr.	2
Progress of surveys in New Mexico	Aug.	3
Progress of work in eastern surveying district	Dec.	3
Survey of petrified forest national monument, Arizona	Jan.	2
Ephemeris of the sun and Polaris	Jan.	2
Distribution of the Ephemeris	Feb.	4
Surveys authorized during the month of January	Feb.	3
Manual of surveying instructions	Feb.	2
Surveyors in the field on January 15, 1924	Feb.	1
Surveys executed in the past fiscal year	Jan.	2
Survey of oil lands in southern Utah	Nov.	4
Survey of Mesa Verde National Park	Nov.	2
Resurveys in coal fields	June	2
Act of July 1, 1902, authorizing resurvey of certain lands was in effect a legislative declaration that the lands were unsurveyed and were thereafter to be so treated until approval of the new survey	Mar.	17
Resurvey will not be ordered where the evidences of a Government survey are sufficient for identification of boundaries	July	16
Resurvey of boundaries of Mexican grant will not be disturbed on account of minor inaccuracies	Oct.	21

Swamp Lands:

Act of March 2, 1849, making a grant of swamp lands to the State of Louisiana did not include islands erroneously certified as swamp lands	July	8
The act of March 2, 1849, granting to Louisiana swamp lands was not repealed by the act of September 28, 1850	July	8

Swamp Lands: (cont'd.)

Under the swamp grants of March 2, 1849, and September 28, 1850, title does not vest without selection by the State, and approval by the Interior Department	July	9
Survey of land returned as swamp will not be disturbed on account of including a small area of high land	Oct.	21
Swamp land grant of 1849 did not take effect on lands within a Spanish grant	Nov.	10
Swamp land grant is not affected by the subsequent discovery of minerals	July	8
Telephone service, contract for; Circular No. 878	Apr.	28
Texas, Oklahoma boundary survey	Oct.	6
Three foot homesteader	Dec.	19
Timber lands reserved for the Navy	Nov.	5
Timber sales on revested lands in Oregon	Feb.	6
Timber trespass, criminal action noted	Nov.	8
Townsites created pursuant to the act of March 20, 1906, in the Kiowa, Comanche, and Apache Indian reservations are subject to disposition only in accordance with the terms of that act	Feb.	12
Tract book notations; instructions of June 18, 1923	July	30
Transportation equipment in the surveying service	Dec.	2
Trespass cases, measure of damages; Circular No. 909	Feb.	24
Trespass cases, measure of damages; Circular No. 881	Apr.	34
Unappropriated public lands, report called for; Circular No. 895	June	8
Useless papers, disposition of; Circular No. 875	Apr.	19
Vacant, unappropriated, unreserved public lands	Sept.	30
Vashon Island, military reservation	May	2

Water Rights:

Appropriation of water held dependent upon use	Dec.	24
Appropriation of water rights only authorized as against public lands	Mar.	10
Appropriation of water not impaired by the fact that neither the appropriator nor his succes- sors held legal title to the premises upon which the water was used	May	17
Appropriator of the right to water situated wholly upon Government land may restrain a subsequent patentee of such land from any interference with his right	Nov.	9
Water right acquired by appropriation is appurtenant to the land and passes there- with	Aug.	6
Water right may be sold and transferred separately from the land to which it is appurtenant	Oct.	17
Use of water belonging to another does not make it appurtenant to the land	May	15
Water right appurtenant to land is conveyed in a grant of the realty unless reserved from operation of the grant	Feb.	9
Prescriptive right to the use of water not established by adverse use in derogation of statutory provisions	Oct.	17
Vested right not acquired to surplus water delivered to a land owner outside of an irrigation district	Sept.	20
Use of springs as a public watering place for cattle is not held an appropriation thereof	Dec.	24
Without color of title only the water right actually exercised can be obtained by adverse possession	Aug.	7
Point of diversion of water may not be changed if it will work injury to other appropriators even if subsequent in time	Aug.	7

Water Rights: (cont'd.)

Surplus waters coming from a foreign water shed through artificial means, and increasing a stream may be used by the first person who can take them from the stream where they are found	Apr.	9
Prescriptive right to water may be acquired by lower riparian owner	Mar.	10
Percolating water existing in the earth belongs to the soil as a part of the realty	Mar.	12
The water rights the State acquired in connection with its grant of school lands did not pass to the grantees until after sale by the State	Aug.	8
Grantee under a warranty deed held to have taken with notice of existing water rights	Aug.	7
Rights of flowage over lands affected thereby may not be disputed by subsequent purchasers thereof	June	27
Oregon statute providing that all water used for irrigation purposes shall remain appurtenant to the land is a valid exercise of the legislative power	July	8
The fact that water diverted for direct irrigation passes through reservoirs on its way to land on which it will be used does not make it storage water	July	7
The value of the water conferred, or the added use for irrigation, determines whether a benefit has been received	July	7
Ware scrip location in Missouri territory	Dec.	23
Yellowstone National Park; account of the geysers	Mar.	5
Yosemite National Park, timber and land exchange	Sept.	18

**LAND SERVICE
BULLETIN
DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE**

By direction of the Secretary of the Interior the matter contained herein is published as administrative information, and is required for the proper transaction of public business.

Vol. 7.

March 1, 1923.

No. 1.

BIRTHDAY OF THE BULLETIN.

With this number, the Bulletin enters upon the seventh year of its adventure among the service publications of the Department, and it is believed that it is in a large measure serving the purpose for which it was intended-- a common source of up-to-date information to the Land Service of all current laws, instructions, and decisions affecting the administration of the public lands. The necessity for a service letter of this character, devoted distinctively to the needs of the Land Service, was apparent when the wide field of our public land operations, and the various agencies employed, were taken into consideration, and to this end the Bulletin entered upon its work.

At the present time the Bulletin is covering the latest advice as to: (1) New legislation; (2) Regulations and instructions; (3) Decisions of the State courts, Federal and Supreme Court of the United States; (4) Decisions of the Department; (5) Service orders affecting change of procedure in the Land Department; and (6) Orders opening lands to entry on approval of survey, or restoring to entry lands theretofore withdrawn.

All branches of the service, either in the office or the field, are equally interested in having the administrative information now carried by the Bulletin; and every number should receive careful attention so that no mishap will result from failure to be fully advised in the premises. Failure to note a recent decision of the Secretary, or the modification of former regulations, may easily lead to erroneous action that can only be set right after the expenditure of time, labor, and money, otherwise absolutely unnecessary.

The Bulletin is the every-day working instructions for the entire Land Service and should be so regarded.

Indian Surveys.

Plans are being perfected for the completion, both in the field and office, as the availability of funds will permit, of surveys on certain Indian reservations, heretofore requested by the Indian Office, in New Mexico, Arizona, Colorado, Nevada, Washington, Minnesota, and South Dakota, and for the continuance of the special surveys on the Blackfeet and Crow reservations in Montana.

While the extent of the work on Indian reservations this season and its location will be regulated entirely by the desires of the Indian Office and the funds allotted, this office will be in a position to carry through the full Indian survey program, or such part thereof as may be feasible under the allotment.

Great Salt Lake.

In the March, 1922, issue of "The Bulletin" there appeared an article under the heading "Investigation, Great Salt Lake," setting forth a brief history of the case and a succinct statement of the physical conditions as found during the progress of the investigation up to that time.

The work on the investigation was suspended during the summer months of 1922 due to the high water and deep mud, but work was resumed in October and carried forward with all possible haste with a view to completing the investigation and filing the report thereof this winter. During the summer months when evaporation is at its height and the water from the tributaries of the lakes is diverted from its natural course for irrigation, the vast mud flats become so dry and hard that a team or automobile can be driven almost to the water's edge, but late in the fall a contrary condition prevails; the evaporation greatly decreases, the water for irrigation is returned to its natural channel and immediately the flats are covered by from 2 to 6 inches of water making transportation in any form impossible.

This was the physical condition encountered early in December last, when it was decided to suspend field work with a view to returning surveyors to the field and completing the investigation after the mud and water had frozen enough to support the weight of the men, but the winter in Utah has been exceedingly mild and there has been no "freeze up."

In the meantime Messrs. Thoma and Miller, the cadastral engineers who have had this work in charge have been detailed temporarily to work in the General Land Office, and it is the purpose of the Supervisor of Surveys to have the data gathered so far gone over in conference with this office, both as to the technical and legal complications involved to the end that the findings concerning the 20,000 acres or more of public land alleged to exist between the original meander line of Great Salt Lake and the actual shore line as fixed by the present mean highwater level be conclusive and final.

Examination--Survey of Coal Lands.

Field examinations for the purpose of determining the extent of obliteration of evidences of original surveys in T. 25 S., Rs. 9 and 10 E., and

T. 13 S., Rs. 8 and 9 E., S.L.B. and M., were made in Utah the past season, the lands involved being situated in the heart of one of the largest and best coal-bearing areas of the State.

Since Congress passed the leasing act of February 25, 1920, nearly all of the available Government lands in these townships have been covered by coal-leasing applications. Most of the lands under the present royalty rate will net the Government approximately from \$2,000 to \$2,500 per acre, or \$.05 per square foot, and it is highly important therefore that an area of so great a value be clearly and conspicuously marked by the official public land surveys so that the surface and sub-surface rights may be duly respected by all parties in interest.

The field work under the examination has been completed and the engineer's report and recommendation now in course of preparation will be filed at an early date so that decisive action will be taken in the matter of resurvey without delay.

Survey O. & C. Indemnity Belts--Oregon.

Early in the past summer, the General Land Office authorized the survey of the lands contained within the indemnity belt of the grant of the Oregon and California Railroad Company, in the State of Oregon, containing approximately 500,000 acres of unsurveyed land, nearly all of which is included within the several National Forests of the State. The completion of surveys within the original grant, which consists of the odd-numbered sections of a territory extending 20 miles to either side of the railroad which extends across the State from north to south, was made in 1919.

The indemnity grant extends 10 miles from each limit of the original grant. The lands recently authorized for survey therefore are contained in two sinuous belts of land, 10 miles in width, extending from the northern portion of the State to the southern boundary. Within these limits, by far the greater portion of the area has previously been surveyed. The northern portion of the grant contains only scattered fragments of unsurveyed land, but in the southern and more particularly the southwestern portion there are blocks of townships where the checking lines of public survey are yet to be placed.

The Coast Mountains of Oregon, and portions of the western slopes of the Cascade Range, where the greater portion of this land is situated, contain perhaps the roughest land in the State, the most difficult of access and hardest to traverse, where heavy timber, tangles of undergrowth, and steep slopes constantly hamper the engineer in his efforts to produce the desired results. In such places the successful engineer is he who casts aside all impediments not of the most absolute necessity, sacrifices all thoughts of personal comfort to the necessities of his work, resorting to first principles in transportation, and making nature his stern, but not altogether unkind friend.

Owing to unavoidable conditions, including the necessity for completion of other important assignments, little more than a very good beginning was accomplished last season. On account of the rainy seasons and high altitude of a great portion of the land most of the field work in western Oregon must be done in the months between May and November.

The plans for surveys in the coming season as announced by the Supervisor of Surveys include a vigorous prosecution of this work, with a considerably augmented force of field engineers.

These lands require classification as well as survey, and this work, to the extent found practicable, will be carried on in connection with the survey.

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FIELD SERVICE NOTES.

Mr. C. W. Wells, mineral examiner and Carey act inspector, of the Salt Lake City Field Division, is now in this office, having been called in on official business. He will be in this city until after March 4th.

Mr. Herman S. Price, assistant irrigation engineer, of the Santa Fe Field Division, is in this office on official business. He will be here for several days yet writing his report.

Mr. J. D. Yelverton, Assistant Chief of Field Division at Denver, Colorado, has gone to Santa Fe, New Mexico, to act as Assistant to Chief of Field Division Murphy, for about three months. Mr. Murphy's work has become unusually heavy on account of the transfer to his division for the winter season of a number of special agents from the more northern States.

Special Agent F. P. Farley, who has been working in the oil section of this office during the winter months, will leave in a few days to resume his duties in the Cheyenne Field Division.

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YELLOWSTONE NATIONAL PARK.

What makes the geysers "blow up"? What causes the "flame of fire" on Firehole Lake? What colors the geyser basins and hot spring terraces? These are questions most frequently asked by Yellowstone National Park visitors.

WHY GEYSERS ERUPT.

Geysers have often been compared to volcanoes, presenting in miniature, with water instead of molten rock, all the phenomena of a volcanic eruption. The source of the heat is the still hot lavas below the earth's surface and is connected with the past volcanic energies of the Park region. The accepted theory of these natural steam engines, which bears the name of the illustrious Bunsen, depends upon the well-known fact that the boiling point of water rises with the pressure, and is, therefore, higher at the bottom of a tube than at the surface. In the long and narrow or irregular geyser tubes the ebullition in the lower part of these tubes is only possible at a much higher temperature than causes water to boil at the surface due to the weight of the water column above it. The heat from the hot lavas continuously applied to water at the bottom of the geyser tube causes it to be heated to a high temperature, while the water near the surface is still cool. Eventually the water at the bottom reaches the pressure boiling point, when steam is formed, lifting the water above it and causing an overflow at the top. This overflow relieves the pressure, and all that part of the column whose temperature was previously below the boiling point but now exceeds it, flies into steam and ejects the water above with great violence. The water thus erupted flows back into the

tube or percolates through the porous lava and is reheated for the ensuing eruption whose period depends upon the intensity of heat. Some small geysers erupt every few minutes, while the interval between eruptions of some of the larger geysers is measured in days and even weeks. Old Faithful, the tourists' friend, erupts usually every 65 minutes. The water is thrown out to a height between 120 and 170 feet for 4 minutes; the estimated discharge is 200,000 gallons at each eruption.

THE "FLAME OF FIRE" ON FIREHOLE LAKE.

One of the most remarkable features of the Lower Geyser Basin is the second lake at the extreme western end of the road, known as Firehole Lake. The tourist should leave his car and follow the path a hundred yards to the extreme eastern end of the lake, at which point the so-called flames are viewed. They are seen only from this point and one other, and should the wind be causing a disturbance of the water, they may not be seen at all. There is a circular opening in the bottom of the lake of a deep-seated spring not unlike other vents of thermal waters. Through this vent, which usually stands full of clear, transparent water, numerous bubbles of mingled air and superheated steam rise gradually. Before reaching the surface they unite to form one large mass that in its upward passage strikingly resembles a flame of fire. This continues till the bubble disappears in the water, only to be followed by a repetition of the phenomenon.

ALGAE RESPONSIBLE FOR BRILLIANT COLORING.

The harmonious and brilliant tints in the geyser basins and in the hot springs terraces are due to vegetable growths called algae. It develops equally well in the waters of all geyser basins and upon the terraces of Mammoth Hot Springs. Water boils in the Upper Geyser Basin at 198° F., and

rudimentary organisms appear at about 185° F. These low vegetable organisms occur in nearly all pools, springs, and running water of the Park. Whenever boiling waters cool to the latter temperature algae make their appearance, and with the lowering of temperature on exposure to air still more highly organized forms gradually develop. Many forms of algae flourish within restricted ranges of temperatures, and the different species possess characteristic colors and habits of growth dependent upon such changes in temperature. It is possible by noting the nature of the plant life, to make a sure guess as to the temperature of the water in which it is growing. As the water in the geyser pools and hot springs frequently stands at or near the boiling point, no life exists at the centers of discharge, but with a rapid lowering of temperature in the shallow pools and overflow channels algae appear with corresponding changes in color. The first evidence of vegetation in an overflow stream consists of creamy white filamentary threads, passing into light flesh tints, then to deep salmon. With distance from the source of heat the prevailing colors pass from bright orange to yellow, yellowish green, and emerald, and in the still cooler waters various shades of brown. The silica and lime brought to the surface by hot springs is, upon stoppage of overflow streams and the death of the algae, transformed into sinter and travertine, becoming grey rock masses.

ALASKA RAILROAD TOWNSITES .

Under date of February 26, 1923, Mr. George A. Parks, Chief of the Alaska Field Division, was designated and appointed Superintendent of Sales under the provisions of the act of March 12, 1914 (38 Stat., 305), and the Alaskan Railroad Townsite Regulations of June 10, 1921.

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NEW HOMESTEAD AREA MAPS TO AID IN FILING.

(From the Los Angeles Times, February 3, 1923.)

Register Valentine and Receiver Smith of the local land office are preparing maps showing what areas of land are still open to entry in the local land district.

Now homesteaders are required to thumb the worn volumes of the land records, and it is a task to locate land that can be taken up under the desert or homestead laws.

On the maps that are being made it will be shown at a glance what lands are available in a given county or township, as the areas filed on or patented will be marked in colored inks. The unoccupied land will be shown in white,

The innovation will be one appreciated by the hundreds of people who go to the land office every day and insist on being told immediately just what is available.

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RECENT DECISIONS OF THE COURTS AND THE DEPARTMENT.

Railroad Right of Way--Non-user--Settlement Claims.

A decision was handed down February 19, 1923, by the United States Supreme Court in the case of the Great Northern Railway Company against Steinke et al., involving a number of interesting questions as to relative rights acquired under the railroad right of way act of March 3, 1875, as against conflicting settlement claims.

In this case it appears that the company's application for right of way and station grounds received the approval of the Secretary of the Interior "subject to all valid existing rights," but that the approval of this right of way was not noted on the township plat and tract book in the local office. Thereafter, an entry was allowed for a portion of this land to another, for which patent issued.

In the controversy that subsequently arose it was alleged by the parties holding under the patentee that at the time the map of the right of way was filed the lands were embraced in a homestead entry and therefore were not

subject to disposal under the right of way act of 1875, and in support of this proposition cited the language of the Department in approving the right of way "subject to all valid existing rights," as evidence that the tract covered by the record claim at the time of the allowance of the right of way was excluded therefrom; but the Supreme Court did not sustain this proposition. Citing the case of Jamestown and Northern Railroad Company v. Jones (177 U.S., 125), the court held that the approval of the right of way carried with it all rights of the United States, and that if land at that time is covered by an entry and subsequently abandoned or set aside, the grantee will enjoy an absolute easement in the land.

A number of other questions of no little interest are discussed and decided in this case, among which attention is directed to the ruling that the failure of the local office to properly note the approval of the right of way did not prejudice or affect rights granted thereunder; and that claimants under the later patent took with due notice of the company's rights.

Commenting on another feature of the case the court said that the tract in question was not granted for private use or disposal, but only for the quasi-public uses named in the act. In other words, the company received the tract on the implied condition that it be devoted to those uses. A breach of the conditions subjects the grant to a forfeiture by the United States; but neither laches on the part of the Government, nor any local statute of limitations, can invest individuals with any interest in the tract, or with a right to use it for private purposes without the sanction of the United States.

Railroad Grant--Indian Occupancy--Statute of Limitations.

The case of Fred W. Cramer et al. v. United States, decided in the United States Supreme Court on February 19, 1923, involved the construction of the grant of July 25, 1866, under which the Central Pacific Railway Company now holds, with respect to the exception of such lands from the grant as "shall be found to have been granted, sold, reserved, occupied by homestead settlers, pre-empted, or otherwise disposed of." This suit arose on a proceeding instituted by the United States acting in behalf of certain Indians who, it was claimed, were occupants at the date of the grant.

In the case at bar the court found that since 1859 certain Indians had resided upon these lands; that they had under fence between 150 and 175 acres in an irregularly shaped tract running diagonally through two sections, portions of which they had irrigated and cultivated; that they had also constructed and maintained dwelling houses and buildings, and had actually resided upon the lands and improved them for the purpose of making for themselves a home.

It was urged against the claim of these Indians that the occupancy of the land by individual Indians does not come within the exceptive provisions of the grant, but the court, construing that portion of the language "reserved or otherwise disposed of," held otherwise, citing a long list of decisions not only from the Supreme Court, but also from the Department of the Interior; but held in connection therewith that the right of the Indians should be restricted to the lands actually held by them in occupancy.

The act of March 3, 1891, limiting the time within which suits may be brought by the United States to annul patents, was urged as against this proceeding, but the court in disposing of this objection said that the object of that statute is to extinguish any rights the Government may have in the land which is the subject of a patent, and not to foreclose the claims of third parties. Here, the purpose of the annulment was not to establish the right of the United States to the lands, but to remove a cloud upon the possessory rights of its wards.

Water Rights--Appropriation.

No appropriation of water rights can be made after the passing of title to the land through which the stream flowed from the Government to a railway company, as there can be no appropriation except as against public lands.

Riparian Rights--Prescription.

A prescriptive right to water may be acquired by a lower riparian owner as against an upper owner, but only by actual interference with the rights of the upper owner. (Supreme Court of Washington.)

Smith v. Nechanicky et ux.
(211 Pacific Reporter, 880.)

Mineral Lands--Oil and Gas Lease.

The development of mines including oil wells being a private industry, the United States in control and disposition of its public mineral lands acts in its proprietary capacity, and not in virtue of any attribute of sovereignty, and is paramount proprietor; and it has the same right of control and disposition as is incident to absolute ownership by an individual notwithstanding that part of the rent from leased oil lands is reserved in kind.

Oil Deposits--Oil Well.

Oil is a "mineral" and an oil well is a "mine." (Supreme Court of Montana.)

Mid-Northern Oil Company v. Walker
(211 Pacific Reporter, 353.)

Indian Allotment--Timber Lands.

Under the general allotment act of February 8, 1887, as amended by the act of February 28, 1891, authorizing the President to cause allotments to be made from lands which may be advantageously utilized for agricultural or grazing purposes, the fact that an allotment selected by an Indian is in part heavily timbered, and until cleared is more valuable for timber than for agricultural or grazing, does not justify a refusal to make the allotment.

United States v. Payne
(294 Federal Reporter, 327.)

Decisions of the Land Department--Jurisdiction.

Decisions of the Land Department are not reviewable by the courts for errors of fact, or of mixed fact and law, but only for errors of law.

Patent--Not Subject to Attack by Stranger to Title.

A patent issued by the Land Department not void on its face can not be questioned either directly or collaterally by one who does not show himself to be in privity with the paramount source of title.

Homestead Entry--Reservation of Mineral.

To entitle a homestead entryman to patent for the surface of lands subsequently ascertained to be valuable for coal under act of March 3, 1909, and the act of June 22, 1910, his entry must have been made in good faith without knowledge of the mineral character of the land.

Christie et al. v. Great Northern Railway Co.
(384 Federal Reporter, 702.)

Public Lands--Vested Right to Patent.

The right to a patent once vested is treated by the Government when dealing with the public lands as equivalent to a patent issued. (Supreme Court of California.)

Davis v. Fell et al.
(211 Pacific Reporter, 30.)

Public Lands--Fractional Section.

Where because of the presence of a permanent body of water which is approximately meandered in making the survey, there is a deficiency in the area of the section, it is referred to as a "fractional section." In such cases the water lines and not the meander lines control as boundaries, even though there may be some land between the meander line and the water line.

Where a grantee's boundary lines make him a riparian owner the nature and extent of such grantee's title to lands under the water to which his boundaries extend are controlled by the laws of the State. (Supreme Court of Florida.)

South Florida Farms Company v. Goodno
(94 Southern Reporter, 672.)

Mining Claim--Common Ownership.

Work on one of several claims under common ownership in the most practical way satisfies requirement that labor tend to develop each claim.

Miehlich v. Tintic Standard Mining Company
(211 Pacific Reporter, 686.)

Water Rights--Percolating Waters.

Percolating water existing in the earth belongs to the soil as a part of the realty and may be used and controlled by the owner to the same extent as the land itself.

Eminent Domain--Percolating Waters.

The laws of Idaho recognize the private ownership of the waters of any stream located wholly upon the lands of the owner of the fee, and expressly deny to the State the right to control the same, as well as the right of appropriation without the consent of the owner of the fee. The ownership and use of percolating waters can not be taken from the owner of the fee against his will without compensation, nor otherwise than as provided by law.

Public Utilities Commission v. Natatorium Company
(211 Pacific Reporter, 533.)

Indian Lands--Mining Claim--Preference Right--Forfeiture--Adverse Claim--Statutes.

While the first proviso to section 26 of the act of June 30, 1919, declares that all rights under a mining claim within an Indian reservation shall be forfeited if the preference right accorded thereby to the locator is not exercised within one year from the date of location, yet such forfeiture does not, in the absence of an intervening adverse claim, preclude the locator from relocating the same ground, but in such event his right under the act will commence with the date of the new location, and will be subject to compliance with all the terms, conditions, and regulations governing the original location.

Opinion of Solicitor Booth, July 10, 1922;
approved, F. M. Goodwin, Assistant Secretary.

Indian Lands--Fort Apache Lands--Arizona--Mining Claim--Lease.

Valid discovery of a mineral deposit, being one of the essential elements of a mining claim, is also a prerequisite to the granting of a lease based on a mining claim pursuant to section 26 of the act of June 30, 1919, as amended by the act of March 3, 1921, which relates to the leasing of specified deposits of minerals in unallotted lands within Indian reservations in certain States that were withheld from disposition under the mining laws of the United States.

Indian Lands--Fort Apache Lands--Arizona--Mining Claim--Lease--Notice--Waiver--Preference Right.

The requirement in section 26 of the act of June 30, 1919, that a copy of the location notice must be filed as specified therein within 60 days after location of a mining claim for mineral deposits in an Indian reservation can not be waived, and if the locator fails to comply strictly therewith he forfeits all right to be preferred in the award of a lease thereunder.

Opinion of Solicitor Booth, July 10, 1922;
approved, F.M. Goodwin, Assistant Secretary.

Indian Lands--Fort Berthold Lands--Coal Lands--North Dakota--Statutes.

The lands in that portion of the Fort Berthold Indian Reservation, North Dakota, which was opened to disposition by the act of June 1, 1910, are neither public nor ceded Indian lands, but are exclusively owned by the Indians, and consequently the coal deposits therein would not, except by virtue of the provisions of section 2 of the act of August 3, 1914, have been disposable under the general coal land laws or the leasing act of February 25, 1920.

Coal Lands--Indian Lands--Fort Berthold Lands--Patent--Statutes.

The provision contained in section 37 of the act of February 25, 1920, excepting from the operation of the leasing act valid claims existent at date of passage of the act, relates only to claims initiated prior to its enactment, and no authority exists for the patenting of coal lands on equitable grounds under a claim initiated after the passage of the act.

Coal Lands--Lease--Preference Right--Entry--Secretary of the Interior.

The Secretary of the Interior may, upon considerations of equity, accord a preference right to lease coal lands under the act of February 25, 1920, to one who was erroneously permitted to make coal entry and in reliance thereupon in good faith made large expenditures of money, notwithstanding that no claim was initiated prior to the passage of the act, and the coal deposits were not disposable under the general coal land laws at the time that the entry was allowed.

Departmental Decision Adhered to.

Previous departmental decision in case of William C. Broasch (48 L.D., 448), cited and adhered to.

William C. Broasch, decided November 16, 1922, by First Assistant Secretary Finney.

Indian Lands--Wind River Reservation--Wyoming--Allotment--Purchaser--Patent--Payment--Reclamation.

There is no authority whereunder the Secretary of the Interior can require the purchasers, or their assignees, of lands allotted in severalty to Indians on the Wind River Reservation, Wyoming, to whom patents in fee had previously been issued, to contribute toward defraying the construction costs of the irrigation system upon that reservation.

Court Decisions Cited and Applied.

Cases of Francis v. Francis (203 U.S., 233), and Burke v. Southern Pacific Railroad Company (234 U.S., 669), cited and applied.

Opinion of Solicitor Booth, December 15, 1922; approved, F. M. Goodwin, Assistant Secretary.

Contest--Stock-raising Homestead--Application--Notice--Appeal.

An entryman does not become a party to contest proceedings prior to the allowance of a contest and service of notice thereof upon him, and where an appeal is taken from an order of dismissal of an application to contest, service of notice of the appeal upon the entryman is not required.

Stock-raising Homestead--Application--Entry--Relation--Withdrawal--Occupancy.

When land is designated as of the character contemplated by the stock-raising homestead act upon a petition accompanying an application to make entry thereof, the application assumes, in the absence of an intervening withdrawal, the status of an entry, and the rights of the applicant relate back to the date of the filing of the application, despite the fact that the act itself precludes occupancy of the land prior to the time that the designation becomes effective.

Departmental Decisions Cited and Applied--Departmental Decision Overruled.

Cases of Harris v. Miller (47 L.D., 406), and Larson v. Parrish and Woodring (49 L.D., _____), cited and applied; case of Wright et al. v. Smith (44 L.D., 226), overruled.

Condas v. Heaston; decided December 22, 1922,
by First Assistant Secretary Finney.

Indian Lands--Crow Lands--Montana--School Land--Allotment.

Section 16 of the act of June 4, 1920, although purporting to be a grant in praesenti of certain lands within the Crow Indian Reservation to the State of Montana for school purposes, is not to be construed as a denial of the right of those Indians in certain specific classes designated by the act to select such lands for allotments.

Indian Lands--Crow Lands--School Land--Courts--Statutes.

The doctrine that congressional legislation pertaining to relations between the Indians and third parties, including the States, is to be construed in favor of the Indians has been so frequently announced by the courts that it has practically become a maxim.

School Land--Indemnity--Indian Lands--Crow Lands.

While a State is not entitled to indemnity under its school land grant because the lands in place are of an inferior quality, yet where its place lands are "hedged in," even by subsequent acts of the Federal Government, so that they become practically useless for school purposes, the right of the State to select indemnity lands elsewhere arises.

School Land--Indemnity--Indian Lands--Crow Lands--Words and Phrases--Statutes.

The term "Indemnity" as used in the statutes granting lands to the States for school purposes implies compensation for losses actually sustained by failure to receive designated sections in place, and not a right to select

lands elsewhere because those in place happen to be of inferior quality.

Opinion of Solicitor Booth, December 28, 1922;
approved, F. M. Goodwin, Assistant Secretary.

Railroad Grant--Indian Lands--Mille Lac Lands--Minnesota--Reservation--Statutes.

The grant of July 2, 1864, to the Northern Pacific Railroad Company, operated to convey the fee to the lands within the former Mille Lac Indian Reservation, Minnesota, that were ceded to the United States by the treaty of March 11, 1863, all of the Indian claims to which were extinguished by the act of January 14, 1889.

Court Decisions Cited and Applied--Departmental Decisions Cited and Overruled.

Cases of *Buttz v. Northern Pacific Railroad* (119 U.S., 55), and *United States v. Mille Lac Chippewas* (229 U.S., 498), cited and applied; cases of *Northern Pacific Railroad Company et al. v. Walters et al.* (13 L.D., 230), and *Warren v. Northern Pacific Railroad Company* (22 L.D., 568), overruled so far as in conflict.

Northern Pacific Railway Company; decided December 20, 1922, by First Assistant Secretary Finney.

Indian Lands--Allotment--Right of Way--Statutes.

The act of March 3, 1901, which authorizes condemnation for public purposes pursuant to State or Territorial laws of lands allotted in severalty to Indians did not, either expressly or by implication, repeal any prior act, nor was it repealed by subsequent acts of Congress relating to the acquisition of rights of way across Indian lands; that act and the various Federal rights of way statutes are to be construed conjointly or, if need be, independently of each other.

Indian Lands--Right of Way--Words and Phrases.

In the ordinary sense the terms "public purpose" and "public use" are to be construed interchangeably.

Indian Lands--Right of Way--Allotment--Words and Phrases.

The term "public purpose," as used in the act of March 3, 1901, is to be construed to mean any purpose which would be deemed a public purpose under the laws of the State or Territory within which the allotted Indian lands are sought to be condemned.

Opinion of Solicitor Booth, January 2, 1923;
approved, F.M. Goodwin, Assistant Secretary.

Military Service--Homestead Entry--Final Proof--Section 2305--Revised Statutes.

The period of service for which credit may be claimed upon the submission of final proof under section 2305, Revised Statutes, by a member

of the Naval Reserve Force or of the Federalized National Guard, who was called into active service during the Mexican border operations or during the war with Germany, terminates upon the date of his discharge, and not upon the date that he was ordered to inactive duty.

Thomas D. Coors; decided January 5, 1923,
by First Assistant Secretary Finney.

Stock-raising Homestead--Application--Preference Right--Adverse Claim--Selection--Indemnity.

The proviso to section 2 of the stock-raising homestead act confers a preference right of entry upon an applicant pursuant to whose accompanying petition the land applied for is designated as subject to the provisions of that act, and the fact that the allowance of the application is contingent upon the designation of the land will not permit the initiation of an intervening adverse claim to defeat the right.

Northern Pacific Railway Company v. Joslin;
decided January 13, 1923, by First Assistant
Secretary Finney.

Oil and Gas Lands--Prospecting Permit--Contest--Contestant--Preference Right.

The provision contained in section 2 of the act of May 14, 1880, as amended by the act of July 26, 1892, which grants a preference right of entry to a successful contestant, has no application to contests against permits to prospect for oil and gas issued pursuant to the act of February 25, 1920, nor does the leasing act itself confer any such right as a reward for the procuring of the cancellation of permits through contest.

Oil and Gas Lands--Prospecting Permit--Records--Application--Preference Right.

A permit to prospect for oil and gas issued pursuant to the act of February 25, 1920, has a segregative effect until canceled and notation of the cancellation made on the records of the local land office, and no special or preferred right to appropriate the deposits covered by it can be acquired under an application which is accompanied by a protest that ultimately results in its cancellation.

Departmental Decisions Cited and Construed.

Cases of Martin Judge (49 L.D., 171), and Purvis v. Witt (49 L.D., 260), cited and construed.

Stahl v. Stiffler; decided January 16, 1923,
by First Assistant Secretary Finney.

Railroad Selection--Lieu Selection--Coal Lands--Relinquishment--Statutes.

A railroad selection filed pursuant to the act of April 28, 1904, for land in lieu of other land relinquished by the selector, constitutes a contract which is, in theory of law, an immediate obligation the moment that the base land is relinquished at the request of the Secretary of the Interior,

if the conditions of the statute are met, the validity of the selection to be determined in accordance with the conditions existing at the time it was made.

Railroad Selection--Lieu Selection--Coal Lands--Secretary of the Interior--Statutes.

While the validity of a railroad selection filed under the act of April 28, 1904, is to be determined as of the date of the filing of the selection, if the conditions of the statute are met, yet the Secretary of the Interior is authorized, sufficient reasons being made to appear, to make subsequent inquiry directed to the ascertainment of whether or not the base and selected tracts were of known inequality at the date of selection.

Railroad Selection--Lieu Selection--Coal Lands--Relinquishment--Statutes.

A railroad selection filed under the act of April 28, 1904, for lands classified as coal lands and appraised at the minimum price at date of selection, is valid if the base lands, relinquished at the request of the Secretary of the Interior, were classified and appraised as coal lands at the minimum price prior to date of selection, or, if not so classified and appraised, they were subsequently ascertained to be of quality at least equal to coal lands of the minimum price.

Railroad Selection--Lieu Selection--Adverse Claim.

The filing of a railroad selection pursuant to the act of April 28, 1904, and in accordance with departmental regulations, when accepted by the local officers, effects a segregation of the land covered thereby, which, during its pendency, precludes the acquisition of rights by a subsequent coal applicant, and a protestant against such selection is a mere protestant without interest.

Court Decision Cited and Applied.

Case of Santa Fe Pacific Railroad Company v. Payne, decided by the United States Supreme Court May 29, 1922 (___ U.S., ___), cited and applied.

Leaden et al. v. Santa Fe Pacific Railroad Company. On Re-hearing, decided January 19, 1923, by Secretary Fall.

Desert Land--Survey--Preference Right--Occupancy--Withdrawal--California--Statutes.

The act of July 1, 1902, which authorizes the Secretary of the Interior to resurvey certain lands in the San Diego (now Imperial) County, California, was in effect a legislative declaration that the lands were to be deemed unsurveyed until the approved plats of resurvey were filed in the local land office, and consequently, in the absence of a withdrawal, they became subject to the preference right provision contained in the proviso to section 1 of the act of March 28, 1903, relating to the occupancy of unsurveyed desert land.

Court Decisions Cited and Construed--Departmental Decision Overruled.

Case of Cox v. Hart,* decided by United States Supreme Court December 11, 1922 (--U.S., --), cited and construed; case of Hughes v. Greathead (43 L.D. 497), overruled.

Instructions of January 19, 1923; by First Assistant Secretary Finney.

Indian Lands--Allotment--Alienation--Mortgage--Payment--Trust Funds.

The proceeds derived from sales of lands allotted to Indians with restrictions against incumbrance and alienation are impressed with a trust to the same extent as were the lands before the sale.

Indian Lands--Alienation--Descent and Distribution--Secretary of the Interior--Trust Funds.

Lands purchased with Indian trust funds continue to be impressed with the trust as originally declared, irrespective of whether the purchased property was previously restricted or unrestricted, and the Secretary of the Interior is clothed with full authority to determine the descent thereof to the same extent as he is with respect to the original property from the sale of which the purchase funds were derived.

Indian Lands--Trust Funds--Taxation.

Property purchased with Indian trust funds, even though unrestricted prior to purchase, is exempt from taxation until the termination of the trust period.

Opinion of Solicitor Booth, January 24, 1923; approved, F. M. Goodwin, Assistant Secretary.

Indian Lands--Navajo Lands--Mining Claim--Lease--Officers--Waiver--Application.

Administrative officers, being without authority to alter or amend existing law or to waive the specific requirement of a statute, can not waive that requirement in section 26 of the act of June 30, 1919, which provides that an applicant for a lease based upon a mining claim on Indian lands shall file application therefor within one year from the date of location.

Indian Lands--Navajo Lands--Mining Claim--Lease--Officers--Survey.

Inasmuch as an official survey of a mining claim located within an Indian reservation is not required prior to application for a lease based thereon under the act of June 30, 1919, delay on the part of administrative officers in causing a survey to be made, or in furnishing blank forms of lease, can not be impleaded as a ground for failure on the part of the applicant to comply with the plain requirements of the statute.

Opinion of Solicitor Booth, January 30, 1923; approved, F. M. Goodwin, Assistant Secretary.

* Rule announced in Hart v. Cox (42 L.D., 592), vacated by court decision of Cox v. Hart, supra.

Oil and Gas Lands--Prospecting Permit--Preference Right--Notice.

The preference right accorded by section 13 of the act of February 25, 1920, in the award of an oil and gas prospecting permit to one who has properly monumented and posted notice in accordance with the provisions of the act must be denied if the terms of the act with respect thereto are not strictly complied with.

Blakesley v. McCord et al.; decided January 30, 1923,
by First Assistant Secretary Finney.

Mineral Lands--Saline Land--Surface Rights--Reservation.

Entries, selections, or locations can not be allowed for lands valuable for deposits of chloride of sodium, or salt, inasmuch as there is no provision of law under which a reservation of such mineral to the United States may be made.

State of New Mexico and Horace W. Flora; decided
February 7, 1923, by First Assistant Secretary Finney.

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DEPARTMENT OF THE INTERIOR

National Park Service

Released March 6, 1923.

MEMORANDUM FOR THE PRESS:

The motorist, leaving Denver, Colo., on a warm summer's day and planning to drive to Rocky Mountain National Park and cross the Continental Divide over the Fall River Road, should be prepared with suitable clothing for rapid changes in the temperature as they leave the plains region, represented by Denver, altitude 5,272 feet; pass through the mountainous region, represented by the villages of Estes Park, altitude 8,000 feet, and Longs Peak, altitude 8,860 feet, and climb to the crest of the Continental Divide at Fall River Pass, altitude 11,797 feet, only 90 miles from Denver.

Mean temperature observations by the United States Weather Bureau, extending over a long period of years, give Denver an annual mean temperature of 50.1°, Estes Park, 41.7°; Longs Peak, 37.6°; and Fall River Pass (records are for Corona, Colo., 137 feet lower) 26.1°. It will be noted that with the increase in altitude there is a corresponding decrease in average temperature. Estes Park is 8 or 9 degrees cooler than Denver; Longs Peak is 4 degrees cooler than Estes Park; and Fall River Pass is 11 degrees cooler still. April is the month of spring on the plains; corresponding temperatures are reached in Estes Park toward the latter part of May; at Longs Peak in June; and at Fall River Pass they are not fully reached even in mid-summer. Similarly, the autumn temperatures come earlier in the higher elevations.

Records of rainfall show an increase as the altitude increases. The average annual precipitation in inches for Denver is 14.29; for Estes Park, 19.34; for Longs Peak, 20.91; and for Fall River Pass the average annual precipitation is 46.31 inches. The snowfall record is equally interesting;

expressed in feet per year, it is as follows: Denver, 4 feet; Estes Park, 10 feet; Longs Peak, 15 feet; Fall River Pass, 29 feet. The snowfall increases with elevation at a more rapid rate than the annual precipitation does; not only is there more rainfall in the higher altitudes, but a greater proportion of it is snow. While 29 feet of fresh snow falls during the winter at Fall River Pass, the depth of snow on the ground is, of course, affected by the wind. Exposed ridges are blown bare and very heavy drifts are formed in places sheltered by the wind.

The Fall River Road is usually clear of snow and open to automobile travel by June 15 and remains open until blocked by snow about October 1. The lower portions of the Park are accessible the year around and on account of the heavy snowfall Rocky Mountain National Park is fast attaining a popularity with devotees of winter sports.

Circular No. 823.
(Reissued February 1, 1923, with amendment of January 30, 1923.)

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

May 5, 1922.

Instructions relative to applications
for leases by permittees under section
14 of the act of February 25, 1920.

Registers and Receivers,

United States Land Offices.

Sirs:

In order to expedite and coordinate the work of the General Land Office and of the Bureau of Mines in acting upon applications for leases filed under section 14 of the Act of February 25, 1920 (41 Stat., 437), by the holders of oil and gas prospecting permits, you are instructed as follows:

Leases Following Permits.

An application for lease as a reward for discovery by permittees shall be filed in duplicate in the United States Land Office of the district in which the land is situated. The Register and Receiver will immediately transmit the original to the Commissioner of the General Land Office, by special letter, and the duplicate to the Deputy Supervisor of the Bureau of Mines having jurisdiction in the district.

Such applications should set out the following items:

1. Serial number of permit.
2. Name and address of permittee.
3. Name and address of operator.
4. Subdivisions on which discoveries have been made.
Character of discoveries. Exact date of discovery.
5. Number and definite location of each well brought in.
6. Complete itemized production statement by calendar months from first discovery to date of application.

7. The applicant must give description of the land for which he desires a lease at the minimum royalty accorded discoverers under permits. He must also at the same time apply for lease of the remaining lands covered by the permit, or waive claim to his preference right to lease same or such part thereof as he does not desire to lease. A permittee under section 13, and a permittee under section 19 of the Act (for lands not within the known geologic structure of a producing oil and gas field at the date the permit application was filed) is entitled to lease one-fourth of the land in the permit, or at least 160 acres, if the permit includes that area, at a flat royalty of 5 per cent. If a permit under section 19 includes areas which were at the date the permit application was filed partly inside and partly outside the known geologic structure of a producing oil and gas field, the permittee is entitled to select one-fourth of the area for lease wholly outside, or wholly inside, or partly inside and partly outside the known structure, provided, however, that the royalty on lands within the known structure shall in no event be less than 12 1/2 per cent, and provided, further, that the permittee is entitled to a lease at 5 per cent flat royalty upon so much of the outside area as does not exceed one-fourth of the total area covered by the permit.
- A permittee under section 20 of the act is entitled to lease one-fourth of the area of land embraced in his permit or at least 160 acres of said lands, if there be that number of acres within the permit, at a flat royalty of 5 per cent, whether the land covered by the permit, or any part thereof, was within or without the known structure of a producing oil and gas field at the date the permit application was filed.
8. A statement of what interests are to be held under the lease, together with (a) the necessary contracts, assignments, etc., for the approval of the Secretary of the Interior; (b) proof of citizenship of any assignee or interested party by affidavit of such fact if native born, or if naturalized, by certified copy of the certificate of naturalization on the form provided for use in public land matters unless such copy is already on file, or, if a corporation, by certified copy of the articles of incorporation, and a showing as to the residence and citizenship of its stockholders; (c) a statement as to interests held by the assignee or interested party in leases and permits in the geologic structure of the same producing oil or gas field. If the showings required under (a) and (b) have already been made, a reference thereto may be made giving the land office district and serial number of the case in which the showings were made.

The permittee must exercise his preferential right to the remaining part of the permit at the time of application for lease of the one-fourth part of the area affected.

Relinquishments.

Relinquishments of permits must be accompanied by an affidavit of the permittee giving the facts as to operations under the permit. If no drilling was done, it should be so stated. If drilling has been done, the number of wells drilled, their location and depth, the depth and thickness of oil, gas, and water sands and detailed method of plugging the wells for abandoning them must be stated.

Abandonment of Wells.

Upon plugging or abandoning a well drilled under a permit or lease, the casing shall not be drawn from the well until authority has been obtained in writing from the deputy supervisor of the Bureau of Mines or other authorized agent of the Department of the Interior.

Sales Contracts.

Sales contracts submitted for the approval of the Secretary of the Interior under paragraph 2 (d) of the lease must be filed in duplicate with the deputy supervisor of the Bureau of Mines having jurisdiction in the district in which the leased land is situated. The Deputy Supervisor will retain the duplicate in his files and forward the original, together with a copy of his report, to the Commissioner of the General Land Office. The original report of the Deputy Supervisor will be transmitted to the Director of the Bureau of Mines.

If a sales contract is submitted to any official of the Interior Department other than the Deputy Supervisor without its having been approved by the deputy or other authorized official, the contract should be returned to the person submitting it with instructions to file it in duplicate at the office of the local Deputy Supervisor, who will handle it in the regular manner.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved: May 5, 1922,

E. C. FINNEY,

First Assistant Secretary.

Until further notice all communications pertaining to matters between the United States Land Office and local representatives of the Bureau of Mines, should be addressed to the following respective offices:

For Washington, Oregon, California, Nevada, and Arizona	(Deputy Supervisor, U. S. Bureau of Mines, 304 Hopkins Building, Bakersfield, California.
For Idaho, Utah, Wyoming, and Colorado	(Deputy Supervisor, U. S. Bureau of Mines, 508 Consolidated Royalty Building, Casper, Wyoming.
For Montana, North Dakota, and South Dakota	(Mr. C. E. Beecher, U. S. Bureau of Mines, Tinnett, Montana.
For Oklahoma, Arkansas, and Louisiana	(Mr. W. W. Scott, U. S. Bureau of Mines, 614 Merchants Building, Shreveport, Louisiana.
For all other States and Territories	(Supervisor, U. S. Bureau of Mines, 206 Customhouse, Denver, Colo.

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HOMESTEAD RIGHTS OF UNITED STATES CITIZENS WHO SERVED IN THE
ARMIES OF COUNTRIES ASSOCIATED WITH THIS COUNTRY DURING THE WORLD WAR.

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DEPARTMENT OF THE INTERIOR
General Land Office
Washington, D. C., February 31, 1923.

Registers and Receivers,
United States Land Offices.

Gentlemen:

Public Resolution No. 79, approved December 28, 1922, provides:

"That the provisions of the act of Congress of February 25, 1919, allowing credit for military service during the war with Germany in homestead entries, and of Public Resolution Numbered 29, approved February 14, 1920, allowing a preferred right of entry for at least 60 days after the date of opening in connection with lands opened or restored to entry, be, and the same are hereby, extended to apply to those citizens of the United States who served with the allied armies during the World War, and who were honorably discharged upon their resumption of citizenship in the United States, provided the service with the allied armies shall be similar to the service with the Army of the United States for which recognition is granted in the act and resolution hereinafter referred to."

Paragraphs 16 and 18 of the soldiers' right Circular No. 302 are therefore hereby amended to read as follows:

16. "House Joint Resolution No. 30, approved January 21, 1922, amended Joint Resolution No. 29, approved February 14, 1920 (41 Stat., 454), by extending the provisions of the last-mentioned resolution for a period of 10 years from and after February 14, 1920, and increased the preference rights conferred thereby from not less than 60 to not less than 90 days from the beginning of the preference right period. Said resolution as amended is applicable to all openings of public or Indian lands to entry or to restoration to entry of public lands withdrawn from entry, and confers upon officers, soldiers, sailors, and marines in the Army or Navy of the United States during the late war, who were honorably separated or discharged from such Service or placed in the regular Army or naval service, a preference right of not less than 90 days from the date of opening or restoration in which to make entry for the land under the homestead or desert-land laws, except as against prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation.

Said resolution was further amended by Public Resolution No. 79, approved December 28, 1922, extending its provisions to those citizens of the United States who served with the allied armies during the World War, and who were honorably discharged upon the resumption of citizenship in the United States, provided the service with the allied armies was similar to service with the Army of the United States for which recognition is granted by said Resolution No. 29, as amended."

18, "Under the act of February 25, 1919 (40 Stat., 1161), as amended by section 1 of the act of April 6, 1922 (42 Stat., 491), and by Public Resolution No. 79, approved December 28, 1922, one who was in the military or naval service of the United States during the Mexican border operations (regarded as having begun May 9, 1916, and continued until the declaration of war with Germany); or the late war, and who was honorably discharged after having served at least 90 days during such period, or who served for such period with the allied armies during the World War and was honorably discharged and resumed citizenship in the United States, is entitled to a deduction from the homestead residence requirements (three years) equal to the period of service but not to exceed two years--that is, there must be shown residence on the homestead for at least one year even though the military or naval service exceeded two years. If the soldier or sailor after having served for at least 90 days was discharged because of disability incurred in line of duty or regularly discharged from the service but subsequently awarded compensation by the Government for wounds received or disabilities incurred in the line of duty, he may claim credit for the full period of his enlistment, subject to the requirement that residence on the homestead for at least one year must be shown. In either case the credit is in lieu of the cultivation specified by law as well as residence and if the period of service is such that residence for but one year need be shown, no cultivation is required to be shown for that year. A year's residence under the homestead laws consists of actual residence for at least seven months and allowable absence of five months in not more than two periods, notice of leaving the homestead and returning thereto to be given to the proper district land officers. The final proof must show that there is a habitable house on the land."

Those citizens of the United States who, during the existence of the war with Germany entered the military or naval service of a country allied with this country in the World War and who, by taking the oath of allegiance to such foreign country prior to April 6, 1917, expatriated themselves, must, before they may avail themselves of the benefits of this resolution, resume their American citizenship by taking the oath of allegiance to the United States prescribed by the naturalization laws and regulations and file evidence thereof in support of their claims. Such oath may be taken before any court of the United States or of any State authorized by law to naturalize aliens or before any consul of the United States. See act of May 9, 1918 (40 Stat., 542).

A citizen who entered such service after April 6, 1917, did not expatriate himself as the last proviso to section 2 of the act of March 2, 1907 (34 Stat., 1226), provides that:

"No American shall be allowed to expatriate himself when this country is at war."

The service for which credit may be claimed under said resolution must have continued for a period of at least 90 days during the World War and the claimant must show his qualifications to make the entry sought in order to exercise the preference right of entry conferred thereby and in addition thereto as a part of his application or by an accompanying statement sworn to before an officer qualified to verify homestead applications must show the date when his service began, the country with which he served, the nature and length of such service, and that he was honorably departed or discharged therefrom giving the date thereof. The original or certified copy of the discharge or order of separation from such military or naval service should be attached to the application to make entry or proof thereon. If the claimant has lost his discharge or is otherwise unable to secure a copy thereof, he must in a verified statement explain fully why he can not furnish the same.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved: January 31, 1923.

E. C. FINNEY,

First Assistant Secretary.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

February 5, 1923.

Amendment to Circular No. 864.

Registers and Receivers,
United States Land Offices,
Arkansas.

Gentlemen:

Paragraph 2 of Circular No. 864 issued November 18, 1922, under the act of September 21, 1922 (Public 324), "granting to certain claimants the preference right to purchase unappropriated public land in the State of Arkansas" is hereby amended as follows:

"If all the land applied for is surveyed, and is vacant, the local officers, after noting the application on their records, will suspend action thereon and will promptly forward same to Chief of Field Division for investigation and appraisalment of the land in accordance with the provisions of the act. If for unsurveyed land, the local officers will note the application and suspend same, transmitting it to the Commissioner of the General Land Office, for consideration as to whether or not the lands applied for are in fact public lands, and of the class contemplated by the act under which title is sought. During such suspension the lands described in the application shall not be disposed of."

Very respectfully,

WILLIAM SHRY,

Commissioner.

Approved February 5, 1923,

E. C. FINNEY,

First Assistant Secretary.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

February 17, 1923.

: Exchange of lands within the
: Malheur National Forest, Oregon.

Registers and Receivers,
United States Land Offices at Burns,
La Grande, Lakeview, Portland, Roseburg,
The Dalles, and Vale, Oregon.

Gentlemen:

Your attention is called to an Act of Congress, approved March 8, 1922 (Public No. 166), entitled "An Act authorizing the exchange of lands within the exterior boundaries of the Malheur National Forest, in the State of Oregon, and for other purposes," which is as follows:

"That the Secretary of the Interior be, and hereby is, authorized in his discretion to accept, on behalf of the United States, title to any lands in private ownership within the exterior boundaries of the Malheur National Forest which, in the opinion of the Secretary of Agriculture, are chiefly valuable for national forest purposes, and, in exchange therefor, may issue patent for an equal value of national forest land in the State of Oregon; or the Secretary of Agriculture may permit the grantor to cut and remove an equal value of timber from any national forest in the State of Oregon, the values in each instance to be determined by the Secretary of Agriculture and be acceptable to the owner as fair compensation. Timber given in such exchanges shall be cut and removed under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands conveyed to the United States under this act shall, upon acceptance of title, become part of the Malheur National Forest "

This Act is one of a number of Acts passed by Congress, providing for exchanges of lands in National Forests. Special regulations governing each of such Acts have not been prepared, but procedure under all is intended to be in accordance with the instructions of Circular No. 863, approved

October 28, 1922, entitled "Consolidation of National Forests," which defined the procedure in detail and which is sufficiently comprehensive to afford ample guidance in proceeding under any of such Acts.

Therefore, in considering applications for exchanges under this Act, you are directed to be governed by the instructions given in said Circular No. 863, with such modifications as may be necessary and proper to make applicable to this Act.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved: February 17, 1923.

E. C. FINNEY,

First Assistant Secretary.

(5017)

DEPARTMENT OF THE INTERIOR

Washington

February 20, 1923.

The Commissioner of the

General Land Office.

Dear Mr. Commissioner:

The act of Congress approved August 24, 1922 (42 Stat., 829), provides:

That the Secretary of the Interior be, and he is hereby, authorized and empowered, in his discretion, to accept a relinquishment from the owners of the odd-numbered sections of land falling within Townships 16, 16 $\frac{1}{2}$, and 17 north of Range 13 West, Arizona, and permit said owners to select and receive in exchange therefor patents of an equal area of vacant surveyed, nonmineral, nontimbered, public land of the United States in the County of Mohave, State of Arizona.

According to the report (No. 722, Sixty-seventh Congress, second session) of the Committee on Public Lands, House of Representatives, which report was adopted by the Senate Committee on Public Lands and Surveys (Report No. 801), the object of the bill was to afford relief to those persons who had settled on land in the odd-numbered sections of land in the townships described, which land, unless mineral in character, inured to the Santa Fe Pacific Railroad Company (successor to the Atlantic and Pacific Railroad Company) under its grant by the act of July 27, 1866 (14 Stat., 292), upon the filing of the map of definite location of the line of road on March 12, 1872.

Under the discretion vested in the Secretary of the Interior by said act, the Santa Fe Pacific Railroad Company will be allowed six months from the date hereof within which to relinquish to the United States the lands inuring to it in the townships described. Such relinquishment should be made in accordance with the regulations governing relinquishments under the exchange provisions of the act of June 4, 1897 (30 Stat., 11, 36). Upon the acceptance of the relinquishment, which should be accompanied by a satisfactory abstract of title of the relinquished land, the said railroad company will become entitled to select, within ten years from the date hereof, an equal area of vacant surveyed, nonmineral, nontimbered public land in Mohave County, Arizona.

Selections filed under the provisions of the act will be governed, as to posting and publication of notice, by the regulations governing selections under the act of June 4, 1897, supra. The fees to be paid will be at the rate of \$2 for each 160 acres or fraction thereof included in the selection.

As selections are perfected you will, if all be found regular, submit them to the Department for approval.

Respectfully,

E. C. FINNEY,
First Assistant Secretary.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

PUBLIC LANDS RESTORED TO HOMESTEAD ENTRY AND OTHER DISPOSITION BY
PROCLAMATION, EXECUTIVE OR DEPARTMENTAL ORDER.

Preference Rights to Ex-Service Men of the War with Germany.

General Method of Opening:

By virtue of Public Resolution No. 29, of February 14, 1920 (41 Stat., 434), as amended by Public Resolution No. 36, approved January 21, 1922, hereafter and until February 15, 1930, when any surveyed lands within the provisions of the public resolution are opened or restored to disposition under the authority of the Department, such lands, unless otherwise provided in the order of restoration, shall become subject to appropriation under the laws applicable thereto, in the following manner, and not otherwise:

Lands not affected by the preference rights conferred by the acts of August 18, 1894 (28 Stat., 394), or June 11, 1906 (34 Stat., 235), or February 14, 1920 (41 Stat., 407), will be subject to entry by soldiers under the homestead and desert-land laws, where both of said laws are applicable, or under the homestead law only, as the case may be, for a period of 91 days, beginning with the date of the filing of the township plat in the case of surveys or resurveys, and with the date specified in the order of restoration in all other cases, and thereafter to disposition under all of the public land laws, applicable thereto, except where homestead entrymen are granted a prior preference period under the order. For a period of twenty days and for a like period prior to the date or dates such lands become subject to entry by the general public, soldiers in the first instance, and any qualified applicants in the second, may execute and file their applications, and all such applications presented within such twenty-day periods, together with those offered at nine o'clock a.m., standard time, on the dates such lands become subject to appropriation under such applications, shall be treated as filed simultaneously.

Unsurveyed lands are not subject to homestead or desert-land entry. A homestead entry may embrace 160 acres, or an approximation thereof, and where, the lands are of the character contemplated by the 320 or 640 acres homestead acts, applications for the unappropriated lands may be filed by qualified persons, under either of said acts; accompanied by proper petitions, if undesignated, for the designation of lands thereunder, and such applications will be suspended pending determination as to the character of such lands.

The following are restorations or openings which will occur in the near future and concerning which further information may be obtained from the local offices:

COLORADO: FROM SEGREGATION UNDER THE CAREY ACT.

27,597.13 acres of land in Routt and Moffatt Counties opened to homestead and desert-land entry by qualified ex-service men of the World War, beginning April 9, 1923, at 9 a.m.

Filings may be presented during the 20 days prior to that date. Any of the lands that remain unentered will be opened to homestead entry only by the general public from July 9, 1923 to July 23, 1923, inclusive, and filings may be presented within the 20 days immediately preceding July 9, 1923.

Certain specified tracts of these lands will be subject to the recognized and approved preference rights of certain persons licensed by the State of Colorado to settle thereon. Any of such tracts which are not entered under these preference rights will be subject to other disposition as herein stated.

On and after July 29, 1923, any remaining lands will be subject to general disposal--that is, to appropriation by the general public under any applicable public land law.

All the lands have been released from Carey Act segregation or application for segregation. In their natural state they are arid lands bearing a growth of sage brush. Some of them are underlain by deposits of coal and no right to such deposits can be acquired by homestead or desert-land entry, but such entries may be made under conditions providing for the reservation of the coal to the United States. Some of the lands have been designated as subject to the enlarged or 320-acre homestead act.

(340)

IDAHO: FROM FOREST RESERVATION.

Two thousand four hundred and two acres, in scattered tracts in Butte, Clark, Custer, or Lemhi counties, and in either the Hailey or Blackfoot land district, excluded from the Lemhi National Forest by proclamation of February 9, 1923, will be open to entry under the homestead and desert land laws by ex-service men of the war with Germany for a period of 91 days, beginning April 13, 1923. Filings may be presented within the 20 days prior to that date. On and after July 13, 1923, any of these lands remaining unentered, together with the unsurveyed lands involved amounting to about 3,610 acres, will be open to appropriation under any public land law applicable thereto by the general public.

The restored lands are reported to be non-cultivable grazing lands.

(341)

UTAH: RESTORATION FROM RECLAMATION WITHDRAWAL.

About 16,000 acres in Uinta County, Vernal district, open to homestead and desert-land entry, beginning March 15, 1923, for a period of 91 days to ex-service men of the World War, subject to valid prior settlement and preference rights; filings may be presented during the 20 days preceding that date or from February 23, 1923, to March 14, 1923, inclusive. Any land remaining unentered after the expiration of the 91-day period or beginning on June 14, 1923, will be open to entry by the general public.

A large area is classified as mineral, valuable for petroleum and nitrogen, and the successful applicant for entry of such lands must file an oil and gas and mineral waiver.

This land is in the vicinity of Green River and near the towns of Randlett and Ouray. Available information indicates that the land is principally mountainous and cut by ravines.

The official plats of the survey and resurvey of public lands have been transmitted to Surveyor General with instructions to transmit copies thereof to United States land offices for official filing as follows:

Ts. 10, 11, and 12, N., R. 88 W., 6th P.M., Colorado, February 19, 1923, approximately 30,500 acres; United States land office at Glenwood Springs.

T. 31 N., R. 23 E., M.D.M., Nevada, February 15, 1923, approximately 6,000 acres; United States land office at Carson City.

T. 17 S., R. 15 W., N.M.P.M., New Mexico, January 19, 1923; approximately 14,000 acres; United States land office at Las Cruces.

T. 48 N., Rs. 90 and 91 W., 6th P.M., Wyoming, February 19, 1923, approximately 37,500 acres; United States land office at Buffalo.

The dates of filing will be fixed by the registers of these offices and the public lands indicated will be opened to entry and subject to prior valid settlement rights and equitable claims. Ex-service men of the World War will be entitled to a preference right to enter these lands under the homestead and desert land laws for a period of 91 days, beginning with the date of the filing of the plats, under Public Resolution Nos. 36 and 79, dated January 21 and December 28, 1922, respectively; all lands will be opened to general disposition at the expiration of the 91-day period.

The lands in Colorado are reported as mountainous and rolling, covered with timber and plenty of grass and water.

The lands in Nevada are reported as rolling and level, desert in character, with sparse vegetation.

The lands in New Mexico are reported as mountainous and covered with scrub timber.

The lands in Wyoming are reported as rolling, covered with a scant growth of native grasses.

CHANGES IN NATIONAL FORESTS.

By proclamation of February 9, approximately 255,200 acres, largely unsurveyed, in eastern Idaho, were included in the Lemhi National Forest under the provisions of the act of March 1, 1921 (41 Stat.; 1199). The additions adjoin different portions of the Forest and are such of the lands described in the act as have been found by the Secretaries of Agriculture and the Interior to be chiefly valuable for the production of timber or the protection of stream flow.

By Executive order of February 26, six small tracts theretofore occupied for fish-cannery purposes under permit from the Forest Service were excluded from the Tongass National Forest, in Alaska, and restored to disposition under the applicable land laws.

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STOCK DRIVEWAYS.

During the month of February certain of the stock driveway withdrawals theretofore made in Oregon and Montana have been modified by adding lands thereto. The total area withdrawn for driveway purposes through such modifications was 4,000 acres.

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OIL AND GAS ACTIVITIES.

During the month of February, 1923, 358 new applications were received in the oil and gas section, and 1,180 old applications were returned for further consideration, a total of 1,538.

Preliminary action was taken on 469 cases, and final disposition made of 365 cases by permits granted in 203 cases, leases in 3 cases, and 154 cases finally rejected. There were rejected subject to appeal 308 cases, and 32 appeals were transmitted to the Secretary. Departmental decisions in 22 cases were promulgated during the month of February, 15 of which affirmed, 2 reversed, and 5 modified decisions by this office. Assignments in 21 cases were approved, 5 rejected, and 21 were recommended to the Secretary for approval.

Extensions of time in accordance with the provisions of the act of January 11, 1922, were granted to 131 applicants, and 368 applications were rejected, for the most part on account of failure to file assent of surety to the extension.

By order of the Commissioner of February 15, 1923, the oil and gas section handling applications for permits and leases under the "relief" sections of the act of February 25, 1920, designated as "Section NL" was consolidated with Section "NP", handling permits under section 13 of the act, and all the oil and gas activities in the future under these sections of the said act will be in charge of Mr. J.M.McMechan, chief of Section "NP".

Receipts under the mineral leasing act for the month of January were \$659,459.95, of which \$9,560.14 was from lands within naval reserves and \$649,899.81 from lands outside of naval reserves.

CONSOLIDATED WORK REPORT OF LOCAL LAND OFFICES
FOR MONTH OF JANUARY, 1923.

Offices.	: End Last Month.		: Received : and		: End of This Month.		
	: Pend- : ing : desig- : nation:	: Sus- : pend- : ed re- : turned	: Pend- : ing : this : month.	: Rec'd : this : month.	: Trans- : mitted : to Glo- : bal	: Now : pend- : ing : desig- : nated	: New : pend- : ing : re- : acted : by : R. & R. : other- : wise.
Alabama	:	:	:	:	:	:	:
Montgomery	:	23:	:	38:	36:	:	23:
Alaska	:	:	:	:	:	:	:
Fairbanks (a)	:	:	:	:	:	:	:
Juneau	:	228:	:	77:	164:	:	141:
Nome (a)	:	:	:	:	:	:	:
Arizona	:	:	:	:	:	:	:
Phoenix	:	278:	167:	263:	270:	274:	164:
Arkansas	:	:	:	:	:	:	:
Camden	:	:	32:	22:	32:	:	22:
Harrison	:	:	30:	57:	59:	:	28:
Little Rock	:	:	121:	91:	92:	:	120:
California	:	:	:	:	:	:	:
El Centro	:	111:	24:	39:	38:	6:	30:
Eureka	:	44:	1:	17:	16:	45:	1:
Independence	:	49:	78:	58:	61:	47:	77:
Los Angeles	:	48:	158:	256:	283:	42:	134:
Sacramento	:	108:	46:	68:	85:	22:	53:
San Francisco	:	161:	28:	81:	105:	119:	46:
Susanville	:	32:	13:	12:	15:	28:	14:
Visalia	:	29:	26:	44:	54:	22:	23:
Colorado	:	:	:	:	:	:	:
Del Norte	:	45:	28:	12:	22:	47:	16:
Denver	:	166:	27:	157:	161:	156:	33:
Durango	:	64:	39:	63:	56:	66:	44:
Glenwood Springs	:	262:	142:	156:	148:	266:	146:
Lamar	:	72:	20:	39:	79:	67:	35:
Leadville	:	40:	22:	14:	35:	20:	21:
Montrose	:	100:	69:	77:	81:	101:	64:
Pueblo	:	278:	161:	199:	139:	346:	153:
Sterling	:	16:	15:	11:	12:	16:	14:
Florida	:	:	:	:	:	:	:
Gainesville	:	22:	3:	102:	99:	:	22:

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Idaho	:	:	:	:	:	:	:	:
Blackfoot	:	153:	122:	2:	116:	148:	153:	97:
Boise	:	128:	73:	:	63:	68:	117:	79:
Coeur d'Alene	:	1:	18:	:	13:	10:	:	22:
Hailey	:	70:	46:	:	56:	71:	59:	42:
Lewiston	:	7:	13:	:	15:	11:	10:	14:
Kansas	:	:	:	:	:	:	:	:
Topeka	:	27:	17:	:	19:	17:	33:	13:
Louisiana	:	:	:	:	:	:	:	:
Baton Rouge	:	:	53:	:	46:	51:	:	48:
Michigan	:	:	:	:	:	:	:	:
Marquette	:	1:	14:	:	10:	14:	1:	10:
Minnesota	:	:	:	:	:	:	:	:
Cass Lake	:	:	13:	:	31:	23:	:	11:
Crookston	:	15:	:	:	34:	24:	:	25:
Duluth	:	:	32:	:	28:	31:	:	29:
Mississippi	:	:	:	:	:	:	:	:
Jackson	:	:	16:	:	23:	22:	:	17:
Montana	:	:	:	:	:	:	:	:
Billings	:	19:	208:	:	9:	22:	19:	195:
Bozeman	:	86:	91:	:	29:	50:	86:	70:
Glasgow	:	163:	471:	:	289:	19:	141:	763:
Great Falls	:	29:	108:	:	77:	106:	35:	73:
Havre	:	123:	104:	:	70:	108:	95:	94:
Helena	:	150:	70:	:	80:	71:	160:	69:
Kalispell	:	:	9:	1:	10:	9:	:	10:
Lewistown	:	286:	48:	:	52:	62:	272:	52:
Miles City	:	254:	126:	:	186:	207:	218:	141:
Missoula	:	18:	14:	:	35:	36:	18:	13:
Nebraska	:	:	:	:	:	:	:	:
Alliance	:	34:	5:	:	15:	15:	33:	6:
Lincoln	:	22:	9:	:	24:	25:	23:	7:
Nevada	:	:	:	:	:	:	:	:
Carson City	:	30:	101:	:	47:	47:	14:	117:
Elko	:	34:	33:	:	14:	23:	28:	30:
New Mexico	:	:	:	:	:	:	:	:
Clayton	:	118:	39:	:	103:	96:	125:	39:
Ft. Sumner	:	39:	61:	9:	107:	127:	43:	46:
Las Cruces	:	93:	138:	:	174:	188:	67:	150:
Roswell	:	145:	70:	:	225:	270:	103:	67:
Santa Fe	:	170:	247:	:	319:	276:	194:	266:
North Dakota	:	:	:	:	:	:	:	:
Bismarck	:	25:	25:	:	48:	45:	27:	26:
Dickinson	:	30:	16:	:	15:	12:	30:	19:
Oklahoma	:	:	:	:	:	:	:	:
Guthrie	:	27:	10:	:	82:	77:	31:	11:

Oregon	:	:	:	:	:	:	:	:
Burns	:	39:	28:	:	30:	36:	39:	22:
La Grande	:	119:	189:	:	51:	107:	77:	175:
Lakeview (a)	:	:	:	:	:	:	:	:
Portland	:	:	2:	:	27:	27:	:	2:
Roseburg	:	2:	24:	:	54:	57:	2:	21:
The Dalles	:	147:	39:	:	76:	87:	147:	28:
Vale	:	35:	66:	:	32:	36:	32:	65:
South Dakota	:	:	:	:	:	:	:	:
Bellfourche	:	4:	9:	:	34:	32:	4:	10:
Pierre	:	109:	56:	:	66:	75:	104:	52:
Rapid City	:	54:	60:	:	73:	79:	49:	59:
Utah	:	:	:	:	:	:	:	:
Salt Lake City	:	407:	197:	:	250:	259:	404:	191:
Vernal	:	23:	14:	:	22:	19:	23:	17:
Washington	:	:	:	:	:	:	:	:
Seattle	:	:	11:	:	3:	7:	:	7:
Spokane	:	26:	21:	:	30:	23:	28:	26:
Vancouver	:	2:	3:	:	5:	3:	2:	5:
Walla Walla	:	27:	3:	:	15:	10:	28:	7:
Waterville	:	37:	57:	:	47:	77:	27:	37:
Yakima	:	16:	3:	3:	12:	13:	16:	5:
Wisconsin	:	:	:	:	:	:	:	:
Wausau	:	:	10:	:	7:	14:	:	3:
Wyoming	:	:	:	:	:	:	:	:
Buffalo	:	118:	74:	:	156:	125:	104:	119:
Cheyenne	:	166:	278:	:	151:	225:	164:	206:
Douglas	:	85:	193:	:	221:	262:	62:	175:
Evanson	:	101:	274:	11:	77:	71:	98:	289:
Lander	:	88:	36:	:	87:	88:	86:	37:
Newcastle	:	168:	86:	:	88:	98:	156:	88:
	:	:	:	:	:	:	:	:
TOTAL:	:	5,875:	5,673:	:	29,606:	6,355:	5,537:	5,741:
	:			:				13

NOTE (a). No report received from these offices on February 27, 1923.

PRESIDENTIAL APPOINTMENTS.

Raymond B. Lewis, of Bozeman, Montana, to be Receiver of Public Moneys at that place, vice James P. Boles, term expired. Commission dated February 1, 1923.

Oscar P. Hovind, of Glasgow, Montana, to be Receiver of Public Moneys at that place, vice Frank S. Reed, deceased. Commission dated February 24, 1923.

Peter G. Johnston, of Blackfoot, Idaho, to be Register of the land office at that place, vice Joseph T. Carruth, term expired. Commission dated February 14, 1923. Mr. Johnston is now serving as Receiver of Public Moneys at Blackfoot, under his appointment of May 12, 1922.

Ezra P. Monson, of Franklin, Idaho, to be Receiver of Public Moneys at Blackfoot, Idaho, vice Peter G. Johnston appointed Register. Commission dated February 14, 1923.

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The act of Congress approved January 24, 1923, making appropriations for the Department of the Interior for the fiscal year ending June 30, 1924, directs that the offices of Registers and Receivers be consolidated and that the offices of Receivers of Public Moneys be abolished at the following-named places, under the same provisions contained in the act of October 28, 1921, to-wit:

Leadville, Colorado.
Gainesville, Florida.
Guthrie, Oklahoma.
Lakeview, Oregon.
Waterville, Washington.

The consolidation, etc., of these offices will become effective April 2, 1923.

The President, by commissions dated February 10, 1923, has appointed the following-named persons to be Registers of the land offices at the places mentioned. These officials to perform all duties now performed by both the Register and Receiver.

Elsie K. Fritts to be Register of the land office at Waterville, Washington, effective April 2, 1923. Mr. Fritts is now serving in the position under his appointment dated August 24, 1921.

Frank P. Light to be Register of the land office at Lakeview, Oregon, effective April 2, 1923. Mr. Light is now serving in this position under his appointment dated October 3, 1921.

Mrs. Eva A. Brittain to be Register of the land office at Leadville, Colorado, effective April 2, 1923. Mrs. Brittain is now serving as Receiver of Public Moneys at this place under her appointment dated August 16, 1921.

The following-named employees have been designated as Acting Registers of the land offices in which they are employed, to perform all duties as Acting Registers during a vacancy in the office of Register, by reason of death, resignation, removal, or the inability of the Register to act, except that no contest or protest shall be decided or disposed of by him, etc. Act of October 28, 1921.

William S. Tancre at Gainesville, Florida.
Wevie C. Jensen at Waterville, Washington.
Luella M. Caldwell at Leadville, Colorado.
Francis Reilly at Vernal, Utah.
Barr Bostwick at Coeur d'Alene, Idaho.
Mary Kelly at Bismarck, North Dakota.

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OBITUARY.

George B. Chew.

In the Bulletin for September, 1922, notice of the retirement from the service of Mr. Chew appeared, with special comment on his long and faithful connection with the General Land Office during a period of more than forty years; and now the office learns with profound regret of his death, which occurred in this city on the 23rd of February. His severance from the service is of such recent occurrence that his death comes with the same sense of personal loss as though he had still remained in the office. An estimable gentleman, his old associates now tender their tribute of grief at his departure.

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LEGAL HONORS FOR THE GENERAL LAND OFFICE.

Mr. Herbert W. Gediman, of Division "C", was included in the list of admissions to the District bar on February 12, 1923.

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TELL THE BULLETIN.

To all Local Offices and Field Service Employees:

If anything occurs, in the public land service, which you think is of administrative value, tell us about it. Address all communications to the Commissioner of the General Land Office, "Land Service Bulletin." All information should be received not later than the 24th of each month for use in the current number.

LAND SERVICE
BULLETIN
DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE

By direction of the Secretary of the Interior the matter contained herein is published as administrative information and is required for the proper transaction of public business.

Vol. 7

April 1, 1923.

No. 2

OUR NEW SECRETARY OF THE INTERIOR.

The resignation of Hon. Albert B. Fall, as Secretary of the Interior, became effective March 4, 1923, and this vacancy in his Cabinet the President filled by the transfer to the Department of the Interior of Hon. Hubert Work, then Postmaster General.

Our new Secretary assumes his duties with an intimate fundamental knowledge of the widely diversified public interests that are assigned to the Department of the Interior, derived through an active participation in the civic and public institutions of his State, and with the advantage of the executive experience following his service in the Post Office Department first as First Assistant Postmaster General and later as Postmaster General.

The Secretary was born in Pennsylvania, July 3, 1860; was a student in the State normal school, a graduate of the University of Michigan in 1884, and received the degree of Doctor of Medicine from the University of Pennsylvania in 1885. He removed to Colorado in 1885 and began the practice of his profession, in which he was eminently successful, and only gave up to enter upon duty in the Medical Corps of the United States Army during the late war.

In an interview with the Secretary shortly after his appointment, he took occasion to say:

"For many years I have lived among the great domestic problems of the Nation that come within the province of the Department of the Interior in the West, but have no financial interest in any of them. The natural resources of our country today are boundless in their scope and it is the duty of the Government and those officials intrusted with

administrative authority, to preserve with zealous care those rights of Government and the people, with the same solicitude that might be exercised in purely personal obligations. The various bureaus and semi-independent agencies co-ordinated in the Department of the Interior exercise an influence of tremendous magnitude upon our national life. Our public land problems, including reclamation and irrigation, deal with the prosperity of millions of our citizens throughout the western part of the country, and they are perhaps not always fully understood or appreciated in the East, nevertheless they are fundamental to the problems of all Americans."

This broad comprehension of the heavy duties that he will be called upon to discharge gives a line on the character of the administration he thinks the Department requires, and it rests with the Land Service to see that he has its most efficient aid in every branch of its work.

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SURVEY NOTES.

Mesa Verde National Park.

The difficulties experienced by the superintendent of the Mesa Verde National Park in southwestern Colorado in locating upon the ground any tangible evidence of position of the park boundaries especially in those cases involving trespass and vandalism, has so emphasized the necessity for a redetermination of the boundary lines that the First Assistant Secretary of the Interior, on March 5, 1923, approved the recommendation of the National Park Service that a resurvey be made.

With the exception of a portion of the east boundary, which is formed by the Rio Mancos River, the entire park boundary approximately 45 miles in length as defined by the act of June 29, 1906 (34 Stat., 616), as amended by the act of June 30, 1913 (38 Stat., 83), follows the lines of legal subdivisions of the public land surveys executed over 40 years ago. A substantial portion of the boundary line was monumented in 1914 in connection with the fixation of the boundary of the Southern Ute Indian Reservation where the two reservations adjoin. The resurvey of the remaining portion of the park boundary where only native material was originally used for corner monuments will be undertaken during this surveying season, the preparation of the special instructions therefor having been authorized on March 9, 1923.

Indian Surveys.

An active program in the execution of surveys heretofore requested by the Indian Office upon its various reservations throughout the West was assured on March 1, 1923, when the chief clerk of that office advised that \$38,000 had been segregated from the appropriation for surveying and allotting Indian reservations, reimbursible, for the use of the surveying service this season. The fund will be apportioned by the Supervisor of Surveys among the various surveying districts according to their several needs, and as the appropriation was made immediately available field and office work has already been commenced on some of the urgent cases.

Oil-Shale Lands.

As a result of a recent conference with Mr. Frank M. Johnson, Supervisor of Surveys, at which the question of a resurvey of townships deemed valuable for oil and oil shale, as contemplated by the act of January 24, 1923 (Public No. 395), it was determined that the necessity for action in the De Beque shale district in western Colorado, was probably more urgent at this time than in any other locality, and that in so far as possible resurveys consistent in scope with the known requirements of the situation should be undertaken without delay. At the same time it was necessary to recognize that the sum of \$50,000 made available by Congress for work of this character is intended to apply to similar conditions throughout the public land States at large, and that as a matter of proper administration provision would have to be made for the present and prospective demands of the other districts.

These considerations led to the conclusion that a resurvey in the DeBeque area should be limited to 7 townships, namely, T. 5 S., Rs. 97, 98, and 99 W.; T. 6 S., Rs. 98 and 99 W.; and T. 7 S., Rs. 97 and 98 W., 6th P.M.

The independent type of resurvey will probably be adopted for these resurveys, although an analysis of the technical situation and procedure will necessarily be influenced by the developments of a careful field investigation. Authority for the field work was contained in a letter dated March 23, 1923, addressed to the United States Surveyor General.

Mr. Frank M. Johnson, Supervisor of Surveys, who arrived in Washington January 23, for his annual conference on the field work for the ensuing season, left for Denver March 17.

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OKLAHOMA AND TEXAS BOUNDARY.

On March 12, 1923, a new chapter was written in the Red River boundary litigation which has been pending before the Supreme Court of the United States for about three years.

By the decree of the Supreme Court the boundary between the States of Oklahoma and Texas, where it follows the course of Red River from the 100th Meridian of west longitude to the eastern boundary of the State of Oklahoma is on and along the south bank of that river as the same existed in 1821 when the Treaty of 1819 between the United States and Spain became effective. Where there have been intervening changes in the bank through the natural and gradual processes known as "erosion and accretion" the boundary has followed the changes, but where the stream has left its former channel and made for itself a new one by the process known as "avulsion," the boundary has not followed the change but has remained on and along what was the south bank before the change occurred.

The south bank of the river is the water-washed and relatively permanent elevation commonly called the "cut bank" and which serves to confine the

waters within the bed and to preserve the course of the river when at mean high water at which stage the river reaches and washes the bank without overflowing it. At places where there is no well-defined cut bank the boundary is a line conforming to the mean level of the waters when at other places in that vicinity the river reaches and washes the cut bank without overflowing it.

The court has found that the "Big Bend Area," which is an oil field, has been since before 1821 fast upland on the southerly side of the river and is within the State of Texas and never was owned by the United States. The river bed pool in that vicinity between the south cut bank and the medial line of the river is property of the United States within the State of Oklahoma. North of the medial line all riparian rights attach to the subdivisions on the north bank of the river, mostly owned by Indian allottees.

The Supreme Court has ordered the survey of the boundary between Oklahoma and Texas through the oil field region and at other places where by avulsion since 1821 the river has come to occupy a new channel; also at other places where either State or the United States may designate in a request in writing approved by a member of the court.

Arthur D. Kidder of the Cadastral Engineer Service of the General Land Office and Arthur A. Stiles, State Reclamation Engineer of Texas have been designated to survey the boundary in accordance with the decree and principles announced by the court. The engineer commissioners had charge, in behalf of the opposing interests, respectively, of the surveying and mapping needed in preparation for the trial of the suit. Mr. Kidder has been identified with the Cadastral Engineer Service for more than twenty years and has taken a prominent part in placing the work of the General Land Office on its present high technical plane. Mr. Stiles was a topographic engineer with the U. S. Geological Survey for many years, and for more than ten years has had charge of drainage and levee operations, and extended topographic surveys for the State of Texas.

The boundary through the oil field region is to be surveyed immediately and a report made, as a step preliminary to closing out the business of the receivership established by the Supreme Court. On the conclusion of the receivership the river bed area south of the medial line will be turned over to the jurisdiction of the Interior Department. The Interior Department will also continue supervision of the interests of the Indian allottees in the north half of the river.

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FIELD SERVICE NOTES.

Mineral Examiner H. W. MacFarren is in the field conducting an investigation of the oil situation and conditions on the Red River lands lying between the States of Oklahoma and Texas which the Supreme Court recently decreed were public lands of the United States and not the property of either of the States named. He will be engaged on this work for a month or more.

Chief of Field Division Neal of the Southern Division has been directed to take charge of several producing oil wells in the Ferry Lake district in Louisiana, recently decided by the courts to be the property of the United

States. He will become an active oil operator immediately on the termination of the present court receivership and will remain in charge until the properties have been leased.

Snow and cold waves have hampered field work in the northern field divisions the past month. Some reports have been received estimating that much of the pending work can not be commenced prior to June 1.

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A NEW NATIONAL MONUMENT, HOVENWEEP.

One of the first official acts performed by Secretary Work upon assuming the Department of the Interior portfolio was to take over a historic piece of ground in the States of Utah and Colorado set aside in a proclamation issued by President Harding on March 2 to be preserved for posterity.

This ground has been designed as a National Monument and the Indian word Hovenweep, meaning "Deserted Valley," is the name that has been given it. Containing four separate groups of remarkable prehistoric towers, pueblos, and cliff dwellings that were gradually falling into decay and being depredated by relic-seekers the National Government assumed control of the property. A custodian is to be appointed and the area containing some 285 acres will be permanently protected by the Interior Department for the benefit of the public.

Two of the ruins, Hackberry and Keely, contained in Hovenweep are in Colorado, while the Ruin Canyon and Cajon Groups are in Utah. Each lies within a mile of the well-traveled road between Dolores, Colorado, and Bluff City, Utah, and is accessible by automobile.

The Ruin Canyon Group consists of eleven structures, the largest of which is Hovenweep Castle, sixty-six feet long and twenty feet high. The Keely Group consists of five prehistoric buildings, the standing walls of one of them measuring twenty feet high also. The Hackberry Group consists of five buildings with well-preserved walls still standing and the Cajon Group includes important antiquities.

The majority of the structures belong to unique types not found in other National Monuments and show the finest prehistoric masonry in the United States, according to Dr. J. Walter Fewkes, Chief of the Bureau of American Ethnology. They are situated about fifty miles west of the Mesa Verde National Park in Colorado and, having been constructed by the same race that built that Park's famous cliff dwellings, are specially attractive and important.

The Hovenweep National Monument is under the jurisdiction of the National Park Service, which administers twenty-six similar Monuments in addition to nineteen National Parks.

OFFICIAL HOURS IN THE LAND SERVICE.

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DEPARTMENT OF THE INTERIOR

Washington

March 31, 1923.

Registers and Receivers
and
U. S. Surveyors General,
United States Land Offices.

Gentlemen:

All officials of this Department, including the Secretary, hold office for the purpose of serving the people and of aiding them in the transaction of business appertaining to the several offices. To this end, it is desirable and necessary that officials devote their entire time during business hours to the duties of their several offices.

If an applicant or other person having business to transact with the register or receiver or the surveyor general comes a long distance to transact that business, and finds the official absent during office hours, it subjects the applicant to unnecessary expense and delay and creates in his mind a belief that the official is not looking after the business which he is paid to transact.

I have therefore to direct that all officers of this Department, except when absent on official leave, shall devote their entire time during office hours to the transaction of the business of their several offices.

Respectfully,

HUBERT WORK,

Secretary.

NATIONAL PARKS SERVICE--SEASONAL OPENING.

In announcing the opening and closing dates of the National Park seasons for 1923, Secretary Work of the Interior Department issued the following invitation to the American people:

"With a lavish hand nature has moulded throughout our land the most magnificent and awe-inspiring scenery surpassing in beauty and grandeur that offered by any foreign country. These spots -- our National Parks-- have been set aside by the American Government to be maintained untouched by the inroads of modern civilization so that you and your children may enjoy them. Roads have been built through deep-cut canyons, across towering mountain ranges, beside rippling streams filled with fighting trout, and into primal forests. Hotels and camps have been erected to provide comfortable accommodations in the most distant and inaccessible places. Free camp grounds have been provided for those who wish to bring their own equipment and camp out. These unspoiled bits of native America are for you. They are the playgrounds and the recreation parks of the people. To visit them and see them is to inspire pride and make more real your love for America. In the name of the Government I invite you to be its guest."

The opening and closing dates of the Park seasons are :

<u>Park.</u>	<u>Opening</u> <u>Date.</u>	<u>Closing</u> <u>Date.</u>
Crater Lake, Oregon	July 1	Sept. 30
General Grant, California	May 24	Oct. 10
Glacier, Montana	June 15	Sept. 15
Grand Canyon, Arizona	Open All The Year	
Hawaii, Hawaiian Islands	Open All The Year	

<u>Park.</u>	<u>Opening Date.</u>	<u>Closing Date.</u>
Hot Springs, Arkansas	Open All	The Year
Lafayette, Maine	Open All	The Year
Lassen Volcanic, California	June 1	Sept. 15
Mesa Verde, Colorado	May 15	Nov. 1
Mount McKinley, Alaska	July 1	Sept. 15
Mount Rainier, Washington	June 15	Sept. 15
Platt, Oklahoma	Open All	The Year
Rocky Mountain, Colorado	Open All	The Year
Sequoia, California	May 24	Oct. 10
Sully's Hill, North Dakota	June 1	Sept. 30
Wind Cave, South Dakota	June 1	Sept. 30
Yellowstone, Wyoming	June 20	Sept. 20
Yosemite, California	Open All	The Year
Zion, Utah	May 15	Oct. 15

Preparations to take care of a million and a half visitors in all the National Parks this year are being made. Public camp grounds for the motor camper are being extended, and the hotels and permanent camps are increasing their facilities for handling visitors. Transportation lines are adding new equipment.

Oil Mining Lease--Vested Interest.

Though a mineral oil and gas lease does not require lessee to immediately take possession or commence exploration, it gives him a present vested interest in the land, with the right to such possession as shall be necessary or reasonably convenient to enable him to prospect for mineral, and a right to relief in equity against interference by trespassers or by those holding inferior rights or interests.

Smith v. McCullough.
(285 Federal Reporter, 698.)

Water Rights--Appropriation.

Surplus foreign waters, coming from a foreign water shed through artificial means, and increasing the stream, are of a vagrant or fugitive nature and may be used by the first person who can take them from the stream where they are found.

Elgin v. Weatherstone.
(212 Pacific Reporter, 562.)

Mining Claim--Executive Withdrawal.

The Executive withdrawal from entry of oil lands did not interfere with the assertion of a claim as co-tenant to an interest in a claim initiated prior to the order.

Mining Claim--Assertion of Right.

The rule of laches requiring a suitor to plead and prove some adequate excuse for his silence and inaction, where there has been apparent want of diligence, is applied with great strictness where the claim involves title to oil lands, the value of which fluctuates greatly and rapidly.

Hodgson v. Federal Oil and Development Company.
(285 Federal Reporter, 546.)

Lode Mining Claim--Continuity of Lode.

Continuity of a lode, giving extra lateral rights in lodes apexing on a claim, does not depend on the mineral deposits therein being in contact throughout or uninterrupted.

Lode Mining Claim Defined.

Though the term "mineral-bearing vein or lode" is not susceptible of arbitrary definition applicable to every case, its controlling characteristic is a continuous body of mineral-bearing rock in place, having boundaries, though they may not have been ascertained, separating it from the general mass of the

surrounding formation.

Utah Consolidated Mining Company v. Utah Apex
Mining Company.
(285 Federal Reporter, 249.)

Water Rights --Adverse User.

Adverse claimant's user of irrigation ditch was exclusive, though he used only one-half its capacity, so long as the users of the remaining one-half did not interfere with his use; "exclusive" meaning not that all others must be excluded from the ditch, but merely that his right did not depend on the like right in others. (Montana).

Hays v. DeAtley et al.
(212 Pacific Reporter, 296.)

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Red River Boundary--Partial and Supplemental Decrees of

March 12, 1923.

The boundary between the States of Oklahoma and Texas, where it follows the Red River, is decreed by the United States Supreme Court to be on and along the south bank of the river as the same existed in 1821, save where intervening changes have occurred through natural and gradual processes of erosion and accretion, under which conditions the boundary has followed the change; but where the stream has by avulsion left its former channel for a new one, the boundary remains on or along what was the south bank of the river before the change occurred.

The south bank is defined as,

"The water-washed and relatively permanent elevation or acclivity, commonly called a cut bank, along the south side of the river which separates its bed from the adjacent upland, whether valley or hill, and usually serves to confine the waters within the bed and to preserve the course of the river.

"The boundary between the two States is on and along that bank at the mean level attained by the waters of the river when they reach and wash the bank without overflowing it."

The appointment of commissioners to run, locate, and mark the boundary through the Big Bend Area is referred to elsewhere in the Bulletin.

So much of the bed of the river as lies north of the medial line of the river is decreed to be the property of the owners of such lands as border the north bank, and the full title and ownership of so much of the river as lies south of the medial line is decreed to be in the United States. The medial line is defined as a line drawn midway between the north and south banks.

Mining Claim--Improvements--Forfeiture--Alaska--Statutes.

The special act of August 1, 1912, which made the requirements with respect to annual assessment work upon placer mining claims in Alaska more stringent than theretofore, did not abridge the self-executing forfeiture penalty imposed by the act of March 2, 1907, for failure to perform the required assessment work, and the rule which prevailed under the latter act that an owner in default can not save his claim by the resumption of work prior to a relocation is applicable, regardless of whether the original location was made after or before August 1, 1912.

Mining Claim--Improvements--Alaska--Statutes.

The general act of August 24, 1921, which amended section 2 of the act of January 22, 1880, by changing the period for the performance of annual assessment work from the calendar to the fiscal year, is applicable to placer mining claims in Alaska, but it did not abrogate the requirements of the act of August 1, 1912, as to the annual work that must be performed during the year of location.

Instructions of February 5, 1923, by
First Assistant Secretary Finney.

Railroad Grant--Settlement--Transferee--Entry--Possession--Adverse Claim--
Estoppel.

The act of February 8, 1867, confirming the assignment to the New Orleans Pacific Railway Company of the grant made to the New Orleans, Baton Rouge & Vicksburg Railroad Company by the act of March 3, 1871, gave the right of entry to a transferee of an actual settler, occupying land within the granted limits at the date of the definite location of the road and remaining in possession thereafter, and mere tardiness in asserting his claim does not estop him from seeking title adversely to the railroad company.

Railroad Grant--Settlement--Transferee --Entry--Adverse Claim--Laches--Evidence.

Lack of diligence in securing evidence to show that a settlement claim was excluded by the act of February 8, 1867, from the confirmation of the grant to the New Orleans Pacific Railway Company is not sufficient to defeat the right of the transferee to make entry if the land was in fact embraced within a valid subsisting claim at the date of the definite location of the road and continued as such thereafter.

Sandel et al v. New Orleans Pacific Railway Company;
decided March 15, 1923, by First Assistant Secretary
Finney.

Homestead Entry--Vested Rights--Railroad Land--Selection Indemnity--Withdrawal--
Oil and Gas Lands--Final Receipt--Patent--Statutes.

A withdrawal under the act of June 25, 1910, does not stop the running of the two-year period fixed by the proviso to section 7 of the act of March 3, 1891, and a homestead entry within the limits of such a withdrawal is confirmed by that act if the institution of adverse proceedings is not commenced within two years from the date of the issuance of the receiver's receipt upon the final entry.

Court Decision Cited and Applied--Departmental Instructions Vacated.

Case of Stockley et al v. United States (43 Sup. Ct. Rep., 186;--- U.S.,---), cited and applied; instructions of April 25, 1914 (43 L.D., 294), vacated.

Benjamin F. Kohal; decided February 27, 1923,
by First Assistant Secretary Finney.

Survey--Lake--Fraud--Public Lands--Estoppel.

In applying the well-established principle that where substantial areas of public lands are omitted by reason of fraud or gross error in the original survey the Government is not estopped from surveying the omitted areas for disposal under the public land laws, it is impracticable to fix any general rule, even an arbitrary one, based upon acreage or measure of depth that may be regarded as the minimum of which cognizance of error will be taken.

Survey--Indian Lands--Reservation--Lake--Navigable Waters--Riparian Rights.

Sovereign rights have never been recognized by the United States as being vested in the Indian tribes, and the fact that lands were within an Indian reservation at the date of the admission of a State into the Union does not prevent the title to the beds of the navigable water within the boundaries of the reservation from vesting in the State by virtue of its sovereignty.

Survey--Lake--Riparian Rights--Accretions and Relictions--Water Right--Louisiana.

The question as to how far the title of a riparian owner extends is one to be determined by State law, and in Louisiana while the State has by legislation granted to owners of adjoining lands, accretions and relictions found and added imperceptibly on the edge of rivers or running waters, yet the State has not, with the exceptions mentioned, resigned to riparian proprietors the rights inuring to it as a sovereign power.

Etoile P. Hatcher and W. M. Palmer et al.
(On Petition); decided February 23, 1923,
by First Assistant Secretary Finney.

Repayment--Umatilla Lands--Purchaser--Indian Lands--Payment--Relinquishment.

The special repayment provision in section 2 of the act of March 3, 1885, is applicable to reimbursement of full as well as partial payment made by a purchaser of Umatilla Indian lands after failure to obtain title because of inability to fulfill other requirements of the act if the land has been re-sold and the purchase price paid by the subsequent purchaser.

Departmental Decision Cited and Held Not in Point.

Case of William F. Earnhart (44 L.D., 3), cited and held not to be controlling.

Henry J. Bean; decided March 8, 1923,
by First Assistant Secretary Finney.

Homestead Entry--Final Proof--Final Receipt--Payment--Fees--Vested Rights--
Act of March 3, 1891.

The rule that the period of limitation specified in the proviso to section 7 of the act of March 3, 1891, begins to run from the date of the issuance of the "receiver's receipt upon the final entry" is not met by the payment of the required fees and commissions tendered in connection with the submission of the final proof where that officer merely places the moneys in his unearned account without issuing receipt therefor.

Homestead Entry--Final Proof--Payment--Patent--Vested Rights.

Where purchase money tendered by a homestead entryman in connection with his final proof is subsequently returned to him by the receiver, either at the former's request or with his consent, the entryman is not in a position to demand patent as upon a completed entry.

Court Decision Cited and Distinguished--Departmental Decision Applied So Far
As In Point.*

Case of Stockley et al v. United States (43 Sup. Ct. Rep., 186;--- U.S.,---), cited and distinguished; case of Veatch, Heir of Natter, on rehearing (46 L.D., 496), applied so far as in point.

Mattie J. Baird (On Petition); decided
March 19, 1923, by First Assistant
Secretary Finney.

Homestead Entry--Final Proof--Final Certificate--Final Receipt--Fees--Vested
Rights.

The receipt issued by the receiver for final commissions and testimony fees upon the submission of final proof by a homestead entryman is the "receiver's receipt upon final entry" within the meaning of that term as used in the proviso to section 7 of the act of March 3, 1891, and the mere suspension of the issuance of a final certificate does not operate to stop the running of the two-year period fixed by that act.

Court Decision Cited and Applied--Departmental Decisions Cited and Overruled So
Far As In Conflict.

Case of Stockley et al v. United States (43 Sup. Ct. Rep., 186;--- U.S.,---), cited and applied; case of Cornelius Willis et al., on petition (47 L.D., 135), overruled; case of Veatch, Heir of Natter, on rehearing (46 L.D., 496), overruled so far as in conflict. **

United States v. Heirs of Elizabeth Suvery and
Anton Schafer transferee; decided February 27,
1923, by First Assistant Secretary Finney.

*See decision in case of United States v. Heirs of Elizabeth Suvery and Anton Schafer, Transferee, 49 L.D.,--- in which a portion of Veatch, Heir of Natter, on rehearing, 46 L.D., 496, is overruled.

**See decision in case of Mattie J. Baird, on petition, 49 L.D.,--- in which a portion of Veatch, Heir of Natter, on rehearing, (46 L.D., 496) is adhered to.

Saline Land--Mineral Lands--Lease--California--Words and Phrases--Statutes.

The term "chlorides of sodium" as used in sections 23 and 24 of the act of February 25, 1920, includes ordinary table salt and salt in solution, and lands chiefly valuable for their salt springs or deposits of salt, except in San Bernardino County, California, are subject to exploration and lease under the provisions of those sections.

Saline Land--Mineral Lands--California--Act of February 25, 1920--Statutes.

The placer mining laws which were extended to saline lands by the act of January 31, 1901, were repealed in so far as they related to lands of that character by the general leasing act of February 25, 1920, except as to San Bernardino County, California, and except as to valid claims elsewhere existent at the date of the passage of the latter act.

Saline Land--Mineral Lands--California--Statutes.

Lands chiefly valuable for their salines in San Bernardino County, California, and valid claims for saline lands elsewhere initiated prior to leasing act that are excepted by section 37 of the said leasing act of February 25, 1920, from the operation of sections 23 and 24 of that act, are still subject to disposition under the placer mining laws as extended by the act of January 31, 1901.

Opinion of Solicitor Booth March 27, 1923; approved
by First Assistant Secretary Finney.

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OIL AND GAS PROSPECTING PERMIT--EXTENSION OF BOND.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

March 23, 1923.

National Surety Company,
National Savings Bank Building,
Washington, D. C.

Gentlemen:

The form of bond prescribed in General Land Office Circular No. 672, which contains the regulations under the act of February 25, 1920 (41 Stat., 437), limits the bond by its terms to the two-year period for which permits are granted under said act. Sections 2, 3, and 4 of permits under the oil-leasing act prescribe drilling operations as follows:

"2. Within six months from date hereof to install upon some portion of the lands a substantial and adequate drilling outfit and to commence actual drilling operations.

"3. Within one year from date hereof to drill one or more wells, not less than six inches in diameter, to a depth of at least 500 feet each, unless valuable deposits of oil or gas shall be sooner discovered.

"4. Within two years from date hereof to drill one or more wells to a depth of at least 200 feet, unless valuable deposits of oil or gas shall be sooner discovered."

An act approved January 11, 1922 (42 Stat., 356), authorizes extensions of time for compliance with the foregoing sections of these permits.

The Department has held that an extension of time for compliance with one of the drilling requirements does not diminish the period allowed for drilling to depths required by each succeeding requirement of a permit and, as such an extension will operate to extend the life of the permit beyond the two years for which it was originally granted, the permittee is required to procure an extension of his bond by the surety to cover the life of the permit as extended, or to furnish bond by the surety covering the period beyond the first two years.

Some difficulty has been experienced in securing satisfactory extensions of bonds by sureties. One of the chief difficulties has been the tendency to limit the extension of the bonds to the periods of extensions of time for the compliance with one of the drilling requirements of the permit, which, except as to the requirements of section 4 of said permit, is clearly inadequate.

Assent by the surety to continued liability on its bond will be acceptable if substantially in the following form:

"The _____ Surety Company, surety on the bond of _____ in connection with prospecting permit _____ serial No. _____, being bound by said bond for a period of two years from date of issuance of said permit hereby extends the period of liability under said bond for a period co-extensive with the life of the permit as extended by an (any) extension of time for compliance with one (any) of the drilling requirements of said permit."

Should the surety be willing to extend the bond to cover the life of the permit during all extensions of time the word "any" should be substituted where indicated.

You are requested to advise your agents who prepare these extensions of bond of the foregoing. Cooperation with this office in this respect will be appreciated and mutually advantageous.

Very respectfully,

WILLIAM SPRY,

Commissioner.

HAWAII NATIONAL PARK.

The Department of the Interior has just issued for free distribution a 16-page booklet on Hawaii National Park, which is described as a playground of easily accessible marvels available 365 days in the year. The booklet describes the various Park trips from the city of Honolulu.

The Park is comprised of three separate areas, two of which are on the Island of Hawaii, the third being on the Island of Maui; this latter, the Haleakala section, contains the largest extinct volcano in the world within the crater of which it is said could be placed the city of Philadelphia. The Kilauea section contains the famous "Lake of Everlasting Fire," which is so convenient of approach that automobiles are driven to the brink of the pit. The Mauna Loa section includes the huge crater of Mokuaweoweo at the summit of Mauna Loa, altitude 13,675 feet. The Mauna Loa trip is described as a 3-day riding or hiking excursion from the Kilauea Volcano and it is said the lave formations provide a variation of interests that more than rewards one for the rather strenuous climb. Copies of the Hawaii Park booklet may be obtained by addressing the National Park Service of the Department of the Interior, Washington, D. C.

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ANNETTE ISLANDS RESERVE, ALASKA--MINING CLAIMS--TIMBER CUTTING.

Under date of March 28, 1923, Assistant Secretary Goodwin in a letter addressed to the Commissioner of Education, in commenting on tentative regulations governing the location and development of mining claims within the Annette Islands Reserve, Alaska, said:

"This matter has received very careful consideration, and the conclusion has been reached that the Department will take no action permitting mining activities or the cutting or removing timber for sale from the Annette Islands without legislation by Congress."

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Modified and reissued March 3, 1923, in conformity with Departmental ruling that a Section 3 entry is an additional, not an original.

Circular No. 780.
1078667

DEPARTMENT OF THE INTERIOR,
General Land Office,

Washington. March 3, 1923.

:Instructions relative to
:additional stock-raising
:applications.

Registers and Receivers,

United States Land Offices.

Gentlemen:

Until further instructed, you will, when an additional application under the stock-raising homestead act of December 29, 1916 (39 Stat., 862), is filed, be particular, if the application is not one under section 4 of the act, to secure facts from the applicant sufficient to enable determination of whether the application is to be allowed under section 3 or section 5 of the act.

With this end in view you will require the applicant to state whether or not he owns and resides upon the land in his original entry. If this is the case the application will be allowed under section 5 of the act.

If the applicant does not own his original entry, or owns the same and does not reside thereon, or fails, after due notice, to make response, the application will be allowed under section 3 of the act.

Very respectfully,

WILLIAM SPRY,

Commissioner.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

February 24, 1923.

: Modification of Rule 4,
: Circular No. 795, relative to
: refunding prepaid rentals on
: oil and gas lands.

Registers and Receivers,

United States Land Offices.

Sirs:

For the convenience of lessees of oil and gas lands and to avoid the confusion resulting from the present practice of deducting from royalty paid in kind such quantity thereof as will equal in value the cash rental paid in advance, Rule 4 of Circular No. 795, dated December 8, 1921, is hereby modified to read as follows:

4. If the royalty is to be paid in kind only, the lessee shall deduct from the first accrued royalty product such quantity thereof as will, at the approved selling price on the date of deduction, equal in value the cash rental paid for that year; Provided, however, that by consent of the lessee the amount of annual rental paid in any one year may, in lieu of being refunded in oil, continue to be held by the government as a deposit through succeeding years subject to correction if the acreage of the lease shall change or to refund of any amount due when the lease shall terminate.

Very respectfully,

WILLIAM SPRY,

Approved: February 24, 1923.

Commissioner.

E. C. FINNEY,

First Assistant Secretary.

(5098)

Circular No. 875.
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

March 12, 1923.

To all Registers and Receivers,
Chiefs of Field Divisions,
Surveyors General, and Assistant
Supervisors of Surveys.

: Disposition of
: Useless Papers.

Gentlemen:

There is herewith inclosed copy of House Report No. 1713, 67th Congress, 4th Session, authorizing the disposition of useless papers in the Department of the Interior and subordinate bureaus and offices.

You will take prompt action covering the papers specifically enumerated on pages 11 to 13, inclusive.

In those offices where the volume of papers warrants such action, and where there is a market for same, the papers should first be mutilated so far as you may deem necessary, and then proposals should be invited for the purchase of the same as waste paper. No advertisement is necessary, but written notices of place and date of sale should be posted in conspicuous places and mailed to dealers and the sale conducted without expense to the Government. The entire proceeds of the sale must be deposited in a United States depository to the credit of the Treasurer of the United States on account of "Miscellaneous Receipts -- Proceeds of Sale of Waste Paper" under the provisions of Section 3618, Revised Statutes. The letter forwarding the duplicate certificate of deposit, on the back of which must be stated the material sold, the weight, and the price per pound, should report the date of sale and the amount of the proceeds and should mention this circular.

If the amount of records and papers involved is too small to warrant such action, or there is no market for waste paper, they may be mutilated and removed from the premises in the usual manner. The fact of such disposition should, however, be reported.

It is required that a report be made to Congress. This report will be prepared by this office from the duplicate certificates of deposit and the reports of destruction without sale. Full reference to this circular is therefore essential.

Very respectfully,

WILLIAM SPRY,

(5107)

Commissioner.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

March 7, 1923.

Register and Receiver,

Guthrie, Oklahoma.

Instructions on oil and gas permits and leases on lands south of medial line of Red River, in Oklahoma.

Sirs:

Your attention is called to the provisions of the act of Congress approved March 4, 1923 (Public No. 500), entitled "An act to authorize the Secretary of the Interior to issue to certain persons and certain corporations permits to explore, or leases of, certain lands that lie south of the medial line of the main channel of Red River, in Oklahoma, and for other purposes." A copy of the act is appended.

The "Regulations Concerning Oil and Gas Permits and Leases," as amended to October 29, 1920, Circular No. 672 (47 L.D., 437), contains the departmental instructions under the act of February 25, 1920 (41 Stat., 437), and they are hereby extended to the act of March 4, 1923, so far as applicable. Attention is called to the fact that not more than 160 acres may be granted by lease or permit to any one person or corporation, except where two or more claims have been assigned to one person or corporation, in which event the assignee is limited to the amount of his assigned interests, but not to exceed 640 acres. The following supplementary instructions are issued:

1. The application for an oil and gas prospecting permit or for a lease must be filed in the United States land office at Guthrie, Oklahoma, between the opening hour of March 5, 1923, and the closing hour of May 3, 1923. The application must be made under oath and the supporting papers certified or under oath as far as necessary and practicable. They should specifically include the following, and such additional matter as may be of assistance in establishing the right to relief:

A. Application:

- (a) Applicant's name and headquarters address.
- (b) Proof of citizenship of applicant, by affidavit of such fact, if native born; or if naturalized, by a certified copy of the certificate of naturalization on the form provided for use in public land matters, unless such a copy is already on file; if a corporation, by certified copy of articles of incorporation.

- (c) Whether the application is for a permit to prospect for oil and gas, or is for a lease based on a substantial discovery of oil or gas.
 - (d) Exact description of the land applied for and the acreage thereof. If the land is not embraced within the plat of an official survey, its boundaries must be located by an accurate, instrumental, ~~metes-and-bounds~~, closed survey, a point of which must be connected with an established corner of the approved public-land survey fronting on the left bank of Red River, in Oklahoma. A diagram of each river-bed location will be laid down upon a copy of the official "Map of Disposals of Lands Bordering Red River," which will be furnished for the purpose.
 - (e) The respective interests and the nature and extent thereof, of the applicant and all who claim with or through him.
 - (f) A full statement of the facts and a historical résumé of the origin and basis of the claim for relief, and of the chain of title under which it is asserted. It must be specifically shown on what date the applicant or his predecessor in interest initiated the rights upon which the claim for relief is based and the full circumstances of such initiation.
 - (g) A statement of any litigation that the land may be involved in, and of all adverse claims being asserted for the land or its production.
 - (h) An itemization and description of all improvements made by the applicant or his predecessor in interest and the dates during which they were made, together with a map or sketch showing their location. Full details of the nature, extent, and date of any discovery of oil or gas must be shown.
 - (i) Statement of all interests being held or applied for under this act by each applicant.
 - (j) Agreement to permit the inspection or to furnish copies of all records having a bearing on the application.
- B. Detailed statement by months of all past production up to date of filing the application, giving value of the production and to whom disposed.
 - C. Antecedential quitclaim deed to the United States of the involved land from the applicants and the claimants of record.
 - D. Authority of any representative of an individual or corporation to act.
 - E. A certified stocklist, if the application is made by an association or corporation, showing name and address and number of shares of each stockholder, together with a statement as to the citizenship of the stockholders. The stocklist will be retained in the confidential files.

- F. A certified abstract of title brought down to the date of the application, which must be filed within thirty days after application.

The application (A) and the supporting papers (B to D, inclusive,) must be filed in duplicate. Only one copy of the stocklist and the abstract of title should be filed. A bond for the protection of the oil strata or deposits against improper methods of drilling and operation need not be filed at time of making the application for a permit or lease.

2. Applications, so far as possible, should be prepared from the viewpoint that lease or permit, if issued, will be granted to the claimants of record; if any of these are not brought into the application, their absence must be explained and the fullest evidence presented that they can not be brought into the application. Protests will be received at any time up to the issuance of permits or leases, but neither a protest nor a notice of intention to make application can be used as the basis of an application. A full and formal application as indicated under paragraph A above must be filed within the stated sixty-day period, but the supporting papers may be filed within a reasonable time thereafter if proper reasons for the delay are shown.

3. Applicants should note that under the terms of the act the following conditions are necessary to the issuance of a permit or lease:

- (a) That the title to the oil and gas is in the United States.
- (b) That the lands lie south of the medial line of the main channel of Red River, Oklahoma.
- (c) That the lands were claimed and possessed by the applicant or his predecessor in interest prior to February 25, 1920.
- (d) That such claim and possession prior to February 25, 1920, was in good faith.
- (e) That expenditures were made upon the land and with reasonable diligence in an effort to discover or to develop oil or gas.

4. The act states "That after the adjudication and disposition of all applications under this act any lands and deposits remaining unappropriated and undisposed of shall, after date fixed by order of the Secretary of the Interior, be disposed of in accordance with the provisions of said act of February 25, 1920." Due notice in accordance therewith will be given at the proper time, but until such notice is given no application can be received under said act of February 25, 1920, nor will any rights be acquired by any application prior to the announced date.

WILLIAM SPRY,

Commissioner.

Approved:

HUBERT WORK,
Secretary.

An Act to authorize the Secretary of the Interior to issue to certain persons and certain corporations permits to explore, or leases of certain lands that lie south of the medial line of the main channel of Red River, in Oklahoma, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to adjust and determine the equitable claims of citizens of the United States, and domestic corporations to lands and oil and gas deposits belonging to the United States and situated south of the medial line of the main channel of Red River, Oklahoma, which lands were claimed and possessed in good faith by such citizens or corporations, or their predecessors in interest, prior to February 25, 1920, and upon which lands expenditures were made in good faith and with reasonable diligence in an effort to discover or develop oil or gas, by issuance of permits or leases to those found equitably entitled thereto.

Sec. 2. That applications for permits and leases under this Act shall be made to the Secretary of the Interior, and shall be made within and not after sixty days from and after the date that this Act becomes a law. Leases and permits under this Act may be granted to the assignees or successors in interest of the original locators or the original claimants in all cases where the original locators or original claimants have assigned or transferred their rights, but when leases or permits are granted to the assignees or successors in interest of the original locators or original claimants the said leases and permits shall be subject to all contracts, not contrary to law or public policy, between the original locators or original claimants and their successors in interest.

In case of conflicting claimants for permits or leases under this Act, the Secretary of the Interior is authorized to grant permits or leases to one or more of them as shall be deemed just.

Sec. 3. That not more than one hundred and sixty acres shall be granted by leases or permits to any one person or corporation, except in those cases where two or more locations or claims have been assigned to one person or corporation, and in such cases not more than six hundred and forty acres shall be granted by leases or permits to any one person or corporation.

Sec. 4. That each lessee shall be required to pay as royalty to the United States an amount equal to the value at the time of production of $12\frac{1}{2}$ per centum of all oil and gas produced by him prior to the issuance of the lease, except oil or gas used on the property for production purposes or unavoidably lost; and shall be required to pay to the United States a royalty of not less than $12\frac{1}{2}$ per centum of all oil and gas produced by him after the issuance of the lease, except oil and gas used on the property for production purposes or unavoidably lost. Of the proceeds of the oil and gas that have

been produced or that may hereafter be produced by the receiver of said property, appointed by the Supreme Court of the United States, 12½ per centum as royalty shall be paid to the United States, and the residue after deducting and paying the expenses of the litigation incurred by the United States and the expenses of the receivership shall be paid to the person or corporation to whom may be granted a lease of the land on which said oil and gas were produced: Provided, That the Secretary of the Interior is authorized and directed to take such legal steps as may be necessary and proper to collect from any person or persons who shall not be awarded a permit or lease under this Act and amount equal to the value of all oil and gas produced by him or them from any of said lands prior to the inclusion of said property in the receivership, except oil or gas used on the property for production purposes or unavoidably lost/^{and} except other reasonable and proper allowances for the expenses of production: Provided further, That of the amount so collected, 12½ per centum shall be reserved to the United States as royalty and the balance after deducting the expense of collection shall be paid over to the person or persons awarded permits or leases under this Act, as their interests may appear.

Sec. 5. That except as otherwise provided herein the applicable provisions of the Act of Congress approved February 25, 1920, entitled "An Act to permit the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," shall apply to the leases and permits granted hereunder, including the provisions of sections 35 and 36 of said Act relating to the disposition of royalties: Provided, That after the adjudication and disposition of all applications under this Act any lands and deposits remaining unappropriated and undisposed of shall, after date fixed by order of the Secretary of the Interior, be disposed of in accordance with the provisions of said Act of February 25, 1920: Provided further, That upon the approval of this Act the Secretary of the Interior is authorized to take over and operate existing wells on any of such lands pending the final disposition of applications for leases and permits, and to utilize and expend in connection with such administration and operation so much as may be necessary of moneys heretofore impounded from past production or hereafter produced, and upon final disposition of applications for and the issuance of leases and permits, after deducting the expenses of administration and operation and payment to the United States of the royalty herein provided, to pay the balance remaining to the person or company entitled thereto: And provided further, That out of the 10 per centum of money hereafter received from royalties and rentals under the provisions of this Act and paid into the Treasury of the United States and credited to miscellaneous receipts, as provided by section 35 of the said Act of February 25, 1920, the Secretary of the Interior is authorized to use and expend such portion as may be required to pay the expense of administration and supervision over leases and permits and the products thereof.

Sec. 6. That nothing in this Act shall be construed to interfere with the possession by the Supreme Court of the United States, through its receiver or receivers, of any part of the lands described in section 1 of this Act, nor to authorize the Secretary of the Interior to dispose of any of said lands or oil or gas deposits involved in litigation now pending in the Supreme Court of the United States, until the final disposition of said proceeding.

The authority herein granted to the Secretary of the Interior, to take over and operate oil wells on said lands, shall not become effective until the said lands shall be, by the Supreme Court of the United States, discharged from its possession. And nothing in this Act shall be construed to interfere with the jurisdiction, power, and authority of the Supreme Court of the United States to adjudicate claims against its said receiver, to direct the payment of such claims against the said receiver as may be allowed by the said court, to settle the said receiver's accounts, and to continue the receivership until, in due and orderly course, the same may be brought to an end. The Supreme Court of the United States is hereby authorized, upon the termination of the said receivership, which the Attorney General is hereby directed to apply for and secure at the earliest practicable date, to direct its receiver to pay to the Secretary of the Interior all funds that may at that time remain in the hands of the said receiver; and when said funds shall be paid to the Secretary of the Interior the same shall be administered as in this Act provided.

Sec. 7. That the Secretary of the Interior is authorized to prescribe the necessary and proper rules and regulations and to do any and all things necessary to carry out and accomplish the purposes of this Act.

Approved, March 4, 1923.

Circular No. 877.
DEPARTMENT OF THE INTERIOR

General Land Office

Washington

March 7, 1923.

: Accounts --Deposits--Modifica-
: tion of Paragraph 84, Circular
: No. 616.

Registers and Receivers,

United States Land Offices.

Gentlemen:

It is quite evident that Treasury regulations concerning prompt deposit of public moneys are not being strictly complied with, and as Paragraph 84, Circular No. 616 is not very specific on this matter, the following instructions are given:

The requirement in Treasury Circular No. 105a, 1917, that receivers of public moneys living in the same city or town with a duly authorized depository must deposit their receipts at the close of the day has reference to the close of the banking day and, so far as national bank depositories are concerned, refers only to cash receipts, that is currency, coin, post-office money orders, and express money orders, all of which are considered as cash, and are to be deposited in the form received.

Treasury Circular No. 176, 1922, is more specific and directs that all cash received shall be deposited with the general national bank depository (if there is one in the same town), and that checks (and this includes bank drafts if such paper is accepted) shall be forwarded for deposit each day to the Federal Reserve Bank of the district in which the register's or receiver's office is located.

Particular attention is called to the fact that checks must be forwarded for deposit each day to the Federal Reserve Bank of the district; they are not to be deposited with nor forwarded to a national bank depository, and are not to be deposited with Federal Reserve branch banks unless such branch bank is located in the same town with the depositor. That is, the only officers authorized to deposit checks with any bank other than the Federal Reserve Bank are those located at Little Rock, Los Angeles, Denver, Helena, Portland, Salt Lake City, Seattle, and Spokane.

The officers located in those towns must deposit cash and checks daily with the local Federal Reserve branch bank and the receiver at San Francisco must deposit cash and checks daily with the Federal Reserve Bank of San Francisco.

Cash received by officers in towns where there are national bank depositories but no Federal Reserve Bank or branch banks must be deposited daily

with the designated depository and checks received at those offices must be forwarded for deposit daily to the Federal Reserve Bank of the district, as must also checks received in the offices in towns where there are neither Federal Reserve Banks, branch banks, or national depositories.

Permission to hold deposits until they amount to approximately \$500 is only granted to those receiving officers who are located at a distance from a national bank or other designated depository.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved: March 7, 1923,

E. C. FINNEY,

First Assistant Secretary.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

March 12, 1923

: Relative to Contract for
: Telephone Service.

Registers and Receivers,
United States Surveyors General,
Chiefs of Field Division,
Supervisors of Surveys, and
Assistant Supervisors of Surveys.

Gentlemen:

IMPORTANT. READ CAREFULLY.

There are herewith inclosed 5 blank forms of contract to be executed for telephone service to be furnished your office during the fiscal year ending June 30, 1924, which you will have fully completed and return 2 originals and 1 copy thereof to this office for approval. One copy is to be kept in the files of your office and the other copy handed to the telephone company or its representative. The contract should be completed in sufficient time to insure its receipt at this office about the first of the fiscal year or shortly thereafter.

Before preparing the contract you will read the form carefully so as to avoid duplication of any of the articles already contained in the printed form. After completing the contract you will number the articles contained therein.

Immediately after the word "follows" in the second paragraph of the form you will insert the following sentence:

"This contract is made subject to the approval of the Secretary of the Interior."

Under Article 1 a complete and comprehensive statement as to the service to be furnished and the rate per month charged therefor should be made, both the name of the office for which the service is to be furnished and the town in which it is located should be mentioned; and the period covered by the contract (July 1, 1923 to June 30, 1924), should be stated.

It is the desire of this office to get the telephone companies to contract for a definite rate per month throughout the entire fiscal year. That is, the contract should not contain a clause that the rate mentioned there in is subject to change in accordance with the rates established by the lawful regulatory body of the State. In a number of contracts covering telephone service for the current fiscal year we experienced considerable difficulty in getting the telephone companies to contract for a definite rate, but in a great many cases where we objected to the clause providing that the rates were subject to change in accordance with the rates established by the lawful regulatory

body of the State, the companies acceded to our wishes in the matter and eliminated the clause from the contract. You will therefore make every effort to secure a contract providing for a definite rate. In the event, however, the telephone company absolutely declines to enter into a contract providing for a definite rate, this office is willing to recommend to the Department the approval of a contract providing that the rate specified therein shall obtain until changed by the regulatory body of the State, provided there is inserted immediately thereafter a clause reading substantially as follows:

"Provided, That either party to this contract shall have the right to terminate same on 10 days written notice to that effect."

Whether the contract provides for an indefinite rate or not the above clause should be incorporated therein.

The following instructions relative to the preparation of the contract should also be strictly observed in every respect:

1. Each signature to the contract must be witnessed by at least 2 persons. The signatures of the parties to the contract and the signatures of the witnesses should be plainly written, and the post-office addresses of the parties and witnesses must appear. The names of all the parties to the contract must be written in full; signatures by initials will not be accepted. All dates should be plainly written and all blank spaces carefully filled. The notary public's jurat must not be executed prior to the date of the contract.
2. In cases of local land offices where there are both a register and a receiver, both officials must sign the contract and execute the oath of disinterestedness, and the names of both officials must appear in the blank spaces provided therefor at the beginning of the contract form.
3. The oath of disinterestedness must be executed on the 2 originals of the contract and copied into the 3 copies thereof so that all may be complete.
4. Where the contract is between the Government and a corporation or an incorporated company (which will undoubtedly be the case in all telephone contracts), it may be executed in the name thereof by the officer authorized to do so by by-law or resolution, but in all such cases a certificate from the secretary or other officer having charge of the corporation seal, that the board of directors or executive committee duly authorized the making of the contract for and on behalf of the company by such individual must be furnished; the act of such officer in executing the contract is binding upon the company or corporation represented by him, and the manner of affixing the signature thereto must be by first signing the name of the company followed by the signature of the party authorized to act therefor. For example:

(Name of Company)
By _____
(Official Title)

The fact that the certificate of authority to sign is on file with the contract for the preceding year will not be accepted as an excuse for failing to furnish the required certificate with the contract for the fiscal year 1924, for the reason that (1) each contract must be complete in itself, and (2) that there is

no evidence on file in the Department that the authority to sign has not been withdrawn since the execution of the preceding contract.

5. The corporation seal must be affixed to the 2 originals of the contract. The affixing of the seal to the contract will be accepted as sufficient evidence of the corporate existence of the corporation or incorporated company..

On July 1, 1923, authorization will be issued by this office to cover the cost of the telephone service. If there are any changes in the rates from those authorized during the fiscal year 1923, you should immediately advise this office thereof so that appropriate action may be taken thereon.

During the current fiscal year this office experienced considerable difficulty in getting telephone contracts properly executed. By carefully reading and strictly observing the instructions contained herein a great deal of unnecessary correspondence, with the resulting delay in the approval of the contract, can be avoided..

Very respectfully,

WILLIAM SPRY,

Commissioner.

Circular No. 879,
DEPARTMENT OF THE INTERIOR

General Land Office

Washington

March 9, 1923.

: Instructions under Supreme
: Court decisions involving
: confirmation under section
: 7, act of March 3, 1891.

Chiefs of Field Division.

Sirs:

I inclose herewith for your information a photographic copy of the decision of the Supreme Court of the United States in Thomas J. Stockley, et al., Appellants, vs. The United States, decided January 2, 1923.

The court held in said case that after the lapse of two years from the date of the issuance of the receiver's receipt upon the final entry of any tract of land under the homestead, timber-culture, desert-land, or pre-emption laws, such entryman is, there being no pending contest or protest against the validity of such entry, entitled to patent under the proviso to section 7 of the act of March 3, 1891, regardless of whether the register's final certificate has issued or not.

The Supreme Court of the United States in Payne vs. Newton (255 U.S., 438), decided that Newton was entitled to a patent on his homestead entry under the proviso to section 7 of the act of March 3, 1891, two years having elapsed from the date of the issuance of the receiver's final receipt upon final entry, and there being no contest or protest pending against the validity of the entry, but stated that the purpose of the statute was:

"To require that the right to a patent which for two years has been evidenced by a receiver's receipt, and at the end of that period stands unchallenged, shall be recognized and given effect by the issue of the patent without further waiting or delay, and thus to transfer from the land officers to the regular judicial tribunals the authority to deal with any subsequent controversy over the validity of the entry, as would be the case if the patent were issued in the absence of the statute."

Patent was issued to Newton in accordance with the said decision of the Supreme Court, but the Department has been officially advised by the Department of Justice that a suit has been instituted to set aside the patent.

You will immediately carefully examine your records to determine the cases affected by said decisions, and divide such cases into two groups as follows:

(1) Entries in which the two-year period will elapse during the coming field season.

(2) Entries which are already confirmed under said court decisions.

In the matter of the first group you will have investigations made and reports submitted in time for this office to take action against such entries as are found bad, within the two-year period, making your investigations special and your recommendations by wire as to cases nearing confirmation, if necessary.

As to entries within the second group, you will have investigations made as soon as practicable, and where it is found that an entryman did not comply with the law, and made a false and fraudulent proof, make recommendation as to whether, in the event patent is issued under the confirmatory proviso to the act of March 3, 1891, suit should be instituted to set it aside.

You will at once examine your dockets of cases pending for hearing and postpone hearings on any which appear to be confirmed and report them to this office for action.

This office has in the past proceeded against and canceled entries which could be held to be confirmed under said court decisions. Such cases will, upon proper application, be reinstated and patented as confirmed, provided the lands are not appropriated by a claimant under the homestead or desert-land laws, or patented to a claimant under other public-land laws. This office will then consider the question as to whether the patents so issued shall be attacked, and direct such field investigations as may be necessary. Where, however, the lands in such canceled entries have been patented to others, or are appropriated by claimants under the homestead or desert-land laws, no action will be taken by this office looking toward the reinstatement of the canceled entries, but the entrymen will be left to their remedy under the act approved January 27, 1922 (42 Stat., 359), which provides:

"In all cases where a final entry of public lands has been or may be hereafter canceled, and such entry is held by the Land Department or by a court of competent jurisdiction to have been confirmed under the proviso to section 7 of the act of March 3, 1891 (Twenty-six Statutes, page 1099), if the land has been disposed of to or appropriated by a claimant under the homestead or desert-land laws, or patented to a claimant under other public-land laws, the Secretary of the Interior is authorized, in his discretion, and under rules to be prescribed by him, to change the entry and transfer the payment to any other tract of surveyed public land, nonmineral in character, free from lawful claim, and otherwise subject to general disposition: Provided, That the entryman, his heirs, or assigns shall file a relinquishment of all rights, title, and interest in and to the land originally entered: Provided further, That no right or claim under the provisions of this paragraph shall be assignable or transferable."

Instructions under said act of January 27, 1922, are contained in Circular No. 817 (48 L.D., 595).

Respectfully,
WILLIAM SPRY, Commissioner.

Approved: March 9, 1923.

E. C. PINNEY, First Assistant Secretary.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

March 10, 1923.

: Use of Iron Posts in
: Forest Homestead Entry
: Surveys.

United States Surveyors General.

Gentlemen:

Provision was made for the use of iron corner posts for homestead entry surveys by letter "E", dated February 10, 1916, addressed to the Forester, Forest Service, but details as to marks were omitted. As the use of the standard iron corner post, with concrete core and brass cap, for monumenting such surveys, is becoming general, it becomes necessary to devise a system of marks to furnish a ready identification of the character and position of the monument which bears the marks. Obviously the marks must be in harmony with the requirements of Circular No. 235, sections 7, 9, 12, 13, 14, and 16.

The markings upon the brass cap on an iron post should always be made to read from the south side of the monument, and all posts should be marked with the year number at the date when established, which should appear in the south segment of the cap. Above the date will be cut a diagram representing the lines of the survey involved. The numbers, designating the corner and the survey, will be cut, with appropriate steel dies, in that sector of the cap's diagram which faces and represents the tract of the survey.

The accompanying diagram illustrates the desired markings for all the corners of entry surveys. Where, due to a road exemption strip, two or more tracts are involved in the survey, it will be unnecessary to add to the marks the alphabetical designation of the tract, as all corners are numbered serially regardless of tracts.

Some confusion exists as to the placement of pits (the mound of earth is no longer required) when used as accessories for closing corners. To avoid this, it is only necessary to remember that the closing line is always the line of the entry survey, which closes upon, or is projected from, the section line. Three pits, 18 inches square, 12 inches deep, are required; one on the closing line, and one each to the right and left of the corner monument on the section line (or whatever line is closed upon), at a distance of 3 feet, measuring from the nearest side of the pit; the removed earth will be scattered. No pit should be dug in a roadway, or in ground where the surface conditions are such as to insure their destruction, or where suitable stone for a mound is at hand.

While the Forester, in his letter of August 28, 1915, suggested an iron pipe, 3 feet long, 2 inches in diameter, filled with concrete, with $2\frac{1}{4}$ inch bronze cap, the use of such a post 1 inch in diameter, set $\frac{3}{4}$ its length in the ground, will be satisfactory, the Forest Service concurring.

Very respectfully,

WILLIAM SPRY,

Commissioner.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

March 14, 1923.

: Instructions as to measure of damages
: in trespass cases under the Supreme.
: Court decision in Mason et al. vs.
: United States.

Chiefs of Field Division.

Sirs:

I inclose herewith for your information a photographic copy of the decision of the Supreme Court of the United States in Sam W. Mason, et al. vs. United States, decided January 2, 1923.

You will observe that the Court holds that the measure of damages for the oil trespass involved is within the controlling scope of State legislation, and that the Court stated:

"Here, while the suit is one in equity, the statute and decisions relied upon have nothing to do with the general principles of equity or with the federal equity jurisdiction, but simply establish a measure of damages applicable alike to actions at law and suits in equity."

Hereafter the rule of damages to be applied in cases of timber, coal, oil and other trespass will, in accordance with said decision, be the measure of damages prescribed by the laws of the State in which the trespass is committed.

In view of the foregoing you will, both as to your pending trespass cases and cases that may arise in the future, ascertain the laws of the State in which the trespass was committed as to measure of damages, and make your demands for settlement and your recommendations to this office in accordance therewith, citing in your reports to this office the book and page of the State statutes and the decisions on which your recommendations are based.

If a trespass is committed in a State where there is no State law governing such trespass, the measure of damages will be as follows:

TIMBER.

1. Where the trespass is willful, the full value of the property at the time and place of demand, or of suit brought, with no deduction for labor and expense.
2. In case of an unintentional or mistaken trespass, or an innocent vendee from such trespasser, the value at the time of conversion, less the amount which the vendor has added to its value.

3. In case of a purchase without notice of wrong from a willful trespasser, the value at the time of purchase. *Woodenware Co. v. United States* (106 U. S., 432).

TURPENTINE.

1. Innocent Trespass. Value of the gum, and injury done to the trees. *United States v. Taylor* (35 Fed., 484).
2. Willful Trespass. Value of the product manufactured from the crude turpentine by the settler, or any person into whose possession same may have passed, without credit for labor bestowed on the turpentine by the wrongdoer. *Union Naval Stores Co. v. United States* (240 U. S., 284).

COAL.

1. Innocent Trespass. Value of the coal in place, before severance. *United States v. Homestake Mining Co.* (117 Fed., 481).
2. Willful Trespass. Full value of the property at time of conversion, without deduction for the labor bestowed or expense incurred in removing and preparing it for market. *United States v. Ute Coal and Coke Co.* (158 Fed., 20).

ORES.

Measure of damages is the same as in the case of coal. *Benson Mining and Smelting Co. v. Alta Mining and Smelting Co.* (145 U. S., 428). *Durant Mining Co. v. Percy Consolidated Mining Co.* (93 Fed., 166).

CIL.

1. Innocent Trespass. Value of oil taken, less amount of expense incurred in taking the same.
2. Willful Trespass. Value of the oil taken without credit or deduction for the expense incurred by the wrongdoers in getting it. *Mason v. United States* (173 Fed., 135).

The cases now pending in this office for action will be adjudicated in accordance with the above instructions.

Respectfully,

WILLIAM SPRY,
Commissioner.

Approved: March 14, 1923.
E. C. FINNEY,
First Assistant Secretary.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

March 20, 1925.

ACCOUNTS: Depositing disbursing
balances.

Surveyors General,
Registers and Receivers,
and Special Disbursing Agents.

Sirs:

Treasury Department Circular No. 281, 1922, from which the following extracts are quoted requires all disbursing officers,

when making deposits to the credit of the Treasurer of the United States, with Federal Reserve Banks and branches, the Treasurer of the United States, or a designated depository of public moneys, to separate from all other classes of deposits those which return to the Treasury unexpended balances from funds advanced upon accountable warrants issued upon requisitions, or received as a transfer of funds from an officer to whom the funds were originally advanced.

Such separate deposits should be made when disbursing officers deposit unexpended balances of current annual or other appropriations during or after the close of the fiscal year, and when a disbursing officer resigns or otherwise leaves the service, or when he renews his bond or gives a new bond.

In transmitting for deposit official checks drawn on the Treasurer of the United States, exclusively representing such unexpended disbursing balances, disbursing officers will make special request in each case in the letters of transmittal that the certificates of deposit issued therefor state clearly that the amounts thereof represent 'Unexpended disbursing balances repaid to the Treasury for credit to appropriations named and from which advanced.'

All checks drawn on the Treasurer of the United States which return to the Treasury unexpended disbursing balances should be deposited either with the Treasurer of the United States or with Federal Reserve Banks or branches, and not with other depositories.

The circular indicates that deposits of cash on account of unexpended disbursing balances may be made with a local national bank depository (with the same requirement as to their being kept separate, and as to what the certificates shall show) but that if such cash is first deposited to official credit with the Treasurer the above-quoted instructions apply.

Very respectfully,
WILLIAM SPRY,

Commissioner.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

March 22, 1923.

: Regulations for payments
: on Fort Peck Indian lands.

Register and Receiver,

Glasgow, Montana.

Gentlemen:

Under date of June 29, 1921, this office transmitted to you a copy of Departmental Order of June 24, 1921, directing that pending consideration by Congress of S. J. Res. 64, entitled: "Joint Resolution for the relief of delinquent homesteaders on the Fort Peck Indian Reservation in Montana," and prior to January 1, 1922, no entry on the reservation should be canceled for failure of the entryman to make the required payments either of principal or interest. The proposed bill was passed by the Senate on July 7, 1921, and by subsequent orders of the Secretary the time for the suspension of adverse action was extended until March 4, 1923, with the belief that prior to that date, the proposed legislation would be enacted into law.

The sixty-seventh Congress having adjourned on March 4, 1923, without passing the proposed bill and the conditions on the Fort Peck Reservation being well known to this office, it is proposed to render such relief as is consistent with existing law and as will make it possible for those persons who have settled upon the lands in good faith, for the purpose of securing homes to retain the lands entered.

Any entryman who is in default in his payments and who is unable to make such payments will be allowed to file in your office an affidavit corroborated by two persons setting out his inability to make the required payments and the reasons therefor. He will be required to accompany this affidavit with the payment of all interest money in which he is in default up to that date. Upon the receipt and acceptance of the affidavit, and the interest payments, all adverse action on the entry for failure to make the required installments-payments will be suspended for one year.

You will not collect interest in advance for the time during which the entry is held in suspension but the amount and manner of collecting such interest will be determined by any subsequent legislation which may be enacted for the relief of these homesteaders.

You will promptly serve notice on each entryman who is in arrears, in the matter of payments, that he will be allowed thirty days from receipt of notice hereof, within which either, to make the required payments both of principal and interest, or to file the affidavit herein described, accompanied by the interest in which he is in default. You will in the notice to each entryman hold his entry for cancellation, and provide that if the affidavit is not filed and the interest paid within the time required, you will report his entry to this office for cancellation.

At the expiration of the time allowed, promptly report the action taken by each entryman to this office.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved: March 22, 1923,

E. C. FINNEY,

First Assistant Secretary.

Circular No. 885.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

March 28, 1923.

Registers and Receivers,

United States Land Offices:

Gentlemen:

: Registers' returns to be made
: semi-monthly. Circular No. 616
: amended. Circular No. 621 abro-
: gated.

The instructions contained in paragraphs 40 to 53, inclusive, of Circular No. 616 approved August 9, 1918 (46 L.D., 513), are hereby amended as follows:

Beginning April 1, 1923, you will transmit your returns of business semi-monthly. All business for the first half of the month (1 to 15, inclusive), will be forwarded not later than the third working day after the 15th, and all business for the last half of the month will be forwarded not later than the third working day of the succeeding month, excepting, of course, filings which are required to be held in your office for a definite period, those suspended pending action upon petitions for designation of the lands applied for, and rejected applications, proofs, etc., held during the period allowed for appeal. In other words, all filings which are complete so far as your office is concerned on the 15th or last day of the month, except such as are to be sent up special, shall be forwarded to this office semi-monthly.

All returns must be accompanied by the general schedule of serial numbers, schedule of allowances and all classified schedules. Where the serial numbers assigned during the month are not more than a page, the general schedule of serial numbers submitted with the returns for the last half of the month must be a complete schedule for the month. This will necessitate in such cases the rewriting of the schedule for the first half of the month but will reduce the number of pages of the general schedule and conserve space.

It will not be necessary hereafter to prepare a "summary" for the schedule of allowances but the body of the schedule will be totaled as to number, area, and amount.

Copies of the schedules furnished chiefs of field divisions and district foresters under paragraphs 51 and 52 of Circular No. 616 will be transmitted to said officers semi-monthly.

Paragraph 44 (h), Circular No. 616, is hereby amended to read as follows: "Suspended final proofs, proofs protested by Forest Service and chief of field division, and all suspended original applications, except those filed in accordance with the leasing act of February 25, 1920 (on Form 4-115)." In the remarks column show reason for suspension and if transmitted by special letter, date of such transmittal. This schedule will be headed "Suspended Applications and Proofs," instead of "Protested Proofs," as at present.

The returns for the first half of the month must also be accompanied by the memorandum copies of receipts (Form 4-131) issued during the period, and, in addition to the copies now furnished, an extra copy of the abstract of moneys returned or applied (Form 4-103a) and of the abstract of moneys applied (Form 4-103b). Before transmitting the memorandum copies of receipts you will prepare (but hold in your office) the abstract of moneys received (Form 4-103), said abstract and the applied abstracts to be completed at the end of the month, in duplicate, and mailed in the usual manner. Your accounts will be submitted at the end of the month or quarter in the same manner and form as heretofore, except that the memorandum copies of receipts will cover only the last half of the month. Should the corresponding portion of the applied abstracts as submitted at the end of the month differ in any respect from the copies accompanying the returns for the first half, report of same must be attached to the monthly account.

To expedite the transmittal of the semi-monthly returns, you should get them ready from day to day, or every few days, so that it will not be necessary to do all the work at the end of the period. The general schedule of serial numbers (with the exception of the remarks column), the abstract of moneys received, the abstract of moneys returned or applied, and the abstract of moneys applied should be typewritten every few days or as often as the items fill a page. Such practice will help considerably, especially in the larger offices. The schedule of allowances and the classified schedules can not of course be prepared until the end of the period.

Circular No. 621 dated October 9, 1918, requiring the transmittal at the end of each week of withdrawals of applications to enter, is hereby abrogated, and you will hereafter include all such withdrawals with your returns. In connection with such withdrawals, also withdrawn applications and withdrawn final proofs, you will return by your official check all moneys returnable under paragraph 85 of Circular No. 616 and note on the paper transmitted, with pen and ink or rubber stamp, the amount, check number, and date.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved:

HUBERT WORK,

Secretary.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

1078291

PUBLIC LANDS RESTORED TO HOMESTEAD ENTRY AND OTHER DISPOSITION BY
PROCLAMATION, EXECUTIVE OR DEPARTMENTAL ORDER.

---O---

Preference Rights to Ex-Service Men of the War with Germany.

General Method of Opening:

By virtue of Public Resolution No. 29, of February 14, 1920 (41 Stat., 434), as amended by Public Resolutions Nos. 36 and 79, approved January 21 and December 28, 1922, respectively, hereafter and until February 15, 1930, when any surveyed lands within the provisions of the public resolutions are opened or restored to disposition under the authority of the Department, such lands, unless otherwise provided in the order of restoration, shall become subject to appropriation under the laws applicable thereto in the following manner, and not otherwise:

Lands not affected by the preference rights conferred by the acts of August 18, 1894 (28 Stat., 394), or June 11, 1906 (34 Stat., 233), or February 14, 1920 (41 Stat., 407), will be subject to entry by soldiers under the homestead and desert-land laws, where both of said laws are applicable, or under the homestead law only, as the case may be, for a period of 91 days, beginning with the date of the filing of the township plat in the case of surveys or resurveys, and with the date specified in the order of restoration in all other cases, and thereafter to disposition under all of the public land laws, applicable thereto, except where homestead entrymen are granted a prior preference period under the order. For a period of 20 days and for a like period prior to the date or dates such lands become subject to entry by the general public, soldiers in the first instance, and any qualified applicants in the second, may execute and file their applications, and all such applications presented within such 20-day periods, together with those offered at 9 o'clock a.m., standard time, on the dates such lands become subject to appropriation under such applications, shall be treated as filed simultaneously.

Unsurveyed lands are not subject to homestead or desert-land entry. A homestead entry may embrace 160 acres, or an approximation thereof, and where the lands are of the character contemplated by the 320 or 640 acre homestead acts, applications for the unappropriated lands may be filed by qualified persons, under either of said acts; accompanied by proper petitions, if undesignated, for the designation of lands thereunder, and such applications will be suspended pending determination as to the character of such lands.

The following are restorations or openings which will occur in the near future and concerning which further information may be obtained from the local offices:

(343)

UTAH: FROM RANGER STATION WITHDRAWAL.

Forty acres in the Vernal land district, and near the Ashley National Forest, open to surface homestead or desert entry by ex-service men of the war with Germany for 91 days, beginning April 5, 1923. Filings may be presented within the 20 days prior to that date. On and after July 6, 1923, if the tract should remain unentered, it will be open to appropriation under any applicable public land law by the general public.

(344)

COLORADO:
UTAH: FROM TEMPORARY WITHDRAWAL..

60.96 acres in the Durango district, Colorado, and 120 acres, in non-contiguous tracts, in the Salt Lake City district, Utah, open to entry under the homestead and desert-land laws to ex-service men of the war with Germany for a period of 91 days, beginning March 2, 1923, with a waiver of the oil and gas content to the United States, as the lands are embraced in permits to explore for oil and gas under the act of February 25, 1920 (41 Stat., 437), and subject to the right of the permittee or lessee to use so much of the surface of the land as may be necessary in prospecting or extracting and removing the mineral deposits without compensation to the non-mineral entrymen. On and after June 2 any of the land remaining unentered will be subject to appropriation under the applicable public land laws by the general public, non-mineral entries being subject to the conditions above mentioned. The lands were released March 2 from temporary withdrawal pending determination as to the advisability of including the same in a national monument.

CALIFORNIA,
 COLORADO,
 IDAHO,
 MONTANA.

LANDS OPENED TO ENTRY THROUGH
 SURVEYS AND RESURVEYS.

The official plats of the survey and resurvey of public lands have been transmitted to Surveyors General with instructions to transmit copies thereof to United States land offices for official filing as follows:

Ts. 2 and 3 N., R. 14 E., and T. 4 N., R. 13 N., S.B.M., California, January 13, 1923, and T. 17 S., R. 5 E., and T. 25 S., R. 8 E., M.D.E.S., California, with letter of March 14, 1923, approximately 16,000 acres; United States land offices at Los Angeles and San Francisco.

T. 3 S., R. 74 W., and T. 7 S., R. 94 W., 6th P.M., Colorado, January 13 and 14, 1923, approximately 7,400 acres; United States land office at Denver.

T. 12 S., R. 4 W., B.M., Idaho, March 13, 1923, approximately 10,900 acres; United States land office at Boise.

T. 5 S., R. 48 E., T. 2 S., R. 53 E., T. 1 S., Rs. 45 and 54 $\frac{1}{2}$ E., Ts. 1 N. and 1 S., R. 55 E., Ts. 8 and 9 S., R. 56 E., T. 3 N., R. 57 E., T. 4 S., R. 57 E., T. 5 S., R. 59 E., T. 2 S., R. 61 E., and T. 25 N., R. 37 E., P.M., Montana, letters March 7 and 12, 1923, approximately 139,000 acres; United States land offices at Miles City and Glasgow.

The dates of filing will be fixed by the registers of these offices and the public lands indicated will be opened to entry and subject to prior valid settlement rights and equitable claims, ex-service men of the World War will be entitled to a preference right to enter these lands under the homestead and desert-land laws for a period of 91 days, beginning with the date of filing of the plats under Public Resolution Nos. 35 and 79 dated January 21 and December 28, 1922, respectively; all lands will be opened to general disposition at the expiration of the 91-day period.

The lands in California are reported as rough and mountainous, covered with timber and undergrowth.

In Colorado the lands are rough and mountainous, chiefly valuable for minerals.

The lands in Idaho are rolling and broken, with dense growth of sage and native grasses.

The lands in Montana are reported as rolling and covered with a good growth of grass, chiefly valuable for grazing.

(347)

NEW MEXICO: LANDS OPENED TO ENTRY AFTER APPROVAL OF
 LIEU LANDS TO THE STATE.

The following lands (all surveyed) in the Santa Fe land district, open to homestead and desert-land entry, beginning April 25, 1923, for a period of 91 days to ex-service men of the World War, subject, however, to valid prior settlement rights or equitable claims recognized by existing laws:

T. 11 N., R. 16 W., Sec. 16: NW $\frac{1}{4}$.

Filings may be presented during the 20 days preceding that date or from April 5 to April 24, 1923, inclusive. Any land remaining unentered after the expiration of the 91 days, that is, beginning July 25, 1923, will be open to appropriation under any applicable public-land law.

By the certification of March 28, 1923, to the State of Clear List No. 164, approved March 15, 1923, of indemnity school lands selected in lieu of the above-described school section lands which were within a national forest at time of selection of indemnity lands but were eliminated from the national forest boundaries, after timely completion of the selections, all claim of the State to such school lands terminated.

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(346)

UTAH: RESTORATION FROM RECLAMATION WITHDRAWAL.

About 400,000 acres in Emery and Grand counties, Salt Lake City land district, Utah, opened to homestead and desert-land entry, beginning April 20, 1923, for a period of 91 days to ex-service men of the World War, subject to valid prior settlement and preference rights; filings may be presented during the 20 days preceding that date, or from March 31, 1923, to April 19, 1923, inclusive. Any land remaining unentered after the expiration of the 91-day period, or beginning on July 20, 1923, will be open to entry by the general public.

This land is near the town of Elgin on the Denver and Rio Grande Railroad.

Available information indicates that the land ranges from valley to mountainous and cut by ravines. A large area is included in a petroleum withdrawal or in a coal withdrawal, and for any of such lands a proper waiver must be filed by the successful applicant.

As against the average receipts for the past several months of 300 new and 1,200 old cases, the number of cases received during the month of March shows a large increase in oil and gas activities. Six hundred and thirty-seven new applications under section 13 of the act were reported, and 1,900 old cases returned for further consideration, the respective increases over the month of February being 336 and 720.

Disposition of cases is reported as follows: Permits granted 281, applications finally rejected 370, rejected subject to appeal 347, extensions of time granted 419, extensions denied 310, permits held for cancellation 30, canceled 34, assignments approved 11, denied 13, departmental decisions promulgated on approved cases 21, reversed 5, modified 5, preliminary examination was taken in 648 cases.

old

Under the relief sections 218/cases were received, 3 permits and 8 leases were issued, 72 applications were finally rejected, 20 applications for lease and 7 applications for permits were forwarded to the Secretary for approval. Thirteen decisions were rendered by the Department affirming this office and promulgated, 4 assignments approved, and 2 rejected, Eight extensions of time were granted, 6 rejected, 3 permits held for cancellation, and 2 canceled.

The receipts under the mineral-leasing act for the month of February were \$567,714.56, of which \$9,966.05 was from lands within naval petroleum reserves and \$557,748.51 was from lands outside of such reserves.

Red River Cases.

The cases disposed of by final rejection enumerated above included 183 applications involving lands in the bed of Red River, Oklahoma, in pursuance with the decision of the Supreme Court in the case of State of Oklahoma v. State of Texas. United States intervenor, holding that title to the lands in the north half of Red River of Oklahoma is in the riparian owners and that although the lands in the south half of the river belong to the United States, the mining laws and other public land laws of the United States do not apply to these lands.

These rejections were made upon the approval of the act of Congress of March 4, 1923 (Public No. 500), authorizing the Secretary to issue permits or leases to citizens and domestic corporations found to be equitably entitled thereto by virtue of claims to lands in the south half of Red River which were claimed and possessed in good faith by such citizens or corporations or their predecessors in interest prior to February 25, 1920. This act prescribes that all such claims be filed before the closing hour of May 3, 1923, in the Guthrie, Oklahoma, land office and provides that lands remaining shall be subject to disposal under act of February 25, 1920 (41 Stat., 437), after a date to be set by the Secretary.

On March 7 Circular No. 876, containing the text of this act and instructions relating to applications for permits and leases was approved and many copies have been distributed in response to letters and telegrams of inquiry. The local officers at Guthrie have been instructed to call for all material evidence necessary in connection with applications under the act of March 4, 1923, and to transmit them to this office for adjudication as to equitable and legal claims, but are authorized to reject applications where applicants have failed to show that they are citizens or to establish that they prima facie come within the act.

NATIONAL PARK SERVICE--BULLETIN FOR FISHING SEASON.

Planting and restocking of waters located on National Parks throughout the country promises one of the biggest fishing years on record, says an announcement made by the Department of the Interior today.

The streams and lakes are expected to be fairly teeming with trout and other game fish at the various parks when the season begins and the parks are thrown open to anglers. A bulletin issued by the Department of the Interior giving the open season and the character of fishing at each National Park follows:

Crater Lake National Park, Oregon.-- Fishing especially good for rainbow and cutthroat (black spotted) trout by fly casting or trolling from boats. Trout range in weight from one to six pounds. No fishing license required; a day's catch per person is limited to five fish from the lake or twenty fish from other waters of the Park. Planted in 1922, 28,000 rainbow fingerlings and 3,000 silverside minnows for trout food. Season from July 1st to September 30th.

Glacier National Park, Montana. -- The waters of the Park abound in cutthroat, rainbow, eastern brook, flat, Dolly Varden, and Mackinaw trout, whitefish, and grayling, many reaching large size. The ever abundant grasshopper may be used successfully by those not skilled in the use of the fly. No fishing license required; the limit of a day's catch per person is ten fish. Government fish hatchery in Park; 1,867,700 fish planted in 1922. Season, June 15th to September 15th.

Grand Canyon National Park, Arizona. -- Bass, crappie, and catfish, and in several clear water tributaries of the Colorado River some trout have

been planted with fair success. Twenty fish or not more than twenty pounds of all varieties is limit of a day's catch per person. State fishing license required, nonresident or alien, game and fish, \$20; birds and fish, \$10. Resident game and fish, \$1.25. Season all the year.

Lafayette National Park, Maine. -- The Park lakes are well stocked with lake trout and land-locked salmon ranging in weight from one to six pounds. Trolling is the most satisfactory method of fishing, the lure varying with the fancy of the individual. Phantom minnows, archer spinners with live bait, Rangeley or Moosehead spinners with worm or fly are all equally good. Season opens about April 10th.

The ocean too has its charm for the fisherman. An hour or two spent in the morning on the bay or an all-day trip "outside" is time well spent. Cod, haddock, and other varieties of salt water fish are to be caught. This kind of fishing usually begins May 30th, as the weather is then most suitable for days to be spent on salt water. The limit of the catch from waters of the Park is fifteen fish or twenty-five pounds per person per day. State fishing license required for nonresident, fee \$3.15.

Lassen Volcanic National Park, California. -- A variety of trout in lakes and streams makes fishing enjoyable sport. State fishing license required, fees, resident, \$1; nonresident, \$3. The limit for a day's catch per person is twenty-five fish, or ten pounds and one fish, or one fish weighing ten pounds or over. Season from June through September.

Mount Rainier National Park, Washington. -- On account of glacial origin, streams contain much sediment in summer and trout do not rise. In the spring and fall cutthroat, eastern brook, rainbow, and Dolly Varden trout may be caught with bait and occasionally will take a fly. In 1922, 67,000 trout planted in Park waters. No fishing license required. The limit for a day's

catch per person is ten fish. Season from June through September.

Rocky Mountain National Park, Colorado. -- The streams and lakes are annually stocked with eastern brook, native (cutthroat), and rainbow trout from the State fish hatchery in the Park. Planted in 1922, 370,000 eastern brook and 25,000 native trout; also 330,000 eastern brook trout were planted in waters adjacent to the Park. State fishing license required (not required of boys under sixteen or of women) fees, resident, \$2; nonresident, \$5. The limit of a day's catch per person is thirty fish or not exceeding a total of ten pounds. Season from May to November.

Sequoia National Park, California. -- Rainbow, steelhead, Loch Leven, cutthroat, and golden are the varieties of trout found in the Park, and Park waters are annually restocked. State fishing license required, fees, resident, \$1; nonresident, \$3. The limit for a day's catch per person is twenty-five fish or ten pounds and one fish, or one fish weighing ten pounds or over. Season from June to October.

Yellowstone National Park, Wyoming. -- Trout fishing in Yellowstone waters is unexcelled. Yellowstone Lake is the home of large trout which are taken freely from boats. Cutthroat, rainbow, Loch Leven, brown, Mackinaw (lake), eastern brook trout, Montana grayling, Rocky Mountain whitefish, yellow perch, and chub are the principal varieties of Yellowstone fish. Fish hatchery in the Park is maintained by the United States Bureau of Fisheries. Total fish plants for 1920, 2,029,300; 1921, 4,051,000; 1922, 8,609,800. No fishing license required; the day's catch per person is limited to ten fish from all waters within two miles of the main road system. From other waters in the Park twenty fish per person may be taken. The fishing season in the Park does not ordinarily begin before July, at which time trout fishing is at its best.

Yosemite National Park, California. -- Few anglers during the

summer and autumn use bait in fishing the lakes and streams of Yosemite, but depend upon the artificial fly. The California Royal Coachman almost always proves the best lure. Early in the season grasshoppers and salmon eggs are used for bait with success. Ten species of trout in relative order of abundance are rainbow, eastern brook, Shasta, Loch Leven, cutthroat, steelhead, brown, Dolly Varden, golden, and Tahoe. State fishing license required, fees, resident, \$1; nonresident, \$3. The limit for a day's catch per person is twenty-five fish, or ten pounds and one fish, or one fish weighing ten pounds or over. Park waters are extensively restocked in co-operation with the State Fish and Game Commission. Season from May to October.

(P.N. 5162)

CONSOLIDATED WORK REPORT OF LOCAL LAND OFFICES
FOR MONTH OF FEBRUARY, 1923.

Offices.	: End Last Month.		: Received : and		: End of This Month.			
	:Pend- :ing :desig- :nation.	:Sus- :pend- :ed re- :jected :other- :wise.	:Pend- :ing :un- :acted :on by :R. & R.	:Rec'd :in :this :month.	:Trans- :mitted :to GLO :this :month.	:Now :pend- :ing :desig- :na- :tion.	:Now :sus- :pend- :ed re- :jected :other- :wise.	:Pend- :ing :unacted :on by :R. & R.
Alabama	:	:	:	:	:	:	:	:
Montgomery	:	23:	:	37:	37:	:	23:	:
Alaska	:	:	:	:	:	:	:	:
Fairbanks (a)	:	:	:	:	:	:	:	:
Juneau	:	141:	:	44:	40:	:	145:	:
Nome (a)	:	:	:	:	:	:	:	:
Arizona	:	:	:	:	:	:	:	:
Phoenix	:	274:	164:	255:	258:	240:	195:	:
Arkansas	:	:	:	:	:	:	:	:
Camden	:	:	22:	27:	32:	:	17:	:
Harrison	:	:	28:	69:	62:	:	35:	:
Little Rock	:	:	120:	72:	66:	:	126:	:
California	:	:	:	:	:	:	:	:
El Centro	:	6:	30:	28:	22:	8:	34:	:
Eureka	:	45:	1:	15:	13:	46:	2:	:
Independence	:	47:	77:	50:	31:	44:	99:	:
Los Angeles	:	42:	134:	213:	174:	45:	170:	:
Sacramento	:	82:	53:	56:	53:	84:	54:	:
San Francisco	:	119:	46:	53:	57:	122:	39:	:
Susanville	:	28:	14:	21:	9:	30:	24:	:
Visalia	:	22:	23:	37:	31:	17:	34:	:
Colorado	:	:	:	:	:	:	:	:
Del Norte (a)	:	:	:	:	:	:	:	:
Denver	:	156:	33:	52:	51:	159:	31:	:
Durango	:	66:	44:	52:	44:	66:	52:	:
Glenwood Springs	:	266:	146:	165:	90:	278:	209:	:
Lamar	:	67:	35:	73:	84:	65:	26:	:
Leadville	:	20:	21:	13:	13:	20:	21:	:
Montrose	:	101:	64:	58:	74:	79:	70:	:
Pueblo	:	346:	153:	142:	160:	310:	171:	:
Sterling	:	16:	14:	15:	16:	16:	13:	:
Florida	:	:	:	:	:	:	:	:
Gainesville	:	:	22:	6:	71:	70:	24:	5
Idaho	:	:	:	:	:	:	:	:
Blackfoot	:	153:	97:	96:	116:	118:	112:	:
Boise	:	117:	79:	73:	72:	121:	76:	:
Coeur d'Alene	:	:	22:	13:	20:	1:	14:	:
Hailey	:	59:	42:	56:	59:	57:	41:	:
Lewiston	:	10:	14:	20:	20:	11:	13:	:

Kansas	:	:	:	:	:	:	:		
Topeka	:	33:	13:	:	16:	12:	34:	16:	
Louisiana	:	:	:	:	:	:	:	:	
Baton Rouge (a)	:	:	:	:	:	:	:	:	
Michigan	:	:	:	:	:	:	:	:	
Marquette	:	1:	10:	:	13:	18:	1:	5:	
Minnesota	:	:	:	:	:	:	:	:	
Cass Lake	:	:	11:	:	21:	30:	:	2:	
Crookston	:	:	25:	:	31:	36:	:	20:	
Duluth	:	:	29:	:	12:	13:	:	28:	
Mississippi	:	:	:	:	:	:	:	:	
Jackson	:	:	17:	:	28:	27:	:	18:	
Montana	:	:	:	:	:	:	:	:	
Billings	:	19:	195:	:	14:	25:	19:	184:	
Bozeman	:	26:	70:	:	44:	58:	70:	72:	
Glasgow	:	141:	763:	:	153:	17:	141:	899:	
Great Falls	:	35:	73:	:	43:	48:	35:	68:	
Havre	:	95:	94:	:	82:	83:	77:	111:	
Helena	:	160:	69:	:	40:	46:	163:	60:	
Kalispell	:	:	10:	1:	9:	10:	:	9:	1
Lewistown	:	272:	52:	:	62:	74:	255:	57:	
Miles City	:	218:	141:	:	142:	158:	223:	120:	
Missoula	:	18:	13:	:	20:	25:	18:	8:	
Nebraska	:	:	:	:	:	:	:	:	
Alliance	:	33:	6:	:	21:	22:	36:	2:	
Lincoln	:	23:	7:	:	20:	14:	24:	12:	
Nevada	:	:	:	:	:	:	:	:	
Carson City	:	14:	117:	:	43:	47:	21:	106:	
Elko	:	28:	30:	:	37:	15:	23:	52:	
New Mexico	:	:	:	:	:	:	:	:	
Clayton	:	125:	39:	:	66:	82:	110:	38:	
Fort Sumner	:	43:	46:	:	117:	75:	38:	93:	
Las Cruces	:	67:	150:	:	117:	127:	72:	135:	
Roswell	:	103:	67:	:	184:	174:	108:	72:	
Santa Fe	:	194:	266:	:	267:	316:	173:	238:	
North Dakota	:	:	:	:	:	:	:	:	
Bismarck	:	27:	26:	:	23:	20:	28:	28:	
Dickinson	:	30:	19:	:	5:	3:	29:	22:	
Oklahoma	:	:	:	:	:	:	:	:	
Guthrie	:	31:	11:	:	46:	45:	33:	10:	
Oregon	:	:	:	:	:	:	:	:	
Burns	:	39:	22:	:	21:	24:	37:	21:	
La Grande	:	77:	175:	:	38:	102:	75:	113:	
Lakeview	:	58:	58:	3:	19:	21:	57:	57:	3
Portland	:	:	2:	:	39:	38:	:	3:	
Roseburg	:	2:	21:	:	55:	50:	2:	26:	
The Dalles	:	147:	28:	:	44:	61:	131:	27:	
Vale	:	32:	65:	:	17:	24:	29:	61:	

South Dakota	:	:	:	:	:	:	:	:
Bellefourche	:	4:	10:	1:	27:	27:	4:	11:
Pierre	:	104:	52:	:	53:	58:	102:	49:
Rapid City	:	49:	59:	:	59:	61:	55:	51:
Utah	:	:	:	:	:	:	:	:
Salt Lake City	:	404:	191:	:	224:	178:	398:	243:
Vernal	:	23:	17:	:	15:	8:	22:	25:
Washington	:	:	:	:	:	:	:	:
Seattle	:	:	7:	:	3:	:	:	10:
Spokane	:	28:	26:	:	24:	24:	30:	24:
Vancouver	:	2:	5:	:	9:	8:	3:	5:
Walla Walla	:	28:	7:	:	17:	16:	31:	4:
Waterville	:	27:	37:	:	25:	23:	28:	38:
Yakima	:	16:	5:	:	26:	27:	17:	3:
Wisconsin	:	:	:	:	:	:	:	:
Wausau	:	:	3:	:	3:	2:	:	4:
Wyoming	:	:	:	:	:	:	:	:
Buffalo	:	104:	119:	:	119:	117:	96:	129:
Cheyenne	:	164:	206:	:	81:	127:	137:	187:
Douglas	:	62:	175:	:	186:	197:	54:	172:
Evanston	:	98:	289:	5:	40:	242:	64:	126:
Lander	:	86:	37:	:	49:	53:	93:	26:
Newcastle	:	156:	88:	:	85:	73:	157:	99:
	:	:	:	:	:	:	:	:

TOTAL..... : 5,548: 5,735: 16: 4,830: 4,955: 5,295: 5,869: 10

NOTE: (a) No report received from these offices on March 27, 1923.

OBITUARY.

Frederick L. Harvey.--One more of the land marks in the public service has been removed. Mr. Harvey, who was principal examiner of land claims in the General Land Office from 1888 to 1896, and at the time of his death law examiner in the Forest Service of the Department of Agriculture, died at his home after a brief illness Friday, March 16, 1923. In recent years the character of his duties was such as to keep him in close touch with this office, and we in consequence mourn his loss equally with his associates in the Forest Service. A man learned in law and of many varied accomplishments, he was probably best known to the citizens of this city through his long and effective service as Secretary of the Washington National Monument Society.

CHANGES IN ASSIGNMENTS.

Mr. H. C. Gauss, formerly Appointment Clerk in the General Land Office, has been transferred to the Secretary's Office as Chief of the Division of Appointments, Mails and Files, while Mr. T. C. Havell of the Mineral Division succeeds Mr. Gauss as Appointment Clerk.

TELL THE BULLETIN.

To all Local Offices and Field Service Employees:

If anything occurs, in the public land service, which you think is of administrative value, tell us about it. Address all communications to the Commissioner of the General Land Office, "Land Service Bulletin." All information should be received not later than the 24th of each month for use in the current number.

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CHANGES IN ASSIGNMENTS

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LAND SERVICE
BULLETIN
DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE

By direction of the Secretary of the Interior the matter contained herein is published as administrative information, and is required for the proper transaction of public business.

Vol. 7.

May 1, 1923.

No. 3.

RESTORATION AND OPENING OF PUBLIC LANDS.

Misapprehension in the district land offices as to the effect of orders of restoration, occasionally lead to the allowance of applications for lands not subject thereto, being expressly excluded from the order. This has usually arisen from the practice that formerly obtained in the General Land Office of describing lands included within a large withdrawal by exterior lines, identifying by apt phrase the lands intended to be affected thereby, and in similar manner words of exclusion were used to indicate the lands not withdrawn. Orders of withdrawal, of course, could not affect vested rights, and usually in terms protected inchoate rights, and equities arising under the public land laws. Under this practice, orders of restoration often follow the form of the withdrawal, describing a body of lands within given exterior boundaries; but an order of that character is only effective as to the lands that were in fact withdrawn from appropriation by the previous order, hence it is incumbent upon district land officers to carefully identify the lands that are in fact restored to entry, so that applications may not be erroneously allowed for lands not subject thereto.

In view of the preference right granted to ex-service men of the war with Germany, in the case of restorations and openings of public land, it is especially important that great care be taken in this matter. It is true that under the legislation providing for this preference right, lands restored or opened to entry that are covered by existing rights or equities are not subject to such preference, and that the ex-service applicant is bound to take notice of all evidences of settlement or occupation existing on the land within his application, but at the same time he should be protected from any failure of the district land office to properly interpret the order of restoration.

SURVEY NOTES.

Washon Island Military Reservation, Washington.

Washon Island military reservation was created by Executive Order of June 9, 1868, and embraced over 633 acres in Sections 1, 2, and 3; T. 21 N., R. 2 E., W.M., Washington, and with the exception of 128.78 acres patented to J.S.Hurd in 1865, based on location of a military bounty warrant for 25.50 acres patented to him under cash entry the same year; the reservation has remained under the control and administration of the military authorities. By act of Congress, approved July 15, 1921, provision was made for the appraisal and sale of the lands as an abandoned military reservation, but prior thereto the reservation was leased by the Secretary of War to certain individuals with the right of subletting and under this authority there have been built upon the lands numerous cottages and summer homes.

To protect these interests section 3 of the said act of July 15, 1921, provides that the reservation be subdivided into tracts and lots to conform as near as practicable to the tracts and lots lawfully occupied by the tenants thereon as lessees or sub-lessees on May 1, 1920, and that after the survey and appraisal those persons in actual occupancy of any portion of the lands shall be entitled to purchase the lands so occupied at the appraised value.

The survey was executed during the past surveying season along these lines and resulted in the subdivision of the reservation into 51 tracts or lots ranging from 5 to 10 acres each, and upon examination of the returns of the surveys, the work was found to be performed in strict compliance with the law and the special instructions based thereon. The survey was accordingly accepted and on April 30, 1923, the original and triplicate plats were forwarded to the United States Surveyor General for official filing in his office and in the local land office. The date of sale and regulations governing the disposal of the lands will be issued at a later date.

Iron Posts.

By letter of April 28, 1923, addressed to the Arsenal Order Branch, Office of Chief Ordnance, War Department, the order placed last month for the manufacture of the iron posts to be used in monumenting the public land surveys during the next fiscal year was modified as follows: Instead of the rivet usually inserted in the bottom of the medium size (2 inch) iron post for the purpose of holding in place within the post, the concrete core, deep indentations are to be inserted in the wall of the pipe as has heretofore been done in the manufacture of the small (1 inch) post. The concrete core is designed to serve when the post is planted in the ground as a buried memorial to evidence the corner position should the iron pipe disintegrate or rust away through the action of the elements. The securing of a homogeneous mass of concrete within the pipe has been rendered nearly impossible by the presence of the rivet which interferes with the pouring of the mixture into the pipe. This change in the plan of construction, it is hoped, will overcome the difficulty. Approximately 40,000 iron posts of the 1, 2, and 3 inch sizes are used in monumenting the public land surveys annually.

The manufacturers have also been requested to provide 1,200 metal tablets of the same material as the brass caps now used on the iron posts and with the same markings on the face. These tablets are to be approximately 3½ inches in diameter with stems 3 inches long with 4 drill holes therein to provide an anchorage when the tablets are set in concrete. These tablets are to be used in the construction of special concrete monuments when the regulation iron post is not appropriate or can not be permanently set.

Eastern Surveying District.

The field work in Florida is drawing to a close after the busiest season of recent years. Three double parties in that State have been hard at work since October and will have completed the field work on thirteen groups. The end of the field season in the South will mark the opening of the field season in Michigan, Minnesota, and Wisconsin where an equally busy season is predicted.

Red Lake Indian Reservation.

It is of especial interest to members of the Surveying Service to note efforts being made to preserve the rapidly disappearing evidences of some of the earlier surveys. Such action has recently been initiated by the Indian Office, in the form of a request that this office assign an engineer to the work of re-marking, with permanent iron posts, the corners of the original survey in six fractional townships within Red Lake Indian Reservation in northern Minnesota. It was stated in the letter from the Indian Office that forest fires and logging operations are rapidly causing the obliteration of the corners of the original survey and as an administrative measure it was requested that permanent corner monuments be established. This work has been included in Group No. 14, Minnesota, and field operations will commence at an early date.

SURVEY OF ISOLATED CLAIMS.

Ancient desert-land entries and other land claims that have been hanging fire for many years in the Department of the Interior are to be cleaned up under a recent order of Secretary Work.

Instructions have been issued to the Supervisor of Surveys that these claims shall be surveyed during the coming season. Final entry and patents on these lands have been delayed due to the fact that Government surveyors have not been able to survey them because they are small tracts scattered in remote and inaccessible districts.

In some instances settlers and pioneers filed claims on these lands as far back as thirty-five years ago and have been waiting ever since for their final titles and patents from the Government. The action of Secretary Work means that the owners of these claims, which number between 100 and 200, will come into full ownership some time during the coming year. The plan for this final survey consists of an arrangement whereby Government surveyors will stop, whenever they are in the vicinity of these claims while working on other public surveys this summer, and make the proper survey, after which the records will be

sent to the Land Office at Washington and the patent promptly issued.

In the past these surveyors have not had the proper authorization from the Secretary of the Interior to visit these isolated claims and complete the survey upon them.

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PRINCIPAL MERIDIAN MONTANA.

April 28, 1923.

Registers and Receivers,

United States Land Offices, Montana.

Sirs:

The Principal Meridian, Montana, has been variously described in final certificates issued by you embracing lands in said State, sometimes as the Principal Meridian, Montana, sometimes as the Montana Principal Meridian, and sometimes as the Montana Meridian; and patents have described the lands with reference to the Montana Meridian.

On page 90 of the Manual of Surveying Instructions, 1902, said meridian appears as the Montana Principal Meridian, while on page 134 of the 1919 issue of Advance Sheets of the Manual of Surveying Instructions, said meridian has been scheduled as Principal Meridian, Montana.

Various designations of this meridian also appear in the annual reports of this office, usually the same as above set forth, and no doubt this variety of names of said meridian will be found in other Government publications. However, on township plats of surveys of public lands in Montana, and on the current map of Montana, the meridian is described as Principal Meridian, Montana. The instructions for the establishment of the initial point from which to extend the public surveys in Montana were included in letter "E" dated May 8, 1867, addressed to the United States Surveyor General, as follows:

"Your first duty will be to determine the initial point of survey or the point for the intersection of a principal base with the Principal Meridian line to govern all the public surveys in Montana."

The field notes of the first line run north from the initial point in 1867 describe the line as the Principal Meridian.

It is desirable that there shall be uniformity in the designation of said meridian; therefore, in all final certificates issued by you from and after the date of the receipt of this order, said meridian shall be described as Principal Meridian, Montana.

As to final certificates and patents heretofore issued, and wherein the said meridian has been variously described as Montana Meridian, Montana Principal Meridian, Principal Meridian, Montana, etc., as it is obvious that these

appellations refer to one and the same meridian, viz., Principal Meridian, Montana, said final certificates and patents will stand as issued, all else being regular.

Very respectfully,

WILLIAM SPRY,

Commissioner.

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FIELD SERVICE NOTES.

Special Agent Harvey K. Carlisle, who was assigned to the San Francisco Division for the winter, has returned to Alaska.

Special Agent T. M. Hunt, who has been in Alaska for several years, has been transferred to the Fairbanks, Alaska, land office as clerk, at his own request.

Transfers of Special Agents and Mineral Examiners from their "winter quarters" to their "summer range" have been effected as follows:

Special Agent L. B. Kimble, from Santa Fe to Helena;
Special Agent W. B. Burt, from Santa Fe to Cheyenne;
Special Agent J. C. Hilman, from Southern to Cheyenne;
Special Agent W. M. Gilcrest, from Santa Fe to Denver;
Special Agent T. P. Garvey, from Santa Fe to Helena;
Special Agent R. C. Miller, from Santa Fe to Helena;
Special Agent E. J. Hilton, from Southern to Salt Lake;
Special Agent H. L. Brooks, from Santa Fe to Southern;
Special Agent C. F. Follen, from Southern to Minnesota-Michigan;
Mineral Examiner C. C. Smith, from Santa Fe to Denver;
Mineral Examiner R. A. Holley, from Santa Fe to Helena;
Mineral Examiner G. G. Bywater, from Portland to Salt Lake;
Mineral Examiner A. C. Kinsley, from San Francisco to Portland.

Mineral Examiner C. L. Duer, of the Denver Division, has been transferred to the Bureau of Mines with headquarters at Denver.

Mineral Examiner H. T. Stearns, who, in cooperation with the Geological Survey and the State of Idaho, has been engaged the past two seasons in the examination of the surface and underground waters of Mud Lake, Idaho, has been transferred to the Geological Survey with headquarters at Washington.

Miss Bertha G. Carroll, who for several years past has been a clerk in the Helena Division, has been transferred to the General Land Office, at her own request.

Mineral Examiner M. A. Sears, who has been busily engaged in oil work in the Southern Division the past several weeks, may possibly remain in that division because of an expected increase in coal and oil land investigations.

An experienced Special Agent who is able to take care of himself under any and all circumstances and is not in awe of the "silent places" or the "great open spaces," and, incidentally, is not afraid of work, will be welcomed with open arms by Chief of Field Division Parks. If some husky agent desires to try Alaska for the coming two years, his application for transfer will be given due consideration by the Commissioner, providing he takes quick action.

It is the desire of the Commissioner to add five or six Mineral Examiners to the present force for the purpose of pushing mineral work to the limit the coming field season. If the force is increased, assignments will be made to those divisions where field work is most pressing.

Mr. J. D. Yelverton, Assistant Chief of Field Division at Denver, who for several weeks has been assisting Chief of Field Division Murphy at Santa Fe, returned to the Denver Division May 1.

Nathan Gammon, Chief of the Helena, Montana, Field Division, was in Washington a few days early this month. He was called east on official business, including court cases at Dubuque, Iowa, and important investigations in Illinois, Ohio, and Missouri. Before returning to his headquarters he intends to visit his old home in Tennessee for a short time.

Special Agent Stanford of the Southern Division, now on leave without pay, has applied for disability retirement because of a complete breakdown in health. He is now at his home in Little Rock, Arkansas.

Miss Barbara Daily has been appointed temporary clerk in the Portland Division.

Miss Audrey Nielson has been given a probational appointment as clerk in the Salt Lake Division.

Miss Josephine L. Capt has been given a probational appointment, and Mrs. Adeline F. Elliott a temporary appointment, as clerks in the Santa Fe Division.

Miss Anne B. Kearley, formerly temporary clerk in the Southern Division, has been transferred to the permanent roll in the same division.

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From Denver.

One of our Ford cars, driven by Special Agent Elmes, came near having practically the same accident with the Ruckstell axle as was experienced by the driver of one of the cars in the San Francisco Division, as reported in the Bulletin six or eight months ago. Agent Elmes had stopped the car near Colorado Springs to make some inquiries. When he started the engine, the gears failed to work. Upon inspection it was found that the bolts on the ring gear of the Ruckstell axle had sheered off on account of working loose because of numerous jars. All the rest of the machinery was apparently in good shape. Had the car been in motion and going down hill when this occurred, a serious accident might have happened. It is well for all agents driving Ford cars to keep all the bolts tightened.

There is more snow in the Rocky Mountains this spring than there has been in any one season for many years past. Over 10 feet of snow, on an average, has fallen on altitudes above 9,500 feet.

Mineral Examiner Charles L. Duer, a member of the field force of the Denver Division since 1908, has been transferred to the Bureau of Mines and appointed District Mining Supervisor of the coal-leasing section, with headquarters at Denver. Mr. Duer is a highly efficient engineer; has had a wide experience in metal and coal mining in this and adjoining States, and for many years has been one of the most valuable field men of the General Land Office. The loss of his services to this bureau will be a fine gain for the Bureau of Mines.

From Salt Lake City.

The Chief of Field Division reports under date of April 21, 1923, the indictment in the United States District Court of Waldo Jones, Charles Glass, Carl Squires, Jake Standiford, Oscar Turner, and Albert J. Turner for violation of sections 3 and 4 of the act of February 25, 1885.

The specific offense with which these men were charged consisted of preventing the herding of sheep upon public lands near the village of Thompson, Utah, by the use of force, threats, and intimidation.

From Jackson, Mississippi.

Under date of April 26, 1923, the Chief of the Southern Field Division reports the successful termination of the suit of the United States against the Beeson Moore Stave Company on account of timber trespass. The case came to trial on April 24, and the jury rendered a verdict in favor of the United States in the sum of \$4,250 and costs.

In re Ferry Lake Suits.

The Secretary of the Interior was advised by the Department of Justice April 7, 1923, relative to the recovery of damages in the case of Jeems Bayou Fishing and Hunting Club against the United States that the defendants have made payments to the credit of the United States of the sum of \$216,662.26 which with the exception of the costs of court and for the amount of oil produced after January 1, 1918, satisfies the decree of the court in that case.

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RESTORATION AND OPENING OF LANDS FORMERLY EMBRACED IN THE OREGON AND CALIFORNIA RAILROAD AND COOS BAY WAGON ROAD GRANTS.

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Secretary Work, on May 2, 1923, restored 220,569.47 acres of land in the western part of the State of Oregon. These lands were formerly embraced in the Oregon and California Railroad and Coos Bay Wagon Road Grants. 177,326.98 acres of Oregon and California Railroad lands, and 26,923.04 acres of Coos Bay Wagon Road lands, are situated in the Roseburg, Oregon, land district; 15,047.44 acres

of Oregon and California Railroad lands in the Portland, Oregon, land district; and 1,272.01 acres of Oregon and California Railroad lands in the Lakeview, Oregon, land district. The title to the lands reverted in the United States under the provisions of the acts approved June 9, 1916 (39 Stat., 218), and February 26, 1919 (40 Stat., 1179). These lands were restored to homestead entry pursuant to the provisions of section 2289, Revised Statutes, as amended and as modified by the acts approved June 9, 1916 (39 Stat., 218), February 26, 1919 (40 Stat., 1179), and June 4, 1920 (41 Stat., 758), and to the preferred right of the veterans of the World War under House Joint Resolution No. 30, approved January 21, 1922 (42 Stat., 358). Under the proviso to section 5 of the act of June 9, 1916 (39 Stat., 218), as extended to the Coos Bay Wagon Road Grant lands by the act of February 26, 1919 (40 Stat., 1179), and as modified by the act of June 4, 1920 (41 Stat., 758), any person otherwise qualified, who has resided on either the Oregon and California Railroad Grant or the Coos Bay Wagon Road Grant lands, to the extent and in the manner required under the homestead laws, since the first day of December, 1913, and who has improved the land and devoted some portion thereof to agricultural use, and who shall have maintained his residence to the date of such application, is given the preferred right to enter the quarter-section upon which he has so resided, where such quarter-section does not contain more than 1,200,000 feet, board measure, of timber. Where the quarter-section contains more than the said quantity of timber, such person is entitled to enter the 40-acre tract or lot or lots containing approximately 40 acres, upon which his improvements, or the greater part thereof, are situated. The prior exercise of the homestead right by any such person shall not be a bar to the exercise of his preference right. All persons claiming under the aforesaid proviso to section 5 of the act of June 9, 1916 (39 Stat., 218), as amended and extended, are required to file their applications in the land office of the district in which the land settled upon is situated, on and after June 11, and on or before June 30, 1923. Persons who, being citizens of the United States, were on February 26, 1919, holding Coos Bay Wagon Road Grant lands under lease from the Southern Oregon Company, and who had cultivated and placed valuable improvements on the land, or who had held such lease for a continuous period of ten years prior to February 26, 1919, are given the preference right to purchase not exceeding 160 acres of the lands so leased, containing less than 300,000 feet, board measure, of timber to the 40-acre tract, upon making payment to the receiver of the Roseburg land office of a sum equivalent to \$2.50 per acre and the accrued taxes on the land paid by the Government under the provisions of the act of February 26, 1919 (40 Stat., 1179). Such lessees must file their applications to purchase at the United States land office, Roseburg, on or prior to June 30, 1923, but they are allowed six months from May 2, 1923, within which to complete their purchases and payments. The settler under the proviso to section 5 of the act of June 9, 1916 (39 Stat., 218), as amended and extended, and the lessee under the act of February 26, 1919 (40 Stat., 1179), who enters or selects lands withdrawn and classified as valuable for power, must take such lands subject to section 2 of the act of June 4, 1920 (41 Stat., 758). The rights of such lessees are subject to the preferred right of settlers claiming adversely a tract of land under section 5 of the act of June 9, 1916 (39 Stat., 218) as amended and extended.

Veterans of the World War are given a preference right to make homestead entry of the lands restored, except those affected by preference rights to enter or purchase as above indicated. Beginning July 2, and continuing for a period of ninety-one days, the right to enter such lands is restricted to honorably discharged veterans of the World War. On and after June 11, and on or before June 30, any such veteran may file with the register and receiver of the United States land

office in the district in which the land is situated, his application to make homestead entry, and all applications presented on or between the dates mentioned will be treated as filed simultaneously, and if there is no conflict with such application, it will be allowed on July 2. Where conflicting applications are made for the same tract, the rights of the parties will be determined by drawing. Such drawings will be conducted at the United States land offices at Portland and Lakeview, beginning at 10 a.m., standard time, on July 3, and at Roseburg at the same hour on July 6.

The lands will be subject to homestead entry generally under the act of June 9, 1916 (39 Stat., 218), as amended and extended, on and after 9 a.m., standard time, October 1, 1922.

All applications to make homestead entry, whether by preference-right claimants, by veterans, or under the general law, must be accompanied by a fee of \$5 if the area be less than 81 acres, and \$10 if 81 acres or more; commissions at the rate of 3 per cent on lands at \$2.50 per acre, or a flat rate of $7\frac{1}{2}$ cents per acre; and in addition thereto, 50 cents per acre as first installment of the purchase price of the land.

The lands restored to the preference right of veterans of the World War and to entry generally are classified as agricultural, but only small areas will be found ready for the plow in their present condition. For the most part there is a growth of timber on such lands, ranging from a few scattered trees to any quantity less than 300,000 feet, board measure, to the 40-acre tract.

Copies of the regulations, including a schedule of the lands, may be obtained from the Commissioner of the General Land Office after May 22, 1923, and from the local land offices at Portland, Roseburg, and Lakeview after May 28.

PETRIFIED FORESTS.

Isolated pieces of fossil wood are of comparatively common and widespread occurrence, according to statement issued by the Department of the Interior, but only exceptionally are they so massed and aggregated as to be worthy of the designation of "fossil forest." In fact there are only four of these celebrated fossil forest areas, three of which are in the United States, the other being near Cairo, Egypt. Of the fossil forests of the United States, one is near Calistoga, California; several extensive forests are in the Petrified Forest National Monument, Arizona; and the others are those in Yellowstone National Park, and in many respects the most remarkable fossil forests known.

As one views the forests of the Petrified Forest National Monument from a little distance with their hundreds, even thousands, of prostrate segments of logs it is difficult to realize that they are really turned to stone and are now exhumed from the earth. The appearance they present is not unlike a "log drive" that has been stranded by the receding waters and in truth this is what occurred eons ago. In the Yellowstone National Park most of the trees were entombed in the upright position in which they grew by the outpouring of various volcanic materials. In the Specimen Ridge neighborhood there are many levels of upright petrified trunks found alternating, like the layers in a cake, with levels of lava; this shows that after the first forest grew and was engulfed by lava, enough time elapsed for a second forest to grow upon that level, and that this in turn was engulfed with new lava to make the level for a new forest, and so on.

"How was the wood fossilized?" is perhaps the first question the visitor asks. Though the whole history of the process is not fully understood, it is

probably dependent upon entombment of the trees in materials of the earth which are constantly saturated with water containing a considerable amount of silica in solution. This silica-charged water was drawn up into the wood by capillarity, the silica being deposited in the cells and vessels of the wood after the water evaporated, making an accurate cast of all open spaces. Then, while the slow process of decay went on, as each particle of organic matter was removed its place was taken by the silica, until, finally, all the wood substance had disappeared and its place atom by atom had been taken by silica. Thus the wood fossilized with remarkable fidelity; each cell and vessel, with its characteristic pits and markings, was preserved exactly as it grew.

The next question usually asked is, "How old are the fossil forests?"

As already mentioned, in the Yellowstone there is a succession of forests, one above another, through a thickness of 2,000 feet of strata. Pine trees of the types represented in the fossil trunks require 200 to 300 years to reach maturity, and the redwoods may require from 500 to 1,000 years. Twelve or more of these various levels have been found. By multiplying this number by the minimum age of the trees we have 2,400 years, and by multiplying it by the maximum age of the redwood trees we have 12,000 years. The possible time during which these forests flourished lies somewhere between these two extremes. These forests were buried in the Miocene epoch of the Tertiary period, which if various estimates of the age of the earth that have been made by geologists are anywhere near correct, may have been between 1 and 5 million years ago. The forests of the Petrified Forest Monument are geologically much older than the others; those near Cairo, Egypt, are believed to be the youngest. The Arizona forests belong probably to the Triassic period. Therefore these trees may have been buried between 5 and 15 million years ago, and are at last bared again to the Arizona sun--the most imperishable of earthly things, and of fadeless beauty.

DESERT-LAND ENTRIES IN IMPERIAL COUNTY, CALIFORNIA, RELIEVED FROM
SUSPENSION.

Under date of April 26, 1923, the General Land Office revoked an order of suspension which has been pending on a large number of desert-land entries in the area lying between the western boundary of the Imperial Irrigation District and the ancient beach line in Imperial County, California. The effect of the recent order is to terminate the period of suspension created by office order of January 27, 1920, which suspended action on all entries in the area affected, and to permit the running of the statute as to the completion of annual and final proofs on all entries depending upon the Mount Signal Canal Company.

Final proof must now be made within four years from the date of the allowance of the entries, after excluding the period of suspension. All applications for relief under the act of March 4, 1915 (38 Stat., 1161), and for extension of time, pending before this office on cases in this area, will now be taken up and disposed of on their merits.

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DESERT-LAND ENTRIES IN CHUCKAWALLA VALLEY AND PALO VERDE MESA.

The Secretary of the Interior, on April 17, 1923, under authority vested in him by the act of June 24, 1921 (42 Stat., 66), suspended action on all desert-land entries in Chuckawalla Valley and Palo Verde Mesa. The General Land Office has record of 816 desert-land entries which are affected by this order. They have been held under suspension pursuant to several successive acts of Congress since 1912, with the expectation that sooner or later, water would be made available for their irrigation, and that the entryman would thus be enabled to save their entries and what they have invested in them. The recent developments with regard to the control of the Colorado River have aroused new hopes of ultimate success and afforded grounds for this order.

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IRISH FREE STATE AND THE GENERAL LAND OFFICE.

The copy of the letter herewith is of interest, in that it illustrates how soon a new Government assumes relations with the official world, and as an acknowledgment of a courtesy on our part:

Department of Agriculture
And
Technical Instruction.

National Museum,
Art and Industrial Division,
Kildare Street,
Dublin.

14th April, 1923.

Dear Sir:

I have to thank you for your courteous letter of the 22nd ultimo, No. 1081461 "K" JEM, in reply to my letter of the 27th February last, in connection with land in North Carolina.

I note that you have forwarded my letter to the Secretary of State, at Raleigh, North Carolina, for further action, and I am much indebted to you for taking this trouble on my behalf.

Yours faithfully,

AUBRY J. TOPPIN,

Assistant-Keeper.

George R. Wickham Esqre.,
Assistant Commissioner,
General Land Office,
Department of the Interior,
Washington, D. C.
U. S. A.

UNDELIVERED LAND PATENTS.

An astonishing large number of old and undelivered land patents have been discovered in five of the local land offices of Southern States as a result of an investigation being conducted by the Department of the Interior.

These land patents dating back as far as the year 1800 were issued by the General Land Office in the name of settlers and homesteaders upon public lands, but the homesteaders failed to call for them.

A compilation made of these undelivered land patents that are now being forwarded to the Department of the Interior show that approximately 117,000 were unearthed in the land offices of Baton Rouge, Louisiana; Jackson, Mississippi; Springfield, Missouri; Montgomery, Alabama; and Gainesville, Florida. Of this total 80,000 came from land offices at Montgomery and Springfield.

Plans of the Interior Department call for the filing of these patents with the land cases upon which they were based in the General Land Office not only for safe-keeping but also that they may be delivered in case they are ever called for. It is estimated that they represent 17,720,000 acres of former public lands in the States of Louisiana, Mississippi, Missouri, Alabama, and Florida upon which the original owners never took up their patents.

An explanation of this large number of undelivered patents is based upon the custom of homesteaders in former years of regarding the final certificate issued by the land office and transferring the land covered by their entries as sufficient proof of ownership without the land patent itself. Another cause is the fact that it was not the practice in the earlier days of the republic to notify the entrymen when their patents had been issued. This has since been corrected and local land offices now see the homesteaders are informed when the patents come from Washington.

RECENT DECISIONS OF THE COURTS
AND THE
DEPARTMENT.

Public Waters--Riparian Owner.

Where a riparian owner has appropriated water from a stream for power purposes prior to the time the legislature declared the water in the streams of the State to be the property of the public, the water right so acquired by such riparian owner is by virtue of the common law. (Supreme Court of Nebraska.)

Southern Nebraska Power Company v. Taylor et al.
(192 Northwestern Reporter, 317.)

Oregon Irrigation Act Held Constitutional.

The Oregon Irrigation Law, in providing that the directors of an irrigation district shall assess the cost of construction and maintenance of the irrigation system equally on each acre of irrigable land in the district, is not unconstitutional, as depriving an owner of his property without due process of law, because it may be shown that some acres are benefited less than others.

Northwestern Improvement Company v. John Day Irrigation
District et al.
(286 Federal Reporter, 294.)

Public Waters--Appropriation.

In view of the Civil Code section 662, providing that a thing is deemed to be incidental or appurtenant to land when it is by right used with the land for its benefit, a person may not without right, use on his land water belonging to another and by such use make it appurtenant to the land (State of California).

Gause v. Pacific Gas and Electric Company.
(212 Pacific Reporter 922.)

Public Lands--Title of United States.

The United States can not be divested of title to its public lands, or have the same clouded in any manner to interfere with its future disposition of the same, without its consent manifested in some manner prescribed by Congress. It is an invariable attribute of sovereignty that title to property of the sovereign can not be acquired without its consent or against its will.

Public Lands--Encumbrance Void.

A conveyance in form of a deed, but intended to be a mortgage, which either purposely or inadvertently includes public lands of the United States, is void, so far as it includes public lands and does not cast a cloud upon the title of such lands, either against the Government or against any one having possession or derailing title through the Government. (Supreme Court of Idaho.)

Williams et al v. Sherman et ux.
(212 Pacific Reporter, 971.) 15

Irrigation-Appropriation.

The right of one who claims the use of water for irrigation purposes under the act of 1907 does not relate back to an earlier date than the filing of the application as required by said act.

Irrigation-Special Rights.

Chapter 104 of the Session Laws of 1905, New Mexico, was permissive in character, applying only to such claims to the right of use of water as were initiated under it. It was not exclusive and did not preclude the initiation of a claim under the general law; nor did it deprive a claimant of the doctrine of relation. (Supreme Court of New Mexico.)

Farmers' Development Company v. Rayado Land
and Irrigation Company.
(213 Pacific Reporter, 202.)

Homestead Entry--Exemption from Debts Prior to Patent.

The Revised Statutes, section 2295, providing that Federal homestead lands should not be liable for debts contracted prior to issuance of patents is held to give absolute and unconditional exemption from interference by creditors for debts contracted prior to issuance of patent; such exemption being one of the conditions attached to grant to induce settlement on the public domain there being no restraint on the owner from transferring the property at will or without consideration, and the motive for such transfer being of no concern to creditors. (Supreme Court of Montana.)

Keller v. Flanagan.
(213 Pacific Reporter, 222.)

Mineral Lands--Sale of Oil and Gas Deposits.

An instrument, though purporting on its face to convey all of the oil and gas in and under certain lands with rights of ingress and egress for drilling, mining, and operating for gas and oil, and though by express stipulation declaring that it constituted a sale of the oil and gas, is regarded, in law, as a mere conveyance or grant of the right to mine for such minerals, and to reduce them to possession and ownership, and not as a sale of them in their natural state, beneath the surface. (Supreme Court of Louisiana.)

Lieber v. Ouachita Natural Gas and Oil Company.
(95 Southern Reporter, 538.)

Meander Lines--Lake Shores.

It may be presumed that when the meander line of one of the Great Lakes was established it followed the then existing shore lines. (Supreme Court of Michigan.)

Kavanaugh v. Ravior.
(192 Northwestern Reporter, 623.)

Irrigation--Appropriation of Water:

An appropriation of water is not impaired by the fact that neither the appropriator nor his successors in title held legal title to the premises upon which the water was used. (Supreme Court of Montana.)

Thomas v. Ball.
(213 Pacific Reporter, 597.)

School Selection--Indemnity--Withdrawal--Mineral Lands--Oil and Gas Lands--Burden of Proof--Patent--Surface Rights--Vested Rights.

A vested right does not attach under an indemnity school selection until all the requirements of the law and the authoritative regulations thereunder have been fulfilled, and where the land is withdrawn and included within a petroleum reserve before such fulfillment, the selector must either agree to accept a restricted patent as provided by the act of July 17, 1914, or assume the burden of proof and show that the land is in fact non-mineral in character.

School Selection--Indemnity--Relation--Vested Rights--Withdrawal.

Where an indemnity school selection, imperfect when filed, is perfected at some subsequent time, the selector can not invoke the doctrine of relation with the view to creating a complete equitable title as of the date of the filing of the selection, and thereby defeat the operation of an intervening withdrawal.

School Selection--Indemnity--Reinstatement--Laches--Patent--Surface Rights--Adverse Claim--Improvements.

An indemnity school selection, canceled upon the neglect of the selector to comply with the law and governing regulations, will not be reinstated on the ground that at the time of its cancellation the selector was entitled to receive at least a restricted patent, if, as the result of that neglect, another was permitted to acquire an adverse claim and make substantial expenditures of time and money in placing valuable improvements upon the land.

Court Decisions Cited and Distinguished--Departmental Decisions Cited and Applied.

Case of Payne v. State of New Mexico (255 U.S., 367), and State of Wyoming v. United States (255 U.S., 489), cited and distinguished; cases of Honey Lake Valley Company et al. (48 L.D., 192), and California, Robinson, transferee (48 L.D., 384), cited and applied.

Hobart L. Pierson et al.; decided
January 24, 1923, by First Assistant
Secretary Finney.

Selection--Occupancy--Notice--Laches--Adverse Claim--Color of Title--Homestead Entry.

A purchaser of a State selection who, after cancellation thereof with due notice to him continues in control and possession for a long period of years

without manifesting an intention of perfecting the claim into a legal title is chargeable with laches and does not acquire a right under a bona fide claim or color of title superior to another who is permitted to make a homestead entry and takes possession peaceably and unopposed.

Court Decision Cited and Distinguished.

Case of Atherton v. Fowler (96 U.S., 513), cited and distinguished.

Tash v. Yock; decided February 10, 1923,
by First Assistant Secretary Finney.

Stock Raising Homestead--Preference Right--Application--Statutes.

The preference right accorded by section 8 of the stock raising homestead act to one asserting through the holding or ownership of contiguous land is defeated by the preference right granted to a petitioner for the designation of the land under section 2 of that act, where the former's application to make original entry, although filed prior to the latter's petition, was not and could not have been allowed until subsequently thereto.

Departmental Instructions Applied--Departmental Decision Cited and Distinguished.

Instructions of May 20, 1919, applied; case of Rippy v. Snowden (47 L.D., 321), cited and distinguished.

Lewis v. Dunning; decided February 10, 1923,
by First Assistant Secretary Finney.

Selection--Indemnity--Oil and Gas Lands--Withdrawal--Burden of Proof.

The Government is not required to establish the mineral character of land as of the date of the filing of a State selection, if the selection was incomplete when filed; and the inclusion of the land within a petroleum reserve prior to its completion casts the burden of proof as to its non-mineral character on the State and its transferees.

Court Decisions Distinguished--Departmental Decision Cited and Adhered to.

Cases of Payne v. State of New Mexico (255 U.S., 367), and State of Wyoming v. United States (255 U.S., 489), cited and distinguished; case of State of California, Robinson, transferee (48 L.D., 384 and 387), cited and adhered to.

State of California, Robinson, transferee;
decided February 20, 1923, by First
Assistant Secretary Finney.

Oil and Gas Lands--Prospecting Permit--Lease--Assignment.

Where a permittee upon the discovery of oil or gas is awarded a 5 per cent lease and a sliding scale lease under the act of February 25, 1920, the drilling regulations set forth in subdivision (b) of section 2 of the lease must be complied with as to both tracts, and if the lessee assigns one of his leases the assignee becomes obligated to the same extent as the original lessee.

Oil and Gas Lands--Prospecting Permit--Lease--Assignment.

Where a permittee upon the discovery of oil or gas is awarded a 5 per cent lease and a sliding scale lease and subsequently assigns one of his leases, his failure to comply with the drilling regulations under the lease retained by him does not impair the rights of the sublessee under the assigned lease.

Oil and Gas Lands--Prospecting Permit--Lease--Assignment.

Where a permit is assigned prior to the discovery of oil or gas the assignee becomes subrogated to all of the rights of the original permittee, and obligations with respect to drilling under any lease or leases subsequently awarded are assumed to the same extent as if discovery had been made prior to the assignment.

Oil and Gas Lands--Prospecting Permit--Lease--Assignment.

Where permit rights are assigned to several individuals as to separate tracts and upon discovery of oil or gas a separate lease is awarded for each specific tract, the assignees assume separate and distinct undertakings that obligate them to comply with the drilling requirements with respect to each tract.

Oil and Gas Lands--Lease--Waiver--Secretary of the Interior.

While the drilling requirements under an oil and gas lease can not be waived, yet where the enforcement of the obligation to proceed to drilling appears to the Secretary of the Interior to be inequitable in any particular case, he may grant a suspension of the requirement.

Maurice M. Armstrong; decided February 13, 1923,
by First Assistant Secretary Finney.

Practice--Appeal--Officers--Commissioner of the General Land Office.

Rule 51, Rules of Practice, which declares that decisions of the local officers shall, with certain stated exceptions, become final upon failure of any party to appeal, did not change the long established principle that the Commissioner of the General Land Office is not precluded, in the absence of an appeal, from reviewing the decisions of those officers and taking such action as the interests of the Government require, nor did paragraph 13 of the instructions of February 26, 1916, making the Rules of Practice applicable to appeals thereunder, modify the Commissioner's powers and duties in that respect.

Departmental Decisions Cited and Applied.

Cases of Morrison v. McKissick (5 L.D., 245), Southern Pacific Railroad Company v. Saunders (6 L.D., 98), and Rice v. Simmons (43 L.D., 343), cited and applied.

United States v. Central Pacific Railway Company; decided March 2, 1923, by First Assistant Secretary Finney.

Attorney--Claims--Public Lands--Sections 109 and 113, -Federal Penal Code.

The prohibition contained in section 109 of the Federal Penal Code, act of March 4, 1909, against the prosecution of "any claim against the United States" has reference to a money demand and does not include claims involving the right and title to public land, but section 113 thereof is more general and inhibits the rendering of any service for compensation in connection with a matter or proceeding before any department wherein the United States is a party or is directly or indirectly interested.

Attorney--Officers--Land Department--Sections 109 and 113, Federal Penal Code.

The position of captain in the Officers' Reserve Corps is a place of trust and an office within the purview of sections 109 and 113 of the Federal Penal Code, and such officer is, therefore, precluded from practicing for remuneration before the Interior Department or any of its bureaus.

Loren Ray Pierce; Instructions of March 27, 1923. Assistant Secretary Goodwin.

Oil and Gas Lands--Application--Lease--Possession--Relation.

The date of the filing of the application, not the date of the granting of the lease, determines the time from which the annual rental begins to accrue, where an oil and gas lease is granted pursuant to the act of February 25, 1920, to an applicant who, from and after the filing of an application therefor, has had uninterrupted, exclusive possession and use of the premises.

Big Four Consolidated Oil Company; decided March 13, 1923, by First Assistant Secretary Finney; motion for rehearing denied April 13, 1923.

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OIL AND GAS ACTIVITIES.

The oil and gas section of the office reports that increase in the number of new cases under sections 13 and 20 of the act continues. During the month of April, 628 new cases and 1,807 old cases requiring further action were received which equals the receipts of last month, and is double the number that came up in February.

During the month cases have been disposed of as follows: Permits granted, 325; applications finally rejected, 174. There were 252 cases rejected subject to appeal. Extensions of time granted, 338; extensions denied, 136; permits held for cancellation, 19; canceled, 31; assignments approved, 11; denied, 10; departmental decisions promulgated on approved cases, 17; reversed, 2; modified, 1; preliminary action was taken in 706 cases.

Under the relief sections of the leasing act 166 old cases were received for further action; 5 permits and 14 leases were issued; 25 applications rejected subject to appeal; 1 appeal was transmitted to the Secretary, by whom was rendered 1 decision of modification; 15 assignments of leases were approved; 14 extensions of time granted, and 2 permits canceled in part.

Receipts under the mineral leasing act for the month of March were \$147,708.78, of which \$145,936.27 were from lands outside of naval petroleum reserves and \$1,772.51 were from lands within naval petroleum reserves. The receipts for the month are below the average revenues from this source, due to delay in payment for royalty taken in kind in the Salt Creek field, Wyoming. The January royalty from that field, which would ordinarily have been paid for in March, amounted to \$717,705.41.

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DEPARTMENT OF THE INTERIOR

General Land Office

Washington March 26, 1923.

STATE IRRIGATION DISTRICTS.

REGULATIONS UNDER SECTION 3, ACT OF MAY 15, 1922 (42 STAT., 541), AMENDING
CIRCULAR 592, APPROVED MARCH 6, 1918.

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The Director, U. S. Reclamation Service,
The Commissioner, General Land Office.

Gentlemen:

Section 3 of the act of May 15, 1922 (42 Stat., 541), provides, in part, as follows:

That upon the execution of any contract between the United States and any irrigation district pursuant to this act, the public lands included within such irrigation district when subject to entry, and entered lands within such irrigation district, for which no final certificates shall have been issued and which may be designated by the Secretary of the Interior in said contract, shall be subject to all the provisions of the act entitled "An act to promote the reclamation of arid lands," approved August 11, 1916: Provided, That no map or plan as required by section 3 of the said act need be filed by the irrigation district for approval by the Secretary of the Interior.

This section is construed as an amendment of the act of August 11, 1916 (39 Stat., 506), in that it makes unnecessary the filing of a map or plan of the district for the approval of the Secretary of the Interior in those cases where the lands within a district are to be reclaimed by the U. S. Reclamation Service under a contract between the Secretary of the Interior and the irrigation district entered into under the act of June 17, 1902 (32 Stat., 338), and acts amendatory thereof, and in lieu thereof provides for the designation by the terms of such contract of the public lands included in such a district where subject to entry and entered lands on which no final certificates shall have been issued, such designation to make the land subject to all the provisions of the act of August 11, 1916, supra.

Accordingly, it will not be necessary for a district, under such circumstances, to file formal application for the designation of the land, as provided for in the act of August 11, 1916, supra, and the regulations thereunder approved March 6, 1918 (46 L.D., 307), but in connection with its negotiations with the Secretary of the Interior for the construction of the irrigation system it should make request for the designation of the lands under the act of August 11, 1916, supra, filing a list thereof.

In such a case the contract between the Secretary of the Interior and the irrigation district must contain a description according to the approved plats of survey of the lands within such district, properly subject to designation under said act of August 11, 1916, and the approval of such a contract by the Secretary, unless otherwise stipulated, will have the effect of designating the lands as provided for in said act, and making them subject to all the provisions thereof.

In practice the Reclamation Service will require the district to present a list of the land which it desires to have designated under the act of August 11, 1916 (39 Stat., 506). From this list the Reclamation Service will eliminate tracts which for any reason will not be irrigated (at least to such an extent as to make the irrigable portion more valuable than the whole tract when unreclaimed), by the system as constructed or to be constructed.

These lists should then be referred by the Reclamation Service to the General Land Office with a view to the elimination of any lands not subject to entry (i.e., withdrawn or reserved), whereupon the remaining tracts will be included in the contract between the district and the Secretary of the Interior.

The Director of the U.S. Reclamation Service will furnish the Commissioner of the General Land Office with two copies of all such approved contracts, together with a blueprint of the map of the district.

From these the Commissioner of the General Land Office will cause proper notations to be made on the records of his office and will also issue the necessary instructions to the local office with a view to the proper notation of their records and the enforcement of the provisions of the act of August 11, 1916, supra (see Circular No. 592), as to the lands designated.

Very respectfully,

E. C. FINNEY,

First Assistant Secretary.

DESIGNATION UNDER ENLARGED AND STOCK-RAISING HOMESTEAD LAWS OF ENTERED
LANDS WITHIN NATIONAL FORESTS AS BASIS FOR ADDITIONAL ENTRY
OUTSIDE SUCH FORESTS.

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Circular No. 886.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

March 30, 1923.

Registers and Receivers,

United States Land Offices.

Gentlemen:

By act of March 4, 1923 (Public No. 496), provision has been made whereby the Secretary of the Interior may now designate under the enlarged-homestead act and the stock-raising act, national forest lands embraced in subsisting or perfected homestead entries of 160 acres or less so that such forest homestead entries may be the basis for additional entries under said acts. The act reads as follows:

"That any homestead entryman of one hundred and sixty acres or less of lands which have been or may hereafter be designated or classified by the Secretary of the Interior as subject to entry under the provisions of the Enlarged Homestead Act of February 19, 1909, or June 17, 1910, who has not submitted final proof upon his existing entry, and any homestead entryman who has submitted final proof, or received patent, for such an amount of lands which have been or may hereafter be designated or classified by the Secretary of the Interior as of the character described in said Act, and who owns and resides upon the said homestead entry, where said lands are within a national forest, may make an additional entry for and obtain patent to such an amount of land, of that same character, not in a national forest, and within a radius of twenty miles from said homestead entry, as, when the area thereof is added to the area of the original entry, will not exceed three hundred and twenty acres, and residence upon the original entry shall be credited on both entries; but cultivation must be made on the additional entry as required by said Act. For the purposes of the Act the Secretary of the Interior is authorized to designate as subject to the Enlarged Homestead Acts lands embraced at the time of such designation, within valid subsisting entries within national forests.

Sec. 2. That any homestead entryman of one hundred and sixty acres or less of lands which have been or may hereafter be designated or classified by the Secretary of the Interior as subject to entry under the provisions of the Stock Raising Homestead Act of December 29, 1916, who has not submitted final proof upon his existing entry, and also any homestead entryman who has submitted final proof or received patent, for such an amount of lands that of the character described as subject to entry under the provisions of the said Stock Raising Homestead Act, and who owns and resides upon the said homestead entry, where said lands are within a national

forest, may make an additional entry for and obtain patent to such an amount of land of that same character, not in a national forest and within a radius of twenty miles from said homestead entry, as, when the area thereof is added to the area of the original entry, will not exceed six hundred and forty acres, and residence upon the original entry shall be credited on both entries; but improvements must be made on the additional entry equal to \$1.25 for each acre thereof. For the purposes of this Act the Secretary of the Interior is authorized to designate under the Stock Raising Homestead Act lands embraced, at the time of such designation, within valid subsisting entries within national forests."

2. The intent and purpose of said act is to permit persons holding existing or perfected homestead entries for lands within national forests of a character subject to designation which the applicant owns and on which he resides, to make additional entries for such a quantity of land outside of the national forest and within 20 miles of the original entry as when added to the area of the original entry will not exceed 320 acres, if under section 1 thereof, or 640 acres if under section 2 thereof.

3. The procedure in making and perfecting an entry under section 1 of this act will be in all respects similar to that explained in paragraphs 43 and 47, inclusive, of Circular No. 541, approved January 16, 1922 (48 L.D., 389), covering additional entries under the enlarged-homestead acts, the only difference being that at the time of making the entry hereunder after proof on an original entry, the applicant must show ownership of and residence on the land in the original entry instead of ownership and occupancy, and an additional entry hereunder may be made for land not adjoining that in the original entry. Residence on the original entry may be credited on both entries, but cultivation of the land in the additional entry must be indicated in said paragraph 47.

4. The procedure in making and perfecting an entry under section 2 of this act will be governed by the instructions in paragraphs 8, 9, 11, and 12 of Circular No. 523, approved December 4, 1922. Residence on the original entry may be credited on both entries, but stock-raising improvements must be placed on the additional entry equal to \$1.25 per acre.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved: March 30, 1923.

E. C. FINNEY,

First Assistant Secretary.

Circular No. 888.
DEPARTMENT OF THE INTERIOR

General Land Office

Washington

April 9, 1923.

: Exchange of certain lands in
: Lincoln National Forest, New
: Mexico, for lands on the public
: domain in the County of Otero,
: New Mexico.

Registers and Receivers,

Las Cruces and Roswell, New Mexico.

Gentlemen:

The act of February 14, 1923 (Public No. 411), entitled: "An act providing for the acquirement by the United States of privately owned lands situated within certain townships in the Lincoln National Forest in the State of New Mexico by exchanging therefor lands on the public domain, also within such State," reads as follows:

That whenever the owner or owners of any privately owned lands, situated within township eighteen south, range eleven east, or townships fifteen, sixteen, seventeen, eighteen, and nineteen south, range twelve east, N.W.M.P.M., within the County of Otero and State of New Mexico, and within the present boundaries of the Lincoln National Forest, shall submit to the Secretary of Agriculture a proposal for the exchange of said lands for lands upon the public domain, situated in the County of Otero and State of New Mexico, and such Secretary shall be of opinion that the acquirement of the same by the United States for national forest purposes would be beneficial thereto, he is hereby authorized and empowered to transmit to the Secretary of the Interior such offer so made to him, together with such recommendation as he may see proper to make in connection therewith, together with a description of the property included in such offer and an estimate of the commercial or other value thereof, intrinsically or otherwise, and if he shall recommend the acquirement of the same by the United States under the provisions hereof, then, and in such event, the Secretary of the Interior shall be, and hereby is, authorized and empowered, in his discretion, to enter into and conclude negotiations with such owner or owners thereof, and in exchange for such designated privately owned lands, and upon conveyance by the owner or owners thereof, to the United States, by a good and sufficient deed, to cause to be patented to such owner or owners such acreage of non-mineral, non-irrigable grazing lands not suitable for agricultural purposes except for raising grass, situated within the said County of Otero, State of New Mexico, of equal total value, as near as he may be able to determine, to the lands so conveyed to the United States.

Section 2.-- That any lands conveyed to the United States under the provisions of this act shall, upon acceptance of the conveyance thereof, become and be a part of such Lincoln National Forest.

Section 3.-- That before any exchange of lands as above provided is effected, notice of such exchange proposal describing the lands involved therein, shall be published once each week for four consecutive weeks in some newspaper of general circulation in the county in which such lands so to be conveyed to the United States are situated.

You will be governed in your consideration of cases involving land within your respective districts coming within the purview of said act by the provisions of Circular No. 863, in re consolidation of national forests, dated October 28, 1922, so far as may be applicable.

It will be observed that the selections may be of "non-mineral, non-irrigable grazing lands not suitable for agricultural purposes except for raising grass," situated within said County of Otero, State of New Mexico, of equal total value as near as he may be able to determine to the lands so conveyed to the United States.

Under authority of the title to the act, the exchange is to be made for lands on the public domain. The law requires the Secretary of Agriculture to submit with his recommendation an estimate of the commercial or other value of the lands offered for exchange. Upon receipt of such recommendation and estimate in the General Land Office, the local office will be advised thereof and proceedings had in accordance with said Circular No. 863. Upon receipt of the formal application in this office examination by the Field Service will be directed with a view to ascertaining the value of the selected land and its worth as compared with the lands relinquished.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved: April 9, 1923.

E. C. FINNEY,

First Assistant Secretary.

General Land Office

Washington

April 16, 1923.

REINSTATEMENT OF CANCELED ENTRIES.

Registers and Receivers,

United States Land Offices.

Gentlemen:

Your attention is invited to 15 L.D., 659, in which it was held:

"An application for the reinstatement of a canceled entry, while pending, operates to reserve the land covered thereby from other disposition."

Applications for reinstatement of canceled entries must be filed in the proper district land office, and must be executed by the entryman, his heirs, legal representatives, assigns, or transferees as the case may require. If made by other than the entryman, such petition for reinstatement must fully set forth the nature and extent of petitioner's interest in the land, how acquired, and the names and addresses of any other person or persons who have or claim an interest therein. All petitions for reinstatement should set forth all facts, and state clearly and concisely upon what grounds reinstatement is urged. Such petition must be sworn to before some officer qualified to administer oaths, and having an official seal, or, if sworn to before an officer who does not have an official seal, his official acts must be attested by some proper officer.

Applications for reinstatement of canceled entries executed by agents and attorneys will not be recognized. Your attention is called to the regulations governing the recognition of agents and attorneys before district land offices, approved April 20, 1907 (35 L.D., 534). Paragraph 8 thereof is hereby amended to read as follows:

"Every attorney must, either at the time of entering his appearance for a claimant or contestant, or within ten days thereafter, file written authority for such appearance, signed by said claimant or contestant, and setting forth his or her present post-office address. Upon a failure to file such written authority, it is the duty of the register and receiver to no longer recognize him as attorney in the case."

Whenever application for reinstatement of a canceled entry is filed you will transmit same with the next returns to this office, together with report as to the present status of the land involved. Thereafter you will not permit disposition of the land until the application for reinstatement is finally adjudicated. All subsequent applications should be held suspended unless on account of some special reason you should deem it proper to forward

same to this office to be considered in connection with the pending application for reinstatement. If a junior application be forwarded, report should accompany it, setting forth the reasons for which you deemed it advisable to transmit same.

Should an application for reinstatement be filed not conforming to the foregoing, you will promptly advise the party thereof, calling his attention to the defects and allow fifteen days in which to file a proper application. At the proper time you will make report setting forth what action the applicant has taken.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved: April 16, 1923.

E. C. FINNEY,

First Assistant Secretary.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

April 23, 1923.

:Exchange of lands in Montana
:for lands in Glacier National
:Park.

Chief of Field Division,
Helena, Montana.

Superintendent of Glacier National Park,
Belton, Montana.

Registers and Receivers,
U.S. Land Offices, Montana.

Gentlemen:

The act of February 28, 1923 (Public No. 453), entitled: "An act to authorize an exchange of lands with owners of private land holdings within the Glacier National Park," reads as follows:

"That the Secretary of the Interior, for the purpose of eliminating private holdings of land within the Glacier National Park, is hereby empowered, in his discretion, to obtain for the United States the complete title to any or all of the lands held in private ownership within the boundaries of said park by accepting from the owners of such privately owned lands complete relinquishment thereof and by granting and patenting to such owners, in exchange therefor, in each instance, like public land of equal value situate in the State of Montana, after due notice of the proposed exchange has been given by publication for not less than thirty days in the counties where the lands proposed to be exchanged or taken in exchange are located.

Section 2. That the value of all patented lands within said park, including the timber thereon, offered for exchange, and the value of other lands of the United States elsewhere situated, to be given in exchange therefor, shall be ascertained in such manner as the Secretary of the Interior may direct; and the owners of such privately owned lands within said park shall, before any exchange is effective, furnish the Secretary of the Interior evidence satisfactory to him of title to the patented lands offered in exchange; and the lands conveyed to the Government under this act shall be and remain a part of the Glacier National Park."

Applications.--Applications for an exchange under the act must be filed in the local land office having jurisdiction over the land selected, the application describing the land to be conveyed as well as the land selected, according to Government subdivisions. Nothing less than a legal subdivision may be surrendered or selected. The selected land must be entirely within the State of Montana. Selections must be made by the owner of the land relinquished or in his name by a duly authorized agent or attorney in fact, and when made by an agent or attorney in fact proof of authority must be furnished.

The application must be accompanied by the necessary relinquishment, abstract of title, affidavits, and fees, as set forth in Circular No. 863, dated October 28, 1922, entitled: "Consolidation of National Forests," and you will be governed thereby in acting on the applications, noting on your records that the selection is made under the act of February 28, 1923 (Public No. 453).

Action by Register and Receiver.--If a selection appears regular and in conformity with the law and these regulations the selection will be referred by the register and receiver to the Chief of Field Division for field examination of both the selected and the base lands to determine whether or not their value is equal within the meaning of this act, with reference to their characteristics as mineral, prairie, grazing, agricultural, timber, desert land or otherwise, as the case may be, and to submit report with specific recommendation. A representative of the Field Division will cooperate with a representative of the Superintendent of the Glacier National Park in the examination and valuation of the base lands within the Glacier National Park. Should the report of the Chief of Field Division be adverse to the applicant opportunity will be given the party in interest to amend his application to conform with the recommendation of the Field Division by the register and receiver of the United States land office in which the application was filed.

Publication of Notice.--If the Chief of Field Division recommends the approval of the exchange and the selection appears regular and in conformity with the law and these regulations, the register and receiver will notify the applicant and require him, within thirty days from receipt of notice, to begin publication of notice of his application in accordance with said Circular No. 863, and in due time to submit proof thereof.

Protests.--Protests will be disposed of as provided in said Circular No. 863.

Action on the Application.--Should no objections appear on your records, you will certify the condition of the record on the application and will promptly transmit the original application and accompanying papers to this office by special letter.

Upon receipt of an application in the General Land Office the same will be examined at as early a date as practicable and if found defective an opportunity will be given the parties in interest to cure the defects, if possible. If the selection appears regular and in conformity with the law and these regulations the selection, with the record, will, in the absence of objections, be transmitted to the Secretary of the Interior with appropriate recommendation.

If the Secretary decides that the application should be allowed, the applicant will be required to have his relinquishment recorded in the manner prescribed by the laws of the State of Montana and to have the abstract of title extended down to and including the date the deed of relinquishment or conveyance was recorded.

If the Secretary be of the opinion that further evidence as to value and character of land involved is necessary, he may institute such inquiry as he may deem advisable.

The Secretary of the Interior may, in the exercise of his discretion, withhold his approval from any application made under the provisions of this act although the applicant may have complied with the rules and regulations herein prescribed.

Very respectfully,

WILLIAM SPRY,

Commissioner, General Land Office.

Concurring:

ARNO B. CAMMERER,

Director, National Park Service.

Approved: April 23, 1923.

E. C. FINNEY,

First Assistant Secretary.

Circular No. 891.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

April 23, 1923.

SUSPENSION OF FINAL PROOFS ON HOMESTEAD ENTRIES TO AWAIT

NATURALIZATION OF ENTRYMEN.

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Registers and Receivers,
United States Land Offices.

Gentlemen:

The Commissioner of Naturalization, Department of Labor, has advised this office that it frequently happens that homestead entrymen who have delayed applying for admission to citizenship until the lifetime of their entries has almost expired have been able to influence hasty action by the courts by stating that unless they secure evidence of naturalization their entries will be canceled.

The Naturalization Service, which objects to favorable action on an application of a foreign-born for American citizenship before the applicant has been instructed in the principles of our Government, is desirous of this office taking such action as will assure homestead entrymen who are acting in good faith that their entries will not be canceled merely because they have not been admitted to citizenship prior to the expiration of the statutory life of their entries.

You are therefore instructed as follows:

Where final proof on a homestead entry has been submitted by a person who has not received a certificate of naturalization, but whose application therefor is pending in court, you will, should such proof be found otherwise satisfactory, advise the claimant that the proof will be suspended to await action on his application for admission to citizenship. The claimant should be also advised that with a certified copy of his certificate of naturalization, when issued, should be filed a new final affidavit and an affidavit, corroborated preferably by his final-proof witnesses, showing what use he has made of the land since the date of the final proof, upon receipt of which, if all be found satisfactory, final certificate will issue.

In the event an entryman needs time beyond the statutory life of his entry within which to submit final proof, on the ground that he is unable to

furnish evidence of his admission to citizenship, you will require him to take the proper steps, within thirty days from notice, looking to the submission of final proof, under penalty of cancellation of the entry, and with such proof to submit a showing as to his citizenship status. Should it be made to appear that an application for admission to citizenship is pending, you will proceed as above directed; if none, you will advise the party that he should at once apply for admission and inform you that he has done so, whereupon the proof, if otherwise satisfactory, will stand suspended for such reasonable time as may be needed to complete the citizenship proceedings, and furnish the evidence specified in the preceding paragraph.

Final proof so suspended should be forwarded with your regular returns with a copy of your letter to the claimant.

In any case where you are in doubt as to the proper course of action, you will forward the papers to this office for consideration, notifying the claimant of your action.

Respectfully,

WILLIAM SPRY,

Commissioner.

Approved: April 23, 1923.

E. C. FINNEY,

First Assistant Secretary.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

PUBLIC LANDS RESTORED TO HOMESTEAD ENTRY AND OTHER DISPOSITION BY
PROCLAMATION, EXECUTIVE OR DEPARTMENTAL ORDER.

Preference Rights to Ex-Service Men of the War with Germany.

General Method of Opening:

By virtue of Public Resolution No. 29, of February 14, 1920 (41 Stat., 434), as amended by Public Resolution No. 36, approved January 21, 1922, hereafter and until February 15, 1930, when any surveyed lands within the provisions of the public resolution are opened or restored to disposition under the authority of the Department, such lands, unless otherwise provided in the order of restoration, shall become subject to appropriation under the laws applicable thereto, in the following manner, and not otherwise:

Lands not affected by the preference rights conferred by the acts of August 18, 1894 (28 Stat., 394), or June 11, 1906 (34 Stat., 233), or February 14, 1920 (41 Stat., 407), will be subject to entry by soldiers under the homestead and desert-land laws, where both of said laws are applicable, or under the homestead law only, as the case may be, for a period of 91 days, beginning with the date of the filing of the township plat in the case of surveys or resurveys, and with the date specified in the order of restoration in all other cases, and thereafter to disposition under all of the public land laws, applicable thereto, except where homestead entrymen are granted a prior preference period under the order. For a period of twenty days and for a like period prior to the date or dates such lands become subject to entry by the general public, soldiers in the first instance, and any qualified applicants in the second, may execute and file their applications, and all such applications presented within such twenty-day periods, together with those offered at nine o'clock a.m. standard time, on the dates such lands become subject to appropriation under such applications, shall be treated as filed simultaneously.

Unsurveyed lands are not subject to homestead or desert-land entry. A homestead entry may embrace 160 acres, or an approximation thereof, and where, the lands are of the character contemplated by the 320 or 640 acres homestead acts, applications for the unappropriated lands may be filed by qualified persons, under either of said acts; accompanied by proper petitions, if undesignated, for the designation of lands thereunder, and such applications will be suspended pending determination as to the character of such lands.

The following are restorations or openings which will occur in the near future and concerning which further information may be obtained from the local offices:

(358)

COLORADO: RECOVERED THROUGH CANCELLATION OF PATENT.

One hundred and sixty acres in Custer County and Pueblo land district, open to entry under the homestead and desert-land laws by ex-service men of the war with Germany for a period of 91 days, beginning May 23, 1923. Filings may be presented at any time within the 20 days prior to that date. On and after August 22, 1923, any of said tract remaining unentered will be subject to appropriation under any applicable public land law by the general public.

The tract has been recovered by the United States through the cancellation of a timber and stone patent upon reconveyance, and is reported to be hill land partly covered with pine timber ranging in quality from poor to fair.

(357)

FROM STOCK DRIVEWAY WITHDRAWAL.

OREGON:

192.95 acres in The Dalles land district, open to entry under the homestead and desert-land laws by ex-service men of the war with Germany for a period of 91 days, beginning May 17, 1923. Filings may be presented at any time during the 20 days prior to that date. On and after August 16, 1923, any of such land remaining unentered will be subject to appropriation under any public land law applicable thereto by the general public. The land is released from stock driveway withdrawal and is reported to be high and rough grazing land and has been designated as enterable under the 320-acre homestead law.

(356)

COLORADO:

IDAHO:

MONTANA:

NEVADA:

OPENED TO ENTRY THROUGH SURVEYS.

The official plats of the survey of public lands have been transmitted to Surveyors General with instructions to transmit copies thereof to United States land officers for official filing as follows:

Ts. 50 and 51 N., R. 19 W., N.M.P.M., Colorado, with letter of March 15, 1923, approximately 4,600 acres; United States land office at Montrose.

T. 11 S., Rs. 1 and 2 W., Ts. 15 and 16 S., Rs. 2 and 3 W., Ts. 9, 12, and 16 S., R. 4 W., T. 12 S., R. 5 W., Ts. 11 and 12 S., R. 6 W., B.M., Idaho, with letter of March 14, 1923, approximately 222,700 acres; United States land office at Boise.

Ts. 14 and 15 S., R. 1 E., and Ts. 13 and 14 S., R. 1 W., P.M., Montana, with letter of February 20, 1923, approximately 24,000 acres; United States land office at Bozeman.

T. 47 N., R. 59 E., and T. 18 N., R. 49 E., M.D.M., Nevada, with letters of March 2 and 7, 1923, approximately 18,900 acres; United States land office at Elko.

Ts. 23 and 24 N., R. 8 E., N.M.P.M., New Mexico, with letter of April 2, 1923, approximately 5,500 acres; United States land office at Santa Fe.

The dates of filing will be fixed by the registers of these offices and the public lands indicated will be opened to entry, and subject to prior valid settlement rights and equitable claims, ex-service men of the World War will be entitled to a preference right to enter these lands under the homestead and desert-land laws for a period of 91 days, beginning with the date of filing of the plats, under Public Resolutions Nos. 35 and 79, dated January 21 and December 28, 1922, respectively; all lands will be opened to general disposition at the expiration of the 91-day period.

Lands in Colorado are reported as mountainous with scrub timber; in Idaho, mountainous and rolling, with a fair growth of native grasses; in Montana, mountainous and rolling, chiefly valuable for grazing; in Nevada, mountainous and rolling mesa, covered with small timber and dense undergrowth; and in New Mexico, mountainous and broken, with scrub pinon and cedar, valuable only for fuel and fencing.

(355)

WYOMING;

FROM WITHDRAWAL UNDER ACT OF MARCH 15, 1910
(36 Stat., 237).

995.99 acres of land in Carbon County, Cheyenne land district, opened to homestead and desert-land entry by ex-service men of the World War for 91 days, beginning May 14, 1923. Filings may be presented by ex-service men during the 20 days prior to that date, all such filings to be considered as simultaneously made and conflicting claims by such ex-service men to be disposed of by lot. Thereafter any of said lands remaining unentered will be subject to appropriation under any applicable public land law by the general public.

(354)

WYOMING:

FROM SEGREGATION UNDER THE CAREY ACT.

1,393.77 acres of land in Sublette County, Wyoming, opened to entry under the homestead laws by adjoining entrymen and patentees and by ex-service men of the World War, beginning May 10, 1923, and opened to entry by the general public under any applicable public land law beginning August 9, 1923. All the land has been released from withdrawal for Carey Act purposes.

These lands are located in the Evanston land district.

(353)

IDAHO:

FROM STOCK DRIVEWAY WITHDRAWAL.

Forty acres in Elmore County, Boise land district, open to entry under the homestead and desert-land laws by ex-service men of the war with Germany for a period of 91 days, beginning May 5, 1923. Filings may be presented at any time during the 20 days prior to that date. On and after August 4, 1923, any of such lands remaining unentered will be open to appropriation under any public land law applicable thereto by the general public. The lands are released from stock driveway withdrawal. The preference accorded ex-service men by this restoration is subject to prior valid settlement rights and equitable claims.

(352)

LANDS OPENED TO ENTRY SUBJECT TO

NEVADA:

THE RECLAMATION ACT.

Pursuant to departmental order of March 30, 1923, public notice No. 46, six farm units comprising 680 acres will be opened to homestead entry under the Reclamation Act in T. 19 N., R. 28 E., M.D.M., Secs. 1, 2, 11, and 12, Newlands Irrigation Project, Nevada, at 9 o'clock a.m., April 27, 1923, to former service men of the World War holding approved water right applications.

Water right applications may be filed with the Project Manager, U.S. Reclamation Service, at Fallon, Nevada, in person, by mail or otherwise within a period of four days, beginning at 9 o'clock a.m., April 23, 1923, and all applications filed within that period will be treated as having been simultaneously filed. Water right applications received after 9 o'clock a.m., April 27, 1923, will be filed and noted in the order of their receipt. The water right charges, exclusive of operation and maintenance, are fixed by said order at \$80 per irrigable acre, 5 per cent of which or \$4 per irrigable acre must accompany the water right application.

Any farm unit remaining unentered on and after July 27, 1923, will be opened to entry to any person having the qualification of a homestead entryman, subject to the provisions of the reclamation act and the terms of said order. The lands are in Churchill County and near the town of Fallon, Nevada.

All applicants to make entry of any of the lands which at the time of filing the homestead application are embraced in an oil and gas application or permit under the leasing act must waive the right to the oil and gas content of the land.

(351)

WYOMING:

FROM STOCK DRIVEWAY WITHDRAWAL.

Four hundred and thirty-six acres in Converse County, Douglas land district, open to entry under the homestead and desert-land laws by ex-service men of the war with Germany for a period of 91 days, beginning May 3, 1923. Filings may be presented at any time during the 20 days prior to that date. On and after August 2, 1923, any of such lands remaining unentered will be open to appropriation under any public land law applicable thereto by the general public. The lands are released from stock driveway withdrawal and have been designated under the enlarged homestead act. The preference accorded ex-service men by this restoration is subject to prior valid settlement rights and equitable claims.

(350)

FROM STOCK DRIVEWAY WITHDRAWAL.

MONTANA:

City

One hundred and sixty acres in Custer County, Miles/land district, all withdrawn for coal classification, open to surface entry under the homestead and desert-land laws by ex-service men of the war with Germany for a period of 91 days, beginning May 1, 1923. Filings may be presented at any time during the 20 days prior to that date. On and after July 31, 1923, any of such lands remaining unentered will be open to appropriation under any public land law applicable thereto by the general public. The lands are released from stock driveway withdrawal and have been designated under the enlarged homestead act. The preference accorded ex-service men by this restoration is subject to prior valid settlement rights and equitable claims.

(349)

MONTANA:

FROM STOCK DRIVEWAY WITHDRAWAL.

Four hundred and forty acres in Carter County, Miles City land district, open to entry under the homestead and desert-land laws by ex-service men of the war with Germany for a period of 91 days, beginning May 1, 1923. Filings may be presented at any time during the 20 days prior to that date. On and after July 31, 1923, any of such lands remaining unentered will be open to appropriation under any public land law applicable thereto by the general public. The lands are released from stock driveway withdrawal and have been designated under the enlarged-homestead act. The preference accorded ex-service men by this restoration is subject to prior valid settlement rights and equitable claims.

(348)

ARKANSAS:

RESTORATION OF LAND RECOVERED THROUGH
CANCELLATION OF A PATENT.

One hundred and sixty acres in Van Buren County, Little Rock land district, open to entry under the homestead laws by ex-service men of the war with Germany for a period of 91 days, beginning May 1, 1923. Filings may be presented within 20 days prior to that date. On and after July 31, 1923, any of said land remaining unentered will be subject to appropriation under any applicable public land law by the general public. The tract was recovered by the United States through cancellation of a homestead patent by decree of court.

EXECUTIVE ORDER.

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WHEREAS there are large seepages of petroleum along the Arctic coast of Alaska and conditions favorable to the occurrence of valuable petroleum fields on the Arctic Coast and,

WHEREAS the present laws designed to promote development seem imperfectly applicable in the region because of its distance, difficulties, and large expense of development and,

WHEREAS the future supply of oil for the Navy is at all times a matter of national concern,

NOW, THEREFORE, I, Warren G. Harding, President of the United States of America, by virtue of the power in me vested by the laws of the United States, do hereby set apart as a Naval Petroleum Reserve all of the public lands within the following-described area not now covered by valid entry, lease or application:

Commencing at the most north-western extremity of the point of land shown on the maps of Alaska as Icy Cape, approximately lat. $70^{\circ} 21'$, long. $161^{\circ} 46'$; thence extending in a true south course to the crest of the range of mountains forming the watershed between the Noatak River and its northern tributaries and the streams flowing into the Arctic Ocean; thence eastward along the crest of this range of mountains to a peak at the head of the northernmost of the two eastern forks of Midas Creek (Pl. 1, U.S.G.S., Bull. 536), at approximately lat. $67^{\circ} 50'$, long. $156^{\circ} 08'$; thence in a true north course to a point at the highest high water on the western or right bank of the Colville River; thence following said highest highwater mark downstream along said Colville River and the western bank of the most western slough at its mouth to the highest highwater mark on the Arctic Coast. From here, following the highest highwater mark westward to the point of beginning.

The coast line to be followed shall be that of the ocean side of the sandspits and islands forming the barrier reefs and extending across small lagoons from point to point, where such barrier reefs are not over three miles off shore, except in the case of Plover Islands, from Point Tangent to Point Barrow (Pl. 3, U.S.G.S., P.P. 109), long. approximately $154^{\circ} 50'$, where it shall be the highest highwater mark on the outer shore of the islands forming the groups and extending between the most adjacent points of these islands and the sandspits at either end. In cases where the barrier reef is over three miles off shore the boundary shall be the highest highwater mark of the coast of the mainland.

Said lands to be so reserved for six years for classification, examination, and preparation of plans for development and until otherwise ordered by the Congress or the President.

The reservation hereby established shall be for oil and gas only and shall not interfere with the use of the lands or waters within the area indicated for any legal purpose not inconsistent therewith.

WARREN G. HARDING.

The White House,
Feb'y. 27, 1923

41
(No. 3797-A.)

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: Transmitting copy of Executive
: Order No. 3825.

April 30, 1923.

Register and Receiver,

Fairbanks, Alaska.

Gentlemen:

I am transmitting herewith for your information a copy of Executive Order No. 3825, dated April 14, 1923, withdrawing certain lands under the act of March 12, 1914 (38 Stat., 305), for Alaskan Railroad townsite purposes, said lands being situated in Secs. 13, 23, 24, T. 4 S., R. S. W., T. M., Alaska. You will make proper notations on the records of your office of said withdrawal. The survey and plat of the said acreage addition to the town of Nenana is under immediate consideration in this office with a view of approving same, of which action you will be duly advised.

Very respectfully,

WILLIAM SPRY,

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Commissioner.

EXECUTIVE ORDER.

Alaska Townsite Withdrawal No.

Under and pursuant to the provisions of the act of Congress approved March 12, 1914 (38 Stat., 305), entitled "An act to authorize the President of the United States to locate, construct, and operate railroads in the territory of Alaska, and for other purposes", it is hereby ordered that the following lands be, and the same are hereby, withdrawn from settlement, location, sale, entry, or other disposition and reserved for townsite purposes, and for other purposes in connection with the construction and operation of railroad lines under said act and under such regulations as have been or may hereafter be prescribed, subject to any valid adverse rights heretofore acquired:

Description.

All of Secs. 13, 23, and 24, T. 4 S., R. 8 W., Fairbanks Meridian, Alaska, south of Tanana and east of Nenana Rivers; except those portions of said sections included within the Nenana townsite, shown on plat approved February 3, 1917, the Railroad Terminal Reserve, shown on plat approved August 18, 1917, and the land occupied by the St. Marks Mission, under authority of the act of June 6, 1900 (31 Stat., 330); containing 788.78 acres, more or less.

WARREN G. HARDING.

The White House,

April 14, 1923.

(No. 3825.)

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SOLE RECENT EXECUTIVE WITHDRAWALS.

By orders of April 9, the President temporarily withdrew the following areas under the act of June 25, 1910 (36 Stat., 847), as amended: fifteen thousand, three hundred fifty-one acres in Washington, in scattered tracts, pending determination as to whether they are chiefly valuable for national forest purposes and should be included in the adjoining national forests under the provisions of the act of September 22, 1922 (42 Stat., 1036): 400 acres on Sage Creek in the Cheyenne land district, Wyoming, for use as a fishcultural station by the Bureau of Fisheries; and 120 acres near Rock Springs in the Evanston district, Wyoming, for use by the Post Office Department as a landing field in connection with the operation of transcontinental air mail service.

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CONSOLIDATED WORK REPORT OF LOCAL LAND OFFICES
FOR MONTH OF MARCH, 1923.

OFFICES.	End last month.		Received and Disposed of.		End of this month.			
	Pend- ing desig- nation:	Sus- pended re- jected: other- wise.	Pend- ing unact- ed on by P&R:	Re- ceived this month	Trans- mitted to this month	Now pend- ing desig- nation:	Now sus- pended re- jected: other- wise	Pend- ing un- acted on by R&R.
Alabama	:	:	:	:	:	:	:	:
Montgomery	:	23:	:	29:	29:	:	23:	:
Alaska	:	:	:	:	:	:	:	:
Fairbanks (a)	:	:	:	:	:	:	:	:
Juneau	:	145:	:	553:	52:	:	146:	:
Nome (a)	:	:	:	:	:	:	:	:
Arizona	:	:	:	:	:	:	:	:
Phoenix	240:	195:	:	294:	287:	240:	202:	:
Arkansas	:	:	:	:	:	:	:	:
Camden	:	17:	:	38:	41:	:	14:	:
Harrison	:	35:	:	85:	92:	:	28:	:
Little Rock	:	126:	:	69:	66:	:	129:	:
California	:	:	:	:	:	:	:	:
El Centro	8:	34:	:	45:	42:	8:	37:	:
Eureka	46:	2:	:	24:	18:	50:	2:	2
Independence	44:	99:	:	65:	71:	41:	96:	:
Los Angeles	45:	170:	:	238:	227:	50:	176:	:
Sacramento	84:	54:	:	72:	67:	84:	59:	:
San Francisco	122:	39:	:	81:	79:	132:	31:	:
Susanville	30:	24:	:	18:	25:	30:	17:	:
Visalia	17:	34:	:	56:	53:	18:	36:	:
Colorado	:	:	:	:	:	:	:	:
Del Norte	44:	12:	:	25:	33:	35:	13:	:
Denver	159:	31:	:	52:	98:	121:	23:	:
Durango	66:	52:	:	46:	63:	66:	35:	:
Glenwood Spgs	278:	209:	:	171:	122:	298:	238:	:
Lamar	65:	26:	:	75:	88:	51:	27:	:
Leadville	20:	21:	:	14:	18:	17:	20:	:
Montrose	79:	70:	:	88:	73:	84:	80:	:
Pueblo	310:	171:	:	160:	249:	226:	166:	:
Sterling	16:	13:	:	21:	20:	19:	11:	:
Florida	:	:	:	:	:	:	:	:
Gainesville	:	24:	5:	74:	85:	:	15:	3
Idaho	:	:	:	:	:	:	:	:
Blackfoot	118:	112:	:	107:	145:	92:	96:	4
Boise	121:	76:	:	102:	112:	57:	130:	:
Coeur d'Alene	1:	14:	:	12:	7:	1:	19:	:
Hailey	57:	41:	:	82:	85:	57:	38:	:

Lewiston	11:	13:	:	20:	20:	10:	14:
Kansas	:	:	:	:	:	:	:
Topeka	34:	16:	:	19:	19:	35:	15:
Louisiana	:	:	:	:	:	:	:
Baton Rouge	:	36:	:	25:	34:	:	27:
Michigan	:	:	:	:	:	:	:
Marquette	1:	5:	:	18:	19:	1:	4:
Minnesota	:	:	:	:	:	:	:
Cass Lake	2:	:	:	14:	13:	:	3:
Crookston	20:	:	:	21:	27:	:	14:
Duluth	:	28:	:	20:	18:	:	30:
Mississippi	:	:	:	:	:	:	:
Jackson	:	18:	:	25:	26:	:	17:
Montana	:	:	:	:	:	:	:
Billings	19:	184:	:	33:	35:	38:	163:
Bozeman	70:	72:	:	36:	49:	73:	56:
Glasgow	141:	899:	:	138:	562:	151:	465:
Great Falls	35:	68:	:	53:	65:	28:	63:
Harve	77:	111:	:	113:	113:	84:	104:
Helena	163:	60:	:	65:	47:	175:	66:
Kalispell	:	9:	1:	12:	10:	2:	9:
Lewistown	255:	57:	:	48:	65:	244:	51:
Miles City	223:	120:	:	188:	172:	236:	123:
Missoula	18:	8:	:	22:	22:	18:	8:
Nebraska	:	:	:	:	:	:	:
Alliance	36:	2:	:	14:	11:	37:	4:
Lincoln	24:	12:	:	20:	18:	25:	13:
Nevada	:	:	:	:	:	:	:
Carson City	21:	106:	:	83:	73:	19:	118:
Elko	28:	52:	:	35:	40:	25:	50:
New Mexico	:	:	:	:	:	:	:
Clayton	110:	38:	:	70:	80:	101:	37:
Ft. Sumner	38:	93:	:	135:	118:	50:	98:
Las Cruces	72:	135:	:	145:	158:	60:	134:
Roswell	108:	72:	:	193:	227:	102:	44:
Santa Fe	173:	238:	:	293:	285:	180:	239:
North Dakota	:	:	:	:	:	:	:
Bismarck	28:	28:	:	42:	46:	30:	22:
Dickinson	29:	22:	:	13:	21:	25:	18:
Oklahoma	:	:	:	:	:	:	:
Guthrie	33:	10:	:	54:	38:	36:	23:
Oregon	:	:	:	:	:	:	:
Burns	37:	21:	:	41:	42:	40:	17:
La Grande	75:	113:	:	36:	69:	75:	80:
Lakeview	57:	57:	2:	64:	68:	47:	65:
Portland	:	3:	:	27:	24:	:	6:
Roseburg	2:	26:	:	94:	72:	2:	48:
The Dalles	131:	27:	:	88:	63:	142:	41:
Vale	29:	61:	:	39:	44:	31:	54:
South Dakota	:	:	:	:	:	:	:
Bellefourche	4:	11:	:	19:	17:	6:	11:
Pierre	102:	49:	:	81:	107:	86:	39:
Rapid City	55:	51:	:	65:	67:	50:	54:

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Utah	:	:	:	:	:	:	:
Salt Lake City	398:	243:	:	207:	332:	380:	136:
Vernal	:	22:	25:	:	33:	17:	24:
Washington	:	:	:	:	:	:	:
Seattle	:	:	10:	:	5:	5:	10:
Spokane	:	30:	24:	:	35:	36:	31:
Vancouver	:	3:	5:	:	12:	16:	2:
Walla Walla	:	31:	4:	1:	21:	19:	29:
Waterville	:	28:	38:	:	30:	30:	28:
Yakima	:	17:	3:	:	81:	18:	16:
Wisconsin	:	:	:	:	:	:	:
Wausau	:	:	4:	:	7:	7:	4:
Wyoming	:	:	:	:	:	:	:
Buffalo	:	96:	129:	:	167:	190:	106:
Cheyenne	:	137:	187:	:	128:	121:	152:
Douglas	:	54:	172:	:	198:	209:	56:
Evanston	:	64:	126:	:	60:	52:	61:
Lander	:	93:	26:	:	74:	72:	90:
Newcastle	:	157:	99:	:	90:	107:	160:
	:	:	:	:	:	:	:
Total,	:	5,359;	5,897:	9:	5,865;	6,582:	5,175;
	:						5,361:
	:						11

Note (a). No report received from these offices on April 27, 1923

PRESIDENTIAL APPOINTMENTS.

Nelson D. McGinley, of Guthrie, Oklahoma, appointed Register of the land office at Guthrie. Commission (recess appointment) dated April 2, 1923. Mr. McGinley was formerly Receiver of Public Moneys and retired on April 2, 1923, when the offices of Register and Receiver were consolidated and the office of Receiver abolished under the provisions of the act of January 24, 1923.

George B. Russell, of Elko, Nevada, appointed Register of the land office at Elko, effective May 16, 1923 (recess appointment) vice Eber Melvin Steninger resigned. Commission dated April 21, 1923.

George C. Crom, of Gainesville, Florida, appointed Register of the land office at Gainesville (recess appointment) vice Robert W. Davis, Register, and Perry M. Colson, Receiver, whose terms had expired and who went out of office on April 2, 1923, when the offices of Register and Receiver were consolidated, and the office of Receiver was abolished, under the provisions of the act of January 24, 1923.

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RESIGNATIONS.

Eber Melvin Steninger, as Register of the land office at Elko, Nevada, effective May 15, 1923, or as soon thereafter as his successor qualifies.

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The following - named employees have been designated Acting Registers of the land offices in which they are employed, to perform all duties as Acting Register during a vacancy in the office of Register, by reason of death, resignation, removal, or the inability of the Register to act, except that no contest or protest can be decided or disposed of by him, etc. (Act of October 28, 1921.)

Miss Anna C. Bouden at Juneau, Alaska.

Mrs. Frederica Post, at Guthrie, Oklahoma.

Miss Jessie Riley, at Elko, Nevada.

Alva G. Baldwin, at Lakeview, Oregon.

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TELL THE BULLETIN.

To All Local Offices and Field Service Employees:

If anything occurs, in the public land service, which you think is of administrative value, tell us about it. Address all communications to the Commissioner of the General Land Office, "Land Service Bulletin." All information should be received not later than the 24th of each month for use in the current number.

LAND SERVICE BULLETIN

DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE

By direction of the Secretary of the Interior the matter contained herein is published as administrative information, and is required for the proper transaction of public business.

Vol. 7.

June 1, 1923.

No. 4.

RESIDENCE UNDER THE HOMESTEAD LAW.

When the act of June 6, 1912, was passed, reducing the period of residence requisite to earn title under the homestead law from five to three years, and providing for a period of five months continuous leave of absence from the land in each year, after establishing residence on the land, it was believed by the friends of the new measure that it would operate to largely reduce the number of homestead entries that have to be canceled each year for the want of sufficient residence. Shortening the whole period of residence, and allowing it to be broken up to suit the exigencies of the settler, would seem to make it a comparatively easy requirement to fulfil, but a study of the contests that are brought against homestead entries at the present time does not indicate that such is the fact. Apparently, about the same ratio of homestead contests on the ground of non-compliance with the law in the matter of residence exists now as under the old law. In many cases now, however, as formerly, it appears that the failure of the homesteader to comply with the law in this respect is quite as much due to his ignorance as to the real character of the statutory requirement, as to a wilful disregard of the law, and of his undertaking thereunder. It is possible, therefore, that if the local officers, and our field men generally could advise entrymen, who seem to need such advice as to the necessity of living on the land, and making it their home, it would often save them from the serious consequences of a contest, or failure to secure title on final proof even in the absence of a contest.

Members of the Land Service who come into immediate contact with entrymen are often in a position where a kindly word of advice would be far-reaching in its beneficent effect; and when opportunities of this kind serve, we should all be prompt to lend a helping hand.

SURVEY NOTES.

Resurveys in Coal Fields.

On May 26, 1923, special instructions under Group No. 166, Colorado, were approved, providing for a field investigation of survey conditions in the Walsenburg and Trinidad coal fields, Colorado, situated in Ts. 31 and 32 S., R. 64 W., and Ts. 30 to 34 S., R. 65 W., 6th P.M. These are but two of the many coal fields throughout the West that have been the subject of recent conferences between representatives of the Bureau of Mines and the General Land Office concerning the necessity of identifying, accurately, the location of the public land corners and lines of accepted surveys in the areas where there are considerable activities in connection with coal and mineral leasings, other than gas and oil.

The Director of the Bureau of Mines points out that, as an important essential in the results to be accomplished, it is first necessary to identify or reestablish the public land corners defining the boundaries of the various leases and permits, and that where the mine works go from fee to leased lands, the lines should be run underground to establish the dividing points between the leased and the fee lands, and that accurate underground surveys at places, will be essential for working out the proper mining methods to be followed, so as to prevent the loss of large amounts of coal through squeezes, or other causes, to check the amounts of coal recovered, and to decrease the hazards to the employees in the mines, and, in the end, it is anticipated that from time to time, complete underground surveys will be required where it is reasonable to suspect that the surveys made by the lessees are not being properly executed.

This field of engineering, strictly cadastral in its scope, fits well into the surveying operations of the General Land Office. The work of identifying or reestablishing the lines of official surveys on the surface of the ground, necessary for the determination of the boundaries of the leasing units, can be undertaken during the summer months, as a part of the general resurvey work of the surveying service, while the underground work can be done during the winter months, when field work in the open is impossible. This will serve better to balance the activities of the surveying service throughout the entire year.

Last summer field investigations were conducted in the Castle Gate and Spring Canyon coal fields, Utah, which developed the necessity for resurveying, in whole or in part, T. 12 S., Rs. 9 and 10 E., and T. 13 S., Rs. 8 and 9 E., and on May 26, 1923, the United States Surveyor General for Utah was authorized and directed to issue, subject to the approval of this office, appropriate special instructions for such resurveys. The precise scope of this subdivisional work can not well be determined at this time, and in this matter the surveyor will be governed largely by the advice of the representative of the Bureau of Mines, who will be invited to accompany the party throughout the proceedings. Full cooperation will be extended by the engineer in charge, with a view to meeting the requirements of that bureau.

Slogans for 1923.

The monthly service letter from one of the Assistant Supervisors of Surveys to the field engineers of his district, contained the following slogans

for the season of 1923, which are deemed to be worthy of a place in the Land Service Bulletin:

SLOGANS FOR 1923.

- Are you always sure you can't go deeper when posts are set less than 3/4 depth?
- Dodge Brothers state that their trucks should not exceed 25 miles per hour.
- Corners are the only things we leave on the ground. Lets have them good.
- Are you blazing your lines?
- Everyone should be on the constant watch for errors in the markings of posts.
- Are your sketch plats up to date?
- Are you keeping and checking up your notes so that someone else can write them?
- A misclosure is the worst crime a surveyor can commit.

Iron Posts.

The Metals Committee of the Federal Specification Board is devoting considerable attention at this time to the formulation of specifications for the iron posts and tablets used by the General Land Office, Geological Survey, Reclamation Service, and other bureaus of the Interior Department. The experience of the surveying service of the General Land Office leads to the conclusion that a post of rust-resisting, non-oxidizing material is very desirable, and it is hoped that, as a result of the consideration now being given to this subject, a more enduring monument will be developed. The chief of the surveying division is representing the General Land Office in the matter, and while no official announcement has been made as to the activities of the committee, it is understood that experimental work is contemplated at a very early date.

Mineral Segregation Surveys.

Among the minor surveying activities of the General Land Office, that of eliminating mineral conflicts from homestead entries, State and railroad selections, is one of growing importance. These surveys, which are widely distributed, combine the essential elements of mineral and public land survey practice, and frequently present technical features of considerable interest. The volume of business of this class has increased, particularly since the enactment of the stock-raising homestead law of December 29, 1916, from occasional surveys of this type, to a point where, in preparation for this season's work, surveys involving some 60 entries or selections, have been authorized. The districts of California, Idaho, Montana, and Washington are those most actively engaged in the execution of these surveys, although the districts of Arizona, Colorado, Oregon, and Nevada are also represented.

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NOTES FROM THE FIELD SERVICE.

Special Agent C. F. Follen, en route from the Southern Division to his season's work in Minnesota, Michigan, and Wisconsin, stopped in Washington for instructions before proceeding to Duluth, his temporary headquarters.

Mineral Examiner M. A. Sears returned to the General Land Office from the Southern Division the last week of May.

Special Agent H. H. Mancha, for many years in the Field Service, has been retired for total disability. Mr. Mancha is now virtually totally blind, the result of close application to his official duties. He resides in San Francisco. It is unnecessary to say that the sympathies of his very extensive circle of friends and old associates go out to him in his affliction.

Special Agent J. A. Backstrom, Hearings Officer in the Santa Fe Division, has been transferred to the Bureau of Internal Revenue, with headquarters at Memphis, Tennessee.

Special Agent R. M. Daly has been appointed Agent in Charge of Hearings in the Santa Fe Division, vice Backstrom, transferred.

Chief of Field Division J. W. Neal, of the Southern Division, was married May 17 at Tunnel Springs, Alabama, to Miss Anne E. Kearley, for some time past a clerk in the Division office. At home after May 24, at No. 178 Griffith Street, Jackson, Mississippi. Congratulations are, of course, in order.

Mineral Examiner H. W. MacFarren, one of the old stand-bys of the Field Service, has been transferred to the Bureau of Mines, with headquarters in Washington.

Several additional appointments to the ranks of our Mineral Examiners were made during the past month, as follows: Paul F. Cutter, of Ohio, and Harold W. Merrin, of the State of Washington, to the Portland Division; George M. Kintz, of Colorado, Samuel E. Guthrey, of California, and Neal F. Stull, of Ohio, to the Salt Lake Division.

James B. Hyde and Wade V. Lewis, of Oregon, and Elgin R. Wilcox, of the State of Washington, have been appointed temporary Mineral Examiners, and have been assigned for the season to the Portland Division.

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Ferry Lake Suits.

The Department of Justice on May 1 and May 7, 1923, advised the Secretary of the Interior of the recovery of damages in the cases of Henry Hunsicker, et al and Sam W. Mason, et al, in the sums of \$44,273.02 and \$82,418.55, respectively, which satisfied decrees in said cases and included amount due for oil produced since January 1, 1918.

Additional payment of \$132,927.39 was also reported by the Jeems Bayou Fishing and Hunting Club for oil produced after January 1, 1918.

The satisfaction of decree in the Jeems Bayou Fishing and Hunting Club by payment of \$216,662.26 was reported in the May issue of The Bulletin and the additional payments now make a total of \$476,281.22 recovered to date in these Ferry Lake cases.

Southern Field Division.

The employees of the Southern Field Division are expressing their congratulations and best wishes to Mr. James W. Neal, Chief of Southern Field Division, and Miss Anne B. Kearley, clerk, upon their marriage which occurred at the bride's home in Tunnel Springs, Alabama, on the morning of May 17.

Special Agent Joseph G. Hilman who has been employed in the Southern Field Division for several years past has been transferred to the Cheyenne Division.

Special Agent E. J. Hilton, who has been in the Southern Field Division for several months, has been directed to report to the Salt Lake Division for future duties.

Special Agent Charles F. Follen, after spending the winter in the Southern Field Division where he enjoyed a three months' assignment in Florida, recently left to take up work in Minnesota and Michigan.

Mr. Herbert L. Brooks who comes from the Santa Fe Division has been appointed hearings officer for this Division.

The Southern Field Division has been enjoying the novel experience of having supervision over the operation of two oil wells in Louisiana for the past month. Mineral Examiner Sears is at present looking after the Government's interests in this connection.

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PINNACLES NATIONAL MONUMENT.

President Harding added 562 acres to the Pinnacles National Monument by proclamation May 7, upon recommendation of the Secretary of the Interior.

Pinnacles National Monument was created by proclamation of January 16, 1908. The name is derived from the spirelike rocks which form a landmark visible many miles in every direction. Many of the rocks are so precipitous that they can not be scaled. A series of caves, opening one into the other, lie under each of the groups of rocks. There are several specimens of "balancing rocks" and the pinnacles, domes, caves, and subterranean passages of the monument are awe-inspiring on close inspection. The wild life on the reservation is protected by special State laws, having been created a State Game Preserve in 1909.

The original monument reservation embraced a patented tract of 160 acres at the extreme northern end of the monument. It seems that most visitors have gotten the impression that the Pinnacles National Monument is that portion of land that is embraced in the patented tract, locally known as "Vancouver Pinnacles." The owners having improved this tract for camping purposes have charged an entrance fee of 50 cents per person. The Department of the Interior desires it to be known that while this privately-owned tract contains part of the natural formations, many of the scenic attractions of the monument are a considerable distance from this patented land and can be reached by visitors without entering the patented land and without paying the fee that is charged.

The monument is reached from the west by road from Soledad, 12 miles distant, and from the east from Hollister, 35 miles distant. Both roads give access to the trail through Bear Gulch from which Pinnacle Rocks and the Little Pinnacles may be visited. Bear Gulch, extending into the monument from the eastern or Hollister side, is a beautiful canyon containing a very good stream of water, many of the scenic attractions, and two sets of the underlying caves. No person is authorized to collect a fee from visitors entering the monument through Bear Gulch.

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GOOD WORK IN THE DELIVERY OF PATENTS.

From the Register at Boise, Idaho.

In spite of our best endeavors we have not been able to properly dispose of the many patents that for years have been accumulating in the office. I, therefore, addressed a letter to every newspaper published in this land district asking them to cooperate with us in finding the people entitled to the patents. Many of these county papers have already printed the lists sent to them, and no doubt in the next week or so the others will do the same. The result has been gratifying. From the original homesteader or his grantee in many cases in the nearer counties we have received scores of requests to send the patents.

At the time of writing to the newspapers we also sent a request, and similar lists, to the various assessors, and these officials likewise have assured us of their help. We have every reason to believe in the next week or two these patents, useless to the Government but invaluable to the owners of the lands affected, will have been delivered.

From the Register at Glenwood Springs, Colorado.

A year ago we had in our files 596 undelivered patents, many dating back from twenty to thirty years. With the assistance of the newspapers we have reduced the number of patents on hand to 296, notwithstanding a steady stream of new ones is arriving from the General Land Office. Every new patentee's name is published in one or more newspapers as soon as possible after the patent reaches this office.

MESA VERDE NATIONAL PARK.

In Mesa Verde National Park, Colorado, the visitor this summer may behold for the first time the skeletal remains of one of the prehistoric inhabitants of this region as he was laid out in his grave centuries ago, according to a statement issued by the Department of the Interior.

These human skeletons were uncovered in an aboriginal cemetery near the southeast corner of Pipe Shrine House last summer. All the skeletons that were found were well preserved, considering their antiquity, and had been buried in an extended position on a hard clay bed. They lay on their backs at full length with legs crossed and heads oriented to the east, generally accompanied by mortuary vessels of burnt clay and other objects. These vessels once contained food and water, the spirit of which was thought would be suitable food for the spirit of the defunct.

Every bone of one skeleton was left where it was found and was not raised from the position in which it was interred over 500 years ago. Walls of a stone vault were constructed around it, reaching to the surface of the ground, and to a wooden frame, firmly set in cement, was nailed a wire netting, above which was constructed a waterproof wooden roof hung on hinges. By raising this roof the visitor may now behold the skeletal remains of a man about forty-five years old, 5 feet 6 inches tall.

So far as known this is the first time care has been taken to preserve a skeleton of a Pueblo in its aboriginal burial place so that it may be seen by visitors. It shows the environment of the defunct and satisfactorily answers the question whether the Cliff Dwellers were pygmies.

DEPARTMENT OF THE INTERIOR

GENERAL LAND OFFICE

WASHINGTON

May 12, 1923.

In reply please refer to
Circular No. 895.

: Annual Report as to
: Unappropriated Lands.

Registers and Receivers,
United States Land Offices.

Sirs:

Inclosed herewith are blank forms (4-349) upon which you will report, IN DUPLICATE, the area of the unappropriated lands in your district on July 1, 1923, and the character thereof.

The data as to the surveyed lands should be obtained from the township plats, but the area of unsurveyed lands must necessarily be estimated. In making such estimates you will subtract from the total unsurveyed area any portion which is within a national forest, national monument, Indian, military, or other reservation.

Lands withdrawn for resurveys should be reported as unsurveyed, but the area of entries within the withdrawn townships should be treated as appropriated:

It is essential that your report be forwarded not later than July 1, 1923, and nothing must be allowed to delay it beyond that date.

It is suggested that delay in making the report can be obviated by commencing to check the township plats at an early date, and after the area of unappropriated land in a township has been ascertained and entered on a sheet to be attached to the plat, the noting thereon, of the proper debits and credits, as entries are made or relinquished, will make the correct area easily available at the close of business on June 30.

Your attention is invited to the fact that frequently only small areas are found vacant in certain counties. This, if published in the Vacant Land Circular, gives rise to many inquiries as to where these particular small areas are located, and it often happens that neither this office nor your office knows the description thereof. You will, therefore, in all cases where a county is reported as containing less than 500 acres, keep a memorandum of the description of these vacant subdivisions so that inquiries relative thereto may be answered promptly.

Lands in pending, unallowed, applications should be considered as appropriated.

Acknowledge receipt hereof on the inclosed card.

Very respectfully,

WILLIAM SPRY,

Commissioner.

DESIGNATION UNDER ENLARGED AND STOCK-RAISING HOMESTEAD LAWS OF ENTERED LANDS
WITHIN NATIONAL FORESTS AS BASIS FOR ADDITIONAL ENTRY OUTSIDE SUCH FORESTS.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

March 30, 1923.

Registers and Receivers, U.S. Land Offices.

Gentlemen: By act of March 4, 1923 (Public, No. 496), provision has been made whereby the Secretary of the Interior may now designate under the enlarged-homestead act and the stock-raising act national-forest lands embraced in subsisting or perfected homestead entries of 160 acres or less so that such forest homestead entries may be the basis for additional entries under said acts. The act reads as follows:

That any homestead entryman of one hundred and sixty acres or less of lands which have been or may hereafter be designated or classified by the Secretary of the Interior as subject to entry under the provisions of the Enlarged Homestead Act of February 19, 1909, or June 17, 1910, who has not submitted final proof upon his existing entry, and any homestead entryman who has submitted final proof, or received patent, for such an amount of lands which have been or may hereafter be designated or classified by the Secretary of the Interior as of the character described in said Act, and who owns and resides upon the said homestead entry, where said lands are within a national forest, may make an additional entry for and obtain patent to such an amount of land, of that same character, not in a national forest, and within a radius of twenty miles from said homestead entry, as, when the area thereof is added to the area of the original entry, will not exceed three hundred and twenty acres, and residence upon the original entry shall be credited on both entries; but cultivation must be made on the additional entry as required by said Act. For the purposes of this Act the Secretary of the Interior is authorized to designate as subject to the Enlarged Homestead Acts lands embraced, at the time of such designation, within valid subsisting entries within national forests.

Sec. 2. That any homestead entryman of one hundred and sixty acres or less of lands which have been or may hereafter be designated or classified by the Secretary of the Interior as subject to entry under the provisions of the Stock Raising Homestead Act of December 29, 1916, who has not submitted final proof upon his existing entry, and also any homestead entryman who has submitted final proof or received patent, for such an amount of lands that are of the character described as subject to entry under the provisions of the said Stock Raising Homestead Act, and who owns and resides upon the said homestead entry, where said lands are within a national forest, may make an additional entry for and obtain patent to such an amount of land of that same character, not in a national forest and within a radius

of twenty miles from said homestead entry, as, when the area thereof is added to the area of the original entry, will not exceed six hundred and forty acres, and residence upon the original entry shall be credited on both entries; but improvements must be made on the additional entry equal to \$1.25 for each acre thereof. For the purposes of this Act the Secretary of the Interior is authorized to designate under the Stock Raising Homestead Act lands embraced, at the time of such designation, within valid subsisting entries within national forests.

2. The intent and purpose of said act is to permit persons holding existing or perfected homestead entries for lands within national forests of a character subject to designation which the applicant owns and on which he resides, to make additional entries for such a quantity of land outside of the national forest and within 20 miles of the original entry as when added to the area of the original entry will not exceed 320 acres, if under section 1 thereof, or 640 acres if under section 2 thereof.

3. The procedure in making and perfecting an entry under section 1 of this act will be in all respects similar to that explained in paragraphs 43 to 47, inclusive, of Circular 541, approved January 16, 1922 (48 L.D., 389), covering additional entries under the enlarged homestead acts, the only difference being that at the time of making the entry hereunder after proof on an original entry, the applicant must show ownership of and residence on the land in the original entry, instead of ownership and occupancy, and an additional hereunder may be made for land not adjoining that in the original entry. Residence on the original entry may be credited on both entries, but cultivation of the land in the additional entry must be as indicated in said paragraph 47.

4. The procedure in making and perfecting an entry under section 2 of this act will be governed by the instructions in paragraphs 8, 9, 11, and 12 of Circular 523, approved December 4, 1922. Residence on the original entry may be credited on both entries, but stock-raising improvements must be placed on the additional entry equal to \$1.25 per acre.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved March 30, 1923.

E. C. FINNEY,

First Assistant Secretary.

Circular No. 192.
(Revised)
DEPARTMENT OF THE INTERIOR

General Land Office

Washington

April 25, 1923.

: Mineral Surveyors Bonds.
: Practice.

United States Surveyors General.

Gentlemen:

Circular No. 192, dated November 16, 1912, is hereby reissued as follows:

Whenever an application for appointment as mineral surveyor is filed in your office (or an application for reappointment), you are instructed to forward the same to the Chief of Field Division having jurisdiction of the territory within which the mineral surveyor resides, for investigation of the surveyor's qualification and fitness for the position. If a favorable report is received from him, you should issue the usual form of appointment and furnish the surveyor with blank forms of bond. No bond should be executed by the surveyor and his surety prior to the date of formal appointment of the said surveyor.

In case where the four-year period of the bond is about to expire and the surveyor desires to renew his bond, his request should be referred to the Chief of Field Division for report as heretofore, but the bond should not be executed until you have received a favorable report.

Adverse reports will be sent direct to this office by Chiefs of Field Divisions as heretofore, but with notice to you at the same time.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Circular No. 193.
(Revised)
DEPARTMENT OF THE INTERIOR

General Land Office

Washington

April 25, 1923.

: Mineral Surveyors Bonds.
: Practice.

Chiefs of Field Divisions,

General Land Office.

Gentlemen:

Circular No. 193, dated November 16, 1912, is hereby reissued to read as follows:

Enclosed herewith is a circular letter of even date to the U. S. Surveyors General instructing them to forward to you applications for appointment to the position of mineral surveyor when the same are filed in their office. Upon receipt of such applications you will investigate the qualifications, character, and standing of the mineral surveyor and make a prompt report thereof. If your report is favorable, forward it and the application to the Surveyor General from whom the application was received in order that he may appoint the surveyor and direct the execution of his official bond.

If, however, your report is adverse to the mineral surveyor you will transmit it direct to this office, as heretofore required, and at the same time notify the Surveyor General of your action, returning the application to him.

Very respectfully,

WILLIAM SPRY,

Commissioner.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

May 3, 1923.

FENCING OF STOCK WATERING RESERVOIRS.

Registers and Receivers,

United States Land Offices.

Gentlemen:

The act of Congress approved March 3, 1923, Public No. 480, amends section 1 of the act of January 13, 1897 (29 Stat., 484), "An Act providing for the location and purchase of public lands for reservoir sites" by inserting at the end thereof, the following new sentence:

"The Secretary of the Interior, in his discretion, under such rules, regulations, and conditions as he may prescribe, upon application by such person, company, or corporation, may grant permission to fence such reservoirs in order to protect live stock, to conserve water, and to preserve its quality and conditions: Provided, That such reservoir shall be open to the free use of any person desiring to water animals of any kind; but any fence erected under the authority hereof shall be immediately removed on the order of the Secretary."

This act applies only to stock watering reservoirs which have been or may hereafter be constructed, and due proof of construction filed in the General Land Office.

Any person, company, or corporation, desiring to secure the benefits of this act should file in the local land office an application, under oath, duly corroborated by at least two disinterested witnesses, setting forth such facts as would show that it is necessary to fence such reservoir in order to protect the live stock, to conserve water and to preserve its quality and condition. There should be filed with such application, and as a part thereof, a plat showing the land embraced in the reservoir as near as may be, the location of the proposed fence with respect to such reservoir, together with all gates or other openings and roadways leading to the same. In no instance, will an application be considered unless said plat shows the location of at least two gates. Said gates shall be so constructed and maintained that they may be, at all times, readily opened and closed by any person desiring to water animals of any kind and such gates shall be so placed as to be readily accessible from the road or roads nearest the reservoir, which roads shall be the ones usually traveled and, where there are no such roads whereby to govern the location of such gates, they shall be so situated as to make the reservoir readily available from the adjacent public or other range; and that there shall be posted on the gates, and elsewhere, if necessary, a notice stating that the reservoir is for stock watering purposes,

located on public lands and that the same is opened to the free use of any person desiring to water animals of any kind.

Upon the filing of such an application, it should be considered by the local office as an additional paper in the case and transmitted to this office by special letter under the serial number of the reservoir declaratory statement for such action as may be deemed proper.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved: May 3, 1923,

E. C. FINNEY,

First Assistant Secretary.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

May 8, 1923.

SECTION 2294, REVISED STATUTES, AS AMENDED BY ACT OF FEBRUARY 23, 1923
(Public No. 435). SUPPLEMENTAL INSTRUCTIONS.

Registers and Receivers,

United States Land Offices.

Gentlemen:

By office letter of May 7, 1923 (1089363), to the register and receiver at Phoenix, Arizona, approved by the First Assistant Secretary of the Interior, it was held that the proofs, affidavits, and oaths mentioned in section 2294, Revised Statutes, as amended by the act of February 23, 1923 (Public No. 435), may be executed before a qualified officer within the boundaries of either the county or land district in which the land is located, without any showing as to the nearness or accessibility of such officer, or outside both the county and land district upon a showing by affidavit, satisfactory to the Commissioner of the General Land Office, that the officer so acting was, because of topographic or geographic conditions, nearer or more accessible to the land. Reference is had to Circular No. 884, dated March 23, 1923.

You will be governed accordingly.

Very respectfully,

WILLIAM SPRY,

Commissioner.

SECTION 2294, REVISED STATUTES, AMENDED.

DEPARTMENT OF THE INTERIOR,

General Land Office

Washington

March 23, 1923.

Registers and Receivers,

United States Land Offices.

Gentlemen:

Section 2294, Revised Statutes, as amended by the act of March 11, 1902 (32 Stat., 63), and the act of March 4, 1904 (33 Stat., 59), was amended by the act of February 23, 1923 (Public No. 435), by inserting a provision that where, because of geographic or topographic conditions, there is a qualified officer nearer or more accessible to the land involved, but outside the county and land district, affidavits, proofs, and oaths may be taken before such officer. Said section as amended reads as follows:

Sec:2294. That hereafter all proofs, affidavits, and oaths of any kind whatsoever required to be made by applicants and entrymen under the homestead, preemption, timber-culture, desert-land, and timber and stone acts, may in addition to those now authorized to take such affidavits, proofs, and oaths be made before any United States commissioner or commissioner of the court exercising Federal jurisdiction in the Territory or before the judge or clerk of any court of record in the county, parish, or land district in which the lands are situated: Provided, That in cases where because of geographic or topographic conditions there is a qualified officer nearer or more accessible to the land involved, but outside the county and land district, affidavits, proofs, and oaths may be taken before such officer: Provided further, That in case the affidavits, proofs, and oaths hereinbefore mentioned be taken outside of the county or land district in which the land is located, the applicant must show by affidavit, satisfactory to the Commissioner of the General Land Office, that it was taken before the nearest or most accessible officer qualified to take such affidavits, proofs, and oaths; but such showing by affidavit need not be made in making final proof if the proof be taken in the town or city where the newspaper is published in which the final proof notice is printed. The proof, affidavit, and oath, when so made and duly subscribed, or which may have heretofore been so made and duly subscribed, shall have the same force and effect as if made before the register and receiver when transmitted to them with the fees and commissions allowed and required by law. That if any witness making such proof, or any applicant making such affidavit or oath, shall knowingly, willfully, or corruptly swear falsely to any material matter contained in said proofs, affidavits, or oaths, he shall be deemed guilty of perjury, and shall be liable to the same pains and penalties as if he had sworn falsely before the

register. That the fees for entries and for final proofs, when made before any other officer than the register and receiver, shall be as follows:

For each affidavit, 25 cents.

For each deposition of claimant or witness, when not prepared by the officer, 25 cents.

For each deposition of claimant or witness prepared by the officer, \$1.

Any officer demanding or receiving a greater sum for such service shall be guilty of misdemeanor and upon conviction shall be punished for each offense by a fine not exceeding \$100.

All oaths, affidavits, and proofs herein referred to may be made before a duly qualified deputy clerk of court who regularly acts for the clerk and performs the duties of the office in the name of his principal at the county seat. (See Instructions of May 8, 1919 -- 47 L.D., 145.)

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved March 23, 1923.

E. C. FINNEY,

First Assistant Secretary.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

1078291

PUBLIC LANDS RESTORED TO HOMESTEAD ENTRY AND OTHER DISPOSITION BY
PROCLAMATION, EXECUTIVE OR DEPARTMENTAL ORDER.

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Preference Rights to Ex-Service Men of the War with Germany.

General Method of Opening:

By virtue of Public Resolution No. 29, of February 14, 1920 (41 Stat., 434), as amended by Public Resolutions Nos. 36 and 79, approved January 21 and December 28, 1922, respectively, hereafter and until February 15, 1930, when any surveyed lands within the provisions of the public resolutions are opened or restored to disposition under the authority of the Department, such lands, unless otherwise provided in the order of restoration, shall become subject to appropriation under the laws applicable thereto in the following manner, and not otherwise:

Lands not affected by the preference rights conferred by the acts of August 18, 1894 (28 Stat., 394), or June 11, 1906 (34 Stat., 233), or February 14, 1920 (41 Stat., 407), will be subject to entry by soldiers under the homestead and desert-land laws, where both of said laws are applicable, or under the homestead law only, as the case may be, for a period of 91 days, beginning with the date of the filing of the township plat in the case of surveys or resurveys, and with the date specified in the order of restoration in all other cases, and thereafter to disposition under all of the public land laws, applicable thereto, except where homestead entrymen are granted a prior preference period under the order. For a period of 20 days and for a like period prior to the date or dates such lands become subject to entry by the general public, soldiers in the first instance, and any qualified applicants in the second, may execute and file their applications, and all such applications presented within such 20-day periods, together with those offered at 9 o'clock a.m., standard time, on the dates such lands become subject to appropriation under such applications, shall be treated as filed simultaneously.

Unsurveyed lands are not subject to homestead or desert-land entry. A homestead entry may embrace 160 acres, or an approximation thereof, and where the lands are of the character contemplated by the 320 or 640 acre homestead acts, applications for the unappropriated lands may be filed by qualified persons, under either of said acts; accompanied by proper petitions, if undesignated, for the designation of lands thereunder, and such applications will be suspended pending determination as to the character of such lands.

The following are restorations or openings which will occur in the near future and concerning which further information may be obtained from the local offices:

(359)
MONTANA:

RESTORATION OF LAND RECOVERED THROUGH CANCELLATION OF PATENT.

One hundred and sixty acres in Fergus County and Lewistown land district, open to entry under the homestead or desert land laws by ex-service men of the war with Germany, with a reservation of the oil and gas content to the United States, for a period of 91 days, beginning June 5, 1923. Filings may be presented at any time within the 20 days prior to that date. On and after September 4, 1923, any of said land remaining unentered will be subject to appropriation under any applicable public land law by the general public.

The land has been recovered through cancellation of a homestead patent upon reconveyance after court proceedings, has been designated as enterable under the 320-acre homestead law, and is embraced in a pending application for permit to prospect for oil and gas under the Mineral Leasing Law.

(360)
UTAH:

FROM STOCK DRIVEWAY WITHDRAWAL.

160.29 acres in the Salt Lake land district, open to entry under the homestead or desert land laws by ex-service men of the war with Germany, for a period of 91 days, beginning May 31, 1923. Filings may be presented at any time during the 20 days prior to that date. On and after August 30, 1923, any of such land remaining unentered will be subject to appropriation under any public land law applicable thereto, by the general public. The tract is released from stock driveway withdrawal and is surrounded by withdrawn or patented lands, and is reported to be composed of rocky hills.

(360½)
COLORADO:

RECOVERED THROUGH CANCELLATION OF PATENT.

Two hundred and eighty-seven acres in Baca County and Lamar land district, open to entry under the homestead and desert land laws by ex-service men of the war with Germany for a period of 91 days, beginning June 6, 1923. Filings may be presented at any time within the 20 days prior to that date. On and after September 5, 1923, any of said tract remaining unentered will be subject to appropriation under any applicable public land law by the general public.

The tract has been recovered by the United States through the cancellation of an enlarged-homestead patent upon reconveyance, and the land has been designated under the enlarged and stock-raising homestead acts.

(361) RESTORATION AND OPENING OF LANDS FORMERLY EMBRACED IN THE OREGON AND CALIFORNIA RAILROAD AND COOS BAY WAGON ROAD GRANTS.

Secretary Work, on May 2, 1923, restored 220,569.47 acres of land in the western part of the State of Oregon. These lands were formerly embraced in the Oregon and California Railroad and Coos Bay Wagon Road Grants. 177,326.98 acres of Oregon and California Railroad lands, and 26,923.04 acres of Coos Bay Wagon Road lands, are situated in the Roseburg, Oregon, land district; 15,047.44 acres of Oregon and California Railroad lands in the Portland, Oregon, land district; and 1,272.01 acres of Oregon and California Railroad lands in the Lakeview, Oregon, land district. The title to the lands re-vested in the United

States under the provisions of the acts approved June 9, 1916 (39 Stat., 218), and February 26, 1919 (40 Stat., 1179). These lands were restored to homestead entry pursuant to the provisions of Section 2289, Revised Statutes, as amended and as modified by the acts approved June 9, 1916 (39 Stat., 218), February 26, 1919 (40 Stat., 1179), and June 4, 1920 (41 Stat., 758), and to the preferred right of the veterans of the World War under House Joint Resolution No. 30, approved January 21, 1922 (42 Stat., 358). Under the proviso to Sec. 5 of the act of June 9, 1916 (39 Stat., 218), as extended to the Coos Bay Wagon Road Grant lands by the act of February 26, 1919 (40 Stat., 1179), and as modified by the act of June 4, 1920 (41 Stat., 758), any person otherwise qualified, who has resided on either the Oregon and California Railroad Grant or the Coos Bay Wagon Road Grant lands, to the extent and in the manner required under the homestead laws, since the first day of December, 1913, and who has improved the land and devoted some portion thereof to agricultural use, and who shall have maintained his residence to the date of such application, is given the preferred right to enter the quarter-section upon which he has so resided, where such quarter-section does not contain more than 1,200,000 feet, board measure, of timber. Where the quarter-section contains more than the said quantity of timber, such person is entitled to enter the 40-acre tract or lot or lots containing approximately 40 acres, upon which his improvements or the greater part thereof, are situated. The prior exercise of the homestead right by any such person shall not be a bar to the exercise of his preference right. All persons claiming under the aforesaid proviso to section 5 of the act of June 9, 1916 (39 Stat., 218), as amended and extended, are required to file their applications in the land office of the district in which the land settled upon is situated, on and after June 11, and on or before June 30, 1923. Persons who, being citizens of the United States, were on February 26, 1919, holding Coos Bay Wagon Road Grant lands under lease from the Southern Oregon Company, and who had cultivated and placed valuable improvements on the land, or who had held such lease for a continuous period of ten years prior to February 26, 1919, are given the preference right to purchase not exceeding 160 acres of the lands so leased, containing less than 300,000 feet, board measure, of timber to the 40-acre tract, upon making payment to the receiver of the Roseburg land office of a sum equivalent to \$2.50 per acre and the accrued taxes on the land paid by the Government under the provisions of the act of February 26, 1919 (40 Stat., 1179). Such lessees must file their application to purchase at the United States land office, Roseburg, on or prior to June 30, 1923, but they are allowed six months from May 2, 1923, within which to complete their purchases and payments. The settler under the proviso to section 5 of the act of June 9, 1916 (39 Stat., 218), as amended and extended, and the lessee under the act of February 26, 1919 (40 Stat., 1179), who enters or selects lands withdrawn and classified as valuable for power, must take such lands subject to section 2 of the act of June 4, 1920 (41 Stat., 758). The rights of such lessees are subject to the preferred right of settlers claiming adversely a tract of land under section 5 of the act of June 9, 1916 (39 Stat., 218), as amended and extended.

Veterans of the World War are given a preference right to make homestead entry of the lands restored, except those affected by preference rights to enter or purchase as above indicated. Beginning July 2, and continuing for a period of 91 days, the right to enter such lands is restricted to honorably discharged veterans of the World War. On and after June 11, and on or before June 30, any such veteran may file with the register and receiver of the United States land office in the district in which the land is situated, his application to make homestead entry, and all applications presented on or between the dates mentioned will be

treated as filed simultaneously, and if there is no conflict with such application, it will be allowed on July 2. Where conflicting applications are made for the same tract, the rights of the parties will be determined by drawing. Such drawings will be conducted at the United States land offices at Portland and Lakeview beginning at 10 a.m. standard time, on July 3, and at Roseburg at the same hour on July 6.

The lands will be subject to homestead entry generally under the act of June 9, 1916 (39 Stat., 218), as amended and extended, on and after 9 a.m. standard time, October 1, 1922.

All applications to make homestead entry, whether by preference-right claimants, by veterans, or under the general law, must be accompanied by a fee of \$5 if the area be less than 81 acres, and \$10 if 81 acres or more; commissions at the rate of 3 per cent on lands at \$2.50 per acre, or a flat rate of 7½ cents per acre; and in addition thereto, 50 cents per acre as first installment of the purchase price of the land.

The lands restored to the preference right of veterans of the World War and to entry generally, are classified as agricultural, but only small areas will be found ready for the plow in their present condition. For the most part there is a growth of timber on such lands, ranging from a few scattered trees to any quantity less than 300,000 feet, board measure, to the 40-acre tract.

Copies of the regulations, including a schedule of the lands, may be obtained from the Commissioner of the General Land Office after May 22, 1923, and from the local land offices at Portland, Roseburg, and Lakeview after May 28.

(362)
MONTANA:

OPEN TO ENTRY THROUGH SURVEYS.

The official plat of the survey of public lands in T. 17 N., R. 20 E., P.M., Montana, was transmitted to the Surveyor General with letter dated May 11, 1923, with instructions to transmit copy thereof to the United States land office at Lewistown for official filing after the usual 30 days notice. The date of filing will be fixed by the register of that office. Approximately 4,500 acres will be open to entry and subject to prior valid settlement rights and equitable claims, ex-service men of the World War will be entitled to a preference right to enter these lands under the homestead and desert land laws for a period of 91 days, beginning with the date of filing of the plat under Public Resolutions Nos. 36 and 79, dated January 21 and December 28, 1922, respectively; all lands will be open to general disposition at the expiration of the 91-day period.

The lands are reported as rough and mountainous with considerable timber.

(363)
ALASKA:

OPEN TO ENTRY THROUGH SURVEYS.

The official plat of the survey of public lands in T. 12 S., R. 7 W., Fairbanks Meridian, was transmitted to the Surveyor General for Alaska with letter dated April 17, 1923, with instructions to transmit a copy thereof to the United

States land office at Fairbanks for official filing after the usual 30 days notice. The date of filing will be fixed by the register of that office. Approximately 9,800 acres will be open to entry and subject to prior valid settlement rights and equitable claims, ex-service men of the World War will be entitled to a preference right to enter these lands under the homestead land laws, with the reservation of the coal deposits to the United States, for a period of 91 days, beginning with the date of filing of the plat under Public Resolutions Nos. 36 and 79, dated January 21 and December 28, 1922, respectively; all lands will be open to general disposition on the expiration of the 91-day period.

The lands are reported as mountainous and valuable for lignite coal.

(364)

NEVADA:

FROM STOCK DRIVEWAY WITHDRAWAL.

Five thousand six hundred acres in Lander County, Elko land district, open to entry under the homestead and desert-land laws, by ex-service men of the war with Germany for a period of 91 days, beginning June 18, 1923. Filings may be presented at any time during the 20 days prior to that date. On and after September 18, 1923, any of such land remaining unentered will be subject to appropriation under any public land law applicable thereto, by the general public. The land is released from stock driveway withdrawal and designated under the enlarged-homestead act of February 19, 1909.

(365)

UTAH:

FROM FOREST RESERVATION.

Eight hundred and sixty acres, in scattered tracts, in Garfield County, and in the Salt Lake City land district, excluded from the Powell National Forest by Executive order of May 21, 1923, will be open to entry under the homestead and desert-land laws by ex-service men of the war with Germany for a period of 91 days, beginning July 23, 1923. Filings may be presented within the 20 days prior to that date. On and after October 23, 1923, any of such land remaining unentered, together with the unsurveyed land excluded by the same order amounting to about 2,190 acres, will be subject to appropriation under any public land law applicable thereto by the general public.

The restored lands are located at the foot of the Aquarius Plateau and in the vicinity of the town site of Boulder, and are reported to be arid, sandy ridges with a light stand of pinon and juniper.

RECENT DECISIONS OF THE COURTS.

Mining Claim -- Requisite Location -- Discovery.

The decision rendered March 28, 1923, by the Circuit Court of Appeals for the Eighth Circuit in the case of United States v. Frank Sherman is of no little interest to the Government in its administration of national forests and parks.

The case arose through proceedings of the officers of the Forest Service in carrying out a contract of sale of standing timber within the Black Hills National Forest. When the forest officers undertook to mark the trees, that might be cut by the purchasers, the appellee interfered and claimed that part of the ground was comprised within two lode claims, to which he asserted an exclusive possessory title and right, and by threats and intimidation prevented appellant's agents from marking any trees upon the tract which he claimed, or from going upon it for that purpose. Thereupon appellant filed its bill in the District Court of the United States for the District of South Dakota, for an injunction restraining appellee from interfering with appellant's officers and agents in the premises. In the answer of the appellee he alleged the discovery of mineral-bearing quartz in place, location certificates filed, annual assessment work done, and the law fulfilled in every respect necessary to constitute valid locations.

The trial court found among other things that the locations were valid in character and that there had been a discovery of a gold-bearing lode, and a distinct marking of the boundaries of the claim.

In its disposition of the case on appeal the court, commenting on the alleged validity of the location, calls attention to the statutory provision, that no location of a mining claim shall be made, until the discovery of the vein or lode within the limits of the claim located, and, further that the location must be distinctly marked on the ground so that its boundaries can be readily traced. Quoting from *Belk vs. Meagher* (104 U.S., 279), where the court said:

"The right to the possession comes only from a valid location, consequently if there is no location there can be no possession under it. Location does not necessarily follow from possession, but possession from location. A location is not made by taking possession alone, but by working on the ground, recording, and doing whatever else is required for that purpose by the acts of Congress and the local laws and regulations."

Discussing the testimony in the case on this point the court said:

"This is all of the testimony we find in the record tending to show compliance with the statute requiring that 'the location must be distinctly marked on the ground so that its boundaries can be readily traced' and in our opinion no satisfactory conclusion can be drawn from it as to just what appellee did in his claimed attempt to comply with that requirement. * * * * No stakes were found; and we are of the opinion that this evidence falls far short of showing a compliance with the requirement of the statute in this respect. But conceding the most that can be claimed in favor of appellee in that respect, that he placed a stake at each of the four corners of the claims, still he failed to comply with the law. There is no evidence that he set a stake or post, between corners on each side line and each end line, or otherwise marked the boundaries at these places."

The court in its further discussion on this point called attention to the recognized right of the States in mining regions to pass regulatory statutes specifying with more exactness the acts to be done and performed by the locator in making a valid location, and thereupon cites a statute of South Dakota which was in effect when appellee claims to have made these locations:

"Such surface boundaries shall be marked by eight substantial posts, hewed or blazed on the side, or sides facing the claim and plainly marked with the name of the lode, and the corner, or end or side of the claim that they respectively represent and sunk in the ground, one at each corner, and one at the center of each side line and one at each end of the lode."

After citing the statute of the State as above, the court said:

"A stake is not a post. The latter signifies more permanence, and to sink it in the ground requires more effort and outlay than to drive down a stake. It suggests larger proportions, is more readily seen than a stake. There is no pretense by appellee that he complied with this statute. His testimony shows that he did not; and his locations were therefore void. He acquired no possessory right to any of the ground in controversy."

The court further held that under the provisions of section 2324 of the Revised Statutes of the United States the descriptions given in the location certificates were not such as to identify the claim with reasonable certainty, which also rendered the locations void; and further held that the testimony is also convincing beyond question that no discovery was made on the Helamonster, one of the claims in issue, and the decision of the court below was accordingly reversed.

Executive Jurisdiction -- Application for Mandamus.

In the decision of May 21, 1923, rendered by the Supreme Court of the United States in the case of Hubert Work, Secretary of the Interior et al. against the McAlester-Edwards Coal Company, which involved an application for a writ of mandamus directed against the Secretary of the Interior, the court took occasion to define to some extent the ministerial duties of an Executive officer in which it said:

"Every statute to some extent requires construction by the public officer whose duties may be defined therein. Such officer must read the law and he must, therefore, in a certain sense construe it. in order to form a judgment from its language what duty he is directed by the statute to perform. But that does not necessarily and in all cases make the duty of the officer other than a purely ministerial one. If the law directs him to perform an act in regard to which no discretion is committed to him, and which, upon the facts existing, he is bound to perform, then that act is ministerial although depending on a statute which requires, in some degree, a construction of its language by the officer."

Mining Claim -- Deposit of Tailings-- Taxation.

The case of South Utah Mines and Smelters against Beaver County, the subject of decision by the Supreme Court of the United States May 21, 1923, arose through a suit instituted to recover a tax alleged to have been illegally imposed by the State taxing authorities and paid under protest. For the purposes of this item it is enough to say that the tax complained of by the plaintiff was assessed upon the value of a deposit of tailings placed upon land of non-mineral character at some distance from the mine and levied under a statute authorizing the taxation of metalliferous mines or mining claims, and it was contended by

the plaintiff that the tailings deposit was neither a mine nor a part of a mine, and therefore not taxable as a mining claim. The court in its decision said:

"The rule prescribed for the valuation of metalliferous mines, as we have already indicated, is one of necessity, and should not be extended to cases clearly not within the reason of the rule. The tailings, severed and removed from the mining claims, changed in character, placed on other and separate lands and having an ascertained and adjudicated value of their own, in our opinion, constituted a unit of property entirely apart from the mine from which they had been taken. See *Forbes v. Gracey* (94 U.S., 762, 765). We think the agreement with the leasing company was not a sale of these tailings, but that the ownership, pending the process of reduction, remained in plaintiff. The plaintiff therefore was subject to taxation upon their value, but not as a mine, since that implies something capable of being mined which this loose and homogeneous deposit obviously was not."

Reclamation Project -- Estimate of Cost -- Completion.

The case of *Yuma County Water Users' Association vs. W. W. Schlecht and David C. Caylor*, decided by the Supreme Court of the United States, April 30, 1923, involves several interesting and important points in the prosecution of practical reclamation work.

Briefly stated, the Water Users' Association in 1906 entered into an agreement with the Government in which it guaranteed the payment for that part of the cost of the irrigation that might be apportioned to its shareholders. The contract was silent as to the amount of cost, it appearing, however, that prior thereto in correspondence between the officials of the Reclamation Service and the association the opinion had been expressed by the Reclamation Service that the cost would approximate \$35 an acre, and under that belief the association entered into the contract. Later, due to unexpected difficulties, the contractors engaged upon the work dropped their contract and the Government was forced to take over the construction of the work which was completed April 6, 1917, and notice thereof given as of that date, but the cost of construction was more than double what had been anticipated, and the present suit was brought to enjoin collection of more than \$35.28 per acre.

The issues as stated in the decision are:

(1) Whether the report, correspondence, and statements made in 1904 constituted an estimate of the cost of the project and a public notice, under the terms of section 4 of the reclamation act, and if not, whether the notice of 1917 may be so regarded?

(2) Whether the project was completed on April 6, 1917, within the meaning of the contract of 1906?

The court commenting upon the issues at the outset said:

"Prior to the making of the construction contracts, opinions expressed by engineers or officials may be estimates in one sense, but they are tentative and preliminary and can not be regarded as constituting the required statutory estimate, though contributing to the basic facts upon which it is made. * * * * Moreover, the contract of 1906, made subsequently, expressly provides for payment on the part of the water users 'for that part of the cost of the irrigation works which shall be apportioned by the Secretary of the Interior to its shareholders.' Plainly this looked forward to future action on his part and did not rest upon any action already taken.

"Following the provisions requiring the Secretary to determine the practicability of the project and to make construction contracts the words are 'and thereupon he shall give public notices,' etc. The word 'thereupon' is construed by appellants as an adverb of time, meaning immediately thereafter. But this is only one of its uses. It is employed more frequently to express the relation of cause or of condition precedent. It is in the latter sense that it is used here, and its meaning is that the determination as to the practicability of the project and the making of contracts are precedent conditions to the estimate of cost and public notice. See *Porphyry Paving Company v. Ancker* (104 Cal., 340, 342). The notice must follow the coming into existence of the conditions. The time thereafter within which it shall be given is left, and from the nature of the matter must be left, to the discretion of the Secretary, and whether that discretion has been unreasonably exercised will depend upon the circumstances of each case. Here it is made plain that performance of the construction contract became impossible and the same was abandoned. Acting upon its judgment, which so far as the record shows was not unreasonable, the Government then itself undertook the completion of the work. Physical conditions not originally foreseen were encountered, presenting difficulties and requiring increased expenditures of great magnitude. It does not appear that these expenditures were made unnecessarily or improvidently; nor is there anything in the record to indicate that the work was not done with reasonable expedition. The uncertainties arising from the newly discovered conditions, the abandonment of the construction work by the contractors, the changes which were necessitated in the original plans, and the unexpected turn of events in other respects, left the question of cost in such doubt as to justify withholding the public notice until it could rest on more definite information. The delay, it is true, was long continued but, under all the circumstances, we can not say as a matter of law, that it was undue or that the Secretary's discretion in respect of the time was unreasonably exercised.

"Second. The contract of May 31, 1906, provides that the first installment shall be payable at the time of the completion of the proposed works, and appellants contend that in two respects they were not completed on April 6, 1917, when the public notice was given: (1) that complete drainage for one of the tracts was not provided, and (2) that only one of three tracts which the Government promised to reclaim was reclaimed.

"As to the first point, it is sufficient to say that the testimony shows that the contemplated drainage was substantially completed, and fails to show that the small portion left undone detracted in any way from the effectiveness of the system.

"As to the second point, the original plans disclose that it was the intention to reclaim the three tracts mentioned, but the Secretary reserved the right to make such changes 'as further investigations and circumstances may dictate to be requisite for the public welfare.' The elimination, therefore, of the two tracts was within his discretion. Moreover, while these tracts were not reclaimed, other lands of greater area were added to the project which much more than counterbalanced any injury to the water users here concerned that might otherwise have resulted from the omission. The Secretary determined that the project had been completed when the public notice was given and both lower courts concurred in the same finding. These findings will be accepted here in the absence of clear error, which the record before us does not show."

Appropriation of Public Waters.

Where an irrigation canal company, with the consent of a drainage district, and the owner of a tract of adjoining land affected by flowage, constructed works whereby it was enabled to use water discharged from the drainage ditch into its canal for irrigation purposes, which use had continued for several years, a subsequent purchaser of the land affected may not restrain the use of the water upon the ground that the canal company had not acquired the right to appropriate the water. (Supreme Court of Nebraska.)

De Conly vs. Winter Creek Canal Company,
193 Northwestern Reporter, page 157.

Public Lands -- State Courts.

The courts of the State will not entertain proceedings involving the title to land owned by the United States where proceedings involving such title are pending in the United States land department, and still undetermined; since the enabling act, an act of June 3, 1859, expressly stipulates that the State shall never interfere with the primary disposal of the soil within the State by the United States. (Supreme Court of Oregon.)

Phipps vs. Stancliff, 214 Pacific Reporter,
page 335.

Carey Act -- Delivery of Water.

The right of an irrigation company under a Carey Act contract to levy assessment is only recognized when water is requested and in fact delivered. (Supreme Court of Idaho.)

Aberdeen-Springfield Canal Company vs.
Bashor et al, 214 Pacific Reporter, page 209.

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OIL AND GAS ACTIVITIES.

The oil and gas section reports continued activities. During the month of May 311 new cases and 1,453 old cases under sections 13 and 20 of the act of February 25, 1920, were received in the section, a total of 1,764. During the month cases have been disposed of as follows: Permits granted, 345; an increase

over last month; applications finally rejected, 153; applications rejected subject to appeal, 374; extensions of time granted, 270; extensions denied, 118; permits held for cancellation, 29; permits canceled, 31; assignments approved, 12; denied, 20; departmental decisions promulgated on approved cases, 15; reversed, 2; modified, 2; preliminary action taken on 496 cases, a total of 2,830 letters and decisions were written.

Under the relief sections of the act 181 cases were disposed of, permits under section 19 being granted in 3 cases and leases in 2 cases, leaving 176 cases which have received consideration in other respects, 5 applications rejected subject to appeal; 2 protests dismissed, 1 hearing ordered; departmental decisions promulgated on affirmed cases, 8; modified, 1; assignments approved, 14; denied, 3; extensions of time granted, 11; rejected, 3. Replies were prepared to 29 letters of inquiry, and 155 letters were written.

The Guthrie land office, Oklahoma, forwarded 178 new applications filed in accordance with Circular No. 876, act of March 4 (Public No. 500). These applications must necessarily be suspended pending the report of the Boundary Commission. One hundred and sixty old cases were received for appropriate action.

Receipts under the mineral-leasing act for the month of April amounted to \$973,093.33, of which \$3,602.99 were from lands within naval petroleum reserves and \$969,490.34 were from lands outside of reserves.

CONSOLIDATED WORK REPORT OF LOCAL LAND OFFICES
FOR THE MONTH OF APRIL, 1923.

OFFICES.	: End last month.		: Received and : Disposed of.		: End of this month.	
	: Pending	: Suspended	: Received this month	: Transmitted to GLO this month	: Now pending designation	: Now suspended
	: Pending	: Pending	: by R. & R.	: by R. & R.	: by R. & R.	: by R. & R.
Alabama	:	:	:	:	:	:
Montgomery	:	23:	18	18	:	23
Alaska	:	:	:	:	:	:
Fairbanks (a)	:	:	:	:	:	:
Juneau	:	146:	59	49	:	156
Nome (a)	:	:	:	:	:	:
Arizona	:	:	:	:	:	:
Phoenix	240	202:	253	286	220	189
Arkansas	:	:	:	:	:	:
Camden	:	14:	39	35	:	14
Harrison	:	28:	58	57	:	29
Little Rock	:	129:	69	67	:	131
California	:	:	:	:	:	:
El Centro	8	37:	40	53	9	23
Eureka	50	2:	31	29	54	2
Independence	41	96:	81	77	46	95
Los Angeles	50	176:	210	222	55	159
Sacramento	84	59:	33	65	84	77
San Francisco	132	31:	82	75	123	47
Susanville	30	17:	23	17	30	23
Visalia	13	36:	38	37	18	37
Colorado	:	:	:	:	:	:
Del Norte	35	13:	11	13	35	11
Denver	121	23:	50	46	117	31
Durango	66	35:	63	64	66	34
Glenwood Spgs.	298	238:	159	136	337	222
Lamar	51	27:	89	85	53	29
Leadville	17	20:	27	28	11	25
Montrose	84	80:	65	86	67	76
Pueblo	226	166:	175	206	203	158
Sterling	19	11:	30	33	18	9
Florida	:	:	:	:	:	:
Gainesville	:	15:	3	96	87	19
Idaho	:	:	:	:	:	:
Blackfoot	92	96:	4	89	33	91
Boise	57	130:	110	118	69	110

Idaho	:	:	:	:	:	:	:	:	:			
Coeur d' Alene	:	1	:	19	:	20	:	25	:	31	:	14
Hailey	:	57	:	38	:	65	:	70	:	56	:	34
Lewiston	:	10	:	14	:	16	:	11	:	9	:	20
Kansas	:	:	:	:	:	:	:	:	:	:	:	:
Topeka	:	35	:	15	:	24	:	20	:	39	:	15
Louisiana	:	:	:	:	:	:	:	:	:	:	:	:
Baton Rouge	:	:	:	27	:	21	:	26	:	:	:	22
Michigan	:	:	:	:	:	:	:	:	:	:	:	:
Marquette	:	1	:	4	:	11	:	12	:	1	:	3
Minnesota	:	:	:	:	:	:	:	:	:	:	:	:
Cass Lake	:	:	:	3	:	21	:	21	:	:	:	3
Crookston	:	14	:	:	:	26	:	27	:	:	:	13
Duluth	:	:	:	30	:	20	:	19	:	:	:	31
Mississippi	:	:	:	:	:	:	:	:	:	:	:	:
Jackson	:	:	:	17	:	31	:	28	:	:	:	20
Montana	:	:	:	:	:	:	:	:	:	:	:	:
Billings	:	38	:	163	:	21	:	19	:	39	:	164
Bozeman	:	73	:	56	:	39	:	43	:	66	:	59
Glasgow	:	151	:	465	:	141	:	357	:	156	:	244
Great Falls	:	28	:	63	:	59	:	82	:	25	:	43
Havre	:	84	:	104	:	79	:	89	:	82	:	96
Helena	:	175	:	66	:	69	:	42	:	177	:	91
Kalispell	:	2	:	9	:	16	:	14	:	9	:	4
Lewistown	:	244	:	51	:	64	:	65	:	227	:	67
Miles City	:	236	:	123	:	210	:	178	:	241	:	150
Missoula	:	18	:	8	:	13	:	17	:	18	:	4
Nebraska	:	:	:	:	:	:	:	:	:	:	:	:
Alliance	:	37	:	4	:	18	:	20	:	36	:	3
Lincoln	:	25	:	13	:	21	:	19	:	27	:	13
Nevada	:	:	:	:	:	:	:	:	:	:	:	:
Carson City	:	19	:	118	:	69	:	82	:	22	:	102
Elko	:	25	:	50	:	28	:	31	:	24	:	48
New Mexico	:	:	:	:	:	:	:	:	:	:	:	:
Clayton	:	101	:	37	:	69	:	75	:	90	:	42
Ft. Sumner	:	50	:	98	:	128	:	149	:	69	:	47
Las Cruces	:	60	:	134	:	110	:	109	:	63	:	132
Roswell	:	102	:	44	:	220	:	194	:	114	:	58
Santa Fe	:	180	:	239	:	281	:	299	:	178	:	223
North Dakota	:	:	:	:	:	:	:	:	:	:	:	:
Bismarck	:	30	:	22	:	37	:	32	:	30	:	27
Dickinson	:	25	:	18	:	18	:	32	:	14	:	15
Oklahoma	:	:	:	:	:	:	:	:	:	:	:	:
Guthrie	:	36	:	23	:	161	:	52	:	44	:	107
Oregon	:	:	:	:	:	:	:	:	:	:	:	:
Burns	:	40	:	17	:	45	:	39	:	44	:	19
La Grande	:	75	:	80	:	61	:	24	:	95	:	97
Lakeview	:	47	:	65	:	26	:	18	:	55	:	65
Portland	:	:	:	6	:	25	:	27	:	:	:	4
Roseburg	:	2	:	48	:	78	:	76	:	2	:	50
The Dalles	:	142	:	41	:	80	:	70	:	157	:	36
Vale	:	31	:	54	:	29	:	34	:	31	:	49

South Dakota	:	:	:	:	:	:	:	:	:
Bellefourche	:	6 :	11 :	:	28 :	28 :	5 :	11 :	1
Pierre	:	86 :	39 :	:	182 :	182 :	85 :	40 :	
Rapid City	:	50 :	54 :	:	53 :	72 :	48 :	37 :	
Utah	:	:	:	:	:	:	:	:	
Salt Lake City	:	380 :	136 :	:	197 :	309 :	286 :	118 :	
Vernal	:	24 :	39 :	:	33 :	22 :	25 :	49 :	
Washington	:	:	:	:	:	:	:	:	
Seattle	:	:	10 :	:	7 :	11 :	:	6 :	
Spokane	:	31 :	22 :	:	33 :	38 :	31 :	17 :	
Vancouver	:	2 :	2 :	:	9 :	7 :	2 :	4 :	
Walla Walla	:	29 :	9 :	:	11 :	13 :	29 :	7 :	
Waterville	:	28 :	38 :	:	23 :	25 :	27 :	37 :	
Yakima	:	16 :	66 :	1 :	16 :	77 :	16 :	6 :	
Wisconsin	:	:	:	:	:	:	:	:	
Wausau	:	:	4 :	:	4 :	5 :	:	3 :	
Wyoming	:	:	:	:	:	:	:	:	
Buffalo	:	106 :	96 :	:	131 :	145 :	106 :	82 :	
Cheyenne	:	152 :	179 :	:	146 :	179 :	118 :	180 :	
Douglas	:	56 :	159 :	:	205 :	220 :	50 :	150 :	
Evanston	:	61 :	137 :	:	58 :	66 :	57 :	133 :	
Lander	:	90 :	31 :	:	72 :	63 :	92 :	38 :	
Newcastle	:	160 :	79 :	:	134 :	119 :	160 :	94 :	
Total,	:	5,190 :	5,347 :	11 :	5,860 :	6,150 :	5,084 :	4,937 :	237

Note (a) -- No report received from these offices on May 27, 1923.

LEGAL HONORS FOR THE GENERAL LAND OFFICE.

At the 25th Annual Commencement of the Washington College of Law the following degrees and honors were conferred upon members of the General Land Office:

Bachelor of Law: Gertrude C. Lyddane and Gertrude Alice McVey.

Master of Patent Law: Mary Grace McVey and Gertrude C. Lyddane.

Prizes Awarded: Highest record, first and second year, Minnie Margaret James; highest scholastic standing in patent and trade-mark law, Gertrude C. Lyddane.

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RESIGNATIONS FROM THE PUBLIC SERVICE.

Mrs. Minnie L. Bray,-- Resigned as Register of the land office at Carson City, Nevada, effective upon the qualification of successor.

Frank P. Wheeler,-- Resigned as Register of the land office at Eureka, California, effective upon the appointment and qualification of successor.

George W. Myers,--Resigned as Register of the land office at Miles City, Montana, effective upon the qualification of successor.

Gilman Bullard,-- Resigned as Surveyor General of Montana, effective upon the appointment and qualification of successor.

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REMOVAL OF LAND OFFICE.

Juneau, Alaska, Land Office,-- By Executive order dated May 17, 1923, the President directed the removal of the location of the office for the Juneau, Alaska, land district, from Juneau to Anchorage, Alaska. This change in location will become effective July 1, 1923, under notice promulgating said Executive order, issued through the General Land Office Notice No. 1674.

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DISCONTINUANCE OF LAND DISTRICT AND OFFICE.

Camden, Arkansas, land district, with office at Camden, Arkansas,-- Executive order dated May 3, 1923, directs the closing and discontinuance of the Camden, Arkansas, land office, and under Notice No. 1673, issued through the General Land Office, promulgating said Executive order, the Camden, Arkansas, land office will be discontinued at the close of business on June 30, 1923, and its business transferred to and consolidated with the Little Rock, Arkansas, land district with office located at Little Rock, on July 1, 1923.

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PRESIDENTIAL APPOINTMENTS.

Miss Clara M. Crisler, of Carson City, Nevada, to be Register of the land office at Carson City, vice Mrs. Minnie L. Bray, resigned. Commission dated May 14, 1923.

Gilman Bullard, of Helena, Montana, to be Surveyor General of Montana (office located at Helena), effective June 1, 1923. Mr. Bullard succeeds himself. Commission dated May 22, 1923.

Frank A. Boyle, of Juneau, Alaska, to be Register of the land office at Anchorage, Alaska, effective July 1, 1923. Commission dated May 25, 1923. Mr. Boyle is now serving as Register of the land office at Juneau, which office is to be removed to Anchorage on July 1, 1923.

Eli F. Taylor, of Salem, Utah, appointed Register of the land office at Salt Lake City, Utah; vice Gould B. Blakely, resigned. Recess appointment. Commission dated May 31, 1923.

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CLASSIFICATION OF FIELD SERVICE--COMMITTEE DESIGNATED.

DEPARTMENT OF THE INTERIOR

Washington

June 1, 1923.

O R D E R.

The committee to allocate and classify employees of the Field Service, Department of the Interior, under the reclassification act, shall consist of Assistant Secretary F. M. Goodwin; Mr. F. J. Bailey, Bureau of Mines; Mr. J. C. Hoyt; Geological Survey; Frank Bond, Chief Clerk of the General Land Office, and Mrs. Bessie C. Harper, Division of Education, Indian Office.

HUBERT WORK,

Secretary.

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OBITUARY.

Mrs. Mary J. Wetstein.

The Stockton Daily Record of California in its issue of May 8, 1923, carries a notice of the death on that date of Mrs. Wetstein, with a very full account of her official and private life. The official record of the subject of the present notice is one of notable character; entering the General Land Office in 1884, by transfer from the Census Office where she had a period of four years service to her credit, she retired from the General Land Office in December, 1920, after practically forty years of continuous service for the Government.

A familiar figure for many years in the Land Grant Division of this office, she went about her duties in a quiet and effective manner, and the news of her death brought many expressions of sorrow and regret from her old associates.

Hattie M. Orr.

The fatal termination May 31, 1923, of a long period of illness and suffering was not unexpected by the friends of Mrs. Orr. Entering the service in 1906, from Oklahoma, she, from the first, took more than an ordinary interest in the discharge of her official duties. She was never satisfied with a mere perfunctory service. To give the matter in hand the very best consideration and solution, was her rule of action. For many years she served in the Appointment Division, where her initials "HMO" appear on a large part of the correspondence with our local offices and field service generally. Incidental to this service Mrs. Orr came to be recognized as an authority in all matters in the civil service law pertaining to appointments and personnel of the office.

Genial and kindly in all her relations, ready and active in cases calling for sympathy and practical help, the office will not soon find her like again either in service or character.

The funeral service was held in this city on June 1, but the interment will be at Portage, Wisconsin.

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BIND YOUR BULLETINS.

Members of the Land Service receiving the Bulletin are requested to transmit Volume 6 to the General Land Office, where it will be indexed, bound and in due time returned to the sender.

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TELL THE BULLETIN.

To All Local Offices and Field Service Employees.

If anything occurs, in the public land service, which you think is of administrative value, tell us about it. Address all communications to the Commissioner of the General Land Office, "Land Service Bulletin." All information should be received not later than the 24th of each month for use in the current number.

**LAND SERVICE
BULLETIN
DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE**

By direction of the Secretary of the Interior the matter contained herein is published as administrative information, and is required for the proper transaction of public business.

Vol. 7.

July 1, 1923.

No. 5.

RESIDENCE REQUIRED UNDER THE HOMESTEAD LAW.

In the recent decision of the United States District Court for the Northern District of Iowa, in the case of United States vs. James H. Stafford, the court found occasion to instruct the jury on the subject of residence under the homestead law, and what he said on this occasion can not be given too wide dissemination in the land service.

The case at bar was an action at law to recover the value of the land at the date of patent, estimated at \$2,000. The proof was made under the three-year homestead law and the land was thereafter sold to an innocent purchaser.

The Chief of the Helena Field Division has furnished the Bulletin memorandum copy of the instructions of the Judge to the jury, which were as follows:

The Court instructs you that, under the laws of the United States in regard to a homestead and in regard to an entry of this kind, that no patent shall issue therefor until the expiration of three years from the date of entry, and if, at the expiration of such term, or at any time within two years thereafter, the person making such entry proved by himself and two credible witnesses that he has a habitable house upon the land and has actually resided upon and cultivated the same for a period of three years, he will be entitled to a patent. It is further provided that the entryman may, by filing a certain notice with the local land office, of his desire and intention to take five months' absence, giving his reasons therefor, that he may do that each year, and further requiring him, at the termination of each period of absence, to likewise file notice of such termination in the local land office.

"Now you will, therefore, see that it was incumbent upon the defendant, when he entered this land, to first establish a residence, a natural residence. That means that he must build or cause to be built a habitable house, a place to live. It requires that he reside in good faith actually upon the land and cultivate it for a period of three years, with the exception of this allowed period of absence each year. Now, of course, this does not mean that the defendant was obliged to stay upon the land constantly every day and sleep there every night. He was entitled to the usual absences of one actually residing upon and occupying the land in good faith as a home and cultivating it. He might go to market, he might go on other errands or business matters. He might be called away in case of an emergency temporarily and these matters would not count. But the evidence in this case, in the opinion of the Court, conclusively shows that the defendant did not actually reside upon the land, and cultivate the same for the required period, and in that respect the affidavits or depositions filed by him were not true. The testimony of a number of the witnesses was not very satisfactory. They did not appear in fact to know very much about it. They saw the land and the defendant very seldom. The testimony of one of them would have been of very great weight in a case of this kind, but the defendant has taken the stand himself frankly and I think truthfully told you the whole story. There was no evidence that the defendant undertook to misstate any part of the facts so far as the Court was able to observe. He told you that he caused this little house to be built and about forty acres to be broken up, that he then rented the land to his neighbor or an adjoining owner and went off and sought work elsewhere; that during the entire period of the three years he pursued that course, working away and living away except at intervals, occasional intervals, he would return to the land, not to cultivate it or work upon it, but return and stay a very brief time, and left and went away to work again; that that course of life was followed by him during the entire period. And in the opinion of the Court that is not in good faith actual residence upon the land, the making it his real home in good faith that the homestead law requires.

"Now the plaintiff has alleged that this conduct on the part of the defendant was fraudulent, and theoretically it is necessary that fraud should be found in this case, but the Court does not think that it is necessary to find any actual or malicious fraud. It is the law that when a man of reason deliberately does an act or a series of acts and follows out a course of conduct with a design and purpose, that he is presumed to intend and mean the natural consequences of his acts. Fraud may consist of any misstatements or deception made by one person to another for the purpose of inducing that other person to act and to gain some advantage. Now in this case the proof, so called, was filed. These questions were answered, they required that he state frankly to the Government the number of times that he had been absent from that land, and the duration and the reason. He did state two periods of absence, but he refrained from stating any other periods of absence, and his testimony here upon the stand, given frankly and truthfully, I think, shows clearly and indisputably many periods of absence. Now in that undisputed state of the evidence, if this case should be submitted to you and you should find for the defendant, the Court is of the opinion that it would be obliged to set your verdict aside. That being the case, it is thought entirely unnecessary to submit these issues for your decision and consideration, and the Court instructs you that, under all the evidence in the case as it is undisputed before you, the plaintiff is

entitled to a verdict at your hands for a measure of damage which the Court will now give you and explain to you.

"The measure of damage in this case which the plaintiff is entitled to recover would be the fair and reasonable market value of this land at the date of the issuance of patent, in June, 1915. A number of witnesses have testified before you with respect to those values. They have differed in their opinions and it is entirely proper for the Court to say to you, gentlemen, that there are few subjects upon which men differ more widely than they do in their opinion of values. There are few subjects with respect to which the standard is less divided, and that being true it is the law that, in cases of this character, the jury, under the evidence, may use a very wide discretion,--call to their aid their own judgment and experience. They are not absolutely bound by the testimony of any witness on that subject. They do not have to accept the testimony of any witness or his opinion as true or accurate. It is for you, in the light of all the testimony, giving it such weight and credit, and such weight and credit only, as you think it entitled to receive, to arrive at your conclusion of the fair reasonable market value of that land at that time.

"Now, you should take into consideration not only the verbal testimony here before you directed to the specific value of the land. You should take into consideration all other relevant facts and circumstances appearing on the trial of it. The character of this land, the character and condition of the country, the character and condition of the times; its distance from market; the amount tillable and untillable; and all other facts and circumstances which tend to convince you of its market value at that time and place. And when you have arrived at the the fair reasonable market value of that land at that time and at that place not in any event exceeding the sum of \$2,000, the amount claimed in the petition, then you should return your verdict for the plaintiff for that sum."

The Bulletin is advised that after four hours deliberation the jury returned a verdict for the United States in the sum of \$1,280. The Judge allowed the attorneys twenty days in which to enter motion for a new trial.

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SURVEY NOTES.

Surveyors in the Field.

Now that the surveying season of 1923 is getting well under way it may be of general interest to note that from the last semi-monthly report dated June 15, 1923, from the Supervisor of Surveys there were 79 surveying parties actually engaged on line work in the field. This number is exclusive of those surveyors and engineers that were at that time engaged upon any other duties such as preparing reports, assembling data, or temporarily assigned to office work.

The parties are distributed throughout the West as follows:

Alaska	3,
Arizona	4,
California	4,
Colorado	6,
Idaho	6,
Montana	12,
Nebraska and	
South Dakota	4,
Nevada	4,
New Mexico	6,
Oregon	5,
Utah	10,
Washington	5,
Wyoming	5,
Eastern District	5,
Total,	79.

Of these 8 are engaged on work payable from the appropriation for surveying and allotting Indian reservations, reimbursable, 5 are engaged on work payable from special appropriations by the State of Utah and the remaining are engaged on regular work payable from the annual appropriation for surveying of public lands.

Surveys in Oregon, District No. 8.

A copy of the first bulletin, in letter form, to be issued by the Assistant Supervisor of Surveys for District No. 8, to the engineers and employees assigned to that district, similar to those in several other surveying districts including Montana and New Mexico, has just been received by this office.

The outlook for the surveying season in Oregon as indicated by this bulletin is very promising although the field work was not commenced until the latter part of May, and lingering snows on the high ridges is still compelling the field parties to confine their operations to the lower altitudes. Another reported difficulty that is being dealt with in that district is the securing of competent camp cooks at the authorized rate of pay. It is stated that in the lumber camps experienced cooks are demanding from \$125 to \$250 per month.

With the exception of some fragmentary surveys executed earlier in the season under Groups Nos. 50, 76, and 102, the work in Oregon this year is largely confined to the survey of lands within forest reservations and particularly to those lands of the forest reserves that are within the indemnity belts of the grant to the Oregon & California Railroad Company. Fred Mensch, U.S. Cadastral Engineer, since the termination of his detail to the General Land Office on May 10, 1923, has completed three townships under Group No. 90; George F. Rigby and W. W. Bandy, U.S. Cadastral Engineers, are engaged on three townships in Group No. 93; Joseph Ganong, U.S. Cadastral Engineer, is engaged on Group 85 which has been delayed on account of the high divide between Row River and Middle Fork of Willamette River included in his assignment being still covered with snow; and L. E. Wilkes, U.S. Cadastral Engineer is operating under Group No. 83. Mr. Wilkes' assignment

includes T. 40 S., R. 6 E., in which are situated the Oregon Caves. Upon the completion of this work he is to be assigned to Group 86 which is on the summit of the Cascades about 40 miles northeast from Ashland.

In all of these surveys which are within the grant to the Oregon & California Railroad Company, the odd-numbered sections will be classified simultaneously with or immediately after the sectionizing of the lands. On Group No. 90 the cruising and classification of the lands by Mr. A. P. Donohue is closely following the field work by Mr. Mensch. It is estimated that at least two more full surveying seasons will be required to complete the survey and appraisal of the lands within the indemnity belt of the said railroad company.

Headquarters of Surveying District No. 3.

Since the adoption of the Direct System in 1910, Neligh, Nebraska, has been the headquarters of the Assistant Supervisor of Surveys for Surveying District No. 3. Its selection was made originally when the transportation of surveying parties and their equipment was by mule team and cheap hay, grain, and labor were to be found as close to the bulk of the surveying work then authorized as Neligh. Since the adoption of the automobile truck as a medium of transportation, good mechanics and machine shops and good roads radiating from some central place to the various field activities of that district, which now includes the State of South Dakota as well as Nebraska, makes Omaha a more logical place for the headquarters. For these reasons this office, upon the recommendation of the Supervisor of Surveys, has transferred the headquarters of Mr. N. B. Sweitzer, Assistant Supervisor of Surveys, from Neligh, Nebraska, to 321 Woodman of the World Building, Omaha, Nebraska.

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FIELD SERVICE NOTES.

Special Agent Herbert L. Brooks, late of the Santa Fe and Southern Field Divisions, has been transferred to the General Land Office at his own request.

Fred H. Hazard, of Seattle, has been appointed Mineral Examiner, and attached to the Portland Field Division. Although an old and experienced Mining Engineer and mineral expert, Mr. Hazard comes to the General Land Office by transfer from the Postal Service, by which he has been employed for some years. He was at one time with the Geological Survey.

Special Agent W. B. Burt has been transferred from the Cheyenne to the Portland Field Division.

Special Agent Morgan J. Doyle, of the Santa Fe Field Division, has been transferred to the Southern Division.

Fraudulent Patent -- Bona Fide Purchaser.

On May 21, 1923, the Supreme Court of the United States affirmed the decree of the Circuit Court of Appeals of the Ninth Circuit in the cases of Curtis, Collins and Holbrook Company, appellant, vs. the United States, involving twenty-four patented timber and stone entries. The entries were made and patented during the year 1902, and suits to vacate the patents were instituted in November, 1902, in the United States District Court for the Northern District of California.

The complaint charged that the entrymen swore falsely in that they swore that they applied for the lands named in their applications for their own benefit, whereas before making applications they had agreed to convey the land to the Curtis, Collins and Holbrook Company; that the company knew of the fraud and procured the entrymen to make the entries for its benefit. The defense of bona fide purchaser was relied upon. Upon reference the master found that the entries had been made under prior illegal agreements between the entrymen and one Tuman, but that the Curtis, Collins and Holbrook Company had no notice of such illegal arrangements and was an innocent purchaser. The substance of the master's findings is: In 1901, Tuman interested C. H. Holbrook, sr., in timber lands in California. At that time persons owning lands within the limits of national forests could reconvey them to the United States and select in lieu other lands of equal area outside of the national forests. In December, 1901, Holbrook, as party of the first part, and J. G. Curtis and T. D. Collins, as party of the second part, agreed among themselves, in writing, that Holbrook would sell Curtis and Collins 42,380 acres of timber land in California, and to have title vested in Collins and Curtis at \$7.50 per acre. The timber lands were described in a schedule. Holbrook was to obtain title to the 42,380 acres of forest reserve land for which he was to receive from the United States a like quantity of the timber land, title to be secured to Curtis and Collins in the following manner:

The forest lands were to be deeded to Tuman, trustee, to be held in trust by him in pursuance of the terms of the agreement. Curtis and Collins were to deposit \$200,000 in bank, to be used in purchasing forest reserve land at not exceeding \$5 per acre; payments were to be made by the bank to the owner of the forest reserve lands upon proper certificate of a designated attorney, and the trustee, upon the written request of Holbrook, was to deed the forest reserve lands to the United States and to make application for the timber land, and when title had been acquired to the timber land and upon notice from Holbrook that he had been fully paid, the trustee was to convey to Curtis and Collins or to whomsoever they might direct. When title was acquired to the 42,380 acres, Holbrook was to be paid the balance of the purchase price named as \$115,600, and to receive 789 shares of the stock of the corporation to be formed, and certain sums in cash, and the balance in interest-bearing promissory notes of Curtis and Collins. Holbrook was to be a director, and vice present and general manager. It was further provided that if Holbrook could not secure title to the whole of the 42,380 acres of land of forest reserve he might secure such title through any other legal means.

Tuman was interested with Holbrook but this was not generally known. When Holbrook reported that it was difficult to obtain forest reserve scrip he advised Curtis and Collins that there were other valuable public lands title to which

could be secured under the timber and stone law. Curtis and Collins were satisfied provided good title could be obtained, and pursuant to oral agreement title was acquired under the timber and stone law to about 30,000 acres, including the lands involved in the suits. The timber and stone entries were made through agents of Tuman. It was the understanding that money would be advanced by Tuman to pay for the land and that thereafter the entrymen could sell at a profit of \$100 above all expenses. The agreement was carried out, the money was furnished by Tuman; and when the land was entered the entrymen were paid \$100 above all expenses, deeds were taken in the name of Charles E. Gregory who was not known to the entrymen and whose name was used by Tuman and Holbrook. Gregory deeded to the corporation, Curtis, Collins and Holbrook Company, but knew nothing about the lands, and merely permitted his name to be used.

The master found that about May 2, 1903, the corporation, in consideration of the conveyance to it, issued to Curtis and Collins its stock at the rate of \$7.50, or \$10 per acre conveyed; that Curtis and Collins paid to Holbrook a valuable consideration for the conveyance to the corporation; that on May 2, 1903, neither Curtis nor Collins, nor the corporation knew, or were charged with knowledge of the fraud, or of any fraud, and none of them knew or were charged with knowledge of fraud in the obtaining of the patents until 1908, and that therefore the Curtis, Collins and Holbrook Company, at the time of the acquisition of the land conveyed by the patent, was a bona fide purchaser for a valuable consideration and without knowledge of any fraud against the United States. The District Court found for the defendants and dismissed the bill. Upon appeal by the Government to the Circuit Court of Appeals, the decree of the District Court was reversed. In concurring in the decree of the Circuit Court of Appeals, the Supreme Court of the United States, speaking through Chief Justice Taft, found that Holbrook knew of the fraud practiced on the Government in making the entries, and that under the circumstances the company could not be treated as a bona fide purchaser; that it is charged with Holbrook's knowledge because he was the sole actor for the company in procuring the fraudulent patents, and comes under the rule that a principal is charged with the knowledge of the agent acquired by the agent in the course of the principal's business, and does not come within the exception when the agent's attitude is one adverse in interest to that of the principal, distinguishing between this case and the American National Bank vs. Miller (229 U.S. 517), holding that Holbrook was the sole agent acting for the company in securing these land titles, and that he and the company were in "a common adventure." It further held that the burden of sustaining the plea of a bona fide purchaser is on the defendant, citing Wright Blodgett Company vs. United States (236 U.S. 397).

Irrigation--Storage Waters--Reservoir.

The fact that water diverted for direct irrigation passes through reservoirs on its way to land on which it will be used, does not make it storage water; and such method of use does not warrant a decree limiting claimant to water for storage and denying use for direct irrigation. (Sup.Ct. of Colo.)

Nepesta Ditch & Reservoir Co.
v. Espinosa et al. (215 Pac. Rep. 141).

Irrigation--Value of Water Right.

The value of the right conferred, or added to use facilities for irrigation, and not the extent to which a property owner may take advantage of the right, determines whether a benefit has been received.

Irrigation--Annual Assessment.

Under the laws of the State of Washington relating to construction, improvement, and maintenance of irrigation systems, the owner of irrigable land within a district must respond to the annual assessment for the operation and maintenance of the system where the water is made available for his use, even though he does not use it and the land is unimproved. (Supreme Court of Washington.)

Otis Orchards Co. v. Otis Orchards
Irrigation District. (215 Pac. Rep. 23,)

Water Right--Appurtenant Use.

The Oregon statute providing that all waters used for irrigation purposes shall remain appurtenant to the land upon which it is used, is a valid exercise of the legislative power to regulate and control the use and distribution of the waters of the State. (Supreme Court of Oregon.)

Squaw Creek Irrigation District v. .
Mamero, et al. (214 Pac.Rep. 889.)

Swamp Land--Grant to the State of Louisiana.

The act of March 2, 1849, granting to Louisiana swamp and overflowed lands unfit for cultivation, and providing that on approval of the survey showing which are swamp and overflowed lands, the fee simple thereto shall vest in the State, was not repealed by the act of September 28, 1850, granting swamp and overflowed lands to the States in which they were situated, and directing a patent to be issued therefor at the request of the Government, so that the title to the swamp lands in Louisiana vested in that State on the approval of the Survey, though no patent was issued therefor.

Grant of Swamp Lands to Louisiana--Mineral Exceptions.

The swamp lands granted to Louisiana by act of March 2, 1849, which contained no reservation of mineral lands, and which was made prior to the establishment by Congress of the policy of reserving the minerals generally in grants, of lands known to be mineral in character, is not affected by the subsequent discovery of minerals within the lands so granted.

Fall, vs. State of Louisiana.
(287 Federal Reporter, 999.)

This case is now pending on appeal in the United States Supreme Court.

Swamp Grant--Lands Erroneously Certified.

The act of Congress March 2, 1849, making a grant of swamp lands to the State of Louisiana was a present grant to the State of all of the Government swamp or overflowed lands, and subsequent approvals identifying the lands related back to date of grant, but the grant was not a present grant of highlands thereafter erroneously certified as swamp lands. (Supreme Court of Louisiana.)

Albritton vs. Steere,
96 Southern Reporter 121.

Swamp Grant--Provisions for Title.

Under the swamp land grants made by act of Congress March 2, 1849, and September 28, 1850, title did not vest in the State by mere operation of the grants without selection by the State, on examination, listing, and approval by the Interior Department. (Supreme Court of Louisiana.)

Smith vs. Albritton,
96 Southern Reporter, 49.

Navigable Waters --Riparian Owner.

The exclusive privileges of the shore for access to his land and water which is possessed by a riparian owner are valuable privileges incident to the riparian owner's title to the land, of which he can not be deprived for any private use, and which the public can only acquire from him by purchase, prescription, or by the exercise of the right of eminent domain. (Supreme Court of Wisconsin.)

Doemel vs. Jantz,
193 Northwestern Reporter, 393.

Mining Claim--Assignment--Transferee.

Mining locations made by individuals who are stock-holders in a corporation, embracing lands desired by the latter, with an understanding that the locators would quitclaim to the corporation, which they thereafter did, must be held to have been made not in the interest of the individual locators, but for the sole use and benefit of the corporation, and under such conditions the corporation can not include in a single location an area exceeding twenty acres.

Mining Claim--Patent--Validity--Evidence.

Large expenditures upon mining claims made on behalf of a corporation asserting the right to receive patent therefor, although evidencing good faith, can not serve to validate locations which are otherwise invalid.

Court and Departmental Decisions Cited and Distinguished.

Cases of Borgwardt et al. v. McKittrick Oil Company (130 Pac. 417), and McKittrick Oil Company (44 L.D., 340), cited and distinguished.

Centerville Mine and Milling Company; decided February 24, 1923, by First Assistant Secretary Finney.

Military Service--Homestead Entry--Residence--Leave of Absence--Contest--Abandonment.

The act of July 28, 1917, makes military or naval service during time of war by one who had previously made a homestead entry equivalent to the establishment and maintenance of residence for the period thereof, and where such entryman, upon his discharge, lawfully obtains leave of absence, an application to contest on the ground of abandonment will not be entertained until after the lapse of six months from the expiration of such leave.

Contest--Contestant--Hearing--Reinstatement--Commissioner of the General Land Office.

The reinstatement and dismissal of a contest by the Commissioner of the General Land Office, without granting a hearing to the contestant, is not an act in excess of the authority of that official where, a contest having been entertained, it develops that the charge upon which the contest was based does not constitute a cause of action.

Graham v. Metz; decided March 2, 1923, by
First Assistant Secretary Finney.

Repayment--Homestead Entry--Relinquishment--Act of March 26, 1908.

An application for repayment under the act of March 26, 1908, of moneys paid upon a homestead entry canceled on relinquishment prior to the passage of the act of December 11, 1919, must be denied under section 2 of the latter act if filed more than two years after the latter date, regardless of the fact that the land has been reentered by another and patent has not issued.

Johannes Hamre; decided March 19, 1923, by
First Assistant Secretary Finney.

Selection--Act of April 28, 1904--Words and Phrases.

By the use of the phrase "of equal quality" in the act of April 28, 1904, it was contemplated that there should be an even exchange, and the equality of the selected and base lands exchanged pursuant to the act must be determined in accordance with the conditions existing at the time of filing the selection.

Selection--Coal Lands--Evidence--Act of April 28, 1904.

A coal classification of lands selected under the act of April 28, 1904, and of the base lands relinquished by the selector, which fixes the price of the former greatly in excess of that of the latter, although one of price, is, nevertheless, in the absence of other facts indicative of the comparative quality of the tracts, a difference in quality, unaffected by the mere geographical situation of the respective tracts with reference to a completed line of railway.

Railroad Grant--Coal Lands--Selection--Act of April 28, 1904.

The fact that the grant to the Atlantic and Pacific Railroad Company, or its successors in interest included the coal in the granted lands, does not carry the right in making an exchange of lands under the act of April 28, 1904, to select lands containing coal of greater quantity and superior quality than that contained in the base lands, inasmuch as such selection would be effected upon unequal terms.

Court Decision Cited and Distinguished.

Case of Santa Fe Pacific Railroad Company v. Fall (259 U.S. 197),
cited and distinguished.

Santa Fe Pacific Railroad Company; decided March 27, 1923, by
First Assistant Secretary Finney.

Mining Claim--Adverse Claim--Patent--Contest--Land Department.

While a suit is pending between an applicant for a mineral patent and an adverse claimant, the Land Department is precluded by section 2326, Revised Statutes, as amended by the act of March 3, 1881, from entertaining a contest by a third party, alleging discovery, against either of the parties litigant on the ground that both had failed to comply with some essential requirement of the mining laws.

Randsburg Silver Mining Company, v. California-Rand Silver, Inc. et al.; decided March 29, 1923, by First Assistant Secretary Finney.

Stock-Raising Homestead--Timber and Stone Entry.

One who has made an entry for the full area permitted by the stock-raising homestead act is thereafter debarred from making a timber and stone entry, or any other form of entry under the agricultural land laws.

Curtis C. Feltner; decided April 6, 1923, by First Assistant Secretary Finney.

Repayment--Fees and Commissions--Act of December 11, 1919.

The proviso to section 1 of the act of December 11, 1919, which prescribed that applications for repayment of purchase moneys and commissions paid in connection with rejected public land entries must be filed within two years from the passage of the act or from the date of rejection, is applicable to the various heirs or distributees of a deceased entryman individually, and the filing of an application by one heir or distributee within the required time does not stay the running of the statute as against the others.

Comptroller General's Decision Cited and Construed.

Decision of the Comptroller General (2 C.G.D., 379), cited and construed.

Ernest F. Stembridge; decided April 14, 1923, by First Assistant Secretary Finney.

Railroad Land--Selection--Fort Assiniboine Military Reservation--Restorations--Statutes.

The act of April 18, 1896, which restored to the public domain those lands formerly in the Fort Assiniboine Military Reservation, Montana, and made them subject to disposal under the laws specifically named therein, did not have the effect of reserving the lands from the operation of further legislation, and they became, therefore, upon the passage of the act of March 2, 1899, subject to selection by the Northern Pacific Railway Company.

Departmental Decision Cited and Applied.

Case of Northern Pacific Railway Company (37 L.D., 408), cited and applied

Northern Pacific Railway Company; decided April 23, 1923, by First Assistant Secretary Finney.

Railroad Grant--Withdrawal--Vested Rights.

A grant of lands to a railroad did not become fixed and attached until the map of definite location had been filed, and until then the mere filing of a map of general route, although followed by a withdrawal, did not impress the odd sections with a double minimum price.

Repayment--Acts of June 16, 1880, and March 26, 1908--Statutes.

The act of March 26, 1908, the purpose of which was to afford relief in a class of cases wherein repayment was not theretofore authorized, was merely supplemental to and did not repeal or modify the act of June 16, 1880.

Repayment--Homestead Entry--Railroad Grant--Withdrawal.

Repayment may be properly made under the last clause of section 2 of the act of June 16, 1880, to one who paid double-minimum excess upon an entry within the limits of a withdrawal on general route when it is determined upon the filing of the map of definite location that the lands entered are not within the railroad grant.

Repayment--Acts of June 16, 1880, and December 11, 1919--Statutes.

The limitation contained in the proviso to section 2 of the act of December 11, 1919, is applicable to claims for repayment under the last clause of section 2 of the act of June 16, 1880.

Instructions; April 24, 1923, by
First Assistant Secretary Finney.

School Land--Indemnity--Selection--Mineral Lands--Waiver--Hearing--Intervention.

Where a State, the real party in interest, waives its right to apply for a hearing and concedes the contention of the United States that the lands selected by it under its school indemnity grant are not subject to such selection because of their mineral character, a lessee from the State, between whom and the United States there is no privity of interest, is not entitled to intervene and demand a hearing involving the character of the lands.

State of Arizona and Arivaca Land and Cattle Company,; decided
April 24, 1923, by First Assistant Secretary Finney.

Oil and Gas Lands--Prospecting Permit--School Land--Selection--Indemnity--Preference Right.

A State, not being included among the parties enumerated in the enacting clause of the act of February 25, 1920, is disqualified to take a permit under any section of the act; consequently it is not entitled to the exercise of the preference right to an oil and gas permit accorded by section 20 of that act, inasmuch as that section contemplated that the right should be exercised only by one qualified to take a permit.

State of Wyoming v. Fry and Doyle; decided April 30, 1923,
by First Assistant Secretary Finney.

Mining Claim--Patent--Notice--Officers--Discretionary--Authority--
Section 2325, Revised Statutes.

Section 2325, Revised Statutes, and the Departmental regulations thereunder, requiring the register, upon the filing of a mineral application, to publish notice thereof in a newspaper to be by him designated as published nearest to the land; confers upon that officer discretionary authority in making the designation, and an abuse of that authority will not be imputed where he, through the exercise of his judgment, designates a newspaper of general circulation which, although not published geographically nearest the land, is, by the accessibility, by usually traveled routes, of its place of publication, competent to give the public notice.

Departmental Decisions Cited, Distinguished and Applied.

Cases of Tough Nut and other Lode Claims (32 L.D., 359), and Northern Pacific Railway Company (32 L.D., 611), cited and distinguished; case of Pike's Peak and Other Lodes (34 L.D., 281), cited and applied.

Murphy et al. v. Howard Copper Company; decided March 2, 1923, by First Assistant Secretary Finney. Rehearing denied April 24, 1923.

Homestead Entry--Confirmation--Selection--Act of January 27, 1923.

The act of January 27, 1923, amending section 2372, Revised Statutes, which authorizes the Secretary of the Interior to change, upon voluntary relinquishment, an entry confirmed under the proviso to section 7 of the act of March 3, 1891, but which prior to confirmation had been erroneously disposed of to another, to any tract of unappropriated, nonmineral surveyed public land, confers the privilege upon the one in whom the entry is confirmed; it does not confer a similar privilege upon the defeated claimant.

Homestead Entry--Confirmation--Secretary of the Interior.

The Secretary of the Interior has no authority under any existing law to grant relief generally to persons who have lost lands embraced in entries erroneously allowed or patented to them by reason of the confirmation of the titles thereto in others.

Emanuel Wallin (on petition); decided April 28, 1923, by First Assistant Secretary Finney.

Mexican Land Grant--Public Lands.

Lands within a valid Mexican grant did not become, under the treaty with Mexico, a part of the public domain of the United States.

Survey--Mexican Land Grant--Boundaries--Confirmation--Act of June 4, 1860.

An official plat, upon which are shown the boundaries of a confirmed Mexican grant, based upon a survey made and approved in accordance with the provisions of the act of June 4, 1860, amounts to a final determination that the situs of the grant is that shown on the plat.

Mexican Land Grant--Homestead Entry--Courts--Jurisdiction.

A duly asserted Mexican grant segregates the land embraced therein until the claim under the grant is extinguished by a court or other tribunal of competent jurisdiction, and its mere existence prevents the allowance of a homestead entry within it, regardless of the question of whether the grant is valid or invalid.

Mexican Land Grant--Patent--Secretary of the Interior.

The issuance of a patent under a duly asserted Mexican grant precludes the Secretary of the Interior from afterwards ignoring the existence of a patent or inquiring into its validity for the purpose of annulling it by his own order.

Patent--Vested Rights--Descent and Distribution--Section 2448, Revised Statutes.

The general principle of law that a deed issued to a deceased person is voidable is overcome in the issuance of a patent for public lands by section 2448, Revised Statutes, which declares that in such event title shall inure to and become vested in the heirs, devisees or assignees of such deceased patentee as if the patent had been issued to the deceased person during life.

Patent--Land Department--Courts--Jurisdiction.

The existence of a voidable patent, regular on its face and covering lands subject to disposal under the law upon which it is predicated, prevents the Land Department from assuming any jurisdiction over the patented lands adversely affecting the title prior to the annulment of the patent by a court of competent jurisdiction.

Mexican Land Grant--Homestead Entry--Application--Courts--Restorations--Secretary of the Interior.

Lands within a grant, declared invalid by a court of competent jurisdiction, do not become subject to homestead entry, even by one having the preferred status accorded by Congress to discharged soldiers, sailors, and marines, until a time fixed for their opening in an order of restoration issued by the Secretary of the Interior, and an application to make entry filed prior to the prescribed date can not be held suspended to await restoration with a view to conferring any rights upon the applicant.

Restorations--Patent--Homestead Entry--Military Service--Preference Right.

Lands restored to entry upon the annulment of an invalid patent do not become subject to homestead entry generally until the expiration of the preference right privilege accorded by Congress to discharged soldiers, sailors, and marines.

Public Lands--Adverse Claim--Settlement--Homestead Entry.

Public lands in the possession of one who is in good faith asserting ownership of a claim or right under color of title are not "unappropriated" public lands, and are not, therefore, subject to settlement or entry by another under the homestead laws.

Public Lands--Survey--Homestead Entry--Application.

Unsurveyed public lands are not subject to homestead entry, and an application to make entry can not be filed prior to their official survey and opening to entry.

Ben McLendon; decided April 30, 1923, by
First Assistant Secretary Finney.

Equitable Adjudication--Secretary of the Interior--Commissioner of the General Land Office--Homestead Entry--Final Proof--Patent.

Under the act of September 20, 1922, which amended section 2450, Revised Statutes, the Secretary of the Interior and the Commissioner of the General Land Office constitute a board with authority to give equitable adjudication in cases involving suspended entries for the purpose of determining whether patents shall issue where a substantial compliance with the governing law is shown by final proofs which are defective because of some error or informality resulting from ignorance, accident or mistake on the part of the entryman.

Equitable Adjudication--Jurisdiction--Application--Homestead Entry--Entry.

A mere pending application to make a homestead entry is not an "entry" within the purview of section 2450, Revised Statutes, as amended by the act of September 20, 1922, and questions relating to its allowance or rejection do not come within the jurisdiction of the Board of Equitable Adjudication.

Equitable Adjudication--Homestead Entry--Confirmation--Mexican Land Grant--Adverse Claim.

The confirmation by the Board of Equitable Adjudication of entries in conflict with a duly asserted Mexican grant, the claim under which has never been extinguished, is prohibited by sections 2451 and 2457, Revised Statutes.

Equitable Adjudication--Homestead Entry--Jurisdiction--Land Department.

The function of the Board of Equitable Adjudication is to give equitable consideration only to those homestead entries which have received a favorable action by the Land Department as the law permits, and it is not within its jurisdiction to consider, on appeal or otherwise, cases in which adverse action amounting to rejection or cancellation has been taken.

Court Decision Cited and Applied.

Case of Hawley v. Diller (178 U.S., 476) cited and applied.
Ben McLendon (on petition); decided June 7, 1923, by
First Assistant Secretary Finney.

Oil and Gas Lands--Oklahoma--Act of March 4, 1923--Statutes.

The status of the oil and gas bearing lands south of the medial line of Red River in Oklahoma, being sub judice, the act of February 25, 1920, does not of its own force apply to that area, and inasmuch as Congress has enacted special legislation relating thereto contained in the act of March 4, 1923, the provisions of the former act becomes applicable upon the termination of that status only as prescribed by the latter act.

Oil and Gas Lands--Prospecting Permit--Oklahoma--Secretary of the Interior--Act of March 4, 1923.

The act of March 4, 1923, expressly withheld the authority of the Secretary of the Interior to dispose of the oil and gas contents in the lands south of the medial line of Red River in Oklahoma until their sub judice status should be terminated and, until a date thereafter fixed by that official as prescribed by the act, an application for a prospecting permit filed by one not basing his claim upon equities recognized by the act must be denied.

Court Decisions Cited and Applied.

Cases of Newhall v. Sanger (92 U.S., 761), Quinn v. Chapman (111 U.S., 445), and State of Oklahoma v. State of Texas, United States, intervener (258 U.S., 574 and 259 U.S., 565), cited and applied.

Robert D. Hawley (on petition); decided May 5, 1923, by First Assistant Secretary Finney.

Survey--Surveyor General--Public Lands--Section 2396, Revised Statutes.

Section 2396, Revised Statutes, contemplated that in the disposal of public lands the official surveys are to govern and that each section or sectional subdivision, the contents whereof have been returned by the surveyor general, shall be held as containing the exact quantity expressed in the return.

Survey--Resurvey--Public Lands--Repayment.

Where the evidences of a Government survey are sufficient for identification of the boundaries, differences in the measurements and areas of public lands from those shown in the returns of the official survey alleged by an owner asserting a claim for repayment on the ground of shortage does not afford a basis for resurvey.

Scott K. Snively (on petition); decided May 5, 1923, by First Assistant Secretary Finney.

Oil and Gas Lands--Prospecting Permit--Selection--New Mexico.

Noncompliance by a permittee with the terms of an oil and gas prospecting permit does not make the lands embraced therein "unreserved, unappropriated" public lands within the meaning of those terms as they are used in section 11 of the act of June 20, 1910, which specified the character of lands that may be selected under that act by the State of New Mexico.

Oil and Gas Lands--Prospecting Permit--Selection--Records--Adverse Claim--Surface Rights.

A State selection for lands embraced within an oil and gas prospecting permit can not be allowed prior to the cancellation of the permit and notation of its cancellation upon the records of the local land office, except upon the consent of the selector to take subject to the provisions and reservations of the act of July 17, 1914, and to the right of the permittee to the use of the surface in accordance with the provisions of section 29 of the act of February 25, 1920.

Departmental Decision Cited and Applied.

Case of Martin Judge (49 L.D., 171), cited and applied.
State of New Mexico v. Weed; decided May 5, 1923, by
First Assistant Secretary Finney.

Railroad Grant--Lieu Selection--Surface Rights--Act of July 1, 1898.

The act of July 1, 1898, authorizing the adjustment of disputes arising out of conflicting claims of settlers and the Northern Pacific Railway Company to lands within the latter's grant, warrants the making of selections by the company under the act providing for surface entries.

Departmental Decisions Cited and Distinguished.

Cases of Northern Pacific Railway Company
(45 L.D., 155, and 48 L.D., 573), cited
and distinguished.

Quinn v. Northern Pacific Railway Company;
Instructions of May 10, 1923, by
First Assistant Secretary Finney.

Mining Claim--Railroad Grant--Adverse Claim--Evidence--Burden of Proof.

Proof in a proper proceeding of the inclusion within the limits of a lode mining claim, made in good faith and based upon a sufficient discovery, of an area comprising part of an odd-numbered section within the primary limits of a railroad grant, establishes *prima facie* or presumptively the mineral character of such area, and unless that presumption be overcome by satisfactory evidence that the area in conflict is not mineral in character it must be held to be excepted from the operation of the grant.

United States v. Central Pacific Railway Company (on Rehearing);
decided May 12, 1923, by First Assistant Secretary Finney.

Alaska--School Lands--Reservation--Indian Lands--Status of Natives.

By article III of the treaty of March 30, 1867, under which the Territory of Alaska was ceded to the United States, and by subsequent acts providing for their education and support, Congress has recognized the natives of Alaska as wards of the Federal Government, thus giving them a status similar to that of the American Indians within the territorial limits of the United States.

Alaska--School Lands--Reservation--Secretary of the Interior--Lease--Supervisory Authority.

While there is no specific statute relating to the subject, yet the inherent power conferred upon the Secretary of the Interior by section 441, Revised Statutes, to supervise the public business relating to the Indians, includes the supervision over reservations in the Territory of Alaska created in the interest of the natives and the authority to lease lands therein for their benefit.

Opinion: by Solicitor Edwards, May 18, 1923.
Approved: E. C. Finney, First Assistant Secretary.

Washington

April 7, 1923.

KINKAID ACT--ADDITIONAL ENTRY--INSTRUCTIONS.

Mr. James Edgar Hays,
Register, United States Land Office,
Lincoln, Nebraska.

Dear Mr. Hays:

The Commissioner of the General Land Office has forwarded to the Department your letter of March 7, 1923, in which you refer to the departmental decision in the case of Earl A. Mann (49 L.D., 286), and request instructions on the matters hereinafter discussed.

It is apparent from your inquiries that you have heretofore failed to take cognizance of section 2 of the act of March 2, 1907 (34 Stat., 1224), the last phrase of which (referring to the so-called Kinkaid Act) reads as follows: "and all homestead entries hereafter made within the territory described in the aforesaid act shall be subject to all the provisions thereof."

On April 27, 1907 (35 L.D., 542), the Department approved instructions under said act of 1907, but the last word of the quoted phrase was treated as "hereof," resulting in a failure to give proper effect to said section 2. The error was carried into the revised regulations of October 28, 1908 (37 L.D., 225), and the revision of June 7, 1910 (39 L.D., 18). It was not until January 19, 1912, that the Department correctly quoted said section 2, but in the revised regulations approved that date (40 L.D., 369) nothing was said as to the effect thereof. As a result, local officers in the Kinkaid territory allowed entries for 160 acres or less upon payment of less fees and commissions than are provided for by the Kinkaid Act, and the commutation of such entries was permitted. The General Land Office has passed the entries to patent. As such entrymen proceeded under the departmental interpretation of the act of 1907, entries already made for 160 acres or less in the Kinkaid territory will be allowed to proceed to patent as if section 2 of the act of 1907 had not been enacted, but such action will not be treated as conferring on the entrymen any additional rights under the Kinkaid Act.

From and after the receipt hereof by you, you will be governed by the following:

1. All homestead entries (other than entries under the stock-raising homestead act) for lands in the so-called Kinkaid territory will be governed by the provisions of the Kinkaid Act as amended. At the time an application is made, \$14 should be collected as fee and commissions, and at the time of final proof \$4, without regard to the area embraced in the entry.

2. Section 7 of the act of May 29, 1908 (35 Stat., 465), amended section 2 of the Kinkaid Act so as to bring the right of additional entry of contiguous land under said act up to the date of the amendment; hence, an entry made after March 2, 1907, but prior to May 29, 1908, for less than 640 acres would be proper basis for additional entry under said section 2.

3. A person who, since May 29, 1908, made an entry for land within the territory, of any area, has exhausted his right under the Kinkaid Act, except that, if contiguous lands become vacant, he can amend his unperfected entry to embrace such lands to the limit of 640 acres; or, if the entry has been perfected and embraces less than 160 acres, he can make an additional entry of contiguous land under section 2 of the act of April 28, 1904 (33 Stat., 527), or he can make additional entry under section 6 of the act of March 2, 1889 (25 Stat., 854), either within or without the Kinkaid territory. If the additional entry be made for land within the territory, the fee and commissions exacted by the Kinkaid Act must be collected, and the final proof must comply with the provisions of the Kinkaid Act.

4. A person who has, at any time, entered under the homestead laws less than 640 acres outside the Kinkaid territory may make an entry under the first proviso to section 3, provided he is not the owner of more than 160 acres of land in the United States acquired under other than the homestead law.

5. A person who made a homestead entry in the Kinkaid territory prior to June 28, 1904, is entitled to the benefits of the first proviso to said section 3, but said proviso can not be invoked by a person who has already had the benefit of the Kinkaid Act.

You will please advise the Department of the date on which you receive these instructions.

Respectfully,

E. C. FINNEY,

First Assistant Secretary.

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DEPARTMENT OF THE INTERIOR
General Land Office
Washington

May 3, 1923.

FORT ASSINNIBOINE LANDS--TIME EXTENDED FOR PAYMENT.

Register and Receiver,
Havre, Montana.

Gentlemen:

It has been brought to the attention of this office that notices are being sent out by you to all holders of Fort Assiniboine Military Reservation lands, in which they are notified to make payment within thirty days or appeal to this office, or in the event they fail to make payment or appeal, then their entries will be held for cancellation.

The above Reservation was opened to homestead entry in 1916, under the provisions of the act of February 11, 1915 (38 Stat., 807), section 4 of which reads as follows:

"That entrymen upon said lands shall in addition to the regular land office fees, pay the sum of one dollar and twenty-five cents per acre for said land, such payments to be made as follows: twenty-five cents per acre at time of making entry and twenty-five cents per acre each and every year thereafter until the full sum of one dollar and twenty-five cents per acre shall have been paid; Provided, That for a period of six months subsequent to the date on which the lands are opened to settlement, entrymen upon said lands shall, in addition to the regular land office fees, pay the sum of two dollars and fifty cents per acre, for said lands; such payments to be made as follows: fifty cents per acre at the time of making entry, and fifty cents per acre each and every year thereafter until the full sum of two dollars and fifty cents per acre shall have been paid. In case any entryman fails to make annual payments, or any of them when due, all right in and to the lands covered by his entry shall cease; and any payments theretofore made shall be forfeited and the entry canceled, and the land shall be again subject to entry under the provisions of the homestead law at the price fixed therefor by the former entry; but in all cases the full amount of the purchase money must be paid on or before the offer of final proof."

When the time for payment of the purchase price under this act arrived it was found that the financial condition of the holders was such that they were unable to meet the payments on their lands when they became due. In order to relieve the situation the act of January 6, 1921 (41 Stat., 1086), was passed, which provided that any person who entered under the act of February 11, 1915, could obtain an extension of time for one year from the anniversary of the date of the entry last preceding the passage of this act, within which to pay all of the installment then due, or any part of the preceding installment where payment has not been made, by paying interest at the rate of five per centum per annum on the sums to be extended from the maturity of the unpaid installments to the expiration of the period of extension.

The proviso to said act provides that in the event of any installment becoming due within one year from the passage of this act, and for which an extension of time for payment has not been otherwise authorized the time for paying such installment may also be extended for a further period of the year, by paying interest thereon at the rate of five per centum per annum.

The second proviso to said act empowers the Secretary of the Interior in his discretion to extend the payment for a further period of one year.

The communications received in this office state that a great hardship will result to the holders if no extension of time is authorized by this office, as they are unable to borrow money from any source to meet the payments due, which condition is ascribed to the successive droughts during the past six years. This present state of financial distress and failure of crops is similar to the conditions which prevailed when the time for payment under the act of February 11, 1915 arrived, and which prompted the passage of the act of January 6, 1921.

Under the present law the time is fixed for the payment for these lands and in the absence of further legislation this office is without authority to grant an extension of time in which to make payment, but it is believed by this office that Congress having once come to the relief of these homesteaders by granting an extension of time, the people should be given another opportunity to again present a petition to Congress for a further extension of time in which to make payment.

With this belief in mind, this office, therefore, directs that when the time for payment has arrived on any homestead entry within the Fort Assiniboine Abandoned Military Reservation, and when payment has not been made after due notice to the entryman, you will not report the entry for cancellation to this office but instead, you will notify the entryman that he will be permitted within thirty days from receipt of notice to file an affidavit in your office, corroborated by the affidavits of two other persons, stating the reason why he is unable to make payment, and when he expects he will be able to do so.

The affidavits will then be transmitted by you to this office for consideration and if the affidavits furnished justify a suspension of the entry, the entry may be suspended for such period as may be found necessary, not exceeding one year, to enable the entryman to make payment. However, in no case, will the entryman be excused from submitting final proof on his entry within the statutory period because of his failure to complete final payment.

Very respectfully,

WILLIAM SPRY,
Commissioner.

Approved:

E.C. FINNEY,
First Assistant Secretary.

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DEPARTMENT OF THE INTERIOR
General Land Office
Washington

June 15, 1923.

REGULATIONS GOVERNING DISPOSITION OF LOTS UNDER SECS. 2382 TO 2386, INCLUSIVE,
U. S. REVISED STATUTES.

SAWYER TOWNSITE, MINNESOTA.

Register,

Duluth, Minnesota.

Sir:

The subdivisional survey plat of the townsite of Sawyer embracing $S\frac{1}{2}$ $N\frac{1}{2}$ $SW\frac{1}{2}$ Sec. 4, T. 48 N., R. 18 W., 4th P.M., was approved by the Commissioner of the General Land Office May 25, 1922. Said survey and plat were made under the provisions of the act of February 9, 1903 (32 Stat., 820), extending the United States townsite laws and making the same applicable to the ceded Indian lands and within the State of Minnesota. A petition dated April 4, 1923, from a number of the townsite occupants was received by the Commissioner of the General Land Office, petitioning that said townsite be opened under the provisions of Secs. 2382 to 2387, U. S. Revised Statutes, as there are a number of settlers on said townsite who desire to have preference right of purchase of the lots occupied and improved by them.

Accordingly, the lots in said townsite will be disposed of under the provisions of Secs. 2382 to 2386 inclusive, U. S. Revised Statutes, and the regulations herein provided.

The minimum price of all lots of 4,200 square feet or less, is fixed by Sec. 2384, U.S. Revised Statutes, at \$15 per lot. For all lots of greater area an additional sum of \$4 shall be added for each 1,000 square feet or fractional part thereof.

Prior to the date of public sale, hereinafter set for Monday, July 23, 1923, a preemption right of purchase at the minimum price of not exceeding two lots is accorded an actual resident at the date of the survey in the field of said townsite beginning July 8, 1921, to secure which he must file in your office his application therefor, and therein state the date of settlement, the value and character of his improvements, that he is twenty-one years of age or over, or the head of a family; that he is a citizen of the United States or has declared his intention to become such. The notice of intention to make proof must be published twice consecutively in a weekly newspaper (or 14 times if a daily) of general circulation in the townsite, prior to the date set for the proof at the applicant's expense. That all bona fide preemption rights may be determined prior to the date of public sale, claimants will, if possible, give notice in ample time to submit proof a little in advance of the public sale.

Proof may be made before you or before any officer duly authorized by law, and must show by record or documentary evidence, where such evidence is usually required, and where not so required, by the testimony of witnesses (1) due publication of the settlers notice; (2) the claimant's age; (3) his or her citizenship, and (4) his or her actual residence upon one lot and substantial improvements on the second lot, if two lots be included in the application. The proof must embrace the testimony of the applicant and of at least two of his advertised witnesses. The purchase price for the lot or lots must be paid to the Register when the proof is made. The entry of public lands under the other laws, or in other townsites, or ownership of more than 320 acres, will not disqualify an applicant from making such proof. No entry can be made of an improved lot on which the claimant does not reside, unless his residence lot is included in the same or previous entry.

To qualify as a preemption claimant for lots at the minimum price, settlement must be shown at the time of the commencement of the townsite survey in the field and maintained to the date of proof. Such a claim is not necessarily forfeited by the settler transferring his interest to another subsequently to accrual of the lots, but patent if issued, will be in the name of the settler and not the transferee. A husband and wife may claim but one residence lot upon which settlement was made as indicated above, may claim one additional lot upon which he or she has established improvements, provided the additional lot was held and claimed in his or her ^{own} right and name at the time of commencement of survey in the field. In no case can they thus secure a preemption right of purchase for more than three lots in the aggregate.

The hearings will be ordered and conducted in accordance with the Rules of Practice, where two or more adverse applications are filed for the same lot, or where a contest affidavit is filed against an application, on or before the date fixed for making proof, but no purchase money will be collected from the

applicant, until the final determination of the case, whereupon the successful applicant will be required to pay the purchase price within thirty days from notice thereof. Contests arising hereunder will be disposed of promptly, all such cases to be made special.

All right to preempt and purchase occupied and improved lots for which no entry has been allowed prior to July 23, 1923, will be forfeited unless the contest be pending thereon as hereinabove provided, and such lots will be offered for the sale, together with the unoccupied lots. You will refuse to receive or consider any such application for entry, where due publication was not had and proof made thereon prior to the date so fixed for the public sale. On July 23, 1923, a sale at public outcry to the highest bidder for each will be held at the local land office at Duluth, Minnesota, of all the remaining unreserved, undisposed of lots, the sale to be continued from day to day until all such lots shall be offered under the supervision of the Register of the local land office at Duluth, Minnesota. No lot will be sold for less than the minimum price hereinbefore stated. After all unreserved and undisposed of lots have been offered, the sale will not be closed, but will be indefinitely postponed, pending an appraisal of the remaining lots, before being made subject to private sale.

On receipt of these regulations, you will post in your office a notice to the effect that the official plat of such townsite has been filed in your office, and that you are ready to receive applications by lot occupants, to make proof for and purchase the lots occupied by them, respectively, and give the time and place of the public sale to be held as above provided. The newspapers in the vicinity of the townsite and at Duluth, Minnesota, should be given copies of such notice as an item of news, and such other publicity should be given it as can be done without expense to the Government. Inasmuch as said townsite is small and contains comparatively few lots to be disposed of, it is not thought necessary or advisable that the notice of public sale of the lots in said townsite be regularly advertised in the newspaper but that the posting of copies of these regulations in the land office at Duluth, Minnesota, in the postoffices, together with such other general publicity as above recited without cost to the Government is deemed sufficient and no further notice will be required.

Respectfully,

WILLIAM SPRY,

Commissioner.

Approved: June 15, 1923,

E. C. FINNEY,

First Assistant Secretary,

and returned to G.L.O.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

June 1, 1923.

Disposal of Vashon Island
Abandoned Military Reservation,
Washington.

Register and Receiver,

Seattle, Washington.

Gentlemen:

Under date of July 15, 1921, Congress passed an act (42 Stat., 142, Pamphlet Edition), a copy of which is hereto attached, providing for the appraisal and sale of the Vashon Island Military Reservation in the State of Washington, in Secs. 1, 2 and 3, T. 21 N., R. 2 E., W. M.

The above act authorized the Secretary of the Interior to survey and subdivide the lands into tracts and lots to conform as far as practicable to the tracts and lots lawfully occupied by the tenants thereon as lessees or sublessees on May 1, 1920. The act then states that where actual settlements thereon was made in good faith under the terms of a certain lease held of the War Department by one James Batchelor, or a sublease thereunder, or anyone who has since said date succeeded to the occupation and interest of any such prior settler, his heirs or assigns, they shall be entitled to purchase for the appraised value one of such surveyed tracts so occupied, no right of purchase extending beyond the tract actually occupied and improved by a lawful lessee or sublessee on May 1, 1920, and in no case exceeding 20 acres in a body, upon the payment to the Government of a sum of money as required by the said act.

The plat of survey of the lands was accepted by this office on March 14, 1923. The total area of the lands embraced within the reservation is 474.20 acres, and this area has been subdivided into 46 separate tracts or lots with the appraisement prices ranging from \$50. to \$135 per tract or lot, the total appraisement being \$4,791.75.

On April 30, 1923, the plat of survey was forwarded to you and the plat will be treated as officially filed in your office on June 15, 1923. All persons desiring to assert a claim under the provisions of this act must on or before September 12, 1923, file in your office their application for same, together with a sum of money equal to at least one-tenth of the appraised price of the tract or lot, describing the lands to which their claims are asserted and setting forth fully all the facts as to occupancy and any and all facts which may be material in determining the rights of the parties. This application must be under oath and corroborated by two witnesses. The applications must show the source of title as well as all the recorded transfers or other instruments where same can be furnished. The applications when received should be assigned a current serial number.

Purchasers under this act are required to make payment of the appraised price which may be made in one sum, or at the option of the purchaser one-tenth in cash at the time of filing of the application and the balance in nine equal annual installments with interest at 5% per annum, payable annually as the purchaser may elect.

Any land in this abandoned military reservation which is not covered by an application filed on or before September 12, 1923, will be disposed of under the act of July 5, 1884 (23 Stat., 103), subject to the privileges within a period to be fixed by the Secretary of the Interior to remove from the tracts or lots any buildings placed thereon by the occupants or claimants of the land.

A copy of this circular will be mailed (registered) by you to all parties whose names are of record as having an interest in the tracts or lots. On the plat of survey will be found the names of parties who have buildings or homes located on the lands. Transmit a copy of said circular to the postmaster nearest the land for posting in his office, and transmit a copy of the circular to the register of the State land office. You may also give as much publicity to these regulations as possible by the furnishing of a copy of same to the newspapers as a matter of news and without expense to the Government. Acknowledge receipt of these regulations and post a copy of same in your office.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved: June 1, 1923,

E. C. FINNEY,

First Assistant Secretary.

H. R. 5622.

An Act Providing for the appraisal and sale of the Vashon Island Military Reservation in the State of Washington, and for other purposes.

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Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall cause the land in the Vashon Island abandoned military reservation in sections one, two, and three, all in township twenty-one north, range two east, Willamette meridian, in the county of King, in the State of Washington, to be surveyed and subdivided into tracts and lots to conform as far as practicable to the tracts and lots lawfully occupied by the tenants thereon as lessees or sublessees on May 1, 1920.

Sec. 2. That after said survey and the approval thereof by the Commissioner of the General Land Office the plat thereof shall be filed in the office of the register and receiver in the manner provided by law, and thereafter any person who as lessee or sublessee was in actual occupation of any portion of the lands described in section 1 hereof on the 1st day of May, 1920, who made actual settlement thereon in good faith under the terms of a certain lease held of the War Department by James Bachelor, or a sublease thereunder, or anyone who has since said date succeeded to the occupation and interest of any such prior settler, his heirs or assigns, shall be entitled to purchase for the appraised value one of such surveyed tracts so occupied, no right of purchase to exceed the tract actually occupied and improved by a lawful lessee or sublessee on May 1, 1920, and in no case exceeding twenty acres in a body, according to Government surveys and subdivisions thereof, upon the payment to the Government of a sum of money equal to the appraised value thereof, such appraisement to be made as provided by law: Provided, That in making such appraisement the appraisers shall not include the improvements thereon made by the occupants of such lands: Provided further, That payment to the Government may be made in one sum, or not less than one-tenth cash and the balance in nine or less number of equal annual installments, with interest at 5 per centum per annum, payable annually, as the purchaser may elect, and with the option in the purchaser, his heirs and assigns, to pay the remaining installments on any date when installment becomes due.

Sec. 3. That if any tract of the lands described in section 1 hereof be not purchased by the lessee or sublessee, his heirs or assigns, as provided in section 2 of this Act, within ninety days after the same becomes subject to purchase under the provisions of this Act, then and in that event the Secretary of the Interior is hereby authorized to dispose of the remaining lands under the provisions of the Act of Congress of July 5, 1854, entitled "An Act to provide for the disposal of abandoned and useless military reservations," and the said lessees, sublessees, heirs or assigns, who do not purchase such tracts shall have the privilege within a period to be fixed by the Secretary

of removing from their tracts any buildings placed thereon, and the Secretary of the Interior is authorized to reappraise any unsold tracts from time to time before offering the same for sale under said Act of July 5, 1884.

Sec. 4. That the Secretary of the Interior in making the survey provided for by this Act shall ascertain what part of said lands, if any, are needed for lighthouse or roadway purposes, and any lands needed for such purposes shall be segregated or reserved for such use, and the lands so segregated or reserved shall not be subject to disposal hereunder.

Approved, July 15, 1921.

June 18, 1923.

Registers and Receivers,

United States Land Offices.

Gentlemen:

Regarding proper notation on your tract and plat books, the following is a copy of Circular 375, issued January 22, 1915. It is commended to your reading and observance.

Respectfully,

GEO. R. WICKHAM,
Acting Commissioner.

"It having come to the attention of this office that it has not been the practice of some registers to note all applications and entries of public lands on township plats, your attention is called to Section 2295 of the Revised Statutes of the United States, which provides in part that:

The Register of the land office shall note all applications under the provisions of this chapter (5-homesteads) on the tract books and plats of his office, and keep a register of such entries * *

"While this section applies to homestead applications only, it is nevertheless necessary that notations shall be made on the tract books and plats of all applications and entries of public lands, regardless of their character, in order that the status of a tract may be readily ascertained by the officer or person examining either tract or plat book, and you are instructed to hereafter cause the proper notations to be made on the plats as well as the tract books.

"Applications should be noted on the plats in pencil, and changed to an ink notation if the application is subsequently allowed as an entry or its equivalent. Should the application later be finally rejected and closed, the pencil notation on the plat may be erased. Great care should be exercised in making notations and erasures not to injure the texture or topographic features of the plat.

"Plat notations should be made by outlining the tract involved and inserting the serial number of the application within the lines. This will furnish a sufficient reference to the serial register containing a complete record of the case. Appropriate cross-reference should be made where an application embraces tracts extending into another township. All withdrawals, reservations, classifications, designations under the enlarged homestead Act (see 640 law since) and similar orders affecting the disposition of the land should be noted on the margins of the plats as well as on the tract books.

Circular No. 897.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

June 12, 1923.

ACCOUNTS: Unpaid Checks.

United States Surveyors General and
Special Disbursing Agents.

Sirs:

General Accounting Office Bulletin No. 3, dated May 19, 1923, directs that checks of disbursing officers, if returned unclaimed and not delivered within a specific period shall be transmitted to that office and gives the following instructions relative thereto:

"Immediately upon the receipt of this bulletin and on the first of each quarter thereafter, disbursing officers having in their possession checks issued to pay obligations of the United States, which for any reason have remained undelivered for more than three full months from the last day of the month of issue, should forward such checks to the General Accounting Office, Check Accounting Division, Liabilities Section, for safe-keeping and lawful disposition.

In forwarding the checks a statement should be furnished giving the name and symbol number of the disbursing officer and listing each check by number, date, amount, payee, payee's last known address, voucher reference and statement of the nature of the payment; that is, whether for salary, reimbursement of expenses, supplies furnished, etc.

All applications for undelivered checks should thereafter be transmitted to such Liabilities Section with appropriate advice, for attention.

When a disbursing office is permanently discontinued all checks that can not be delivered should be forwarded to the Liabilities Section as provided in paragraph three."

Very respectfully,

WILLIAM SPRY,

Commissioner.

(5617)

"Local officers whose plats have not heretofore been completely noted as indicated herein are directed, as time is available, to systematically check their plats with the tract books, and cause all necessary plat notations to be made."

---O---

EXECUTIVE ORDER.

---O---

CALIFORNIA.

It is hereby ordered that the lands hereinafter described be, and the same are, hereby, eliminated from Naval Petroleum Reserve No. 2, created by Executive Order of December 13, 1912, except as to the oil and gas deposits therein, which are to be retained in said reserve for the use and benefit of the U.S. Navy, and the said lands so eliminated are hereby reserved for townsite purposes, to be surveyed under Section 2384, U.S. Revised Statutes, and thereafter, all unreserved lots in the surveyed townsite to be disposed of under the provisions of Sections 2382 to 2386, inclusive, U.S. Revised Statutes, and subject to the conditions and limitations of the Act of July 17, 1914 (38 Stat., 509).

Description:

SW $\frac{1}{4}$, W $\frac{1}{2}$.SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 12, T. 32 S., R. 23 E., M.D.M.

This order shall not affect any other lands withdrawn by said Executive Order of December 13, 1912, or by any other order.

WARREN G. HARDING

The White House,
June 11, 1923.

(No. 3862.)

---O---

OIL AND GAS ACTIVITIES.

During the month of June 450 new applications under sections 13 and 20 of the leasing act were received in the Oil and Gas Section, as against 311 received in May, and 2,834 old cases for further action as against 1,453, a total of 5,525.

Disposals were made as follows: Permits granted, 233; applications finally rejected, 150; rejected subject to appeal, 233; extensions of time granted, 226; extensions denied, 56; permits held for cancellation, 35; canceled, 33; assignments approved, 11, denied, 11; departmental decisions promulgated on approved cases, 16; reversed, 5; modified, 4; preliminary action was taken in 562 cases.

Under the relief sections of the leasing act, 188 cases were received for further action, 8 permits and 5 leases were issued, 5 applications finally rejected, 24 extensions of time were granted, 1 rejected on appeal; the Department approved the office in 2 cases, modified 1, and recommendation was made to the

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

1078291

PUBLIC LANDS RESTORED TO HOMESTEAD ENTRY AND OTHER DISPOSITION BY
PROCLAMATION, EXECUTIVE OR DEPARTMENTAL ORDER.

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Preference Rights to Ex-Service Men of the War with Germany.

General Method of Opening:

By virtue of Public Resolution No. 29, of February 14, 1920 (41 Stat., 434), as amended by Public Resolutions Nos. 56 and 79, approved January 21 and December 28, 1922, respectively, hereafter and until February 15, 1930, when any surveyed lands within the provisions of the public resolutions are opened or restored to disposition under the authority of the Department, such lands, unless otherwise provided in the order of restoration, shall become subject to appropriation under the laws applicable thereto in the following manner, and not otherwise:

Lands not affected by the preference rights conferred by the acts of August 18, 1894 (28 Stat., 394), or June 11, 1906 (34 Stat., 233), or February 14, 1920 (41 Stat., 407), will be subject to entry by soldiers under the homestead and desert-land laws, where both of said laws are applicable, or under the homestead law only, as the case may be, for a period of 91 days, beginning with the date of the filing of the township plat in the case of surveys or resurveys, and with the date specified in the order of restoration in all other cases, and thereafter to disposition under all of the public land laws, applicable thereto, except where homestead entrymen are granted a prior preference period under the order. For a period of 20 days and for a like period prior to the date or dates such lands become subject to entry by the general public, soldiers in the first instance, and any qualified applicants in the second, may execute and file their applications, and all such applications presented within such 20-day periods, together with those offered at 9 o'clock a.m., standard time, on the dates such lands become subject to appropriation under such applications, shall be treated as filed simultaneously.

Unsurveyed lands are not subject to homestead or desert-land entry. A homestead entry may embrace 160 acres, or an approximation thereof, and where the lands are of the character contemplated by the 320 or 640 acre homestead acts, applications for the unappropriated lands may be filed by qualified persons, under either of said acts; accompanied by proper petitions, if undesignated, for the designation of lands thereunder, and such applications will be suspended pending determination as to the character of such lands.

The following are restorations or openings which will occur in the near future and concerning which further information may be obtained from the local offices:

(366)

NEW MEXICO:

FROM STOCK DRIVEWAY WITHDRAWAL.

Two thousand six hundred acres in Chaves County, Roswell land district, open to entry under the homestead and desert-land laws, by ex-service men of the war with Germany for a period of 91 days, beginning July 5, 1923. Filings may be presented at any time during the twenty days prior to that date. On and after October 4, 1923, any of such land remaining unentered will be subject to appropriation under any public land law applicable thereto by the general public. The land is released from stock driveway withdrawal and designated under the enlarged homestead act of February 19, 1909.

California:
 Colorado :
 Idaho :
 Montana : OPEN TO ENTRY THROUGH SURVEYS AND RESURVEYS.
 Utah :
 Wyoming :

Official plats of the survey and resurvey of public lands have been transmitted to Surveyors General with instructions to transmit copies thereof to United States land offices for official filing as follows:

T. 20 S., Rs. 12 and 13 E., M. D. M., California, with letter of June 2, 1923, approximately 3,300 acres; United States land office at San Francisco.

T. 9 S., R. 92 W., 6th P. M., Colorado, with letter of June 4, 1923, and Ts. 38 and 39 N., R. 19 W., N. M. P. M., with letter of June 8, 1923, approximately 33,000 acres; United States land offices at Glenwood Springs and Durango.

Ts. 3, 4, and 5 S., R. 28 E., B. M., Idaho, with letter of June 2, 1923, approximately 64,500 acres; United States land office at Hailey.

T. 22 N., R. 22 E., and T. 23 N., R. 26 E., P. M., Montana, with letter June 2, 1923, approximately 37,500 acres; United States land offices at Lewistown and Havre. Ts. 21, 22, 23, and 25 N., R. 80~~W.~~ E., Montana, with letter of June 1, 1923, approximately 19,800 acres; United States land offices at Helena and Great Falls.

T. 28 S., R. 5 E., T. 20 S., Rs. 6 and 7 E., T. 20 S., R. 4 W., T. 41 S., Rs. 3 and 8 W., S. L. M., Utah, with letters of April 28, May 21, June 8, June 11, 1923, approximately 44,000 acres; United States land office at Salt Lake City.

Ts. 12, 13, 14, 15, and 16 N., R. 82 W., and Ts. 42, 43, and 44 N., R. 92 W., 6th P. M., Wyoming, with letters of June 1 and 7, 1923, approximately 59,000 acres; United States land offices at Cheyenne and Buffalo.

The dates of filing will be fixed by the registers of the several offices, and the public lands indicated will be open to entry and subject to prior valid settlement rights and equitable claims, ex-service men of the World War will be entitled to a preference right to enter these lands under the homestead and desert land laws for a period of 91 days, beginning with the date of filing of the plats under Public Resolutions Nos. 36 and 79, dated January 21 and December 28, 1922, respectively.

In addition to the above, Ts. 17 and 18 S., R. 17 E., Utah, were transmitted with letter dated May 2, 1923, approximately 21,000 acres; United States land office at Salt Lake City. These surveys were made upon application of the State and the public lands involved were withdrawn under the provisions of the act of August 18, 1894 (28 Stat., 394), until 60 days after the date of the filing of the plats, during which period the State has a

preference right to select lands therein in satisfaction of public land grants. On the expiration of such period, ex-service men of the World War are entitled to the preference right heretofore indicated for lands not selected by the State. All lands will be open to general disposition on the expiration of the preference periods indicated.

The lands in California are reported as mountainous and broken with scattering timber and undergrowth; in Colorado, as mountainous and rolling with a fair growth of grass; in Idaho, as rolling and covered with a good growth of bunch grass; in Montana, as mountainous, rolling, and broken and well adapted for grazing; in Utah, as mountainous and broken benches with scrub timber and undergrowth; and in Wyoming, as mountainous and rolling with some timber and a good growth of native grasses.

(368)

NEW MEXICO: FROM FOREST RESERVATION.

Six thousand eight hundred and ninety-six acres, in scattered tracts, in Rio Arriba and Taos counties, and in the Santa Fe land district, excluded from the Carson National Forest by Proclamation of June 16, 1923, will be open to entry under the homestead and desert-land laws by ex-service men of the war with Germany for a period of 91 days, beginning August 18, 1923, and 2,649 acres thereof are withdrawn for Power Site purposes and subject to entry only under the provisions of Sec. 24 of the Federal Power Act. Filings may be presented within 20 days prior to August 18, 1923. On and after November 17, 1923, any of such lands remaining unentered will be subject to appropriation under any public land law applicable thereto by the general public. The restored lands are reported to be mountain grazing lands.

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(369)

UTAH: FROM RECLAMATION WITHDRAWAL.

In Utah County, Salt Lake City land district, all of Sec. 28, T. 7 S., R. 1 W., containing approximately 640 acres, will be opened to homestead and desert-land entry beginning July 9, 1923, and until October 8, 1923, inclusive, to ex-service men of the World War subject, however, to valid prior settlement and preference rights; filings may be made during the 20 days preceding or from June 19, 1923 to July 8, 1923, inclusive. If any lands remain unentered on October 9, 1923, they will be open on that date to settlement and all proper forms of entry and selection by the general public. The land borders in part on Utah Lake in north-central Utah and the nearest railroad town is Elberta on the Denver and Rio Grande Railroad.

Available information in the case indicates that the land is rough and hilly.

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(370)

NEW MEXICO: LANDS OPENED TO ENTRY AFTER APPROVAL OF LIEU LANDS TO THE STATE.

The following lands (all surveyed) in the Santa Fe land district open to homestead and desert land entry beginning July 20, 1923, for a period of 91 days to ex-service men of the World War subject, however, to valid prior settlement rights or equitable claims recognized by existing laws:

T. 12 N., R. 13 W., Sec. 32, NE $\frac{1}{4}$, 160 acres.

Filings may be presented during the 20 days preceding that date, or from June 30, to July 19, 1923, inclusive. Any land remaining unentered after the expiration of the 91 days, that is, beginning October 19, 1923, will be open to

appropriation under any applicable public land law.

By the certification of June 22, 1923, to the State of clear list No. 166, approved May 31, 1923, of indemnity school lands selected in lieu of the above described school section lands which were within a national forest at time of selection of indemnity lands but were eliminated from the national forest boundaries after timely completion of the selections, all claim of the State to such school lands terminated.

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(371)

COLORADO: FROM FOREST RESERVATION.

Two thousand three hundred and eighteen acres in Routt County, in the Glenwood Springs land district, excluded from the Routt National Forest by Executive Order of June 19, 1923, all withdrawn for coal classification, open to surface entry under the homestead and desert-land laws by ex-service men of the war with Germany for a period of 91 days, beginning August 21, 1923. Filings may be presented within 20 days prior to that date. On and after November 20, 1923, any of such lands remaining unentered will be subject to appropriation under any public land law applicable thereto by the general public. The restored areas are mountain grazing lands.

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(372)

OPENING OF CEDED AGRICULTURAL LANDS.

Nine thousand four hundred four and seventy-two hundredths acres of ceded Chippewa agricultural lands in the former Bois Fort, Chippewa of Mississippi, Deer Creek, Leech Lake, Pigeon River, Red Lake, White Earth, and Winnibogoshish Indian Reservations and located in the Cass Lake, Crookston, and Duluth land districts, Minnesota, are to be opened to homestead entry by ex-service men of the World War from September 19, 1923, to December 18, 1923, and to general homestead entry under applicable homestead laws on December 19, 1923.

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(373) OPEN TO ENTRY THROUGH SURVEYS AND RESURVEYS.

Official plats of the survey and resurvey of public lands have been transmitted to Surveyors General with instructions to transmit copies thereof to U.S. land offices for official filing as follows:

T. 11 N., R. 15 E., T. 17 S., Rgs. 6 and 7 E., and T. 18 S., R. 6 E., S.B.M., California, with letters of June 16, and 21, 1923, approximately 36,000 acres; U.S. land offices at Los Angeles and El Centro.

T. 29 S., R. 70 W., 6th P.M., Colorado, with letter of June 2, 1923, approximately 1,800 acres; U.S. land office at Del Norte.

T. 13 S., R. 47 E., M.D.M., Nevada, with letter of June 13, 1923, approximately 22,000 acres; U.S. land office at Carson City.

T. 39 S., Rgs. 18, 19, and 20 W., S.L.M., Utah, with letter of June 27, 1923, approximately 40,000 acres; U.S. land office at Salt Lake City.

The dates of filing will be fixed by the registers of the several offices, and the public lands indicated will be open to entry, and subject to prior valid settlement rights and equitable claims, ex-service men of the World War will be entitled to a preference right to enter these lands under the homestead and desert-land laws for a period of 91 days beginning with the date of filing of the plats, under public resolutions Nos. 36 and 79, dated January 21, and December 28, 1922, respectively.

In addition to the above Tps. 11 and 12 S., R. 1 W., Utah, were transmitted with letter dated June 18, 1923, approximately 11,000 acres; U.S. land office at Salt Lake City. These surveys were made upon application of the State and the public lands involved were withdrawn under the provisions of the act of August 18, 1894 (28 Stat., 394), until 60 days after the date of filing the plats, during which period the State has a preference right to select lands therein in satisfaction of public land grants. On the expiration of such period, ex-service men of the World War are entitled to the preference right heretofore indicated for lands not selected by the State. All lands will be open to general disposition on the expiration of the preference periods indicated.

The lands in California are reported as mountainous, rolling and level and well adapted for stock raising; in Colorado as mountainous and heavily timbered; the township in Nevada is mostly level with a scant growth of grease wood and bunch grass; in Utah the lands are mostly mountainous, covered with scrub timber and a fair growth of native grasses.

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RECENT ADDITIONS TO NATIONAL FORESTS.

By proclamation of May 17, 2,320 acres, containing a portion of Bryce Canyon, were included in the Power National Forest in southern Utah, and by proclamation of June 16, 120,557 acres in northern New Mexico were added to the Carson National Forest.

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CONSOLIDATED WORK REPORT OF LOCAL LAND OFFICES
FOR THE MONTH OF MAY 1923.

OFFICES.	: End Last Month.		: Received and Disposed of		: End of this month.		: Pending	: Unacted on by R. & R.
	: Pending	: Sus- pended	: Re- ceived	: Trans- mitted	: Now pending	: Now pending		
Alabama	:	:	:	:	:	:	:	:
Montgomery	:	: 23	:	: 20	: 25	:	: 18	:
Alaska	:	:	:	:	:	:	:	:
Fairbanks (a)	:	:	:	:	:	:	:	:
Juneau	:	: 156	:	: 43	: 51	:	: 148	:
Nome (a)	:	:	:	:	:	:	:	:
Arizona	:	:	:	:	:	:	:	:
Phoenix	: 220	: 189	:	: 302	: 246	: 268	: 197	:
Arkansas	:	:	:	:	:	:	:	:
Camden	:	: 14	: 4	: 27	: 36	:	: 9	:
Harrison	:	: 29	:	: 69	: 71	:	: 27	:
Little Rock	:	: 131	:	: 106	: 84	:	: 153	:
California	:	:	:	:	:	:	:	:
El Centro	: 9	: 23	:	: 47	: 42	: 9	: 28	:
Eureka	: 54	: 2	:	: 15	: 13	: 56	: 2	:
Independence	: 46	: 95	:	: 64	: 41	: 57	: 107	:
Los Angeles	: 55	: 159	:	: 192	: 210	: 60	: 136	:
Sacramento	: 84	: 77	:	: 64	: 62	: 89	: 74	:
San Francisco	: 123	: 47	:	: 126	: 112	: 124	: 60	:
Susanville	: 30	: 23	:	: 47	: 40	: 35	: 25	:
Visalia	: 18	: 37	:	: 48	: 43	: 17	: 43	:
Colorado	:	:	:	:	:	:	:	:
Del Norte	: 35	: 11	:	: 35	: 29	: 39	: 12	: 1
Denver	: 117	: 31	:	: 57	: 57	: 119	: 29	:
Durango	: 66	: 35	:	: 73	: 72	: 67	: 35	:
Glenwood Springs	: 337	: 222	:	: 173	: 140	: 365	: 227	:
Lamar	: 53	: 29	:	: 58	: 65	: 53	: 22	:
Leadville	: 11	: 25	:	: 26	: 23	: 12	: 27	:
Montrose	: 67	: 76	:	: 103	: 80	: 87	: 79	:
Fueblo	: 203	: 158	:	: 170	: 161	: 199	: 171	:
Sterling	: 18	: 9	:	: 11	: 9	: 19	: 10	:
Florida	:	:	:	:	:	:	:	:
Gainesville	:	: 19	: 8	: 90	: 89	:	: 19	: 9
Idaho	:	:	:	:	:	:	:	:
Blackfoot	: 91	: 151	: 6	: 93	: 115	: 98	: 113	: 15
Boise	: 69	: 110	:	: 86	: 89	: 66	: 110	:
Coeur d'Alene	: 1	: 14	:	: 22	: 7	: 1	: 29	:
Hailey	: 56	: 34	:	: 94	: 79	: 60	: 45	:
Lewiston	: 9	: 20	:	: 16	: 13	: 9	: 23	:

Kansas	:	:	:	:	:	:	:	:	:				
Topela	:	39	:	15	:	18	:	15	:	39	:	18	:
Louisiana	:	:	:	:	:	:	:	:	:	:	:	:	:
Baton Rouge	:	:	:	22	:	28	:	40	:	:	:	10	:
Michigan	:	:	:	:	:	:	:	:	:	:	:	:	:
Marquette	:	1	:	3	:	17	:	11	:	1	:	9	:
Minnesota	:	:	:	:	:	:	:	:	:	:	:	:	:
Cass Lake	:	:	:	3	:	20	:	20	:	:	:	3	:
Crookston	:	13	:	:	:	30	:	34	:	:	:	9	:
Duluth	:	:	:	31	:	18	:	20	:	:	:	29	:
Mississippi	:	:	:	:	:	:	:	:	:	:	:	:	:
Jackson	:	:	:	20	:	20	:	24	:	:	:	16	:
Montana	:	:	:	:	:	:	:	:	:	:	:	:	:
Billings	:	39	:	164	:	18	:	17	:	34	:	170	:
Boreman	:	71	:	60	:	27	:	27	:	61	:	70	:
Glasgow	:	156	:	244	:	158	:	258	:	171	:	129	:
Great Falls	:	25	:	43	:	72	:	70	:	26	:	44	:
Havre	:	82	:	96	:	122	:	145	:	55	:	100	:
Helena	:	170	:	102	:	35	:	32	:	178	:	97	:
Kalispell	:	9	:	4	:	10	:	14	:	2	:	7	:
Lewistown	:	227	:	67	:	62	:	83	:	209	:	64	:
Miles City	:	241	:	150	:	182	:	161	:	253	:	159	:
Missoula	:	18	:	4	:	19	:	15	:	18	:	8	:
Nebraska	:	:	:	:	:	:	:	:	:	:	:	:	:
Alliance	:	36	:	3	:	23	:	17	:	:	:	45	:
Lincoln	:	27	:	13	:	23	:	24	:	30	:	9	:
Nevada	:	:	:	:	:	:	:	:	:	:	:	:	:
Carson City	:	22	:	102	:	50	:	49	:	23	:	102	:
Elko	:	24	:	46	:	16	:	11	:	25	:	50	:
New Mexico	:	:	:	:	:	:	:	:	:	:	:	:	:
Clayton	:	90	:	42	:	57	:	56	:	90	:	43	:
Ft. Sumner	:	69	:	47	:	93	:	104	:	63	:	53	:
Las Cruces	:	65	:	132	:	111	:	120	:	55	:	131	:
Roswell	:	114	:	58	:	232	:	221	:	102	:	81	:
Santa Fe	:	178	:	223	:	274	:	317	:	189	:	169	:
North Dakota	:	:	:	:	:	:	:	:	:	:	:	:	:
Bismarck	:	30	:	27	:	36	:	36	:	30	:	27	:
Dickinson	:	14	:	15	:	17	:	20	:	13	:	13	:
Oklahoma	:	:	:	:	:	:	:	:	:	:	:	:	:
Guthrie	:	44	:	107	:	229	:	306	:	50	:	41	:
Oregon	:	:	:	:	:	:	:	:	:	:	:	:	:
Burns	:	44	:	19	:	74	:	28	:	50	:	19	:
La Grande	:	95	:	97	:	43	:	48	:	98	:	89	:
Lakeview	:	55	:	65	:	20	:	13	:	57	:	70	:
Portland	:	:	:	4	:	18	:	18	:	:	:	4	:
Roseburg	:	2	:	50	:	85	:	88	:	2	:	47	:
The Dalles	:	157	:	36	:	104	:	97	:	161	:	39	:
Vale	:	31	:	49	:	35	:	28	:	23	:	65	:

South Dakota	:	:	:	:	:	:	:	:	:
Bellefourche	:	5 :	11 :	1 :	32 :	33 :	6 :	10 :	:
Pierre	:	35 :	40 :	:	669 :	673 :	35 :	38 :	:
Rapid City	:	48 :	37 :	:	64 :	55 :	46 :	48 :	:
Utah	:	:	:	:	:	:	:	:	:
Salt Lake City	:	286 :	118 :	:	286 :	315 :	231 :	144 :	:
Vernal	:	25 :	43 :	:	8 :	8 :	25 :	43 :	:
Washington	:	:	:	:	:	:	:	:	:
Seattle	:	:	6 :	:	8 :	7 :	:	7 :	:
Spokane	:	31 :	17 :	:	42 :	49 :	21 :	20 :	:
Vancouver	:	2 :	4 :	:	5 :	6 :	1 :	4 :	:
Walla Walla	:	29 :	7 :	:	20 :	30 :	15 :	11 :	:
Waterville	:	27 :	37 :	:	30 :	39 :	17 :	38 :	:
Yakima	:	16 :	6 :	:	9 :	7 :	18 :	6 :	:
Wisconsin	:	:	:	:	:	:	:	:	:
Wausau	:	:	3 :	:	7 :	8 :	:	2 :	:
Wyoming	:	:	:	:	:	:	:	:	:
Buffalo	:	106 :	82 :	:	135 :	165 :	93 :	65 :	:
Cheyenne	:	118 :	180 :	:	211 :	225 :	132 :	152 :	:
Douglas	:	50 :	150 :	:	262 :	246 :	52 :	152 :	12
Evanston	:	57 :	133 :	:	78 :	61 :	57 :	150 :	:
Lander	:	92 :	38 :	:	59 :	62 :	38 :	39 :	:
Newcastle	:	160 :	94 :	:	151 :	156 :	144 :	105 :	:
<hr/>									
TOTAL,	:	5095 :	5118 :	49 :	6709 :	6836 :	5046 :	5051 :	38

Note (a). No reports received from these offices on June 27, 1923.

INSPECTOR OF DISTRICT LAND OFFICES.

Mr. George A. Cunningham, law examiner, detailed as inspector of district land offices, at present is in Washington on duty at official headquarters.

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LEGAL HONORS FOR THE GENERAL LAND OFFICE.

In the recent commencement proceedings of the National University Law School, the Georgetown University Law School, and the George Washington University Law School, the following degrees and honors were conferred upon members of the General Land Office.

National University Law School.

Leo T. Farrell, Master of Laws,
Reuben J. Gordon,
Thomas C. Havell,
Carland Edgar Smith, Bachelor of Laws.

The McArthur gold medal for the most satisfactory senior examination,
Thomas C. Havell.

Georgetown University Law School.

Daniel J. O'Connor,
Steve C. Griffith, Master of Laws,
Stanley C. Burke,
Sheldon D. Carey,
Albert H. Hammond,
John B. Hester,
Matthew D. McEniry, jr.,
Joseph J. Malloy,
Pierce M. Rice,
John T. Quinn,
Edward M. Rosenthal,
Francis E. Teeling,
Arthur R. Zack, Bachelor of Laws.

George Washington University Law School.

James C. Shanholtzer,
James B. Watkins, Bachelor of Laws.

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OBITUARY.

Mr. Charles B. Strong.

Died at the post of duty June 7, 1923, Charles B. Strong; faithful to his charge, courageous and valiant to the last, our comrade and friend is gone.

In the forty years of his continuous service there was never a day nor hour that did not find him ready and efficient in the execution of whatever service

came within the line of his official duty.

For many years his administrative duties not only brought him into close contact with the personnel of the office, but also with our service in the field, through all of which he became endeared to his associates to a degree that seldom is found in the experience of the public servant.

Expert in his duties, watchful of the interests of the service, but with it all, kindly and genial in his personal relations we shall long cherish his memory and mourn his loss.

A Tribute.

"The world has only too few of those lovable characters such as he, whose smile often saved a trying situation, and whose sincerity, faithfulness, and understanding made stronger our faith in human nature, and set an ideal of duty that made for better things."

"There are many perhaps who have climbed higher on the ladder of fame and who have acquired more of the world's material riches, but in the big, broad sense of success as measured by the higher standards of duty Charlie Strong must always stand with the few above the many."

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BIND YOUR BULLETINS.

Members of the Land Service receiving the Bulletin are requested to transmit Volume 6 to the General Land Office where it will be indexed, bound, and in due time returned to the sender.

Notice similar to the above is given annually at the close of each volume of the Land Service Bulletin, but the response thereto from the district land offices and other members of the Land Service is not as prompt in some cases as it should be in order to effect the purpose of the notice. To illustrate: In response to the call published in the June Bulletin to send in Volume 6 for binding, one district land office calls attention to the fact that it is short certain numbers in Volumes 4 and 5, and asks for these numbers in order that it may complete the volumes and send them up for binding. Of course these volumes should have been sent up for binding at the time they were called for, and if numbers were missing they would have been supplied at this office, but if the Bulletin is not submitted for binding at the time called for, no assurance can be given as to when it may be bound, if at all.

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PRESIDENTIAL APPOINTMENT.

Elam Hubert McDowell, of Terry, Montana, to be register of the land office at Miles City, Montana, vice George W. Myers, resigned. Recess appointment. Commission dated June 19, 1923, effective July 15, 1923.

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TELL THE BULLETIN.

To all Local Offices and Field Service Employees:

If anything occurs, in the public land service, which you think is of administrative value, tell us about it. Address all communications to the Commissioner of the General Land Office, "Land Service Bulletin." All information should be received not later than the 24th of each month for use in the current number.

**LAND SERVICE
BULLETIN
DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE**

By direction of the Secretary of the Interior the matter contained herein is published as administrative information, and is required for the proper transaction of public business.

Vol. 7.

August 1, 1923.

No. 6.

THE CALL OF THE SOIL.

The opening to entry of the former Oregon and California Railroad and Coos Bay Wagon Road grant lands, under regulations approved May 2, 1923, gives evidence anew of the "call of the soil." Approximately 200,000 acres of lands within the limits of the two grants were restored to entry, with preference rights to actual settlers who since prior to December 1, 1913, have resided on and cultivated the land, and to veterans of the World War who have received honorable discharges.

With the exception of about 20,000 acres of the Coos Bay Wagon Road lands, the areas restored were the odds and ends left over from two former openings of Oregon and California Railroad lands. Of the Coos Bay lands, a considerable portion was covered by preference leases from the Southern Oregon Company. There was no large body of contiguous lands, the tracts being scattered from the Columbia River on the north to the California State line on the south, within the limits of the old railroad grant. The available tracts were for the most part covered with a growth of timber ranging from brush and a few commercial trees, to a maximum of 300,000 feet, board measure, to the 40-acre tract, and in their present condition require clearing and the removal of the stumps before they are ready for cultivation.

The valleys of the great water courses in Oregon were settled long prior to the Civil War. The lure of the "Oregon country" appealed strongly to the pioneers, and long before the fertile lands of Iowa and other agricultural States in the Middle West were appropriated under the public land laws, and prior to the discovery of gold in California, the hardy advance guard of our civilization crossed the plains and established America's claim to the then enchanted "Oregon country." These early settlers selected the fertile lands along the great Willamette and other river valleys, and secured title under the old donation law, and

as early as 1859, when Mr. Hermann, father of a former Commissioner of the General Land Office, with a company of colonists from Maryland, reached Oregon, the other great valleys had been so taken up that it was necessary for him to proceed to Coos Bay, where, with his company, he settled at the present town of Myrtle Point. The early appropriation of the valley lands was well illustrated by an answer made to a young veteran who stated that he wished to secure a tract of 160 acres of smooth, bottom land. He was promptly advised that he had reached Oregon at least 70 years too late, to have secured such a tract, he was told, it would have been necessary for him to have come to Oregon in one of the "Covered Wagons" made immortal by Emerson Hough.

But, regardless of the fact that the bottom lands had long since been appropriated, and that the lands now available were scattered over a wide area and required clearing and grubbing to fit them for the plow, the "call of the soil" attracted the young veterans of the World War in considerable numbers. Every day during the three weeks preceding the day of opening, the lobbies of the land offices at Portland and Roseburg were crowded with young ex-service men earnestly seeking information as to the location and character of the lands. The number of applications filed attest the sincerity of purpose on the part of these young veterans, and it was manifest from the remarks made by many of those who had not filed prior to the opening day that they were merely waiting to make a more thorough examination of the available tracts.

After the expiration of the soldier's preference-right period, many of the tracts not then entered will be taken up by the sons and daughters of the old settlers who are familiar with the country. The interest shown in these lands assures that within a very short period all of those that may be adapted to cultivation will be taken.

The country is very attractive, with its timber-covered hills and its green valleys; pure and sparkling water abundant; with a climate well-nigh ideal, little frost in winter, and few hot days in summer. The lands, after being cleared and grubbed, will produce bountiful crops -- in the valleys, wheat and other grains, prunes of the best quality, cherries, the Lambert and the Bing; on the hillsides, strawberries, raspberries, loganberries; and on the higher lands, prosperous stock ranches.

But the richness of the country is not open now as it was to the early pioneers. Lands ready for the plow are taken, and those that remain must be cleared and grubbed. The encouraging feature is this: that notwithstanding the work, the hard work, that will be necessary to render these lands productive, there are many who are willing to undertake the task.

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SURVEY NOTES.

Appropriation Balance.

Returns from the several surveying districts indicate a total net balance from the twenty-two allotments of the appropriation for surveying the public lands, during the fiscal year just closed, of about \$2,000. It is not improbable, however, that minor claims not yet reported may still further reduce this balance.

In Washington.

Frank M. Johnson, Supervisor of Surveys, was called to Washington recently for consultation on business in connection with the reclassification of field employees. S. W. Goodale, Law Examiner, detailed to examine offices of Surveyors General, and George A. Cunningham, Detailed Law Examiner of U. S. local land offices, are also in Washington on reclassification work.

Surveys in New Mexico.

From the last report received from Mr. Guy P. Harrington, Assistant Supervisor of Surveys, it appears that there are six parties engaged in field work in New Mexico. Messrs. Siebecker and Getzendanner are completing their assignment on Group 95, near Cuba. This group is 90 miles from the nearest railroad and their camp is even a greater distance away. As they are using two Dodge motor trucks, for transportation, their camp and personal equipment have been reduced to a minimum. Oscar B. Walsh is operating a single party on the Acoma Indian pueblo. This is the only Indian work in progress in the field in New Mexico, due solely to the limitation of funds allotted by the Indian Office. Glenn R. Haste is making a resurvey of the western boundary of the Maxwell land grant, which, under the Department's decision, is the summit of the Sangre de Cristo Mountains, regardless of the position of the boundary line as returned by the official survey. Such equipment as Mr. Haste is using is moved by pack train and a new camp is established almost daily. Group No. 100, near Montoya and Tucumcari, is receiving the attention of Thomas D. Daley. This group calls for the closing of the lines of the public surveys on the south boundary of the Pablo Montoya grant, as a substitute for the fictitious closings returned in the old survey records. Wendell V. Hall, has been assigned to Group No. 131, in the vicinity of Golden and San Pedro. Among the complications involved in that group is the closings and ties to be made to the San Pedro and Ortiz mine grants and to several hundred mining claims. The preparation of the returns of the 540 small holding claims surveyed by Charles W. Devendorf last summer, is keeping Mr. Devendorf on note writing.

From the foregoing it will be observed that there are no two surveyors engaged in the same kind of work, and this diversity of duties is not peculiar to New Mexico. It is but the natural development of the "direct system" of surveying the public lands, and illustrates the flexibility of that system. Without question, no one of these assignments could have been properly handled under the limitations of the old contract system, where the regular sectionizing of the public lands on a mileage cost was the basis of the contractual undertakings. Yet these assignments are but typical of the regular line of work now receiving the attention of the surveying service.

Motor Trucks.

The gradual expansion in the use of the motor truck, especially in the arid portions of the west, has been a decided factor in the reduction of survey costs.

Field Assistants.

There have been many cases where an assistant, such as a chairman or flagman, has been continuously employed in the surveying service of the General Land Office from season to season, but from Oregon comes the report that Charles Ellis, who for the past twenty-three years has served as a field assistant in a number of districts, is still on the job, with Rigby and Bandy, under Group No. 93. This entitles the position of field assistant to be looked upon as a life career.

Filing of Plats of Accepted Surveys, Land not Subject to Entry.

Owing to the lack of uniformity of practice in the United States local land offices in filing plats of accepted surveys, involving lands that are not to be open to entry or selection, by reason of some existing reservation or withdrawal, the following extract from the Commissioner's letter of July 11, 1923, addressed to one of the local land offices, is deemed worthy of note:

"You are advised that the filing of a plat of an accepted public land survey and the opening to entry of the lands affected thereby are separate and independent actions, and while both are usually concurrent, there is no reason why each, when independently taken, should not be performed with the usual and required formality of public notice.

"Among the reasons that may be assigned for giving public notice of the filing of the plat of an accepted survey when the lands are in some form of reservation, is that rights may exist that antedate the withdrawal or reservation and the claimants thereunder are entitled to the usual public notice of the filing of the plat. Furthermore, in the case of Cox v. Hart, decided by the U. S. Supreme Court on December 11, 1922, the rule was laid down that

'The running of lines in the field and the laying^{out} and platting of townships, sections, and legal subdivisions are not alone sufficient to constitute a survey. Until all conditions as to filing in the proper land office and all requirements as to approval have been complied with, the lands are to be regarded as unsurveyed and not subject to disposal as surveyed lands.'

"The regulations as far back as October 21, 1865 (4 L.D., 202), have required that when an approved plat of survey of any township is transmitted to a local land office by the U. S. Surveyor General, it is not to be regarded as officially filed until public notice is given in the prescribed manner, specifying the township that has been surveyed, and stating that the plat will be filed on a day to be fixed by the register and receiver, which shall not be less than thirty days from the date of said notice.

"You are therefore instructed in all future cases, when a plat of the survey of any township is to be filed in your office, but the lands are not generally subject to entry, because of some existing withdrawal or reservation, to give the usual public notice for not less than thirty days, of the filing of the plat. Such notice should set forth in clear and unmistakable terms, that only the filing of the plat is taking place, and that by reason of the withdrawal or reservation, which should be specifically referred to, the lands are not subject to entry."

FIELD SERVICE ITEMS.

Captain George E. Hair, Chief of Field Service, left Washington July 21 for Seattle, Washington. Work on the questionnaires of the Field Service employees had detained him at official headquarters up to that time. He will visit most of the field division headquarters on his trip, returning to Washington some time in the early fall. During his absence Mr. A. C. Beach will be in charge of the Field Service Division.

Mineral Examiner M. A. Sears has been sent from this office to the Southern Field Division for the purpose of making some mineral investigations.

Miss Josephine Capt, stenographer in the office of the Chief of the Santa Fe Field Division, was married on July 7, 1923, to Mr. W. H. Abell, and has resigned her position effective July 31.

Special Agent W. B. Burt of the Cheyenne Field Division, and who was Acting Chief of that Division from April to October, 1922, has been transferred to the Portland Field Division.

Mr. G. A. Tuben, clerk in the Alaska Field Division, has been transferred to the office of the Assistant Supervisor of Surveys at Juneau.

Mr. J. A. Ramsey, Hearings Officer in the Salt Lake Field Division, has been transferred to the Alaska Field Division, where he will take the place of former Special Agent T. M. Hunt, who was transferred last April to the United States land office at Fairbanks, Alaska.

Special Agent J. M. Blumer, who has long been in the Helena Field Division, has been appointed Agent in Charge of Hearings in the Salt Lake Field Division vice J. A. Ramsey transferred.

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INSTITUTE FOR GOVERNMENT RESEARCH.

(Service Monograph No. 13.)

The Institute for Government Research is an association of citizens for the purpose of cooperating with public officials in the scientific study of the principles of government, with a view to the promotion of efficiency and economy in its operations, and the advancement of the science of administration. In the prosecution of its work the Institute, among other things, makes a study of our federal administrative activities, and when such course seems justified in the interest of educative information, publishes in the form of monographs the results of its study of the several units of administration.

"Service Monograph No. 13" of the Institute, a volume of 250 pages, entitled "The General Land Office, its History, Activities, and Organization" by Mr. Milton Conover, has been received by this office, and will repay a careful reading and consideration on the part of everyone interested in the study of federal administrative law, whether inside or outside of the public service.

No attempt is made in this monograph to criticise existing methods or manner of administering the public land laws, but rather to present a study of our administrative system in its actual every day operation and from the viewpoint of an unprejudiced outside observer.

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STOCK RAISING HOMESTEAD--SOLDIERS CLAIM.

In 1917 an application (Salt Lake City 019722) under the stock-raising homestead act of December 29, 1916 (39 Stat., 862), was filed for certain lands in the State of Utah. The Geological Survey in 1920 designated part of the lands and recommended the rejection of the remainder because the subdivisions contained merchantable timber. The applicant was killed in France, and the father of the applicant under section 2 of the act of July 28, 1917 (40 Stat., 248), noted an appeal.

The lands previously recommended for rejection were later designated under said act of December 29, 1916, effective in 1922. However, in 1921 Congress passed an act which provided for setting aside certain lands for the protection of the water supply for a town in Utah, the selection for which included an 80-acre tract embraced in the above homestead application.

The office on July 25, 1923, held that, as the stock-raising homestead application was filed four years before the setting aside of the land for municipal water supply reserve, under the act of January 7, 1921 (41 Stat., 1087), and as the proof shows compliance with the stock-raising homestead act, the entry should proceed to patent. The letter was approved by the Department.

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RECENT DECISIONS OF THE COURTS AND THE DEPARTMENT.

Water Rights--Appropriation.

A water right, acquired by appropriation and used for a beneficial and necessary purpose in connection with a given tract of land, is an appurtenance thereto, and as such passes with the conveyance of the land, unless expressly reserved from the grant.

In a conveyance of a water right the intention of the parties, so far as lawfully expressed, must control the courts in a construction of the instrument by which the property is conveyed, in view of the statutory provision making the intention of the parties controlling. (Supreme Court of Montana.)

Lensing v. Day & Hansen Security Company,
et al., 215 Pacific Reporter, 999.

Water Rights--Adverse Possession.

(1) Without color of title, only the right actually exercised can be obtained by adverse possession. (2) A point of diversion may not be changed if it will work any injury to other appropriators even if subsequent in time. (Supreme Court of Idaho.)

Wood River Power Company v. Arkoosh,
et al., 215 Pacific Reporter, 975.

Waters and Water Courses--Reservation of Riparian Rights.

A grantee under a warranty deed containing no reservations or exceptions held not to have bought and taken possession as an innocent purchaser in the face of his knowledge from the beginning of water power developments as they progressed, and of the resulting changed conditions in connection with preceding recorded deeds in his chain of title withholding and conveying to others the right of flowage over his purchased land. (Supreme Court of Michigan.)

Glidden et al v. Beaverton Power Co.
(119 N.W., 62).

Waters and Water Rights--Drainage Expense.

The Secretary of the Interior has authority to provide for drainage as part of an extensive irrigation project in order to prevent damage to property from the operation of the irrigation system, and his determination that the expense of necessary drainage for the prevention of future injuries is a proper operation and maintenance charge to be assessed against the users is controlling; the term "operating expense" when applied to an irrigation system, includes all damages to persons or property that may result from operation.

Nampa & Meridian Irrigation District v. Bond
(288 Federal Reporter, 541).

Water Rights--Riparian Ownership.

The law of riparian rights modified to the extent of reasonable use by the riparian owners, and to the extent of appropriations upon public lands obtains in the State of Washington, but a prior appropriation of water against lands belonging to the public domain until segregated, is superior to riparian rights and subsequent appropriations.

School Lands--Selection by County Commissioners.

The selection of indemnity lands by the county commissioners on behalf of the territory could not and did not amount to any segregation of the lands from the public domain unless supplementing an actual but incomplete grant, there being no words of present grant until the enabling acts of 1889.

Water Rights--Grant of School Lands.

Though prior to the enabling act of 1889, Congress enacted the desert-land law of 1877, granting the right of appropriation for mining, irrigation,

etc., from any streams and bodies of water upon the public lands, and after the passage of that act it might have been questioned whether the State took the lands granted by the United States Government, subject to any riparian rights at all, whatever rights the State had in the water annexed to school land did not pass to any grantee until the State sold such lands, and those holding the land prior thereto as lessees from the State, having no interest in the land, and no intention of acquiring it, were not bona fide appropriators of the water of a stream to the benefit of the land. (Supreme Court of Washington.)

In Re Waters of Doan Creek.
(215 Pacific Reporter, 343).

Mines and Minerals--Timber Cutting.

"The usual rights and privileges of mining," as used in a deed reserving to the grantor such rights and privileges of minerals under land conveyed together with the timber thereon, includes the right or privilege of cutting timber to be used in mining operations. (Supreme Court of Alabama.)

Jasper Land Co. v. Manchester Saw Mills.
(96 Southern Reporter, 417.)

Public Lands--Reservation in Patent.

The State land commissioner is authorized to sell school lands only in the manner directed by law, and is without power to insert reservations or exceptions not authorized by law in the patent issued pursuant to such sales; therefore, such reservation of mineral in a school land patent is without authority and void. (Supreme Court of Minnesota.)

Hughes v. Thornton et al.
(193 N.W., 723).

Desert-Land Entry--Mortgage.

A mortgage on desert lands entered under the act of March 3, 1877, as amended by the act of March 3, 1891, which does not expressly prohibit alienation or mortgaging such lands is enforceable after title vests in mortgagors on final proof and issuance of patent, as are mortgages on preemption claims under act of September 4, 1841; such entries being inchoate interest in realty, which are property rights capable of transfer and hence subject to a mortgage. (Supreme Court of Montana.)

Selway v. Daut et al.
(215 Pacific Reporter, 646).

Right of Way--Indian Lands.

The general laws granting railroads a right of way across public lands do not apply to the ceded portion of the former Red Lake Indian Reservation as the ceded lands are impressed with a trust.

Right of Way--Map of Location.

A supplemental map of location filed in accordance with the requirements of the Land Department, when approved, relates back to the filing of the original map conferring prior rights. (Supreme Court of Minnesota.)

Minnesota and M.R. Company v. Adams et al.
(194 Northwestern Reporter, 11).

Contest--Affidavit--Homestead Entry--Widow; Heirs; Devisee--Descent and Distribution--Words and Phrases.

Section 2291, Revised Statutes, prescribes a course of descent of an entryman's homestead rights in which his widow, if there be one, is given a separate status by being accorded preferment over all other persons upon which the law might cast descent; therefore, an affidavit of contest charging "that the heirs, if any, are unknown," is fatally defective, in that the term "heirs" as used in the statute does not include "widow."

Departmental Decision Cited and Applied.

Case of Moody v. Myers (45 L.D., 446), cited and applied.

Higsaw v. Heirs of McCoy; decided May 18,
1923, by First Assistant Secretary Finney.

Homestead Entry--Residence--Land Department--Act of February 25, 1919.

The provision contained in the act of February 25, 1919, reducing, for climatic conditions, the minimum residence of a homestead entryman to five months in each year for a period of five years is mandatory and does not confer upon the Land Department authority to accept less than the length of residence specified in the act.

Charles S. Green; decided May 22, 1923, by
First Assistant Secretary Finney.

Oil and Gas Lands--Withdrawal--Prospecting Permit--Homestead Entry--Surface Rights--Preference Right.

One who makes a surface entry under the act of July 17, 1914, for lands embraced at time of entry within a petroleum withdrawal is not entitled to a preference right to an oil and gas prospecting permit under section 20 of the act of February 25, 1920.

Homestead Entry--Mortgage--Montana--Assignment--Purchaser--Oil and Gas Lands.

Under the laws of the State of Montana a mortgage is merely a lien upon the property mortgaged, and a mortgagee who purchases at foreclosure sale a homestead covered by his mortgage is not, prior to such purchase, entitled to claim as an assignee within the purview of section 20 of the act of February 25, 1920.

Schneider v. Forster; decided June 8,
1923, by First Assistant Secretary Finney.

Homestead Entry--Patent--Survey--Plat.

It is immaterial whether tracts included in a homestead entry are described in a patent according to the legal subdivisions as shown upon the plat of record at the time the entry was made, or as lots according to a plat of a subsequent dependent resurvey made for the purpose of reestablishing the location of the monuments of the original survey, but it is preferable that they be described in accordance with the latter inasmuch as they are the latest designations and bring to attention the correct data.

Homestead Entry--Patent--Survey--Plat--Evidence.

The conformation of a patent issued for homestead lands to a plat of a dependent resurvey made for the purpose of reestablishing the location of the monuments of the original survey, upon which the acreage is shown to be less than that described upon the plat of record at the time the entry was made, is not a ground for reformation of the patent, inasmuch as the acreage described in a patent is a question of fact and must yield when the boundaries of the tract have been determined by competent survey.

Court and Departmental Decisions Cited and Applied.

Cases of Gazzam v. Phillips (20 How., 372), Southern Pacific Railroad Company v. Bruns (31 L.D., 272); and McKittrick Oil Company v. Southern Pacific Railroad Company (37 L.D., 243), cited and applied.

William D. McAmis; decided June 8, 1923,
by First Assistant Secretary Finney.

Oil and Gas Lands--Mineral Lands--Homestead Entry--Surface Rights--Vested Rights--Patent--Fees and Commissions.

The Government has the right to classify entered lands as prospectively valuable for minerals at any time prior to the vesting of an equitable right to a patent for both the surface and the mineral deposits therein, and such a vested right is not acquired until the entryman has done everything required by law toward earning title, including payment of fees and commissions.

Arsene J. Martin; decided June 8, 1923,
by First Assistant Secretary Finney.

Oil and Gas Lands--Prospecting Permit--Preference Right--Homestead Entry--Alien--Citizenship--Secretary of the Interior--Statutes.

An alien who has declared his intention of becoming a citizen of the United States, being eligible to make a homestead entry, was not excepted by section 20 of the act of February 25, 1920, from the class of entrymen to which the award of the preference right to an oil and gas prospecting permit was accorded by that section, and the Secretary of the Interior may, in pursuance of the general power conferred upon him by section 32 of that act, hold the preference right privilege of an alien entryman in abeyance to await action upon his final citizenship papers.

Departmental Decisions Cited, Construed, and Applied.

Case of State of Wyoming v. Fry and Doyle (49 L.D.,---), cited and construed; case of Charles R. Haupt (47 L.D., 588; 48 L.D., 355), cited and applied.

Johnson v. Patten; decided June 15, 1923,
by First Assistant Secretary Finney.

Homestead Entry--Residence--Laches--Contest--Widow; Heirs; Devisee.

Laches in establishing residence upon a homestead entry within six months from date of entry may be cured by the establishment of residence prior to knowledge of a contest; and, where upon the death of an entryman those succeeding to the entry show that the entryman was not in default at the date of his death, the fact that there had been a previous default as to maintenance of residence is not ground for cancellation.

Heirs of Emma C. White; decided June 21, 1923,
by First Assistant Secretary Finney.

Coal Lands--Prospecting Permit--Power Sites--Withdrawal.

A permit to prospect for coal under section 2 of the act of February 25, 1920, upon lands within a power site withdrawal may be granted subject to such conditions as will adequately protect the power interests in the lands, where the feasibility of their development for power purposes has not been determined and such development, if any, is likely to be postponed for many years.

William P. Finley; decided June 21, 1923,
by First Assistant Secretary Finney.

Oil and Gas Lands--Prospecting Permits--Secretary of the Interior--Words and Phrases.

The word "authorized" as used in section 13 of the act of February 25, 1920, is to be construed as clothing the Secretary of the Interior with discretionary authority in the granting of oil and gas permits under that section.

Statutory Construction.

Congress is presumed to know existing laws and, unless a clear intent to abrogate them appears in a statute, it must be construed in harmony with them.

Oil and Gas Lands--Prospecting Permits--Reclamation--Withdrawal--Public Lands--Secretary of the Interior.

The Secretary of the Interior has discretionary authority under section 13 of the act of February 25, 1920, to deny an application for an oil and gas prospecting permit embracing lands within a reclamation withdrawal, which, though owned by the United States, have been dedicated to purposes authorized by law, if the permit may not be granted except at the risk of serious impairment or perhaps complete loss of their use for the purpose to which dedicated.

Martin Wolf; decided June 23, 1923, by
First Assistant Secretary Finney. 11

Oil and Gas Lands--Lease--Payment--Land Department--Jurisdiction.

Neither the leasing act of February 25, 1920, the departmental regulations issued thereunder, nor the terms of leases granted pursuant thereto, confer upon or reserve to the Land Department, after the delivery and acceptance of an oil and gas lease, any jurisdiction to determine what disposition shall be made of proceeds derived from oil and gas development operations on leased lands and remaining in the hands of lessees after the payment of the royalty due the United States.

Oil and Gas Lands--Lease--Payment--Courts--Jurisdiction.

The provision contained in section 31 of the act of February 25, 1920, to the effect that an oil and gas lease may provide for the resort to appropriate methods for the settlement of disputes or for remedies for breach of specific conditions thereof, has particular reference to issues arising between the lessor and the lessee, but disputed questions relating to the disposition of proceeds accruing from drilling operations and remaining after the payment of royalties to the United States, come exclusively within the jurisdiction of the courts.

Heirs of Baker v. Central Wyoming Oil and Development Company, et al (on petition); decided June 29, 1923, by First Assistant Secretary Finney.

Circular No. 899.
DEPARTMENT OF THE INTERIOR

General Land Office

Washington

May 3, 1923.

In reply please refer to
1085649 "K" DOC.

: Extension of time to make
: payment. Fort Assiniboine
: lands.

Register and Receiver,

Havre, Montana.

Gentlemen:

It has been brought to the attention of this office that notices are being sent out by you to all holders of Fort Assiniboine Abandoned Military Reservation lands, in which they are notified to make payment within thirty days or appeal to this office, or in the event they fail to make payment or appeal, then their entries will be held for cancellation.

The above Reservation was opened to homestead entry in 1916, under the provisions of the act of February 11, 1915 (38 Stat., 807), Section 4 of which reads as follows:

"That entrymen upon said lands shall in addition to the regular land office fees, pay the sum of one dollar and twenty-five cents per acre for said land, such payments to be made as follows: twenty-five cents per acre at time of making entry and twenty-five cents per acre each and every year thereafter until the full sum of one dollar and twenty-five cents per acre shall have been paid; Provided, That for a period of six months subsequent to the date on which the lands are opened to settlement, entrymen upon said lands shall, in addition to the regular land office fees, pay the sum of two dollars and fifty cents per acre, for said lands; such payments to be made as follows: fifty cents per acre at the time of making entry, and fifty cents per acre each and every year thereafter until the full sum of two dollars and fifty cents per acre shall have been paid. In case any entryman fails to make annual payments, or any of them when due, all right in and to the lands covered by his entry shall cease; and any payments theretofore made shall be forfeited and the entry canceled, and the land shall be again subject to entry under the provisions of the homestead law at the price fixed therefor by the former entry; but in all cases the full amount of the purchase money must be paid on or before the offer of final proof."

When the time for payment of the purchase price under this act arrived it was found that the financial condition of the holders was such that they were unable to meet the payments on their lands when they became due. In order to relieve the situation the act of January 6, 1921 (41 Stat., 1086), was passed, which provided that any persons who entered under the act of February 11, 1915, could obtain an extension of time for one year from the anniversary of the date

of the entry last preceding the passage of the act, within which to pay all of the installment then due, or any part of the preceding installment where payment has not been made, by paying interest at the rate of five per centum per annum on the sums to be extended from the maturity of the unpaid installments to the expiration of the period of extension.

The proviso to said act provides that in the event of any installment becoming due within one year from the passage of this act, and for which an extension of time for payment has not been otherwise authorized, the time for paying such installment may also be extended for a further period of the year, by paying interest thereon at the rate of five per centum per annum.

The second proviso to said act empowers the Secretary of the Interior in his discretion to extend the payment for a further period of one year.

The communications received in this office state that a great hardship will result to the holders if no extension of time is authorized by this office, as they are unable to borrow money from any source to meet the payments due, which condition is ascribed to the successive droughts during the past six years. This present state of financial distress and failure of crops is similar to the conditions which prevailed when the time for payment under the act of February 11, 1915 arrived, and which prompted the passage of the act of January 6, 1921.

Under the present law the time is fixed for the payment for these lands and in the absence of further legislation this office is without authority to grant an extension of time in which to make payment, but it is believed by this office that Congress having once come to the relief of these homesteaders by granting an extension of time, the people should be given another opportunity to again present a petition to Congress for a further extension of time in which to make payment. With this belief in mind, this office, therefore, directs that when the time for payment has arrived on any homestead entry within the Fort Assiniboine Abandoned Military Reservation, and when payment has not been made after due notice to the entryman, you will not report the entry for cancellation to this office but instead, you will notify the entryman that he will be permitted within thirty days from receipt of notice to file an affidavit in your office, corroborated by the affidavits of two other persons, stating the reason why he is unable to make payment, and when he expects he will be able to do so.

The affidavits will then be transmitted by you to this office for consideration and if the affidavits furnished justify a suspension of the entry, the entry may be suspended for such period as may be found necessary, not exceeding one year, to enable the entryman to make payment. However, in no case, will the entryman be excused from submitting final proof on his entry within the statutory period because of his failure to complete final payment.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved:

E. C. FINNEY,

First Assistant Secretary.

Circular No. 900.
DEPARTMENT OF THE INTERIOR

General Land Office

Washington

July 11, 1923.

: Exchange of lands within: the
: Rainier National Forest for
: Government lands within any
: national forest in the State
: of Washington.

Registers and Receivers,
United States Land Offices,
State of Washington.

Gentlemen:

The act of December 20, 1921 (Public No. 114), entitled:

An act authorizing exchanges of lands within the Rainier National Forest, in the State of Washington, reads as follows:

That the Secretary of the Interior be, and he is hereby, authorized in his discretion to accept on behalf of the United States title to any lands not in Government ownership within the Rainier National Forest if, in the opinion of the Secretary of Agriculture, such lands are chiefly valuable for national-forest purposes, and in exchange therefor may issue patent for not to exceed an equal value of Government land within any National Forest within the State of Washington, or the Secretary of Agriculture may permit the grantor to cut and remove an equal value of national-forest timber in any national forest in the State of Washington, the values in each instance to be determined by the Secretary of Agriculture and to be acceptable to the owner as fair compensation. Timber given in such exchanges shall be cut and removed under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands conveyed to the United States under this act shall, upon acceptance of title, become parts of the Rainier National Forest.

You will be governed in your consideration of cases involving lands within your respective districts coming within the purview of said act by the provisions of Circular No. 863 in re consolidation of national forests dated October 28, 1922, so far as may be applicable.

Very respectfully,

GEORGE R. WICKHAM,

Acting Commissioner.

Approved: July 11, 1923,

E. C. FINNEY,

First Assistant Secretary.

OIL AND GAS LEASES
AT PUBLIC SALE.

DEPARTMENT OF THE INTERIOR

United States Land Office

Baton Rouge, Louisiana.

Notice is hereby given that the following described lands in the Caddo oil field, Caddo Parish, Louisiana, are offered for oil and gas lease under Sec. 17 of the Act of February 25, 1920, at the standard royalty fixed for departmental leases varying from $12\frac{1}{2}$ per cent to $33\text{-}1/3$ per cent of the oil produced, depending upon daily production per well, subject to reduction at discretion of lessor when average daily production of any well shall not exceed ten barrels per day; and $12\frac{1}{2}$ per cent to $16\text{-}2/3$ per cent of gas production and $16\text{-}2/3$ per cent of casing-head gasline; and an annual rental of \$1 per acre payable in advance which will be credited against royalties as they accrue for that year.

TRACT A: Lot 4 Sec. 5 (14.10 acres), T. 20 N., R. 16 W. There is a well situated upon this tract which has had a settled production of about 10 barrels of oil per day for several years. By use of vacuum pumping a considerable volume of casing-head gas is being produced. This tract will be sold subject to a satisfactory guarantee by the successful bidder that he will immediately furnish and supply to said well satisfactory vacuum connection. Further guarantee as to a water supply will be required. This well is equipped with all machinery necessary to its operation having an estimated value of \$3,500. This machinery is now the property of the United States and all bids are to be accepted subject to payment of the appraised price for machinery, an inventory of which may be seen on day of sale.

TRACT B: Lots 9 and 10 Sec. 10, T. 20 N., R. 16 W. The Texas Company has been producing from well No. 11 on Lot 9 (38.82 acres) and well No. 7 on Lot 10 (6.20 acres) for several years. These wells now have a combined production of about 13 barrels of oil per day. A considerable volume of casing-head gas is secured by the use of vacuum pumping. A satisfactory guarantee will be required from the successful bidder that he is equipped to provide and apply to the wells immediately a necessary vacuum system and to furnish a suitable water supply. These wells are sold with all necessary equipment for operation, an inventory of which may be seen on day of sale. This equipment is valued at \$7,000. It is now the property of the United States and all bids are to be accepted subject to payment of the appraised price for machinery.

TRACT C: Lot 3 Sec. 5 (14.12 acres). TRACT D: Lot 3 Sec. 4 (11.88 acres). TRACT E: Lots 4 and 5 Sec. 4 and Lot 3 Sec. 3 (25.91 acres). TRACT F: Lots 2 and 3 Sec. 8 (32.82 acres). TRACT G: Lot 5 Sec. 9 (30.58 acres). TRACT H: Lot 6 Sec. 9 (35.71 acres). TRACT I: Lot 6 Sec. 10 (31.67 acres). TRACT J: Lot 8 Sec. 10 (40.20 acres). TRACT K: Lot 1 Sec. 16 (28.33 acres). TRACT L: Lot 1 Sec. 15 (8.09 acres). TRACT M: Lot 2 Sec. 15 (15.75 acres). TRACT N: Frl. Sec. 20 (37.83 acres). TRACT O: Lots 1 and 3 Sec. 32 (91.56 acres). TRACT P: Lot 5 Sec. 32 (44.21 acres). TRACT Q: Lot 1 Sec. 25 (8.90 acres). TRACT R: Lot 1 Sec. 36 (9.12 acres). TRACT S: Lot 2 Sec. 36 (4.69 acres). All of above tracts A to S are situated in T. 20 N., R. 16 W. TRACT T: $S\frac{1}{2}$ NE $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 31 (160 acres), T. 20 N., R. 15 W. TRACT U: SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 28 (39.98 acres), T. 22 N., R. 15 W.

Said individual tracts will be offered for sale at public auction at the Federal Court Room, Post Office Building, Shreveport, Louisiana, at 10 a.m., on August 29, 1923, and sold to the qualified bidder offering the highest bonus for lease of each tract at the stated royalty. One person, association, or corporation may purchase not exceeding 640 acres. The successful bidder must deposit on day of sale a certified check upon a solvent bank, or cash, for one-fifth of the amount of each bid, and file the showing of qualifications to receive a lease as required by Section 15 of Circular 672, Oil and Gas Regulations, as to citizenship and ownership in other permits and leases. The remaining four-fifths of the bid must be paid upon issuance of lease. Plat showing location of tracts offered and Circular 672 may be secured from U.S. Land Office, Baton Rouge, Louisiana, or General Land Office, Washington, D.C.

The bidders are warned against violation of the provisions of Section 59 of the U.S. Criminal Code approved March 4, 1909, prohibiting unlawful combination or intimidation of bidders.

The right is reserved to reject any or all bids in the discretion of the Secretary of the Interior.

GEORGE J. REILEY,

Register.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington
1078291

PUBLIC LANDS RESTORED TO HOMESTEAD ENTRY AND OTHER DISPOSITION BY
PROCLAMATION, EXECUTIVE OR DEPARTMENTAL ORDER.

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Preference Rights to Ex-Service Men of the War with Germany.

General Method of Opening:

By virtue of Public Resolution No. 29, of February 14, 1920 (41 Stat., 434), as amended by Public Resolutions Nos. 36 and 79, approved January 21 and December 28, 1922, respectively, hereafter and until February 15, 1930, when any surveyed lands within the provisions of the public resolutions are opened or restored to disposition under the authority of the Department, such lands, unless otherwise provided in the order of restoration, shall become subject to appropriation under the laws applicable thereto in the following manner, and not otherwise:

Lands not affected by the preference rights conferred by the acts of August 18, 1894 (28 Stat., 394), or June 11, 1906 (34 Stat., 233), or February 14, 1920 (41 Stat., 407), will be subject to entry by soldiers under the homestead and desert-land laws, where both of said laws are applicable, or under the homestead law only, as the case may be, for a period of 91 days, beginning with the date of the filing of the township plat in the case of surveys or resurveys, and with the date specified in the order of restoration in all other cases, and thereafter to disposition under all of the public land laws, applicable thereto, except where homestead entrymen are granted a prior preference period under the order. For a period of 20 days and for a like period prior to the date or dates such lands become subject to entry by the general public, soldiers in the first instance, and any qualified applicants in the second, may execute and file their applications, and all such applications presented within such 20-day periods, together with those offered at 9 o'clock a.m., standard time, on the dates such lands become subject to appropriation under such applications, shall be treated as filed simultaneously.

Unsurveyed lands are not subject to homestead or desert-land entry. A homestead entry may embrace 160 acres, or an approximation thereof, and where the lands are of the character contemplated by the 320 or 640 acres homestead acts, applications for the unappropriated lands may be filed by qualified persons, under either of said acts; accompanied by proper petitions, if undesignated for the designation of lands thereunder, and such applications will be suspended pending determination as to the character of such lands.

The following are restorations or openings which will occur in the near future and concerning which further information may be obtained from the local offices:

(374)

COLORADO:
UTAH:

OPEN TO ENTRY THROUGH SURVEYS AND RESURVEYS.

Official plats of the survey and resurvey of public lands have been transmitted to Surveyors General with instructions to transmit copies thereof to U. S. land officers for official filing, as follows:

Ts. 4 and 5 S., R. 83 W., Ts. 4 and 5 S., R. 84 W., Ts. 4 and 5 S., R. 85 W., T. 5 S., R. 86 W., 6th. P.M., Colorado, with letter dated July 5, 1923, approximately 105,600 acres; U.S. land office at Glenwood Springs. The date of filing will be fixed by the register of that office, and the public lands indicated will be open to entry, and subject to prior valid settlement rights and equitable claims, ex-service men of the World War will be entitled to a preference right to enter these lands under the homestead and desert-land laws for a period of 91 days beginning with the date of filing of the plats, under Public Resolutions Nos. 36 and 79, dated January 21 and December 28, 1922, respectively.

In addition to the above, T. 29 S., R. 12 E., S.L.M., Utah, was transmitted with letter dated June 10, 1923, approximately 20,500 acres; U.S. land office at Salt Lake City. These surveys were made upon application of the State and the public lands involved were withdrawn under the provisions of the act of August 18, 1894 (28 Stat., 394), until sixty days after the date of the filing of the plat, during which period the State has a preference right to select lands therein in satisfaction of public land grants. On the expiration of such period, ex-service men of the World War are entitled to the preference right heretofore indicated for lands not selected by the State. All lands will be opened to general disposition on the expiration of the preference periods indicated.

The lands in Colorado are described as mountainous and rolling with narrow valleys along streams and rivers. The valleys are mostly occupied. The mountainous and rolling lands afford good grazing for cattle or sheep, with more or less timber; in Utah, the lands are rolling and broken, covered with scattering under-growth and bushgrass.

(5754)

(375)

MONTANA: FROM STOCK DRIVEWAY WITHDRAWAL.

Eight hundred and eighty acres in Madison County, Helena land district, open to entry under the homestead and desert-land laws by ex-service men of the war with Germany for a period of 91 days, beginning August 8, 1923. Filings may be presented at any time during the 20 days prior to that date. On and after November 7, 1923, any of such land remaining unentered will be subject to appropriation under any public land law applicable thereto by the general public.

The land is released from stock driveway withdrawal and designated under the enlarged-homestead act of February 19, 1909.

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(376)

OREGON: FROM STOCK DRIVEWAY WITHDRAWAL.

Two hundred and forty acres in Wasco County, The Dalles land district, open to entry under the homestead and desert-land laws by ex-service men of the war with Germany for a period of 91 days, beginning August 18, 1923. Filings may be presented at any time during the 20 days prior to that date. On and after November 17, 1923, any of such land remaining unentered will be subject to appropriation under any public land law applicable thereto by the general public.

The land is released from stock driveway withdrawal and designated under the enlarged-homestead act of February 19, 1909.

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(377)

OREGON: OPENING TO ENTRY OF FORTY ACRE TRACT.

The NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 31, T. 1 S., R. 20 E., in The Dalles district open to homestead and desert-land entry, beginning August 11, 1923, for a period of 91 days to ex-service men of the World War.

If not entered during the 91-day period it will become subject to appropriation under any applicable public land law on November 12, 1923, and thereafter.

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(378)

WYOMING: RESTORATION FROM CAREY ACT SEGREGATION APPLICATION.

Two hundred and forty acres of land in Carbon County, Cheyenne, Wyoming, land district, opened to homestead and desert-land entries by ex-service men of the World War where not reserved or withdrawn beginning August 28, 1923. Filings

may be presented during the 20 days prior to that date, such filings to be considered as simultaneously filed and to be disposed of by lot. From November 27, 1923, any of said land remaining unentered will be subject to appropriation under any of the applicable public land laws by the general public.

Available information indicates that the land is desert in character, but fertile and suitable for the production of hay, alfalfa, and timothy, as well as wheat and oats provided water for the irrigation of the lands were available.

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STOCK DRIVEWAY CHANGES.

During the month of July, certain of the driveway withdrawals theretofore made in Montana and Oregon have been modified by addition or reduction. The area which has been added through such changes aggregates 4,489 acres, and that which has been released from withdrawal for such purpose, 9,459 acres.

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OIL AND GAS ACTIVITIES.

During the month of July the permit section received 397 new applications and 1,641 old cases for further action. Disposals were made as follows: Permits granted 239, applications finally rejected 243, rejected subject to appeal 245, extensions of time granted 258, rejected 103, permits held for cancellation 19, canceled 18, assignments approved 21, denied 9, departmental decisions promulgated on approved cases 12, reversed 1, modified 3, preliminary action taken on 448 cases.

Under the relief sections of the leasing act 113 cases received for further action, 2 permits and 1 lease granted, 1 application finally rejected, 4 rejected subject to appeal, 19 extensions of time were granted and 1 rejected, departmental decisions approved 1, 162 assignments involving 62 cases were approved and 4 assignments denied.

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RECEIPTS UNDER THE MINERAL LEASING ACT.

The receipts under the mineral leasing act for the month of June were \$1,036,969.48, all from lands outside of naval reserves.

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RÉSUMÉ OF BUSINESS OF THE UNITED STATES LAND OFFICE AT SANTA FE, NEW MEXICO, AS REPORTED BY THE REGISTER.

There were received in the Santa Fe land office between January 1, 1923, and June 30, 1923, 511 patents (not including Indian allotments) amounting to 139,239 acres, which were distributed in the following counties:

Bernalillo,	2,961	acres.
Catron,	12,370	"
Colfax,	2,372	"
Guadalupe,	19,548	"
McKinley,	2,054	"
Mora,	2,683	"
Rio Arriba,	10,200	"
Sandoval,	3,914	"
San Juan,	2,580	"
San Miguel,	17,704	"
Santa Fe,	6,582	"
Taos,	8,835	"
Torrance,	34,932	"
Valencia,	10,487	"

Many of these patents were received by this office within 30 to 60 days after final certificates were issued. This will give some idea to the public of the prompt and careful attention given to the affairs of the homesteader by the General Land Office.

The Santa Fe land office is in receipt of numerous letters expressing thanks for promptness in effective action. This is true not only of the homesteader, but of the prospector for coal, oil, and gas, and the purchaser of isolated tracts; and under the new system of semi-monthly reports, still further expedition is looked for.

There were 279 applications for permits to prospect for oil and gas filed between October 1 and December 31, 1922, and 347 applications filed between January 1, and June 30, 1923, making a total of 626 applications since October 1, 1922. A number of permits have already been received, but on account of a majority of the applications being for unsurveyed land, it has caused a delay in the issuance of permits within what is known as the "Navajo Reservation" opened under executive order, but as an appropriation has already been made for the survey of these lands, the issuance of permits are looked for within the near future.

The acreage of vacant lands in the Santa Fe district on July 1, 1923, amounts to 4,028,629 acres divided as follows according to the report of the Santa Fe office to the Department:

Bernalillo County,	42,348	acres.
Catron "	372,295	"
Colfax "	1,552	"
Guadalupe "	61,875	"
Harding "	1,437	"
McKinley "	562,171	"
Mora "	5,018	"
Rio Arriba "	499,308	"
Sandoval "	414,900	"
San Juan "	970,974	"
San Miguel "	71,275	"
Santa Fe "	22,144	"
Socorro "	110,460	"
Taos "	164,245	"
Torrance "	62,239	"
Valencia "	665,398	"

In addition to the above, there were opened by a proclamation of the President the following lands; 26,849 acres in the counties of Taos and Rio Arriba with the preference right of 90 days from May 8 and 21, 1923, to ex-service men, and thereafter to the public.

There were also opened with the same preference right to ex-service men the following lands; approximately 4,200 acres situated in Taos and Rio Arriba counties which have been excluded from the Carson National Forest. These lands will be open to entry by ex-service men from August 18, 1923, to November 17, 1923, both dates inclusive, and any of said lands remaining unentered on November 19, 1923, will be subject to entry by any qualified applicant.

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DELIVERY OF PATENTS--REPORT FROM THE REGISTER AT DENVER.

Pursuant to a suggestion made by Inspector Cunningham, this office, under date of May 19, 1923, mailed to the county clerk and recorder of each county in this land district a list of undelivered patents in the files of this office with a request that we be supplied with the names and addresses of the present owners of the land. Four counties complied with this request immediately, and 327 notices were mailed out to the claimants, resulting in the delivery of 103 of these old patents before the end of June. We have been advised by several other counties that the lists are being prepared and will be transmitted to us at some future date.

CONSOLIDATED WORK REPORT OF LOCAL LAND OFFICES
FOR MONTH OF JUNE, 1923.

Offices.	: End Last Month.			: Received : and : End of This Month.				
	:Pend- :ing :desig- :nation	:Sus- :pend- :ected re- :jected :other- :wise.	:Pend- :ing :sun- :acted :on by :R. & R.	:Rec'd: :in :this :month	:Trans- :mitted :to GLO :this :month.	:Now :pend- :ing :desig- :na- :tion.	:Now :sus- :pend- :ed re- :jected :other- :wise.	
Alabama	:	:	:	:	:	:	:	
Montgomery	:	18	:	29	30	:	17	
Alaska	:	:	:	:	:	:	:	
Fairbanks (a)	:	:	:	:	:	:	:	
Jureau (a)	:	:	:	:	:	:	:	
Nome (a)	:	:	:	:	:	:	:	
Arizona	:	:	:	:	:	:	:	
Phoenix	268	197	:	242	271	252	184	
Arkansas	:	:	:	:	:	:	:	
Camden	:	9	:	19	21	:	7	
Harrison	3	27	:	46	41	:	32	
Little Rock	:	153	:	63	46	:	170	
California	:	:	:	:	:	:	:	
El Centro	9	28	:	31	26	9	33	
Eureka	56	2	:	10	22	46	:	
Independence	57	107	:	62	61	40	125	
Los Angeles	60	136	:	179	183	57	135	
Sacramento	89	74	:	45	43	89	76	
San Francisco(a)	:	:	:	:	:	:	:	
Susanville	35	25	:	27	39	22	26	
Visalia (a)	:	:	:	:	:	:	:	
Colorado	:	:	:	:	:	:	:	
Del Norte	39	12	1	23	19	40	16	
Denver	119	29	:	79	69	122	36	
Durango	67	35	:	72	65	69	40	
Glenwood Springs	365	227	:	164	158	370	228	
Lamar	53	22	:	83	79	57	22	
Leadville	12	27	:	31	26	12	32	
Montrose	87	79	:	72	76	89	73	
Pueblo	199	171	:	175	171	206	166	
Sterling	19	10	:	25	20	21	13	
Florida	:	:	:	:	:	:	:	
Gainesville	:	19	9	80	66	:	26	16
Idaho	:	:	:	:	:	:	:	
Blackfoot	98	113	15	109	97	107	108	23
Boise	66	110	:	95	103	68	100	:
Coeur d'Alene	1	29	:	20	24	1	25	:
Hailey	60	45	:	66	55	39	77	:
Lewiston	9	23	:	16	18	9	21	:

Kansas	:	:	:	:	:	:	:	:
Topeka	:	39:	18:	:	10:	11:	41:	15:
Louisiana	:	:	:	:	:	:	:	:
Baton Rouge	:	:	10:	:	12:	10:	:	12:
Michigan	:	:	:	:	:	:	:	:
Marquette	:	1:	9:	:	23:	22:	1:	10:
Minnesota	:	:	:	:	:	:	:	:
Cass Lake	:	:	3:	:	10:	10:	:	3:
Crookston	:	9:	:	:	24:	24:	:	9:
Duluth	:	:	29:	:	29:	23:	:	35:
Mississippi	:	:	:	:	:	:	:	:
Jackson	:	:	16:	:	21:	24:	:	13:
Montana	:	:	:	:	:	:	:	:
Billings	:	34:	170:	:	17:	19:	34:	168:
Bozeman	:	61:	70:	:	56:	52:	66:	69:
Glasgow	:	171:	129:	:	152:	198:	166:	88:
Great Falls	:	26:	44:	:	58:	52:	24:	52:
Havre	:	55:	100:	:	86:	110:	55:	76:
Helena	:	178:	97:	:	88:	89:	178:	96:
Kalispell	:	2:	7:	1:	15:	16:	2:	6:
Lewistown	:	209:	64:	:	70:	78:	203:	62:
Miles City	:	253:	159:	:	184:	165:	264:	167:
Missoula	:	18:	8:	:	21:	8:	18:	21:
Nebraska	:	:	:	:	:	:	:	:
Alliance	:	45:	:	:	30:	55:	19:	4:
Lincoln	:	30:	9:	:	18:	34:	17:	6:
Nevada	:	:	:	:	:	:	:	:
Carson City	:	23:	102:	:	40:	24:	30:	111:
Elko	:	25:	50:	:	16:	20:	29:	42:
New Mexico	:	:	:	:	:	:	:	:
Clayton	:	90:	43:	:	71:	58:	96:	50:
Ft. Sumner	:	63:	53:	:	100:	120:	62:	34:
Las Cruces (a)	:	:	:	:	:	:	:	:
Roswell	:	102:	81:	:	160:	151:	111:	181:
Santa Fe	:	189:	169:	:	197:	279:	119:	157:
North Dakota	:	:	:	:	:	:	:	:
Bismarck	:	30:	27:	:	31:	32:	21:	35:
Dickinson	:	13:	13:	:	17:	16:	14:	13:
Oklahoma	:	:	:	:	:	:	:	:
Guthrie	:	50:	41:	:	36:	48:	53:	26:
Oregon	:	:	:	:	:	:	:	:
Burns	:	50:	19:	:	36:	66:	19:	20:
La Grande	:	98:	89:	:	18:	15:	62:	128:
Lakeview	:	57:	70:	:	21:	36:	51:	61:
Portland	:	:	4:	:	53:	30:	:	27:
Roseburg	:	2:	47:	:	184:	80:	:	153:
The Dalles	:	161:	39:	:	70:	75:	160:	35:
Vale	:	23:	65:	:	48:	47:	25:	64:
South Dakota	:	:	:	:	:	:	:	:
Bellefourche	:	6:	10:	:	30:	26:	6:	14:
Pierre	:	83:	38:	:	436:	435:	78:	44:
Rapid City	:	46:	48:	:	60:	41:	45:	68:
Utah	:	:	:	:	:	:	:	:
Salt Lake City	:	231:	144:	:	287:	217:	254:	191:
Vernal	:	25:	43:	:	45:	46:	24:	43:

Washington	:	:	:	:	:	:	:	:	:
Seattle	:	:	7:	:	9:	6:	:	10:	:
Spokane	:	21:	20:	:	44:	41:	22:	22:	:
Vancouver	:	1:	4:	:	6:	5:	1:	5:	:
Walla Walla	:	15:	11:	:	18:	20:	15:	9:	:
Waterville	:	17:	38:	:	32:	31:	22:	34:	:
Yakima	:	18:	6:	:	20:	5:	21:	13:	5
Wisconsin	:	:	:	:	:	:	:	:	:
Wausau	:	:	2:	:	5:	7:	:	:	:
Wyoming	:	:	:	:	:	:	:	:	:
Buffalo	:	93:	65:	:	134:	136:	98:	58:	:
Cheyenne	:	132:	152:	:	192:	163:	153:	160:	:
Douglas	:	52:	152:	12:	290:	274:	55:	153:	24
Evanston (a)	:	:	:	:	:	:	:	:	:
Lander	:	88:	39:	:	99:	77:	72:	77:	:
Newcastle	:	144:	105:	:	190:	188:	132:	119:	:
<hr/>									
TOTAL,	:	4,847:	4,465:	38:	5,782:	5,644:	4,665:	4,754:	69

NOTE (a)-- No report received from these offices on July 27, 1923.

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RETIREMENT.

The retirement of Mrs. Emuella R. Burson, of the Public Lands Division, July 31, 1923, was made the occasion of a very pleasant recognition by her co-workers, of her long service in our office.

Without any formal ceremony, her friends gathered in her division at the close of office hours, and with good wishes for her future, gave her as a token of their good will and kindly recollections, a silver cup, suitably engraved with the date and nature of the gift.

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TELL THE BULLETIN.

To All Local Offices and Field Service Employees:

If anything occurs, in the public land service, which you think is of administrative value, tell us about it. Address all communications to the Commissioner of the General Land Office, "Land Service Bulletin." All information should be received not later than the 24th of each month for use in the current number.

**LAND SERVICE
BULLETIN
DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE**

By direction of the Secretary of the Interior the matter contained herein is published as administrative information, and is required for the proper transaction of public business.

Vol. 7.

September 1, 1923.

No. 87

ALASKA IN NINETEEN TWENTY THREE.

If it is true that one can learn much more by the use of their eyes than with their ears, then those who composed the President's party on the recent trip to Alaska had full opportunity to learn much, if for no other reason than that they saw much of that remarkable region about which so little is known. The party left the pier at Tacoma on July 25, in what the natives of that vicinity would call a slight mist, but which to one from the mountain country appeared to be more in the nature of a down pour of rain if not a deluge. However, whatever it was, it was surely welcome after the long trip through the heat of the eastern and middle States, and the sun-parched deserts of the West. The good ship Henderson afforded ample opportunity to cool off and enjoy the trip through the Sound and the inside passage and upon arrival at Metlakatla everybody was in good humor and enjoyed going ashore for a brief visit with the Indians located on that bit of reserve, and who seem to make the fishing industry their principal means of support. It was at this point that Rev. William Duncan did much toward the reformation of the remnants of two or three tribes and brought them to a knowledge of Christianity. They have erected there under the encouragement and inspiration of "Father Duncan" a church edifice, which compared with other structures of its kind in Alaska becomes a Cathedral de-luxe. No better evidence of the modernity of the Indians at that point can be found than in the fact that another church has been erected in the little village which because of some purely local disturbance is referred to as the "Opposition Church." They have a town council presided over by one of their number and it is planned to help them along in their civic pride by making certain allotments of the land to be held in fee by them. They have a fish cannery there--and by the way you can find others at every sea-coast town in Alaska-- which affords the natives a livelihood, in fact some who are expert

and industrious are making good wages during the fishing season. At Wrangel, Ketchikan, Juneau, and Skagway, in fact all of the coast towns one finds about the same conditions prevailing. Fishing is apparently the principle outdoor sport, which incidentally brings in considerable money, and the canneries bring in, or perhaps more properly speaking take out much more, for most of the owners spend the greater part of the year in the States. The towns run in population from 150 to 4,000. Ketchikan perhaps being the largest. Mining is followed in a sort of desultory way, except by the larger companies. The small operator either does not have the deposits or his facilities for handling the ore are limited. Oil is being produced by some parties near Cordova and they are quite hopeful and encouraged as to future prospects. A very good article of coal is being produced which is finding a ready market at a good figure. Some deposits have been poorly expeted, and as a result much good money has been wasted, which among other things have discouraged investments and furnished another reason for the cry "what's the matter with Alaska." There is no dearth of timber--in fact it's like the water surrounding in part, and bordering the rest of it--"timber every where; and not enough cut to make a roll of paper" and yet under a proper and protective administration of those unlimited forests, there is enough timber of a suitable kind to furnish the mills material to supply paper to the States for the rest of time. There is splendid opportunity for investment. The Government has spent \$55,000,000 for a railroad running from Seward on the coast, which town is reached through Resurrection Bay surrounded by perhaps the most magnificent bits of scenery to be found in the world. The impressive granite guardians forming the entrance to the bay were named by the party "Harding's Gateway."

The northern terminus of the road is at Fairbanks, a distance of nearly 500 miles. The first 100 miles was bought from some syndicate, which purchase perhaps would never have been made if those buying had first taken a look at it--the rest of the distance covers a large area of the interior where are to be found the agricultural activities of Alaska. One finds small clearings with log houses and outbuildings erected where the sturdy and plucky homesteader has decided to cast his lot; and it is no small undertaking to effect a clearing in Alaska. First the timber must be removed including the stumps, if you do it right--and most of them are doing it right--then the moss which has formed itself into something of the nature of peat must be burned off to the depth of perhaps 12 inches, then the fencing and plowing and seeding is undertaken, until the pioneer of that country has a rather considerable investment before he can think of reaping his harvest. In addition to this, most of the land would be of far greater value if it were drained, for with the melting snows and glaciers, together with the tremendous rainfall one has rather a soggy time of it. But things grow; why they grow faster in Alaska than anywhere else for they have a perpetual growing season, while it lasts. Imagine watching the sun go down at Fairbanks for instance--about 9:45 p. m. and remaining light enough so you can see well enough to play ball at midnight, and then by two or three a. m. next day have the sun again on duty. During the time the President was addressing the people at Fairbanks, three women, sitting in the grandstand at the park, and with a roof on the stand, too, were overcome by the heat. And this in frozen Alaska. Good crops of wheat, barley, and oats are grown, and as fine vegetables of all kinds are found growing wherever people have the thrift to plant them. Flowers in the gardens and in the homes are perhaps larger and more brilliant in color than anywhere in the

States. At Skagway a deputy marshal living there has a front yard so beautiful with lawn and hedge and flowers that it would do credit to the home of a millionaire. Dahlias, snapdragon, phlox, roses, pansies, stocks, and asters, in fact everything you want to grow in a garden were there as fine as one ever saw. His vegetable garden in the rear producing everything, even tomatoes, and with pie plant so big that one stalk would make three pies and with a leaf as large as an open umbrella.

Note:--Another installment of this subject will appear in the next Bulletin.

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DEPARTMENT OF THE INTERIOR

General Land Office

Washington

August 30, 1923.

ANNUAL SURVEYING INSTRUCTIONS.

To the Cadastral Engineering Service

of the General Land Office:

Under the provisions of the act of January 24, 1923 (42 Stat., 1174, 1180), making appropriations for the Department of the Interior for the fiscal year ending June 30, 1924, and for other purposes, the following item appears under the heading "Surveying Public Lands:"

"For surveys and resurveys of public lands, examination of surveys heretofore made and reported to be defective or fraudulent, inspecting mineral deposits, coal fields, and timber districts, making fragmentary surveys, and such other surveys or examinations as may be required for identification of lands for purposes of evidence in any suit or proceeding in behalf of the United States, under the supervision of the Commissioner of the General Land Office and direction of the Secretary of the Interior, \$699,600: Provided, That the sum of not exceeding 10 per centum of the amount hereby appropriated may be expended by the Commissioner of the General Land Office, with the approval of the Secretary of the Interior, for the purchase of metal or other equally durable monuments to be used for public land survey corners wherever practicable: Provided further, That not to exceed \$10,000 of this appropriation may be expended for salaries of employees of the field surveying service temporarily detailed to the General Land Office: Provided further, That not to exceed \$20,000 of this appropriation may be used for the survey, classification, and sale of the lands and timber of the so-called Oregon and California Railroad lands and the Coos Bay Wagon Road lands: Provided further, That not to exceed \$50,000 of this appropriation may be used for surveys and resurveys, under the rectangular system provided by law, of public lands deemed to be valuable for oil and oil shale."

Deducting from the appropriation of \$699,600, the sums of \$22,000 for supervisor's office and instrumental equipment, \$45,000 for Eastern District, \$25,000 for iron posts, \$25,000 for freight and express, \$2,500 for stationery, \$10,000 for detailed employees, \$20,000 for survey classification and sale of the lands and timber of the so-called Oregon and California Railroad lands and the Coos Bay Wagon Road lands, \$5,500 for retirement and \$14,600 for reserve, there remains available for apportionment among the several surveying districts the sum of \$530,000.

From the total of \$530,000 there is hereby apportioned:

To the District of Alaska	the sum of	\$48,000
" " " " Arizona	" "	41,000
" " " " California	" "	41,000
" " " " Colorado	" "	48,000
" " " " Idaho	" "	37,000
" " " " Montana	" "	48,000
" " " Nebraska and South Dakota		37,000
" " " of Nevada	the sum of	30,000
" " " " New Mexico	" "	48,000
" " " " Oregon	" "	48,000
" " " " Utah	" "	48,000
" " " " Washington	" "	20,000
" " " " Wyoming	" "	36,000

Selection and Grouping of Townships to be Surveyed.

In expending this appropriation, preferences shall, as heretofore, be given in favor of surveying townships occupied in whole or in part by actual settlers and of lands granted under the various acts to the several States, including indemnity lands. When these preferences have been provided for and there are found to be other lands adapted to agriculture or lands deemed advisable to survey on account of their availability for irrigation or dry farming, lands within national forests, or lands available for other useful purposes, including administrative purposes, provision may be made for extending the public land surveys thereover.

Applications by settlers for the survey of lands including their claims will be required to be submitted to the United States Surveyor General upon the regular blanks supplied for that purpose and upon receipt of such applications, he will transmit the same to the assistant supervisor of surveys for his district, after making proper notation thereof upon his records and he will advise this office of such disposal of the applications.

The bona fides of all such applicants for survey will be examined under the direction of the assistant supervisor of surveys and a report and recommendation thereon, together with the original application, or a copy thereof, will be submitted by him to this office for consideration and action. In cases where the evidences of settlement are satisfactory and the authorization of a survey is deemed proper, the necessary instructions will be promptly issued to the United States Surveyor General in order that proper provision for the survey may be made.

The applications or petitions for survey must be signed by actual settlers on the lands, together with the affidavits of the settlers, setting forth the length of residence of their claims and the nature, extent, and value of improvements made thereon, together with a description of the character of the lands. The United States Surveyor General will advise applicants that bona fide settlement is a prerequisite for a survey and that settlers must be known to be actual residents upon the land they wish to enter.

In the case of applications for the survey of lands alleged to be suitable only for stock-raising, even though the applicant may not be a settler, the application will be received, and if the lands are found to be of the character indicated, the survey may be authorized for execution in regular order after the first preference lands are cared for. It is held that a person has no right to settle upon or occupy under the stock-raising act lands not designated thereunder and under section 2 of that act, no credit will be given for any expenditure for improvements made prior to the designation of the lands, or for residence prior to designation in connection with an entry under section 3 of that act. If, however, after the survey of the land, an applicant is qualified to make entry under section 2289, United States Revised Statutes, he will be entitled to claim residence on the lands from the date such residence is established, regardless of the time of designation under the stock-raising act. No right would, however, be thus established to more than 160 acres until the designation of the lands, but subsequent upon the survey and designation of all the lands involved, an additional entry may be made up to 640 acres, pursuant to the provisions of the stock-raising act, provided the additional lands are vacant and subject to appropriation. If settlement is made on the lands, the fact should be indicated in the application for survey to the end that the township may be placed in the preference class for survey.

If applications are made for the survey of lands granted to the State by any of the acts providing for land grants or for the survey of indemnity lands to which the State may be entitled, they are to be received and transmitted to this office, together with a report as to the availability of the funds at the disposal of the United States Surveyor General which will be necessary to accomplish the survey under the first preference named hereinbefore.

In the case of surveys to be made for the purpose of enabling the State to make selections of lands granted under any act authorizing the withdrawal and survey thereof, the act of August 18, 1894 (28 Stats., 394), and the subsequent acts making the provisions of the same applicable to other States than those mentioned therein, provide that the Governor of the State shall make application to the Commissioner of the General Land Office for the survey of such lands; in order properly to administer this law and to avoid the delays incident to any other procedure, this office will, upon the receipt of such application from the Governor, promptly advise him of such receipt and at the same time the United States Surveyor General and the proper local land officers will also be advised of the receipt of the application as preliminary information, but formal action thereon will be withheld pending the receipt of evidence of publication of notice of the filing of the application; upon receipt of such evidence this office will take the necessary further action with respect to the declaration of effectiveness of the withdrawal. The necessary steps to accomplish the effective withdrawal of the lands having been taken by the State, this office will then formally declare the effectiveness of the withdrawal, the date of which in such cases will be coincident with the date of receipt by this office of the application and of this action the United States Surveyor General and the local land officers will also be advised, whereupon, and not until then, will the former be clothed with the authority necessary to proceed with the survey of the lands under the first preference named hereinbefore and the latter with the authority to note the withdrawal and the date thereof on their records.

In case applications are made by the State for the survey of a greater number of townships than the public funds at the disposal of the United States Surveyor General and available therefor will suffice, he will call upon the State authorities as to their preference in the matter, stating the amount of funds available and the number of townships which such amount will cover and he will endeavor thus to meet any reasonable demands for the execution of the survey of townships applied for, to the extent of the available funds. Attention may properly be directed to the provisions of the act of August 18, 1894 (28 Stats., 395), which authorizes the Governor of any State affected by said act to make special deposits for the survey of townships withdrawn, the moneys so advanced being reimbursable.

The township being adopted as the unit of survey authorized, it will be so considered in all cases where not otherwise restricted and this will apply with equal force to those townships partly or wholly within national forests the survey of which may be authorized. In the case of those townships whereof the lands are partly within and partly without a national forest, the surveys will be extended to include not only the lands outside the forest, but also all the surveyable lands in the township within the forest. Metes and bounds surveys of lands listed or entered will not be made, however, by United States surveyors or transitmen, an appropriation therefor being specifically provided by Congress and under the control of another Department, clothed with authority to make such surveys.

In the cases where lands have been eliminated from a national forest after entries have been made by metes and bounds but no final proof surveys thereof have been made, the regular legal subdivisions will be made in the usual manner, but provisions will be contained in the instructions for the surveyor to whom the work will be assigned, to notify the settlers who may have made entries by metes and bounds on the restored lands that it will be to their advantage to amend their entries upon the filing of the plat of survey, wherever practicable, to embrace legal subdivisions, since, in such event, no further survey than the usual subdivisional one will be needed to permit them to submit final proof; otherwise if they insist on maintaining their entries by metes and bounds, further survey for final proof will be required under the act of June 11, 1906 (34 Stats, 233), when it may be found necessary for the entrymen to provide for such survey at their own expense. It is believed that such notice will result in a large proportion, if not practically all, of the entries now in existence on the restored lands being adjusted to legal subdivisions and requiring no further survey.

The United States Surveyor General will, therefore, in such cases call upon the local officers for a list by description of the entries by metes and bounds on the restored lands, together with the names and addresses of the entrymen of record and furnish such list to the surveyor as a part of the special instructions for the purpose outlined, and it will be his duty to advise the entryman of the facts as indicated and to return of record, not necessarily to be embodied in his field notes, but as a matter of information, such steps as were taken by him to accomplish the purpose of completing at one time all surveys necessary to be executed.

In order that this office may receive from the Forest Service such assistance as can be afforded in the determination of the townships in national forests which contain sufficient agricultural lands to justify the extension of the public surveys over the townships, an agreement has been reached between the Forest Service and this office that the services of the regularly appointed administrative officers of the national forests will be utilized in securing the petitions from the settlers and in examining the bona fides thereof, the usual reports to be submitted to this office through the Forester, following which, action will be taken by this office to authorize the United States Surveyor General to proceed with the survey or such other action will be taken as may be appropriate.

In the case of the subdivision of any township which may have been included in a national forest, the United States Surveyor General will be careful to furnish the surveyor with the status of any forest homestead entry surveys therein for which instructions have been or are about to be issued, in order that the surveyor may recognize in his subdivision the existence of such other surveys, making connection with the corners thereof, in order that the same may be shown on the township plat. All such accepted homestead entry surveys will be depicted upon the township plat and segregated from the other public lands; in the case of any such existing surveys as may not have been accepted at the date of the approval of the township plat, they will be dimly outlined and their status will be suitably indicated thereon. The usual care will be exercised in such townships to note settlement and improvement.

Oil and Oil-shale Lands.

The discretionary authority vested in this office by the appropriation in the use of \$50,000 for the survey and resurvey, under the rectangular system provided by law, of public lands deemed to be valuable for oil and oil-shale will be exercised as conditions in the various districts may be developed indicating the desirability of surveys and resurveys, deemed to be necessary for the furtherance of the oil industry.

Railroad Surveys.

Authority for the survey of the public lands lying within the limits of land grants is provided in the act of June 25, 1910 (36 Stats., 834), authorizing the Secretary of the Interior to call upon any railroad corporation required by law to pay the cost of surveying, selecting, or conveying any lands granted to such company or corporation, or for its use and benefit, to deposit a sum sufficient to pay the cost of surveying, selecting, and conveying any of the unsurveyed lands granted to such company or for its use and benefit, under any act of Congress, the purpose of the act as stated in the enacting clause being to enable the Secretary of the Interior to complete the adjustment of land grants made by Congress to aid in the construction of railroads and to subject to taxation by States, Territories, and municipal authorities the land so granted. In section 3 of the act it is further provided that the right of the Secretary of the Interior shall not be affected in causing the public surveys to be extended over any lands granted to any railroad or corporation in the manner now otherwise provided by law.

Miscellaneous Surveys.

Other classes of lands to be surveyed out of the regular appropriation will include lands adapted to agriculture, lands deemed advisable to survey on account of availability for irrigation or dry farming, land subject to disposition under mineral land laws where survey thereof is not otherwise provided for, lines of reservations, and lands within boundaries of forest reservations.

These classes of lands are to be surveyed only after the lands occupied by bona fide settlers and lands applied for by the State have been included in active surveys and their character as agricultural lands, or as deemed advisable to survey on account of availability for irrigation or dry farming or land subject to disposition under mineral land laws where survey thereof is not otherwise provided for, shall be established by reports from employees of the surveying service, which shall be based upon personal observation and are to be submitted to this office through the assistant supervisor of surveys of the district in which the lands may be located, and are to be grouped only after ample provision shall have been made in the distribution of funds in such manner as certainly to provide for meeting the demands, existing and prospective, for the two classes of lands included in the first preference named hereinbefore.

Lines of reservations are surveyable when their establishment is a necessary incident to the identification of the public lands adjacent thereto. This condition exists when the lines of public surveys are being extended to the locus of a reservation on unsurveyed lands whose boundaries have not been established or if established, which it is found necessary to retrace in order properly to close the lines of public survey thereon.

The survey of any other classes of lines of reservation is not anticipated, but if questions relating thereto are presented, the same will be considered and such action taken as the facts and the availability of the appropriation may warrant.

The appropriation will be deemed applicable to the making of such retracements and re-marking of State boundaries as shall be found necessary in order to close the public land lines thereon; the application of this authority will arise when any State boundary is to be closed upon by the public surveys. Cases will occur where in the original survey of State boundaries more or less extensive portions were left unmarked or poorly monumented and means are provided whereby authority exists for the proper retracements and re-marking of such boundaries wherever the necessity therefor is developed in the closing of the public land surveys thereon; the surveyor will be charged with the duty not only of retracing the boundary line but of remarking the same in accordance with present requirements as to permanency of monumentation; the original monuments will be preserved and auxiliary iron posts set alongside appropriately marked and witnessed; wherever it may be found necessary to set intermediate posts in order that no portion of the boundary closed upon shall be unmarked for a greater distance than one-half mile, such posts shall be established and appropriately marked and witnessed; they shall have the year of their establishment stamped upon the cap and the greatest care will be exercised to place them on the true line between original monuments.

Surveys Under Special Deposits by Individuals.

Provision is made by the act of February 27, 1899 (30 Stats., 892), whereby any railroad company claiming a grant of land, and desiring to secure the survey thereof, may file an application therefor in writing, with the surveyor general of the State within which the lands sought to be surveyed are situated, and deposit a sum sufficient to pay for such survey, whereupon it shall be the duty of this office to cause the lands to be surveyed. In case application is made by a railroad company for the survey of lands under the provisions of this act or by individuals or corporations under the provisions of Section 2401, Revised Statutes, as amended by the act of August 20, 1894 (28 Stats., 423), of similar import, the United States Surveyor General will submit a report to this office, together with an estimate of the cost of such survey and of the expenses incident thereto, including the cost of probable retracements and resurveys appurtenant thereto, whereupon he will be authorized to cause such survey to be made, the appropriation being designated as "Deposits by individuals for surveying public lands" (with the initials of the railroad company or the names of the individuals or the corporations making the deposit).

The grouping of townships for survey is to be kept distinct under the several appropriations, except, of course, where joint appropriations are applicable, and the number of townships included in a group is to be limited to the amount of work that can ordinarily be completed in one surveying season.

Survey of Indian Reservations.

For the survey of Indian reservations under general or special acts, provision will be made in each case by this office, depending upon the character of the survey desired by the Indian Office.

Survey of Townsites and Abandoned Military Reservations.

The survey of townsites and abandoned military reservations is to be made whenever directed and all action with relation to the survey and the preparation of returns thereof will be taken with all possible dispatch. The expenses attending the appraisal of such lands is not payable from the appropriation for surveying public lands. Instructions for surveys will not, therefore, include provision for the appraisal of the lands.

Examination of Surveys.--Resurveys.

The appropriation act provides for the examination of surveys heretofore made and reported to be defective or fraudulent, and in the application of funds for the purpose of determining the defective or fraudulent character of surveys, it will be the duty of the United States Surveyor General to require applicants to furnish such information as may be available from any reliable source upon which the allegation of defects, obliteration, or fraud in the surveys is based in order that this office may determine as to the application of the provisions of the act of March 3, 1909 (35 Stats., 845), as amended by the Joint Resolution of June 25, 1910 (36 Stats., 884), authorizing the Secretary of the Interior to cause to be made such resurveys of public lands as, after full investigation, he may deem essential to properly mark the boundaries of the public lands remaining undisposed of. Under departmental ruling of May 22, 1909, as to the application of the said act of March 3, 1909, it was held that where the lands in a given township had been disposed of

by the Government by final entry, approved State selections, school lands, and patent, in excess of 50 per cent of the total area thereof, such township was not eligible for examination and resurvey under said act.

The act of September 21, 1918 (40 Stats., 965), provides authority for the resurvey of townships held to be ineligible under the provisions of the said act of March 3, 1909, supra, by reason of disposals in excess of 50 per cent of the total area thereof; and the application of the terms of which one of these acts under which a resurvey is to be undertaken is, therefore, dependent upon the amount of disposals. In either event, where the showing is deemed sufficient to warrant a field investigation, the expenses incident thereto will be borne by the Government. Such investigation will be carried to the extent necessary to determine the technical procedure which should be adopted under the existing field conditions and the probable effect thereof upon the rights involved.

The detailed procedure in either case is fully set forth in Circulars Nos. 520 and 629, to the terms of which the attention of applicants for resurvey should be directed, and a compliance with the requirements of which on the part of applicants should be generally observed.

In the application of the terms of these acts it is not intended that there shall be undertaken any work involving the mere reestablishment of lost or obliterated or misplaced corners in a limited area of a township, such work being within the province of the local surveyors, and the authority of the Surveyor General's office will be limited to the giving of advice in accordance with the circular for the restoration of lost or obliterated corners, as employees of the Government are prohibited from participating in the resurvey of a township, the reestablishment of lost corners or in the subdivision of sections for private parties, even if the expense is borne by the county or municipal authorities or by individuals.

Upon receipt by the Surveyor General of the examiner's report, the same will be transmitted to this office with recommendation, and he will be promptly advised; authority therefor being vested in the Secretary of the Interior, his approval of the proposed resurvey is necessary before field work may be commenced.

Special Instructions.

The provisions of the manual relative to the preparation of special instructions to cover each assignment of surveys under group numbers will be observed and the various groups will be so limited in extent as generally to permit the completion thereof in one surveying season, by the surveyors to whom they will be assigned. Each set of special instructions, irrespective of the character of the work involved, will, for the convenient reference thereby afforded, be given a group number. These special instructions will be addressed in blank to one or two surveyors, as may be determined upon, dependent upon the amount of work involved, and the assignment of surveyors will be made by the supervisor or assistant supervisor, as the case may be. They are required to be complete in setting forth the surveys to be executed under any group, the initial and closing lines, the nature of the survey, method and order of procedure, the reports required, the preparation of returns, and the accounting system, all subject to the approval of this office. They will be prepared in sufficient number to provide for one copy to be sent to the United States Surveyor General,

after approval by this office, to the Supervisor of Surveys at Denver, and one copy to the Assistant Supervisor of the district, as hereinafter required.

The general instructions applicable to all groups may be manifolded or otherwise prepared and issued to each surveyor upon his first assignment, to be referred to, but not repeated in subsequent instructions, thus reducing the volume of work to be prepared and reviewed.

Supervision.

The Supervisor of Surveys will have general supervision and direction of all field surveying operations and he will act in the capacity of administrative field assistant to this office. Headquarters for all western operations in States and Territories in which there are Surveyors General will be at the new Federal Building, Denver. The Supervisor will pass on all matters pertaining to personnel of employees, supervise the proper organization of field parties, their instrumental and camping equipment and subsistence, and in general he will exercise his judgment and experience in promoting efficiency in the field work, economy in expenditures, and, as far as possible, uniformity in proper field methods in the execution of surveys and in the preparation of the returns thereof.

The Assistant Supervisor of Surveys will have direct charge of the field operations connected with the public land surveys in the districts to which they may be assigned, and will represent in this capacity the Supervisor of Surveys. The equipment of parties, such as the purchase or hiring of teams, purchasing of supplies, instruments, etc., will be made under the direction and supervision of the Assistant Supervisor, and the latter shall superintend the organization of parties and arrangement of the personnel and prepare the necessary assignment instructions. The Surveyor General will have charge of the disbursement of all salaries and expenses, and the preparation of the returns of surveys executed in his district.

Field Operation.

Assignment instructions will show the date of issue only, but will be approved by the Supervisor of Surveys, and become operative on his approval as of the date of issue; the Surveyors General and Assistant Supervisors will be notified of the approval by the Supervisor. The latter will furnish this office monthly statements showing the assignment of surveyors to survey groups and will periodically transmit all information necessary to complete the card records of Government-owned property.

Supplemental special instructions will not be issued by Surveyors General except where new work is involved. Corrections, revisions, or completion of work in the field will be made by or under the direction of the Assistant Supervisors under the original special instructions.

Surveyors General will furnish both the Supervisor and Assistant Supervisors of their districts copies of all special instructions issued, whether original, or supplemental, upon approval of the same by this office. Surveyors General are authorized, in their discretion and, so far as the business of their office will permit, to furnish Assistant Supervisors in their district such clerical assistance as may be necessary to properly conduct the work of the latter.

Weekly reports will be sent by surveyors and transitmen to the Assistant Supervisor of Surveys of the district in which they are employed, in an envelope marked "Weekly Reports" so that in the absence of the Assistant Supervisor the United States Surveyor General may open the envelopes and secure such information as he may need and will forward the reports to the Assistant Supervisor when requested, the latter to then forward them to the Supervisor who will finally transmit them to this office. When the Assistant Supervisor is not at headquarters he will submit the weekly reports to the Surveyor General for his information and then forward them as above directed.

Surveys.

All surveys will be made in accordance with the principles set forth in the 1919 Revision of the Manual of Surveying Instructions.

Iron Posts.

The purchase of iron posts for use in monumenting all surveys whenever practicable is arranged for by this office and the Assistant Supervisor will be required to make requisition to the Supervisor for shipment of the estimated number of iron posts necessary for any assignment. The 3-inch posts weigh 30 pounds each and are to be used for all township corners, whether relating to one or more townships and for mile corners on boundary surveys; the 2-inch posts weigh 13 pounds each and are to be used for all other section corners; the 1-inch posts weigh 5 pounds each and are to be used for all quarter-section corners, meander corners, and private land claim corners. All witness corners are required to be of the same size as would be used for the true corners.

Requisitions must be explicit as to the number of each size of the iron posts required, the railroad destination of the shipment, the consignees, and for the purpose of record the designated survey by group number.

Requisitions should be ample to cover possible inaccuracies in estimates and unavoidable loss by occasional damage. Requisitions may be made of assorted sizes in carload lots to be shipped to a central point convenient to extensive surveys, and surplus iron posts left over from completed surveys should be received and stored by the designated Supervising Surveyor subject to future disposal, and in all cases the facts should be reported to his office to complete the open account of all iron posts.

Field Notes.

In original surveys, dates and names of surveyors will be eliminated from the body of the field notes and a diagram will be provided at the beginning of each book showing the dates of survey and in case of double parties, the lines run by each surveyor. In resurveys, the date of commencement and completion of each township shall be shown and the lines run by each surveyor shall be shown on a diagram.

The record of daily solar observations and daily latitude tests shall be eliminated; all scientific data shall be segregated and the same with description of instruments shall be placed at the beginning of the notes of each township or small group of townships, including a statement as to the maintenance of the instrument in adjustment throughout the survey.

Random lines will be eliminated from dependent resurveys of subdivisional lines; the surveyor will be required to furnish the Surveyor General such data as may be required to check the recorded true lines, the same to be transmitted to this office with the returns of survey. The practice of recording random lines in the notes of retracements, resurveys of exterior township lines, independent resurveys and original surveys will be continued.

The use of the expression "I run" will be eliminated from field notes.

Surveyors and transitmen will not be required to take a final oath to their field notes, but will certify on honor to the correctness thereof; and the time and place of such certification will be affixed; certificates from field assistants will be eliminated, their names and positions only being required.

The date of assignment instructions will, in addition to the date of the special instructions, appear on the title page of field notes.

The time limit for field note writing is hereby rescinded when the field notes are prepared under the supervision of the Assistant Supervisor.

The method of diagram showing corner markings shall be employed in the field notes and wherever practicable all the lines of a township surveyed shall be included in one book of field notes.

In complicated surveys and resurveys, the surveyors and transitmen who execute the field work shall write up the returns thereof, either in longhand, with rubber stamps, or on a typewriter in finished form; where on a typewriter, a carbon copy shall be made at the same time; the practice of surveyors and transitmen working on regular original surveys, of filing their field tablets for extension in the offices of Surveyors General, shall be continued and extended as far as possible. When necessary or desirable, one or more expert surveyors in each district capable of writing field notes may be detailed to write the finished notes with carbon copies from the field tablets.

Surveyors General will audit vouchers and sign vouchers in the capacity of auditing officers.

Return of Surveys.

All surveyors are to be cautioned to maintain complete field notes in every particular and to compute all doubtful closings in the field as the work progresses, in order that the entire record of survey may always be kept complete to avoid the necessity of returning to the field excepting under the most unusual circumstances. Surveyors will necessarily be placed upon honor and the slightest departure from this trust will be the first cause for immediate dismissal.

Sources of Water Supply.

In connection with special instructions to be issued, provision will be made for the notation, in desert regions, of the location of streams, springs

or water holes, which, because of their location may be deemed to be of value in connection with the utilization of public grazing lands and which may be designated as public watering places.

The appropriate legal subdivision or subdivisions within which these are located will be listed separately, and will be submitted with the returns of survey, a copy thereof in duplicate to be transmitted to this office for further action. A soft copy of all township plats will be furnished United States Surveyors General for transmittal to the Chief of Field Division concerned.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Charles W. Morris of Patches, Colorado, is the recipient of the first land patent issued in the name of President Calvin Coolidge. Morris entered 520 acres of Government land in Las Animas County near Patches, a distance of about 50 miles southeasterly of Pueblo.

The land was taken in two entries, the first 320 acres being under the enlarged homestead act, and the second 200 acres, under the stock-raising homestead act. The patent is dated August 13, 1923.

The last patent issued in the name of the late President Warren G. Harding was to Charles W. Brockman of Creston, Washington. It was issued August 2, 1923, and embraces 160 acres of land in the southeast portion of Ferry County, about 50 miles northwesterly of Spokane. The land is a part of the Colville Indian Reservation.

The land purchased by Brockman is the Indian allotment of Robert Whistocken, a Colville Indian. In view of the fact that this patent was the last one in the late President's name, George R. Wickham, Acting Commissioner of the General Land Office of the Interior Department has sent the following letter to Brockman:

"As you were the purchaser of the Indian allotment of Robert Whistocken, a Colville Indian, you will doubtless be pleased to know of the issuance of patent to you on August 2, 1923.

"The issuance of this patent has become of more than usual interest in view of the fact that it was the last one issued in the name of our late President Warren G. Harding. It is worthy of being prized for that fact alone."

CHIPPEWA LOGGING, MINNESOTA.

Public sales of "pine" lands on ceded Chippewa Indian reservations held under the act of January 14, 1889 (25 Stat., 642), under which the timber was sold with the land, were found to be unsatisfactory, from an Indian point of view, and on March 30, 1899, Secretary Hitchcock suspended all operations and disposals under said act, so far as the "pine" lands are concerned. To remedy the situation Congress by act of June 27, 1902 (32 Stat., 400), authorized the disposal of the timber on ceded Chippewa Indian lands, by the Secretary of the Interior, under sealed bids or at public auction, the purchasers to pay for the amount of timber actually cut, the scale to be made by Government scalers, the cutting and scaling to be under the supervision of a superintendent of logging and his assistants, the Government to be secured by a 20 per cent deposit and a bond in a suitable amount. The interests of the Indian are further safeguarded by Indian check-scalers, and the money is paid to an Indian agent. Nine regular sales under this act, besides special small sales of timber have been conducted by the General Land Office.

The total amount of logs cut by contractors since logging operations began in 1903 is 1,295,833,697 feet of timber, 345½ cords of wood, and 220,085 ties, posts, and poles, for which the purchasers paid \$9,194,255.05. The average stumpage price is \$7.09 plus. There have also been cut in trespass and scaled by the superintendent of logging 5,294,919 feet of timber, 87,273 ties, posts, and poles, 794¾ cords of wood, and 1,000 lineal feet of piling, for all of which there have been collected \$56,436.75. The total amount of interest paid by purchasers who have been granted extensions of time has been \$133,188.65, and the total amount of overhead charges paid by them has been \$29,761.17. The grand total of all these amounts received is \$9,413,641.62.

The total cost of scaling has been \$163,416.74 or 12-3/5 cents per thousand feet, and the total cost of superintending, scaling, rent, and office expenses has been \$398,172.53 or 30 cents per thousand feet. Deducting the amount of this expense due and paid by purchasers as overhead charges, the expense to the Indians is 3.92 per cent of the receipts. The total expense of scaling trespass timber was \$8,788.54. There are probably 40,000,000 to 50,000,000 feet of timber yet to be cut.

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AN APPRECIATIVE CORRESPONDENT.

The Bulletin has been shown copy of a letter addressed to the Gainesville district land office expressing the appreciation of the correspondent with respect to the response which he had received to inquiries made by him. He writes: as follows:

"I sincerely appreciate your very kind attention and assistance in my efforts towards securing some Florida land for homestead purposes. My requests for literature, plats, and various information have been promptly filled, and general treatment has been of very courteous nature, and I appreciate the same far more than this letter expresses. In my first letter I asked for information as to homestead rights of disabled ex-service men of the World War--beyond this--I did not go into details, however, my inquiry secured not only printed matter, but a personal reply in a letter which added a friendly touch, and caused my wife to remark that 'The land office at Gainesville was no doubt

manned by efficient and courteous people.' I am now convinced of the fact, for while looking at land in different sections of Florida I have met other disabled vets who are also trying to secure land for homesteads, and the many kind remarks of theirs are in praise of the employees at the Gainesville head office."

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TIMBER AND LAND EXCHANGE IN YOSEMITE NATIONAL PARK.

Four timber and land exchanges affecting the Yosemite National Park, California, have been consummated, was announced August 18, by the Interior Department.

These exchanges were made with the Yosemite Lumber Company and as a result the total of patented land in Yosemite has been reduced by 9,606.16 acres, or practically one-half. Besides the patented land 241,192 million feet, board measure, of standing timber were acquired through the exchanges. This standing timber of which over 65 per cent is sugar and white pine, is largely along the Wawona Road thus preserving practically intact the timber along the southwestern entrance road.

Prior to 1915 there were 20,566.05 acres of patented land within the established boundaries of the Park, the larger part of which was held by the Yosemite Lumber Company, of California, which also owns large blocks of timber land adjacent and contiguous to the west boundary of the Park.

In exchange for this land and timber the Government has given to the lumber company 275,494 million feet, board measure, of timber of which about 65 per cent is sugar and white pine. The timber given up was so placed as to consolidate the balance of the holdings of the lumber company and permit more economical cutting operations. This feature was an important factor in determining the values of the exchanges and resulted in the Government making more beneficial exchanges from the Park standpoint than otherwise would have been possible if the private holdings had been so grouped that such consolidation had not been a factor.

The timber given up also is so placed along the western edge of the Park where no roads or trails penetrate, that the resultant cutting of privately owned and acquired timber will not spoil the enjoyment of the scenery by visitors as would have been the case had not the timber along the Wawona Road been acquired. In addition to the lands and timber acquired by the Government the lumber company was required to clear about nine miles of fire trail for the protection of the standing timber along the Wawona Road. One hundred and eighty acres of timbered land formerly in private ownership and within the Stanislaus National Forest, but contiguous to the Park, acquired under the exchanges, also becomes a part of the Yosemite Park under the provisions of the Exchange Act.

All of these exchanges were made under authority conferred by the act of Congress of April 9, 1912, as amended by the act of April 16, 1914, which empower the Secretaries of Interior and Agriculture, in their discretion, to obtain and accept for the United States a complete title to any and all patented

lands within the Yosemite National Park by the exchange of timber or timber and lands within the Yosemite Park and the Sierra and Stanislaus National Forests for such lands and the timber thereon within Yosemite for the purpose of eliminating private holdings within the Park and to preserve intact timber along and adjoining the roads in the scenic portions of the Park on patented lands.

STOCK-RAISING HOMESTEADS.

The Secretary of the Interior announces that in the administration of the stock-raising act, which authorizes entries of land chiefly valuable for grazing purposes, that the General Land Office reports that the records of the Land Classification Branch of the Geological Survey show that since the passage of the act December 29, 1916, 105,470 applications for designation have been received, of which number 102,516 have been acted upon with 2,954 pending June 30, 1923; total area designated 113,858,552 acres; total area canceled 872,921 acres; designations outstanding June 30, 1923, 112,935,631 acres.

The number of entries allowed under this act during the present fiscal year is 10,719 which cover an area of 4,257,990.47 acres. Total number of entries allowed under this act since its passage 91,042; acreage embraced in these entries 35,665,982.29 acres.

Patents issued from June 30, 1919, to June 30, 1923:

<u>Year.</u>	<u>Number of Patents.</u>	<u>Area.</u>
1919	21	4,938.00
1920	1,411	376,065.71
1921	4,299	1,249,592.63
1922	8,399	2,919,819.67
1923	7,393	2,590,758.70
Total,	21,523	7,141,174.71

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RECENT DECISIONS OF THE COURTS AND THE DEPARTMENT.

Public Lands--Constitutional Right of Entryman.

Under the Constitution, Article 4, Section 3, Congress is vested with the exclusive right and power to dispose of and make all needful rules and regulations respecting the public domain of the United States, and the right of a homestead entryman to enter and settle on the public domain and acquire ^{title} by compliance with the homestead laws is wholly dependent upon the acts of Congress.

Protection of Homesteader Under Federal Law.

The right of an entryman on public lands under the homestead laws to protection in the free exercise of the rights and privileges secured to him by the Constitution and such laws is guaranteed by Criminal Code Section 19, Compiled Statutes, Section 10183, punishing conspiracy to injure persons in the exercise of civil rights; and whenever the acts complained of are designed to prevent such homesteader from exercising such rights and privileges, or to

throw obstructions in the way of their exercise, or to injure or oppress a person because he has exercised it, such acts are within the statute and the constitutional power to make such statute; the entryman's right being one asserted under the law of the United States and granted by that law.

Nixon et al. v. United States,
(289 Fed. Rep., 177);

Contestant--Preference Right--Relinquishment.

Under the act of May 14, 1880, section 2, as amended by the act of July 26, 1892, giving the contestant of a homestead entry a preference right of entry for thirty days after notice of cancellation of the contested entry, and extending such right to his heirs in case of his death, he has the same right of preference, and his heirs in case of his death, where the contest is terminated by a relinquishment by the contestee.

Wells v. Bodkin et al.,
(289 Fed. Rep., 245).

Public Waters--Irrigation District.

Where surplus water is delivered to a land owner outside of an irrigation district, when the same is not required for lands within such district, such land owner does not acquire a vested right to such waters within the meaning of the constitution of the State or the statutes thereof, and is not entitled to the delivery of such water when the same is required for the irrigation of lands within the district.

Irrigation Districts--Powers and Authority.

Irrigation districts are quasi, public or municipal corporations, and as such have only such powers as are given to them by statutes, or such as are necessarily implied. (Supreme Court of Idaho.)

Yaden, et al. v. Gem Irrigation District.
(216 Pac. Rep., 250.)

School Land--Reclamation--Withdrawal--Restorations--Vested Rights--Arizona.

A reclamation withdrawal existent at the date of the grant made to the State of Arizona by section 24 of the act of June 20, 1910, of certain designated sections of public lands for school purposes. does not defeat the operation of the grant as to lands subsequently restored from the withdrawal, but the right of the State attaches to surveyed lands within the specified sections immediately upon their restoration from the withdrawal, if the State has not selected indemnity therefor.

School Land--Desert Land--Reclamation--Withdrawal--Restoration--Arizona--Vested Rights.

The right of the State of Arizona which attaches to surveyed school lands immediately upon their restoration from a reclamation withdrawal can not be

defeated by the initiation of a desert-land claim subsequently to the date of the restoration.

Departmental Decision Cited and Applied.

Case of State of Washington v. Lynam (45 L.D., 593), cited and applied.

Elizabeth J. Lawrence; decided June 11, 1923,
by First Assistant Secretary Finney.

Contest--Homestead Entry--Abandonment--Military Service.

An affidavit of contest against a homestead entry charging abandonment is insufficient if it fails to negative the fact that the entryman is in the military service of the United States pursuant to an enlistment antedating March 3, 1921, and where it is shown that the homesteader is in such service, no authority exists for making a distinction that the entryman's service is "voluntary."

Contest--Homestead Entry--Residence--Military Service.

A contest against a homestead entry on the ground of failure timely to establish residence is prematurely initiated and should be dismissed where the statutory period of the entry has not expired and it is shown that the entryman is in the military service of the United States pursuant to an enlistment antedating March 3, 1921.

Goshorn v. Rounds; decided June 21, 1923,
by First Assistant Secretary Finney.

Application--Homestead Entry--Final Proof--Military Service--Soldiers and Sailors--Act of March 1, 1921.

The act of March 1, 1921, which amended section 2294, Revised Statutes, by permitting incapacitated discharged soldiers, sailors, and marines of the United States who served during the war with Germany to submit proofs upon homestead entries initiated by them prior to November 11, 1918, outside of the land district or county in which the lands are located, did not contemplate making any relaxation of the previously existing law with reference to the execution of initial applications to make entry.

Joseph L. Maley; decided June 21, 1923,
by First Assistant Secretary Finney.

Public Lands--Settlement--Entry--Occupancy.

Only unoccupied and unimproved lands of the United States are subject to settlement and entry under the homestead laws, and that principle holds true even when the possession of the prior occupant was wrongful as against the United States.

Court and Departmental Decisions Cited and Applied.

Cases of Atherton v. Fowler (96 U.S., 513), Harvey v. Holles (160 Fed. 531), and Aztec Land and Cattle Company v. Tomlinson (35 L.D., 161), cited and applied.

Helphrey et al. v. Coil; decided June 25, 1923,
by First Assistant Secretary Finney.

Mining Claim--Adverse Claim--Diligence--Application--Laches--Patent.

Where a senior locator of a lode mining claim, through lack of diligence or vigilance, or from any other cause, fails timely to file an adverse claim against an application for patent made by a conflicting junior locator, the former will not be permitted to urge as a valid objection to the issuance of a patent to the latter that the only discovery on the claim is that made by the senior locator.

Mining Claim--Evidence.

Assay certificates, purporting to show the mineral values of samples taken from a lode mining claim, when not supported by the testimony of the assayer or properly connected with the samples, are to be treated merely as hearsay evidence and entitled to but slight consideration in the determination of questions relating to discovery.

Court and Departmental Decisions Cited and Applied.

Cases of Lavignino v. Uhlig (198 U.S., 443), Wight v. Dubois (21 Fed., 693), American Consolidated Mining and Milling Company v. DeWitt (26 L.D., 580), and Mutual Mining and Milling Company v. Currency Company (27 L.D., 191), cited and applied.

Langwith v. Nevada Mining Company;
Lemaire v. Nevada Mining Company; decided June
27, 1923, by First Assistant Secretary Finney.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

1078291

PUBLIC LANDS RESTORED TO HOMESTEAD ENTRY AND OTHER DISPOSITION BY
PROCLAMATION, EXECUTIVE OR DEPARTMENTAL ORDER.

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Preference Rights to Ex-Service Men of the War with Germany.

General Method of Opening:

By virtue of Public Resolution No. 29, of February 14, 1920 (41 Stat., 434), as amended by Public Resolutions Nos. 36 and 79, approved January 21 and December 28, 1922, respectively, hereafter and until February 15, 1930, when any surveyed lands within the provisions of the public resolutions are opened or restored to disposition under the authority of the Department, such lands, unless otherwise provided in the order of restoration, shall become subject to appropriation under the laws applicable thereto in the following manner, and not otherwise:

Lands not affected by the preference rights conferred by the acts of August 18, 1894 (28 Stat., 394), or June 11, 1906 (34 Stat., 233), or February 14, 1920 (41 Stat., 407), will be subject to entry by soldiers under the homestead and desert-land laws, where both of said laws are applicable, or under the homestead law only, as the case may be, for a period of 91 days, beginning with the date of the filing of the township plat in the case of surveys or resurveys, and with the date specified in the order of restoration in all other cases, and thereafter to disposition under all of the public land laws, applicable thereto, except where homestead entrymen are granted a prior preference period under the order. For a period of 20 days and for a like period prior to the date or dates such lands become subject to entry by the general public, soldiers in the first instance, and any qualified applicants in the second, may execute and file their applications, and all such applications presented within such 20-day periods, together with those offered at 9 o'clock a.m., standard time, on the dates such lands become subject to appropriation under such applications, shall be treated as filed simultaneously.

Unsurveyed lands are not subject to homestead or desert-land entry. A homestead entry may embrace 160 acres, or an approximation thereof, and where the lands are of the character contemplated by the 320 or 640 acres homestead acts, applications for the unappropriated lands may be filed by qualified persons, under either of said acts; accompanied by proper petitions, if undesignated; for the designation of lands thereunder, and such applications will be suspended pending determination as to the character of such lands.

The following are restorations or openings which will occur in the near future and concerning which further information may be obtained from the local offices:

ARIZONA:

FROM STOCK DRIVEWAY WITHDRAWAL.

One hundred and sixty acres in Yavapai County, Phoenix land district, open to entry under the homestead and desert-land laws by ex-service men of the war with Germany for a period of 91 days, beginning September 13, 1923. Filings may be presented at any time during the 20 days prior to that date. One and after December 12, 1923, any of such land remaining unentered will be subject to appropriation under any public land law applicable thereto by the general public.

The land is released from stock driveway withdrawal and designated under the enlarged-homestead act of February 19, 1909.

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(380)

OPEN TO ENTRY THROUGH RESURVEYS.

Official plats of the resurvey of public lands have been transmitted to surveyors general with instructions to transmit copies thereof to United States land offices for official filing as follows:

Portions of T. 13 S., R. 9 E., and Ts. 15 S., Rs. 9 and 10 E., S.B.M., California, with letter dated August 13, 1923, approximately 38,000 acres; United States land office at El Centro.

T. 47 N., R. 6 W., N.M.P.M., Colorado, with letter dated August 3, 1923, approximately 4,700 acres; United States land office at Montrose.

The dates of filing will be fixed by the registers of these offices and the public lands indicated will be open to entry, and subject to prior valid settlement rights and equitable claims, ex-service men of the World War will be entitled to preference rights to enter these lands under the homestead and desert-land laws for a period of 91 days, beginning with the date of the filing of the plats under Public Resolutions Nos. 36 and 79, dated January 21 and December 28, 1922, respectively. All lands will be open to general disposition on the expiration of the 91-day period. The lands in California are reported as mountainous, rolling and level, covered with greasewood and sage brush; in Colorado the lands are mountainous and rolling with sufficient grass to afford fair grazing.

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(381)

FROM STOCK DRIVEWAY WITHDRAWAL.

NEVADA:

Four thousand two hundred and forty acres in Humboldt County, Carson City land district, open to entry under the homestead and desert-land laws by ex-service men of the war with Germany for a period of 91 days, beginning September 19, 1923. Filings may be presented at any time during the 20 days prior to that date. On and after December 19, 1923, any of such lands remaining unentered will be subject to appropriation under any public land law applicable thereto by the general public.

The land is released from stock driveway withdrawal and designated under the enlarged-homestead act of February 19, 1909.

ARIZONA:

RECONVEYED LANDS OPENED TO ENTRY.

Approximately 25,000 acres situated in Mohave County, Phoenix land district, opened to entry under the homestead and desert-land laws by ex-servicemen of the war with Germany for a period of 91 days, beginning September 24, 1923, subject to valid rights and the preference right of entry of settlers on the land August 24, 1922. On and after December 26, 1923, any of such land remaining unentered will be subject to appropriation under any public land law applicable thereto by the general public.

The land has been reconveyed to the United States by the Santa Fe Pacific Railroad Company, is situated in Ts. 16, 16 $\frac{1}{2}$, and 17 N., R. 13 W., G. & S.R.M., and has been designated under the enlarged-homestead act of February 19, 1909.

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STOCK DRIVEWAY CHANGES.

During the month of August certain of the driveway withdrawals theretofore made in Arizona, New Mexico, Nevada, Montana, and Wyoming have been modified by addition or reduction. The area which has been added through such changes amounts to 5,520 acres, and that which has been released from withdrawal for such purpose, 5,240 acres.

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OIL AND GAS ACTIVITIES.

During the month of August the permit section received 299 new applications and 1,320 old cases for further action. Disposals were made as follows: Permits granted 146; applications finally rejected 151; rejected subject to appeal 182; extensions of time granted 277; rejected 103; permits held for cancellation 26; canceled 23; assignments approved 7; denied 9; departmental decisions promulgated, decisions affirmed, 13; reversed 3; modified 2; preliminary action taken on 458 cases.

Under the relief sections of the leasing act 129 cases received for further action, 1 permit and 2 leases granted; 5 applications finally rejected; 8 rejected subject to appeal; 12 extensions of time were granted and 6 rejected; departmental decisions approved 5; 4 assignments approved and 4 assignments denied.

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Receipts Under the Leasing Act.

The receipts under the mineral-leasing act for the month of July were \$980,404.60, of which \$1,450.20 was from lands within naval petroleum reserves and \$978,954.40 was from lands outside of such reserves.

PITTMAN ACT--ARID LANDS IN NEVADA.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

June 25, 1923.

: Instructions in re final
: proofs under the act of
: October 22, 1919.

Register and Receiver,
Carson City, and Elko, Nevada.

Gentlemen:

When final proofs of actual irrigation and cultivation are submitted pursuant to the regulations under the act of October 22, 1919, commonly known as the Pittman Act (Circular No. 666), a field investigation will be made in each case as early as practicable.

You will accordingly instruct all proof-taking officers in your district to furnish a duplicate copy of the final proof testimony in each case. The duplicate copy should be forwarded promptly to the Chief of Field Division at San Francisco, and the original sent to this office with your regular returns as in desert-land cases.

Very respectfully,

GEO. R. WICKHAM,

Acting Commissioner.

Approved: August 6, 1923,

E. C. FINNEY,

Acting Secretary.

Circular No. 903.
DEPARTMENT OF THE INTERIOR

General Land Office

Washington

August 29, 1923.

: Hours of Labor;
: Leaves of Absence.

To All Field Officers

of the General Land Office.

Gentlemen:

My attention has been directed to the non-observance of existing regulations governing hours of labor and leaves of absence.

You are therefore instructed that, Sundays and days declared legal holidays by law or executive order excepted, all field offices are to be uniformly opened for official business at 9:00 o'clock a.m., and remain open continuously until 4:30 o'clock p.m., standard time; and that employees will be permitted one-half hour for lunch between the hours of 12:00 m., and 1:00 p.m.

On Saturdays, from June 15 to September 15, field offices must remain open continuously from 9:00 a.m., until 1:00 p.m., and no luncheon period is allowable.

No variation from these hours will be permitted without special authority from this office, upon such representations as may be made in specific cases; but in no event will a modification be made which will reduce the hours of labor of any employee below the seven hours required by law.

All employees of your office, before absenting themselves from duty, must furnish for your approval and signature application for leave of absence on Form 1-034. Upon return to duty this card must be filled out in all particulars, signed by you, and forwarded to this office for approval of the Chief Clerk and filing for record purposes.

In order to assure that no disbursing officer will pay salaries for any periods of leave in excess of the thirty days annual, and thirty days sick, all offices should keep an accurate record of all leaves of absence of employees, which record shall be subject to inspection, and may be called for at any time by this office with your certification. Any disbursing officer paying an employee for any period of absence not covered by proper grant will be held responsible.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Circular No. 902.
DEPARTMENT OF THE INTERIOR

General Land Office

Washington

August 27, 1923.

Registers and Receivers,
United States Land Offices.

Gentlemen:

It is noted that applications for repayments are occasionally rejected in some of the local land offices. This action is unwarranted. Attention is directed to paragraphs 55 to 57, inclusive, Circular No. 513. Those paragraphs contemplate all the action that is to be taken by registers and receivers.

When action is taken by this office on an application for repayment, it is noted that some registers and receivers notify claimants by registered mail. They should be notified by ordinary mail unless otherwise directed. If no action is taken pursuant to decisions of this office calling for evidence or denying the application for repayment, notice to this office to that effect is unnecessary.

Very respectfully,

GEO. R. WICKHAM,

Acting Commissioner.

CASH BONUS FOR COAL LEASE.

One of the largest cash bonuses ever received by the Government for the lease of a tract of public coal land was paid at the recent public auction at Montgomery, Alabama, by the Department of the Interior.

The amount offered and accepted for 1,840 acres of Government coal land was \$85,000. Moss and McCormick, coal operators of Birmingham, Alabama, made the bid at the public auction, the highest figure that was offered.

The tract is located in Fayette County near Carbon Hill, Alabama. It is estimated to contain 7,000,000 tons of high grade bituminous coal. In addition to the \$85,000 bonus the successful bidder must expend \$75,000 for improvements on the property within three years and must guarantee the Government a royalty of 10 cents per ton annually on a minimum production of 20,000 tons of coal.

The Department of the Interior previously disposed of the surface rights of practically all the 1,840 acres of land to homesteaders having reserved the coal deposits and the right to mine them, to the Government. Many coal operators of southern States appeared at the public auction at Montgomery and there was lively and spirited bidding to obtain the lease on the public coal lands offered.

VACANT UNAPPROPRIATED UNRESERVED PUBLIC LANDS, JUNE 30, 1923.

STATES.	Area in Acres.		
	Surveyed.	Unsurveyed.	Total.
Alabama	37,100	-----	37,100
Arizona	5,008,100	9,943,760	14,951,860
Arkansas	275,026	-----	275,026
California	14,567,002	3,524,185	18,091,187
Colorado	6,131,339	1,621,790.82	7,753,129
Florida	85,898	1,160	87,058
Idaho	7,725,402	2,315,510	10,040,912.19
Kansas	2,842	-----	2,842
Louisiana	9,084	-----	9,084
Michigan	97,851	-----	97,851
Minnesota	278,352	-----	278,352
Mississippi	19,216	-----	19,216
Montana	5,061,278	846,878	5,908,156
Nebraska	29,685	-----	29,685
Nevada	31,345,178	21,745,467	52,690,645
New Mexico	14,030,164	2,461,400	16,491,564
North Dakota	112,936	-----	112,936
Oklahoma	36,940	-----	36,940
Oregon	13,505,916	171,667	13,677,583
South Dakota	163,624	29,399	193,023
Utah	13,440,544	11,801,794	25,242,338
Washington	962,792	221,766	1,188,558
Wisconsin	5,014	-----	5,014
Wyoming	15,975,047	1,742,136	18,717,183
GRAND TOTAL,	129,906,330	56,026,912	185,933,242

Circular No. 837, "Vacant Public Lands," can be had on application to the Commissioner of the General Land Office showing vacant lands by States, land districts, and counties.

CONSOLIDATED WORK REPORT OF LOCAL LAND OFFICES
FOR THE MONTH OF JULY, 1923.

OFFICES.	: End Last Month. :		: Received : and :		: Disposed of. :		: End of this Month. :	
	:Pend- ing :desig- :nation:	:Sus- -ed re- :jected :other- :wise.	:Pend- -ing :un- :acted :on by :R. & R.:	:Rec'd :in :this :month.	:Trans- -mitted :to GLO :this :month.	:Now :pend- :ing :desig- :na- :tion.	:Now :sus- -pend- :ed re- :jected :other- :wise.	:Pend- -ing :un- :acted :on by :R. & R.
Alabama	:	:	:	:	:	:	:	:
Montgomery	:	:	17	:	28	27	:	18
Arizona	:	:	:	:	:	:	:	:
Phoenix	:	252	184	:	210	231	240	175
Arkansas	:	:	:	:	:	:	:	:
Harrison	:	:	32	:	46	49	:	29
Little Rock	:	:	170	:	167	60	:	277
California	:	:	:	:	:	:	:	:
El Centro	:	9	33	:	24	20	10	36
Eureka	:	46	:	:	8	7	46	1
Independence	:	40	125	:	39	47	42	115
Los Angeles	:	57	135	:	153	132	62	151
Sacramento	:	89	76	:	68	87	80	66
San Francisco	:	136	40	:	89	86	130	49
Susenville	:	22	26	:	26	26	24	24
Visalia	:	17	49	:	29	41	17	37
Colorado	:	:	:	:	:	:	:	:
Del Norte	:	40	16	:	24	31	35	14
Denver	:	122	36	:	67	55	:	43
Durango	:	69	40	:	63	68	61	43
Glenwood Springs	:	370	228	:	232	189	397	244
Lamar	:	57	22	:	97	103	42	31
Leadville	:	12	32	:	30	37	10	27
Montrose	:	89	73	:	77	61	95	83
Pueblo	:	208	166	:	135	164	193	152
Sterling	:	21	13	:	12	12	24	10
Florida	:	:	:	:	:	:	:	:
Gainesville	:	:	26	16	87	86	:	33
Idaho	:	:	:	:	:	:	:	:
Blackfoot	:	107	108	23	105	140	102	93
Boise	:	68	100	:	67	60	73	102
Coeur d'Alene	:	1	25	:	9	8	:	27
Hailey	:	39	77	:	68	79	47	58
Lewiston	:	9	21	:	12	17	9	16
Kansas	:	:	:	:	:	:	:	:
Topeka	:	41	15	:	16	16	36	20
Louisiana	:	:	:	:	:	:	:	:
Baton Rouge	:	:	12	:	15	11	:	16

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Michigan	:	:	:	:	:	:	:	:	:
Marquette	:	1 :	10 :	:	21 :	23 :	1 :	8 :	:
Minnesota	:	:	:	:	:	:	:	:	:
Cass Lake	:	:	3 :	:	26 :	27 :	:	2 :	:
Crookston	:	9 :	:	:	18 :	20 :	:	7 :	:
Duluth	:	:	35 :	:	64 :	66 :	:	33 :	:
Mississippi	:	:	:	:	:	:	:	:	:
Jackson	:	:	13 :	:	18 :	20 :	:	11 :	:
Montana	:	:	:	:	:	:	:	:	:
Billings	:	34 :	168 :	:	15 :	16 :	35 :	166 :	:
Bozeman	:	66 :	69 :	:	59 :	59 :	62 :	73 :	:
Glasgow	:	166 :	88 :	:	129 :	188 :	120 :	75 :	:
Great Falls	:	24 :	52 :	:	50 :	67 :	27 :	32 :	:
Havre	:	55 :	76 :	:	111 :	119 :	53 :	70 :	:
Helena	:	178 :	96 :	:	73 :	81 :	183 :	83 :	:
Kalispell	:	2 :	6 :	1 :	8 :	11 :	2 :	3 :	1
Lewistown	:	203 :	62 :	:	93 :	111 :	193 :	54 :	:
Miles City	:	264 :	167 :	:	262 :	275 :	185 :	233 :	:
Missoula	:	18 :	21 :	:	17 :	28 :	18 :	10 :	:
Nebraska	:	:	:	:	:	:	:	:	:
Alliance	:	19 :	1 :	:	14 :	11 :	21 :	2 :	:
Lincoln	:	17 :	6 :	:	24 :	21 :	18 :	8 :	:
Nevada	:	:	:	:	:	:	:	:	:
Carson City	:	30 :	111 :	:	53 :	36 :	32 :	126 :	:
Elko	:	29 :	42 :	:	17 :	24 :	31 :	33 :	:
New Mexico	:	:	:	:	:	:	:	:	:
Clayton	:	96 :	50 :	:	68 :	68 :	89 :	57 :	:
Ft. Sumner	:	62 :	34 :	:	121 :	90 :	62 :	36 :	29
Las Cruces	:	65 :	125 :	:	113 :	107 :	64 :	132 :	:
Roswell	:	111 :	81 :	:	200 :	208 :	117 :	67 :	:
Santa Fe	:	119 :	157 :	:	195 :	167 :	129 :	175 :	:
North Dakota	:	:	:	:	:	:	:	:	:
Bismarck	:	21 :	35 :	:	47 :	42 :	23 :	38 :	:
Dickinson	:	14 :	13 :	:	30 :	36 :	15 :	6 :	:
Oklahoma	:	:	:	:	:	:	:	:	:
Guthrie	:	53 :	26 :	:	70 :	69 :	55 :	25 :	:
Oregon	:	:	:	:	:	:	:	:	:
Burns	:	19 :	20 :	:	36 :	31 :	25 :	19 :	:
La Grande	:	62 :	128 :	:	78 :	65 :	60 :	143 :	:
Lekeview	:	51 :	61 :	:	19 :	18 :	45 :	68 :	:
Portland	:	:	27 :	:	44 :	61 :	:	10 :	:
Roseburg	:	:	153 :	:	107 :	134 :	:	126 :	:
The Dalles	:	160 :	35 :	:	63 :	54 :	176 :	28 :	:
Vale	:	25 :	64 :	:	41 :	41 :	27 :	62 :	:
South Dakota	:	:	:	:	:	:	:	:	:
Bellefourche	:	6 :	14 :	:	65 :	67 :	3 :	15 :	:
Pierre	:	73 :	44 :	:	186 :	230 :	42 :	36 :	:
Rapid City	:	45 :	68 :	:	85 :	122 :	35 :	41 :	:
Utah	:	:	:	:	:	:	:	:	:
Salt Lake City	:	254 :	191 :	:	246 :	208 :	264 :	219 :	:
Vernal	:	24 :	43 :	:	23 :	43 :	22 :	25 :	:

Washington	:	:	:	:	:	:	:	:	:
Seattle	:	:	10	:	34	:	10	:	34
Spokane	:	22	:	22	:	28	:	26	26
Vancouver	:	1	:	5	:	5	:	6	1
Walla Walla	:	15	:	9	:	7	:	12	15
Waterville	:	22	:	34	:	27	:	27	30
Yakima	:	21	:	13	:	5	:	3	27
Wisconsin	:	:	:	:	:	:	:	:	:
Wausau	:	:	:	:	:	9	:	7	:
Wyoming	:	:	:	:	:	:	:	:	:
Buffalo	:	98	:	58	:	147	:	127	103
Cheyenne	:	153	:	160	:	235	:	199	176
Douglas	:	55	:	153	:	24	:	237	253
Evanston	:	47	:	161	:	54	:	97	45
Lander	:	72	:	77	:	83	:	116	76
Newcastle	:	132	:	119	:	187	:	196	129
<hr/>									
TOTAL,	:	4,939	:	5,113	:	69	:	5,968	6,117
	:		:		:		:	4,673	5,120
	:		:		:		:		179

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FIELD SERVICE ITEMS.

Mr. Herbert V. Betts, Hearings Officer in the Cheyenne, Wyoming, land district, has resigned to take up the practice of law.

Miss Felice Cohn, Hearings Officer in the Denver Field Division, who has been on extended leave, has resigned from the service.

Miss Laurane Eray, a former clerk in the General Land Office, has been given a temporary appointment of three months as stenographer in the San Francisco Field Division.

Mr. P. R. Hallam, chief clerk of the United States district land office at Baton Rouge, Louisiana, who is spending his vacation at Washington, reports business quite active in the Baton Rouge office.

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LEGAL HONORS FOR THE GENERAL LAND OFFICE.

Sheldon D. Carey of the Mineral Division, A. R. Zack and J. J. Malloy of the Oil and Gas Section, and Thomas C. Havell, of the Surveying Division, have just been notified that they were successful in their recent examinations for admission to the Bar of the Supreme Court of the District of Columbia.

RETIREMENT OF MR. T. W. AKIN.

The Bulletin, with regret, notes the retirement from the service of Mr. T. W. Akin, which occurred August 9, 1923. Entering the General Land Office in 1893, his work from the first has been addressed to the legal features attendant upon the administration of the public-land laws. Of late years, he has been chiefly engaged in the preparation of cases with a view to their presentation to the courts, where rights of the United States were involved; a field of work in which his service has been always held in high esteem. Somewhat strict in the construction of the statutes, he was fully versed in the law and the decisions of the courts, and at all times watchful of the interests of the Government.

On his retirement, Mr. Akin was the recipient of a beautifully engrossed testimonial signed by his immediate associates and friends in the office.

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PRESIDENTIAL APPOINTMENT.

Iannes L. Ferrall, of Williams, Arizona, appointed Receiver of Public Moneys at Phoenix, Arizona, vice Scott White, term expired. Recess appointment; commission dated August 13, 1923.

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CLERKS DESIGNATED AS ACTING REGISTERS UNDER ACT OF OCTOBER 28, 1921:

Hugh T. Kinne, Waterville, Washington, August 18, 1923.
Justin L. Pool, Billings, Montana, August 18, 1923.
Miss Laura W. Murchie, Vernal, Utah, August 18, 1923.

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TELL THE BULLETIN.

To all Local Offices and Field Service Employees:

If anything occurs, in the public land service, which you think is of administrative value, tell us about it. Address all communications to the Commissioner of the General Land Office, "Land Service Bulletin." All information should be received not later than the 24th of each month for use in the current number.

**LAND SERVICE
BULLETIN
DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE**

By direction of the Secretary of the Interior the matter contained herein is published as administrative information, and is required for the proper transaction of public business.

Vol. 7.

October 1, 1923.

No. 8.

SHOULD EX-SERVICE MEN ATTEMPT TO HOMESTEAD PUBLIC LANDS?

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Secretary of the Interior explains hardships that must be encountered and capital that is necessary for war veterans to pioneer homes and farms on what remains of the public domain.

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(By Secretary of the Interior Work.)

Should veterans of the World War take advantage of the numerous offers made to them by the Federal Government to homestead public lands in the West?

Intermittently the Department of the Interior having supervision over the nation's public domain announces opening of public land to the ex-service men. Most of these land openings are tracts in the far Western States.

Is it profitable for a war veteran to avail himself of these opportunities? Will the homestead of which he ultimately becomes the owner after moving his family and undergoing the hardship of pioneer-farming compensate him for his expense and his labor? Is the value of the public lands being thrown open to the ex-service men worth homesteading?

No Government in the history of the world has been as generous in the distribution of its national territory to its citizens as the United States. The result has been that the size of the public domain has been reduced from 1,442,200,328 acres in the beginning to 185,933,242 acres, the decrease during the past

ten years being approximately at the rate of 10,000,000 acres a year.

It is from this remaining 185,933,242 acres of the public domain that the Government at the present is throwing open from time to time large and small parcels of land with the preference right of entry to the ex-service men of the World War. What sort of land is it? The question answers itself. It is what is left after a century of picking over by veterans of other wars and by hundreds of thousands of the early pioneers who went West to build future homes and future fortunes. Some of it is semi-arid or arid requiring irrigation. Some of it may be partially timbered, or located on mountain slopes with scrubby growths of timber, other tracts consist of stony and sandy soil making agricultural development a difficult and expensive undertaking. While portions of it may be developed into productive farms without unusual effort, the larger areas, in their present condition, are better adapted to grazing than to ordinary farm culture. The question has been propounded that if the remaining lands are of this character why does the Department of the Interior continue to announce tracts open to entry. The answer is that the laws of Congress specifically provide that our public lands must be opened to entry after survey, or on restoration from withdrawals. But in order that the ex-service men may have the first choice of our remaining public lands, as they are opened to entry, Congress has also given the veteran a preference right of entry for 90 days as against every one except claimants under prior equities. It is true that the public lands we have left are not very desirable, but it is also true that the ex-soldier is given the best we have.

There appears to be no little misapprehension among ex-service men as to the procedure that must be followed in order to homestead a tract of Government land. Some veterans are apparently of the opinion that all they have to do is to file an application for a tract, fill in a blank, signing their names, and then wait a couple of years and become the owner of the property. They are under

the impression that no capital is required. But this conception of the conditions is a mistake. The ex-service man must pay his railroad fare to the local land office in the particular western State where the public land is located that he wishes to homestead, for no provision has been made by law for the assistance of the soldier in reaching his land. He must then decide whether he intends to make entry of a grazing homestead comprising 640 acres, or an enlarged homestead composed of 320 acres, or an agricultural homestead which includes only 160 acres. Upon making a choice of one of the three classes of homesteads he must next go over the plats at the local land office and ascertain what lands are open to entry, and then ascertain by personal inspection whether any of these vacant tracts are desirable or suitable for his purpose, or whether they may not be already occupied by some settler who has not yet filed his claim, all of which requires a personal visit to the land before an entry can be made. This necessity for a personal inspection of the land is apparent when it is remembered that the applicant at the time of entry must make oath as to the character of the land, and to the fact that it is then unoccupied. Having seen the tract and being satisfied with it, the next step for the ex-service man is to return to the local land office and file an application to enter the land. There are fees and commissions which he must pay the Government in this connection, one amounting to \$10, and the other varying from \$6 to \$24.

The entry having been made, the war veteran must make certain improvements that will cost him sums ranging from \$200 to \$800, besides building a home, the cost of which will vary in price in accordance with the standard of living he sets for himself and family. On a grazing homestead comprising 640 acres, he must make improvements to the amount of \$1.25 per acre, or a total of \$800 within five years. Enlarged homestead entries, or entries of 160 acres, require on final proof a showing of cultivation, and the erection of a habitable house. There are

other requirements that must be fulfilled before the veteran obtains complete ownership and is given a patent to the land. He must actually live upon it for seven months out of the year for a period of three years, with credit for military service. He must establish residence within the time, and during at least the first year of his entry reside on the land, and otherwise comply with the law in the manner required of other persons; but may at any time after the first year of his entry submit his proof, when he can show that the period of his compliance with the law after establishing residence and his military service, equal 36 months; the maximum credit for military service being two years.

Of course, none of the difficulties attendant upon securing a homestead under present conditions is insurmountable, but it is to the interest of the veteran that he should know practically, what price he will have to pay in labor and money for his homestead, and what it may be worth to him when secured. So far as the forest lands are concerned they present no difficulties not encountered by the settlers of the eastern and middle States, under pioneer conditions of danger and privations that do not exist in any part of our country now, and as to arid and semi-arid lands, the Reclamation Service, the desert land laws, and the Carey Act go far towards reducing them to conditions of possible use. But it must be remembered that we have no longer in our public domain any fertile prairie lands open to entry; that the homestead of today offers no speculative inducement to the settler, and that he is confronted with adverse conditions at the outset; but there is no reason why, with equal thrift and industry, a large portion of these western lands will not ultimately make as good a return as similar lands did in New York, Pennsylvania, and Ohio.

From the foregoing it will be seen that the law offers an equal opportunity to all veterans, but those who do not reside in the public land States must realize, as a practical question, that their comrades living in the vicinity

of the lands open, or to be opened, possess a very great advantage--knowledge of the climate, the character of the lands, the condition of the roads, the location of streams, and accessibility of markets--and that there are few localities in which there are not now a sufficient number of qualified veterans to appropriate the most desirable areas.

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ALASKA IN NINETEEN TWENTY THREE.

(Continued from the September Bulletin.)

There appear to be no real poor people in Alaska; every one enjoying comfortable homes; and opportunities for employment are found everywhere; in fact, during the fishing season many laborers are brought in from the States in order to supply the demand, and they command good wages. The people there are just like the people you find anywhere else, and, although the country may be sparsely settled, those of the citizens you are privileged to meet are no different to those you have left at home, and at their social gatherings and public receptions one can see no difference as between them and those one may meet at some gathering either at the New Willard Hotel or any other public place. The impression is constantly kept before you that we are all Americans whether we meet each other in Juneau, Washington, New Orleans, or San Francisco. They are firmly convinced also that they have the coming country for everybody is boasting for Alaska and the information is frequently volunteered by the "oldtimer" of from fifteen to twenty years' experience in that country that Alaska is the easiest place in the world to make a living. It is that confidence which has enabled those who have carried on to win, in fact it is the pioneer spirit that has always served as a guiding star to the men and women of the frontier constantly beckoning and encouraging them to put forth their best efforts until finally they come into their reward.

There is nothing the matter with Alaska. The good people of that Territory have all the brain and brawn necessary to work out their own destiny. All they are asking is the same cooperation on the part of the Federal Government now being enjoyed by the various States; they are not begging in any sense of the word, for they realize that beggars only become mendicants in time, and in a pioneer country there has never been any room for the drone. They not only believe in their country, they believe in themselves; they believe firmly they have the ability to subdue and overcome whatever difficulties they may have to surmount either by way of climate or isolation. Necessity with them, as with all pioneer people, becomes the inspiration of invention and they have been taking care of themselves for years past; they are building cities and roads and school houses, they are cultivating the soil, and as fast as circumstances will permit of the development, they are availing themselves of their natural resources and year by year the word is going out that Alaska is a land of promise.

The number of people touring that country is increasing every year and as they leave they are enthusiastic in sounding the praises of Alaska and its opportunities, and particularly of its marvelous and inspiring scenery. The word is being told and each year is increasing in its effectiveness, and there is no question whatever but that Alaska is coming into its own. The future State will not be built this year or next, or perhaps for some years to come, but be assured the

foundations are being laid for it today by determined, industrious men and women who are there, not for the purpose of bringing away what they may succeed in finding, but with a firm determination to stay with the game of empire building and work out for themselves a temporal salvation.

SURVEY NOTES.

Commissioner in Camp. The last monthly Service letter issued by the Assistant Supervisor of Surveys for District No. 4 (New Mexico) contains among other interesting items the news that on August 19, 1923, our Commissioner, in company with the Chief of Field Service, the U.S. Surveyor General for New Mexico, and the Assistant Supervisor of Surveys made a visit to the survey camp of Mr. Carl L. Siebecker, U. S. Surveyor, established near Pecos, in connection with the resurvey of T. 17 N., R. 12 E., N.M.P.M., Group 117, New Mexico. The calendar tells us that the visit took place on Sunday, but the surveying service welcomes a visit from the Commissioner at any time, and it is hoped that other camps may be so favored in the future.

Texas-Oklahoma Boundary Survey. Mr. A. D. Kidder, Associate Supervisor of Surveys, who has been engaged in the survey of the Texas-Oklahoma boundary along Red River, in the capacity of Commissioner appointed by the Supreme Court of the United States, has returned to Washington to prepare the field notes and maps of the first unit of the boundary survey. This unit includes the boundary through the portion of the Red River oil field where extensive development has been made. In order to expedite the filing of the report of the boundary survey, Mr. Kidder is being assisted by Mr. Robert W. Livingston, U.S. Cadastral Engineer, who also assisted Mr. Kidder in the field.

Injury to Field Assistant. The following account from a letter of Fred Mensch, U.S. Cadastral Engineer, reports a peculiar accident to his first assistant, George Norman:

"On the morning of August 27, with First Assistant Norman, Harold Horn, second assistant, and Dean Wilkinson, axman, I went to the corner of Secs. 18 and 19, T. 30 S., R. 1 E., on the Willamette Meridian, to retrace the meridian north from that point.

"On arrival at the corner we were engaged in the slight preliminary tasks customary and Norman and Horn sat down on the ground and began to sharpen their pencils.

"Without any apparent cause and hardly any warning sound, a small fire-killed soft maple tree, rotted off at the root, fell over. This tree was about a foot in diameter at the root and perhaps 50 feet high.

"As near as could be determined, myself, Norman and Horn were under the fallen tree, but I was on my feet and saw it in time, barely to get from under. Horn, also sitting down, was also in a position to save himself by rolling to his feet. Wilkinson, the only one out of danger, called a warning to Norman which there was no time for him to even comprehend. Norman it appears, did not see the tree falling. He was struck by the main stem, near the top, perhaps four inches in diameter at that point.

He was struck on the head, not squarely--over the right eye and along the right temple and cheek bone. He was unconscious for about ten minutes during which time the rest of us applied such first-aid treatment that we could. After regaining consciousness, he remained apparently in a partially dazed condition for several hours, though able to answer questions rationally. Late in the afternoon, with some steadying and assistance, and proceeding by slow and easy stages, he was able to walk into camp about two miles. It so happened that W. E. Norman, his nephew, brought in a party of hunters that day, which provided an opportunity for him to go out, and the next day being somewhat stronger, he was able, resting occasionally, to ride to W. E. Norman's place, some fifteen miles from the camp. The next day he rode to Drew Postoffice, about two miles and from that point by car to his home at Tiller."

Conference on O. and C. Lands. Mr. E. P. Rands, Assistant Supervisor of Surveys, for District No. 8 (Oregon) has been called to the General Land Office in conference on matters affecting timber sales and the exchange of lands in the Oregon and California Railroad grant. While at the home office Mr. Rands will take up with the survey division other matters affecting the conduct of the public land surveys in Oregon.

The survey of the indemnity lands included in the grant to the O. and C. Railroad Company within the boundaries of the National Forests was commenced during the season of 1922. Only a few field parties were assigned to this work during that season. At the beginning of the present season the entire field force detailed to Oregon were assigned to the work of surveying these indemnity lands. To date 18 full and fractional townships have been completed in the field and 5 others are now in process of survey and it is expected they will be completed before the weather makes it necessary to disband for the winter. This will leave 21 townships to be surveyed in 1924.

It is believed that with the same force assigned to the work as this year all of the indemnity lands will have been surveyed by the close of the next surveying season.

Field Notes. While there are no records available to substantiate it, the claim is made that the field notes of the survey of T. 20 N., R. 10 E., N.M.P.M., New Mexico, which have just been filed with the U. S. Surveyor General, constitute the largest book of such notes on file. It is made up of 562 pages and records in addition to the running of the regular exterior and subdivisional lines, the segregation of 178 small holding claims. The field notes were prepared by Charles W. Devendorf, U.S. Cadastral Engineer.

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FIELD SERVICE NOTES.

Assistant Chief of Division J. D. Yelverton, of Denver, is busy temporarily in the General Land Office clearing up important matters connected with Colorado field work.

Chief of Field Division George A. Parks, Anchorage, Alaska, is about to lose his clerk and disbursing agent, W. B. Heisel, by transfer to the Customs Service at Juneau, and wants a good, live man to take his place. The duties of the office require stenographic ability and a knowledge of accounting, as whoever takes the position will act as disbursing agent. He will also be given a detail that the chief may use him in the field when necessary. The position carries a first-class salary, with a per diem while in the field. If anyone connected with the Field Service desires a detail to Alaska in this comfortable berth, he should advise the Chief of Field Service at once.

Indictments were returned during September by the Grand Jury at Seattle against the following individuals: L.E. Bigelow, C.J. Rasmussen, Lester W. Thayer, M.J. Gallagher, G.M. Dollinger, F.A. Woodrick, H. Benton and Lester Basch, for violation of Sec. 215 of the penal code, using the mails to defraud. All parties have been arrested and are now out under bond. It is alleged the parties named have been engaged in the selling of worthless oil stock on a large scale in western Washington.

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SUMMARY OF ACCOMPLISHMENTS IN THE GENERAL LAND OFFICE FOR THE FISCAL YEARS

1921 AND 1922.

The Commissioner of the General Land Office, under the supervision of the Secretary of the Interior, is charged with all duties relative to the survey, and disposition of the public lands, as well as issuing patents for all grants of such lands. A brief summary of the work accomplished in the General Land Office during the last two fiscal years will give some idea of the public service rendered by this bureau, though of course it should be understood that only an outline of the work can be given in a paper of this character.

Public Land Surveys.

Year by year the difficulties encountered in the extension of the public land surveys increase, due to the detached position, the limited extent, and topographic character of the areas left for survey; but during the last two fiscal years there were approved and accepted surveys and resurveys of the public lands to the extent of 13,331,304 acres, an area in excess of that included in the three States of Vermont, New Jersey, and Delaware.

Patents Issued for Public Lands.

During these two fiscal years, 110,330 patents were issued under the several public land laws authorizing such action, embracing in the aggregate 23,022,630 acres, an area exceeding that included in the four States, Maryland, Massachusetts, New Hampshire, and Connecticut. Of this area 12,962,064 acres were patented under the homestead law, 4,169,411 acres as stock-raising homesteads, 338,792 acres as forest homesteads, 84,274 acres as reclamation homesteads, and 215,701 acres of commuted homesteads, all of which may be said to have entered into home-building uses for our citizens.

The arrearage in the homestead work existing under the prior administration, that often delayed the issuance of patent for two years after the submission of final proof, was extinguished, the patent now issuing in 30 to 90 days.

In addition to these patents under some form of the homestead laws, there was also included in the general aggregate, 570,750 acres of desert-land entries, 92,948 acres of desert lands reclaimed under the Carey Act; 776,478 acres in Indian patents, and 103,917 acres in forest lieu selections, an acreage which for the most part represents a permanent investment in the several communities represented.

Still other patents and conveyances are included in the general summary as follows:

Patented under the swamp land grant, 10,760 acres; total amount conveyed to the fifteen States receiving a grant of swamp lands, 63,931,169 acres, to June 30, 1922.

Certified to the States entitled thereto, 1,553,088 acres of indemnity school lands, and 267,042 acres granted to States for other purposes.

Conveyed to States under cooperative agreements, 42,932 acres; total amount conveyed under these agreements to the end of the fiscal year 1922, 281,863 acres.

Allowed entries under the Minnesota drainage act, for 94,680 acres, making a total of 1,002,240 acres patented under said act since its passage in 1908.

Approved for patent, selections in lieu of lands in Indian reservations aggregating 463,044 acres.

Cash Receipts and Expenditures of the General Land Office for the Period July 1, 1920, to June 30, 1922.

The total cash receipts from sales, leases, and other disposition of public lands (including receipts for copies of records, sales of Government property, etc.), for the fiscal years 1921 and 1922, were \$19,299,973.52; from sales of Indian lands, \$1,449,083.84; and from leases of naval petroleum lands, \$5,545,835.72, an aggregate of \$26,292,893.08, all of which was deposited in the Treasury.

Five per cent of the net receipts from cash sales of public lands are paid to the public land States within which such sales were made, and the balance of such net receipts from the States included within the reclamation act, together with the net receipts from fees and commissions from the same States, are paid into the reclamation fund; 90 per cent of the receipts under the mineral leasing act from lands outside of naval petroleum reserves are divided between the States from which the minerals (principally oil), were taken and the reclamation fund; the receipts from sales of reclamation townsites, sales of lands in the Yuma auxiliary reclamation project, and royalties and rentals from potash deposits are deposited directly into the reclamation fund; the receipts from sales of Indian lands are deposited to the credit of the various Indian tribes.

All other moneys received were covered into the Treasury to the credit of the General fund. The following table shows the disposition of these moneys:

Source of receipts.	Disposition in Treasury.			
	General fund.	Reclamation fund.	State fund.	Total.
Sales of public lands..	\$ 361,961.94:	\$1,991,205.94:	\$ 100,082.43:	\$2,453,250.31
Fees and commissions...	613,757.26:	2,226,981.19:		2,840,738.45
Receipts under mineral:				
leasing act.....	1,298,160.97:	7,856,243.48:	3,827,205.31:	12,981,609.76
Receipts under mineral:				
leasing act, naval				
petroleum reserves...	5,543,835.72:			5,543,835.72
Sales of land and				
timber in Ore. & Cal.:				
R.R. grant.....	678,310.01:			678,310.01
Sales of timber, Coos :				
Bay Wagon-road lands.:	23,146.20:			23,146.20
Sales of reclamation				
town sites.....		54,889.30:		54,889.30
Sales of town lots,				
Alaska.....	48,540.93:			48,540.93
Sales of timber,				
Alaska.....	12,479.81:			12,479.81
Royalties on coal				
leases, Alaska.....	5,309.32:			5,309.32
Sales of lands in Yuma :				
Auxiliary reclamation:				
project.....		17,672.81:		17,672.81
Royalties and rentals :				
potash deposits.....		7,378.63:		7,378.63
Depredations on public :				
lands.....	65,709.01:			65,709.01
Power permits.....	24,224.47:			24,224.47
Coal leases.....	13,105.49:			13,105.49
Sales of fire-killed				
timber.....	830.84:			830.84
Reclamation water-				
right charges.....		135.50:		135.50
Miscellaneous receipts.:	72,642.68:			72,642.68
Total.....	3,762,014.65:	12,154,506.85:	3,927,287.74:	24,843,809.24
Sales of Indian lands.:				1,149,083.84
Aggregate.....				26,292,893.08

It is to be noted from the above table that after deposits of receipts for the benefit of special purposes, reclamation fund, State fund, and Indian trust funds, there remains a balance of \$8,762,014.65 to the credit of the general fund to be appropriated by Congress. As the total expenditure for the conduct of the business of the General Land Office, including the expenses of district land offices for salaries and commissions of registers and receivers

and incidental expenses (\$1,677,717.47), for the two fiscal years, 1921 and 1922, amounted to \$6,349,192.91, it will be seen that the cost of operation of the General Land Office was \$2,412,821.74 less than the amount credited from its receipts to the general fund.

Disbursements from the following special deposit trust funds and reimbursable appropriations are not included in the above figures as receipts or expenditures: From deposits by individuals for surveying public lands, \$136,832.63; from completing surveys within railroad land grants, \$61,777.18; from opening Indian reservations (reimbursable), \$4,602.00; from deposits by individuals for resurveys, \$1,509.41; from surveying and allotting Indian reservations (reimbursable), \$46,457.71; and from Indian moneys, proceeds of labor, surveying, etc. (Crow act of June 4, 1920), \$18,145.86.

Patents, Permits, and Leases
Issued under Mining and Mineral Leasing Laws
During the Fiscal Years 1921 and 1922.

In this period 1,055 patents embracing 90,568 acres were issued under the mining laws authorizing such action, in case of discovery and development of valuable mineral deposits.

Three leases were issued for coal mining in Alaska under the act of October 20, 1914, embracing 4,520 acres.

Under the act of October 2, 1917, 111 potash prospecting permits were issued, 12 patents granted, and one lease for 2,200 acres allowed.

Under the provisions of the mineral leasing law of February 25, 1920, 8,241 oil and gas prospecting permits were awarded under sections 13 and 20 of the act; under the relief provisions of said act, 244 leases for 35,182 acres, and 286 prospecting permits for 213,071 acres were granted; and 23 oil and gas leases for 7,280 acres based on discovery, were allowed under section 14 of the leasing act, while 603 oil and gas prospecting permits under the same act, were allowed in Alaska.

Coal prospecting permits under the leasing act were awarded 276 applicants, covering in the aggregate 293,795 acres, while 28 leases under said act were granted embracing 15,528 acres.

In the administration of the mineral leasing law during these two years the General Land Office collected the sum of \$18,525,445.48, principally from oil and gas leases. Of this amount \$12,981,609.76 were from public lands of the United States, while \$5,543,835.72 were from naval petroleum reserves.

Miscellaneous Activities of the General Land Office
During the Fiscal Years 1921 and 1922.

Restored and opened to entry subject to the preference right of entry by ex-service men in the war with Germany, 5,223,082 acres.

Restored to the public domain as result of investigations in the field, 235,100 acres of land theretofore held in unlawful occupancy.

Restored under the act of June 5, 1920, thirty-seven reserved shore spaces bordering on Alaskan waters.

Effected the withdrawal for reclamation purposes under the act of June 17, 1902, of 2,310,789 acres, and restored during the same period 817,027 acres previously withdrawn.

Secured the withdrawal of 326,664 acres of land for the use of stock driveways, and released 214,684 acres previously withdrawn for that purpose, leaving available for stock driveways an area of 9,010,328 acres.

Secured the withdrawal for various public purposes of 3,216,605 acres, and restored during the same period 1,176,454 acres.

Investigated in the field 38,704 cases, and filed reports in the General Land Office with recommendations.

Conducted 506 hearings ordered for the protection of the public domain.

Secured, as result of proceedings initiated in the General Land Office, 42 convictions for criminal violations of the public land laws.

Sold the timber on 12,117 acres of Oregon and California revested railroad lands, for \$556,664.87; total sales to June 30, 1922, \$943,948.91.

Sold the timber on 880 acres of revested Coos Bay Wagon Road lands, for \$73,183.88; total sales to June 30, 1922, \$103,957.50.

Ascertained and paid taxes accrued and unpaid on revested Oregon and California Railroad lands, to the amount of \$40,967.64; total amount of taxes paid on these revested lands \$1,571,044.05.

Issued 368 permits involving approximately 950,000 acres for the development of underground waters in Nevada, under the terms of the Pittman act.

Received applications under the Federal Water Power act embracing an area of 1,227,336 acres.

Considered with favorable finding 97 reports on private irrigation projects involving approximately 600 desert land entries.

Recognized State irrigation districts under the act of August 11, 1916, covering an area of 957,950 acres.

Decided on appeal 2,138 litigated cases involving title to public lands, and 4,890 cases of a similar character on default or abatement of proceedings.

Allowed claims for repayments under specific statutory authority, to the amount of \$361,769.76.

RED RIVER OIL FIELD.

The first step for the issuance of oil and gas leases and the settlement of claims of 160 applications in the Red River oil district bordering on Oklahoma and Texas was taken by the Department of the Interior today.

It consisted of forwarding a copy of a map showing the conflicting claims of various applicants with instructions to each one of them to show cause why their application should be considered a preferred one.

The map as completed by the General Land Office shows a maze of claims on the more valuable part of the area consisting of a fifteen-mile stretch along the river where oil is being produced. Authority for the settlement of these claims and the issuance of oil and gas leases was placed in the hands of the Secretary of the Interior by an act of Congress passed March 4, 1923.

The history of the rush of oil prospectors to the Red River district has been full of thrilling incidents. It started in 1918 when great excitement prevailed about Wichita Falls and in the Burkburnett field of Texas. The oil rights in Texas, Oklahoma, and Louisiana were being leased in a leasing boom of "Mississippi bubble" proportions. The mile width of Red River ran through the area and the oil developers attacked it under many forms of appropriation. Some by permit to prospect for oil from the State of Texas which claimed the south half of the riverbed. Others by lease from the State of Oklahoma, which claimed the riverbed under that theory that Red River was a navigable stream. Others claimed under riparian rights based on ownership of the shore lands, or on patents, or on mining locations.

Parties claiming under the federal or Oklahoma laws took possession, and for protection eventually placed their properties in receivership under Oklahoma courts. Texas and her claimants countered by sending rangers who took forcible possession, and announced their intention to hold the south half of the riverbed by force against all save the United States Supreme Court. The Oklahoma State authorities and the federal representatives then proceeded to bring suit against the State of Texas to determine the boundary between Oklahoma and Texas along Red River.

Ordinarily the center of a river forms the boundary between two States, but in 1819 a treaty was made between the United States claiming the north side of Red River under the Louisiana Purchase, and Spain which had sovereignty on the south side of the river. All turned upon the construction to be placed on the language of the treaty. The United States Supreme Court finally decided that the south bank of Red River was the Oklahoma-Texas boundary, but Red River was a mile-wide stretch of sand through which wandered a vagrant ribbon of water usually less than a hundred feet wide. The court decided that the cut bank on the south edge of the sand bed was the locus of the State boundary and appointed a commission to establish the boundary.

Thus the court found that the south half of Red River for 540 miles was in the State of Oklahoma. It also held that it was land of the United States not subject to any of the public land laws. This left the appropriators for oil as naked trespassers. Congress came to the rescue of the oil claimants by passing the act of March 4, 1923, authorizing the Secretary of the Interior to issue oil and gas permits and leases to those who were good-faith claimants on February 25, 1920, and had done work in an attempt to develop the land, and thus were entitled to equitable consideration. In the next sixty days 160 applications were filed. When these were mapped, it was found that the larger

part of the applications was on a fifteen-mile stretch of the river, and that on the more valuable area the claim boundaries formed a maze of lines. On August 30, 1923, the Commissioner of the General Land Office forwarded to each applicant a copy of the conflict map and instructions to show cause why the applicant should be considered the preferred applicant. The Commissioner stated that after considering the showings of the various applicants he would make a recommendation to the Secretary of the Interior, and that applicants would be allowed to appeal from that recommendation.

The United States Supreme Court on April 1, 1920, placed the lands in charge of a federal receiver who took over all operations and has drilled additional producing wells. Upon the exact fixing of the State boundary the receivership is to be terminated and the lands turned over to the Secretary of the Interior for operation pending the final disposition of the lands and proceeds to the applicant. The Red River controversy, by reason of its complications and its receivership, has been one of the largest and most tedious cases that has come before the United States Supreme Court. After the full settlement of the present controversies, the entire south half of Red River along the Oklahoma-Texas boundary is to be thrown open under the general oil and gas leasing law.

RECENT DECISIONS OF THE COURTS AND THE DEPARTMENT.

Jurisdiction of Land Department--Review by the Courts.

The courts have no power to review findings of fact by the land department which were within its province and duty to make. A decision of the land department that one of two contesting plaintiffs is owner of improvements on land is conclusive, unless made without evidence to support it, or otherwise the result of error of law.

Residence--Homestead Settlement.

Residence on one tract of public land will not support a claim under the homestead law to another and distinct tract.

Railroad Selection--Settlement.

Settlement on unsurveyed public land by one claiming it as his homestead will reserve it from selection as lieu land by the railroad company under the act of August 5, 1892.

Great Northern Railway et al. vs. McPhee et al.
(290 Federal Reporter, 4.)

Jurisdiction of the Secretary--Injunction.

An Indian is not entitled to an injunction restraining the Secretary of the Interior from issuing patents, covering lands ceded by the Indians to the State, as swamp and over-flowed lands, where it appears that in 1913 the Secretary had ordered that no more patents issue for those lands and none have issued since that time.

Legality of Patents--Necessary Party to Suit.

The legality of patents covering lands ceded by the Indians to the United States, which conveyed those lands to a State as swamp and over-flowed lands, can not be determined in a suit against United States officials to which the State is not a party.

Public Lands--Ceded Indian Lands.

Lands ceded to the United States by the Chippewa Indians under the act of January 14, 1899, to be disposed of as specified in that act, were public lands within the meaning of the act of May 17, 1900, providing for homestead patents for agricultural public lands acquired prior to the passage of the act from the Indians without charge to the patentees, except what was necessary to pay office fees.

Suit to Restrain Secretary--Held Proceedings Against the United States.

A suit brought against the Secretary of the Interior, seeking to have so much of the act of June 27, 1902, and the act of May 23, 1908, as directs the sale of Indian lands in a manner different from that provided for in the act

under which the lands were ceded to the United States declared unconstitutional and the disposal of the lands under those acts restrained, was in effect a suit against the United States to control the disposition of the lands by it, and can not be maintained, since the United States had not given its consent to be sued.

Morrison et al. vs. Fall, Secretary of the Interior, et al.
(290 Federal Reporter, 306.)

Irrigation District--Benefits Presumed. Lands susceptible of irrigation are conclusively presumed to be benefited by district organization unless later excluded. (Supreme Court of Oregon.)

Organization of Irrigation District. Under the State law authorizing entrymen upon public lands of the United States to petition for the organization of an irrigation district, it is not a prerequisite to the qualification of such entrymen as petitioners that all of the requirements of the federal law shall have been complied with, since those requirements can not be complied with until the organization of the district has been fully completed. (Supreme Court of Oregon.)

In re, Harper Irrigation District.
(216 Pacific Reporter, 1020.)

Water Rights--Prescription.

A prescriptive right to the use of water may not be established by prescription and adverse use in derogation of statutory provisions, by one who has full opportunity to assert his right thereunder. (Supreme Court of Colorado.)

Bieser vs. Stoddard.
(216 Pacific Reporter, 707.)

Water Right--Subject of Transfer. A water right may be sold and transferred separately from the land to which it is appurtenant, in view of the law, providing that, if it becomes impracticable to use water for irrigation of any land to which it is appurtenant, the right may be transferred without loss of priority if such change can be made without detriment to existing rights. (Supreme Court of Oregon.)

Haney et al. vs. Neace-Sterk Company, et al.
(216 Pacific Reporter, 757.)

Water Rights--Carey Act. Where a contract between the State and a Carey construction company provides that in no case will water rights or shares be dedicated to any of the lands in said system or sold, beyond the carrying capacity of the canal or in excess of the appropriation of water, neither the construction company nor the operating company can be required to sell additional rights after the carrying capacity of the system or the appropriation has been sold to prior users. (Supreme Court of Idaho.)

State et al. v. Twin Falls Land and Water Company.
(217 Pacific Reporter, 252.)

Irrigation District--Provision of State Law. Statutory provisions imposing against each forty-acre tract or fraction thereof, of lands in an irrigation district, an assessment equivalent to that proportion of the annual administrative expense which the irrigable area of such tract bears to the total area of all the irrigable lands in the district, and making such assessment a lien upon the entire tract of which the irrigable area forms a part, held not to provide an unreasonable or arbitrary basis of apportionment of assessments.

Assessments for Irrigation Purposes. The constitutional provision that taxes shall be levied by general laws and for public purposes, and providing for a uniform rate of assessment and taxation and a just valuation, relate only to taxation for governmental purposes and have no relation to assessments against lands in an irrigation district. (Supreme Court of Montana.)

Talden v. Bitter Root Irrigation District.
(217 Pacific Reporter, 646.)

Public Lands--Evidence of Title. A patent to land is the highest evidence of title when issued under authority of law, and is conclusive against the Government and all the world until set aside, it having the sanction of and being the result of investigation by the Land Department.

Jurisdiction of Land Department. When officers acting within their jurisdiction have issued a patent, it can not, even for fraud or mistake, be canceled or annulled except in a suit in equity and at the instance of the United States.

Patent Issued Without Jurisdiction. Where land is not owned by the United States or has been appropriated to a particular use or reserved from sale, the land officials are without jurisdiction to dispose of it, and if, in defiance of law, a patent issue to it the same is ineffectual to pass title and is void from the beginning and may be attacked collaterally.

Mineral Patent. When the United States issues its patent to a mining claim, the title vests at once in the patentee to the extent of the property granted, which then becomes private property with which the Government no longer concerns itself. (Supreme Court of Montana.)

West v. Minneapolis Mining and Smelting Company.
(217 Pacific Reporter, 342.)

Desert Land--Adjustment to Survey--Register and Receiver. Where a desert-land entry has been allowed for unsurveyed lands with descriptions in terms of a future survey, failure of the claimant, upon the filing of the plat of survey in the local United States land office, to adjust his claim to the survey should not be held a ground for cancellation of the entry, but, upon default in making such adjustment, the local officers will make the adjustment themselves.

Luman, Transferee of Osborn; decided June 29, 1923,
by First Assistant Secretary Finney.

Contest--Contestant--Homestead Entry--Alien--Citizenship--Evidence--Burden of Proof. A contest against a homestead entry, based upon the charge that the entryman was disqualified to make the entry because he was an alien, must be dismissed unless the contestant, upon whom is cast the burden of proof, substantiates the charge by convincing evidence.

Penedict v. Castillo; decided June 30, 1923,
by First Assistant Secretary Finney.

Settlement--School Land--Selection--Indemnity--Withdrawal--Survey--Restorations. A settlement upon public lands, withdrawn at date of settlement, is valid against everyone except the United States, and, where one settles, prior to survey, upon withdrawn lands embraced within a school section, the right of such settler to make entry upon approval of the survey and vacation of the withdrawal is paramount to the right of the State under its school land grant.

Departmental Decisions Cited and Applied. Cases of *McInnis et al. v. Cotter* (15 L.D., 583), and *Kinman v. Appleby* (32 L.D., 190), cited and applied.

State of Idaho v. Dilley; decided July 5, 1923,
by Assistant Secretary Goodwin.

Additional Entry--Enlarged Homestead--Approximation--Act of February 20, 1917. Under the act of February 20, 1917, which provides that one qualified to make an additional entry under the preexisting laws may double the quantity in entering land of the character subject to entry under the enlarged homestead act, one is not precluded from making an additional entry of a tract of land because one-half of its area, together with the area previously entered exceeds 160 acres, if the excess is but slight; the rule of approximation is not applicable to such case.

Statutes--Entry--Words and Phrases. In the statutes relating to entries of public lands the expressions "not more than 160 acres," "one quarter section," and "not to exceed one quarter section," are to be construed to mean approximately 160 acres.

Roy Axtell; decided July 12, 1923,
by First Assistant Secretary Finney.

Stock-raising Homestead--Additional--Application--Preference Right. A suspended application to make a stock-raising homestead entry for lands not subject to entry at the time of filing, but which becomes allowable prior to the placing of record of an original entry by another, confers a right upon the applicant to enter the lands applied for superior to the preference right to make an additional stock-raising entry for adjoining lands accorded by section 8 of the act of December 29, 1916.

Ira Townsend et al; decided July 12, 1923,
by First Assistant Secretary Finney.

Stock-raising Homestead--Additional--Amendment. One who has made an additional entry under section 5 of the stock-raising homestead act is not qualified either to make a further additional entry under that act or to enlarge the additional entry by amendment, if he does not own and reside upon his original entry.

McClane v. Scott; decided July 20, 1923,
by First Assistant Secretary Finney.

Oil and Gas Lands--Prospecting Permit--Adverse Claim--Notice--Records--Amendment. Where an application for a permit under section 13 of the act of February 25, 1920, is filed in good faith for lands shown by the records of the local land office to be free from conflicting claims, such application constitutes a bar to the amendment of subsisting permit applications, although based upon location notices posted upon the land, if there was no apparent error in those applications when filed.

Oil and Gas Lands--Prospecting Permit--Notice--Adverse Claim--Amendment--Preference Right. A location notice, posted as prescribed by section 13 of the act of February 25, 1920, has a segregative effect for a period of thirty days only, and when an application for a permit is filed the application becomes the notice to all applicants that the land described therein is adversely claimed and can not be amended after the expiration of the thirty-day period to conform to the description posted, in the presence of a bona fide intervening claim.

Oil and Gas Lands--Prospecting Permit--Preference Right--Notice. Neither the act of February 25, 1920, nor the departmental regulations issued pursuant thereto makes distinction between surveyed and unsurveyed lands as to preference rights initiated under section 13 of the act by the posting of location notices, except that greater particularity is required in the descriptions of lands of the latter class.

Departmental Decision Cited and Applied. Case of Spindle Top Oil Association v. Downing et al. (48 L.D., 555), cited and applied.

Wagner v. Coffin et al.; decided July 24, 1923,
by First Assistant Secretary Finney.

Homestead Entry--Occupancy--Color of Title. The fact that an occupant of public land is not qualified to make a homestead entry is not sufficient to modify the rule that land in the actual possession and occupancy of one under color of title or claim of right is not subject to entry by another.

Court and Departmental Decisions Cited and Applied. Cases of Atherton v. Fowler (96 U.S., 513), Lyle v. Patterson (228 U.S., 211), Krueger v. United States (246 U.S., 69), Denee v. Ankeny (246 U.S., 208), Jones v. Arthur (28 L.D., 235), and Burtis v. State of Kansas et al. (34 L.D., 304), cited and applied.

Lindgren v. Shuel; decided July 24, 1923,
by First Assistant Secretary Finney;
rehearing denied September 10, 1923.

Repayment--Widow;Heirs;Devisee--Act of December 11, 1919. An application for the repayment of moneys paid in excess of lawful requirement filed by one of the heirs of a deceased entryman on behalf of all of the heirs prior to the expiration of the two-year limitation contained in the act of December 11, 1919, is sufficient to stop the running of the statute as to the share of each heir, and the subsequent filing of separate applications on behalf of the heirs individually after the expiration of the two-year period will not be deemed a cause for its denial.

Emma R. Hume et al.; decided July 24, 1923,
by First Assistant Secretary Finney.

Homestead Entry--Surface Rights--Patent--Oil and Gas Lands--Reservation--Practice--Res Judicata. Where a restricted patent was issued upon a homestead entry under the act of July 17, 1914, reserving the oil and gas contents in accordance with the departmental practice then obtaining, and the action is long acquiesced in by the patentee, the matter is res adjudicata, and a petition to reopen the case will not be entertained, though a different practice than that originally in force prevails.

Homestead Entry--Surface Rights--Patent--Oil and Gas Lands--Reservation--Practice--Courts--Preference Rights. Decisions of the United States Supreme Court declaring erroneous established practices of the Land Department in disposing of public lands with reservations of oil and gas will not be given retroactive effect in other cases in which final adjudications have been made and acquiesced in by the parties adversely affected and especially where Congress has recognized their equities by granting them preference rights to permits or leases.

Estoppel--Officers--Courts. The rule of estoppel by adjudication is applicable to the administration of the laws of the United States by its executive officers to the same extent as it is to the final determination of controversies in the courts.

Court Decision Cited and Distinguished--Departmental Decisions Cited and Applied. Case of Stockley v. United States (260 U.S., 532), cited and distinguished; cases of Mee v. Hughart et al. (23 L.D., 455), and State of California, Robinson, transferee (48 L.D., 384), cited and applied.

Lillie M. Kelly; decided July 25, 1923,
by First Assistant Secretary Finney.

Mexican Grant--Survey--Boundaries. It is not appropriate to consider after a lapse of many years whether the survey of the boundaries of a Mexican grant was accompanied with the nicest discrimination, or the highest wisdom, and such survey will not be disturbed on account of inaccuracies where it accomplished the purpose of establishing the boundaries with approximate and reasonable accuracy.

Swamp Land--Survey--California. The fact that an area of land in the State of California, returned by the surveyor as swamp, included a small area of high land, is not sufficient to necessitate a subdivisinal survey thereof in order to confer title upon the State, if the area as a whole, characterized as swamp, is in fact land of that class.

Court Decision Cited and Applied. Case of United States v. Vallejo (68 U.S., 658), cited and applied.

Mercantile Trust Company; decided July 31, 1923,
by First Assistant Secretary Finney.

Repayments--Statutes--Act of December 11, 1919. A departmental construction, afterwards set aside because erroneous, which held that a certain class of claims was not subject to the repayment law does not stay the running of the two-year limitation prescribed for the presentation of repayment claims under the act of December 11, 1919.

Edward B. Miller; decided July 31, 1923,
by First Assistant Secretary Finney.

Coal Lands--Preemption--Act of June 22, 1910. The act of June 22, 1910, entitled "An Act to Provide for Agricultural Entries on Coal Lands," although not specifically including preemption entries among the classes of entries allowable under the act, contemplated that the allowance of that class of entries should be permitted.

Departmental Decisions Cited and Applied. Cases of Bililik Izhi v. Phelps (46 L.D., 283), and Martha Head et al. (48 L.D., 567), cited and applied.

Clemma E. Lotz; decided July 31, 1923,
by First Assistant Secretary Finney.

Oil and Gas Lands--Equity--Oklahoma--Act of March 4, 1923. The act of March 4, 1923, providing for the disposition of oil and gas deposits in lands of the United States south of the medial line of Red River in Oklahoma did not contemplate the recognition of any equities asserted under the leasing act of February 25, 1920, but only those persons who were claiming and possessing lands in that area, in good faith, under color of some legal right, and had made bona fide expenditures in development of the lands for oil and gas with reasonable diligence prior to February 25, 1920, are entitled to equitable consideration.

Court and Departmental Decisions Cited and Applied. Cases of State of Oklahoma v. State of Texas, United States, intervener (258 U.S., 574), and Robert D. Hawley, on petition (49 L.D., 578), cited and applied.

Red River Syndicate (on Petition); decided July 31, 1923,
by First Assistant Secretary Finney.

Homestead Entry--Surface Rights--Vested Rights--Patent--Oil and Gas Lands--Withdrawal--Fees. A homestead entryman does not acquire a complete equitable title in entered lands until he has done everything required by law toward earning title, including payment of lawful fees and commissions, and if, at any time prior thereto, the lands are included within a petroleum withdrawal he must, unless he proves that the lands are in fact non-mineral, consent to take a restricted patent as provided by the act of July 17, 1914, or suffer cancellation of his entry.

Homestead Entry--Surface Rights--Vested Rights--Patent--Oil and Gas Lands--Withdrawal--Burden of Proof. Where a homestead entry has been included within a petroleum withdrawal prior to the vesting of complete equitable title, the entryman, in order to establish his right to an unrestricted patent, must, if his application for reclassification be denied, assume the burden of proof and show that the lands are in fact non-mineral in character, and the determination of that fact must be made as of the date upon which the entryman performed the last act required of him by law toward earning title.

Court and Departmental Decisions Cited and Applied. Cases of Irwin v. Tright et al. (258 U.S., 219), State of Wyoming et al. v. United States (255 U.S., 489), and Cleveland Johnson (48 L.D., 18), cited and applied.

Jacob Terrell; decided July 31, 1923,
by First Assistant Secretary Finney.

AN IDAHO HOMESTEAD.

The attention of the Bulletin has been called to the homestead entry of Mr. Paul Stampka of Grandview, Owyhee County, Idaho, as an illustration of what thrift and industry can do in the acquisition of a substantial home, under what might be thought adverse conditions by some intending settlers.

The entry in this case was made in January, 1919, for 160 acres, and in February, 1923, Mr. Stampka secured a reduction of the area of cultivation to five acres, on a showing of comparatively little rainfall in that vicinity so that irrigation from artesian wells was the only means by which crops could be raised. August 14, 1923, final proof was submitted on which final certificate issued the same day. The final proof shows that Mr. Stampka's family consists of himself, wife, and six minor children, one of whom was born on the homestead. Residence was established in July, 1919, and continuously maintained without absence to the date of final proof, a year and one month in excess of that required by the law.

As to cultivation during the season of 1919, although the law required no cultivation the first year of the entry, there was planted one acre to garden; in 1920, four acres to alfalfa, wheat, and garden; and in each of the subsequent years, five acres were planted in alfalfa, potatoes, and garden, the portion of the claim not under cultivation being used for grazing purposes. As to improvements, there is on the claim a three-room frame house, with cement basement and rock and cement sidewalks, barn, chicken-house, garage, three artesian wells and fence around the cultivated field. Claimant values the improvements at \$2,500; the witnesses, one at \$3,000, the other at \$3,500.

Stark Bros. Nursery-men and Seedsmen of Louisiana, Missouri, yearly distribute prizes amounting to \$50 in gold to those using their garden seeds and having the best gardens and it appears from the record that entryman's wife won the second prize of \$15 in the year 1922; she had over 300 tomato vines 12 feet tall.

The final proof with certificate attached was received by this office from the Boise land office on August 20, 1923; was sent to the homestead division for examination on September 11, 1923, was that day approved for patenting; sent to the patent division on September 12, 1923, and patent was that day issued.

The difficulties under which this homestead entry was carried to patent, and the success with which they were overcome, were of such notable character that the Commissioner addressed a letter to Mr. Stampka of which the following is a part:

"I have carefully examined the record of your entry and have been much impressed by the care and attention and also the fidelity with which you have followed the requirements made by the Government, and I congratulate you most sincerely upon the success which has attended your efforts in reclaiming the land and making the desert produce an abundance. One very agreeable thing connected with your success has been the faithful and intelligent cooperation of your wife without whose aid and encouragement you would perhaps have grown weary in your efforts. You are an example to your fellow entrymen and an incentive to the accomplishment of better and bigger things and I have pleasure in commending you for the fidelity and evidence of good faith."

OIL BOOM IN THE GLENWOOD SPRINGS LAND DISTRICT.

A small-sized oil boom in northwestern Colorado as the result of a 180-barrel well near Craig has greatly stimulated activities in that line throughout the Glenwood Springs, Colorado, land district. For weeks the office was swamped with oil and gas permit applications and they are still arriving. In the rush, many of these applicants did not take time to check the records, but applied for blanket locations of four sections or less. In one instance after deducting the lands on which permits could not be granted, it was found that the applicant could not possibly secure more than 40 acres in exchange for his \$32, and in another case where the limit was applied for the entire acreage was found to be patented without reservation of the minerals to the United States.

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ALASKA GENERAL CIRCULAR NO. 491.

This circular which was issued under date of July 19, 1916, has been the subject of a very careful revision, which received the approval of the Department September 8, 1923. Several new laws, as well as additional instructions under former statutes, made this revision necessary. It is now in the hands of the Public Printer, and everyone interested in the territorial development of our public lands should give it careful consideration. Some important changes, especially in the matter of submitting final proof on homestead entries, have been made, which it is believed will be found of practical benefit to the homesteader.

FEEES FOR CARBON COPIES OF TESTIMONY IN CONTEST CASES.

(Instructions of May 28, 1910 (38 L.D., 615) modified.)

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

September 10, 1923.

Registers and Receivers,

United States Land Offices.

Sirs:

When the reducing of testimony to writing in a contest case is done by regularly appointed employes of your office, carbon copies may be furnished at the rate of 5 cents per page, irrespective of the number of words or figures thereon.

If the testimony is reduced to writing by a clerk employed under authority of the circular of February 15, 1909 (37 L.D., 448), such clerk will be allowed to make a charge of not exceeding 3 cents per hundred words for carbon copies, to be collected by him from the party to whom the same is furnished.

Very respectfully,

(Sgd.) WILLIAM SPRY,

Commissioner.

Approved: September 10, 1923.

(Sgd.) E. C. FINNEY,

First Assistant Secretary.

APPLICATIONS TO MAKE DESERT ENTRY--ADMINISTRATIVE ORDER.

DEPARTMENT OF THE INTERIOR

Washington

September 13, 1923.

The Commissioner

of the General Land Office.

Dear Mr. Commissioner:

It appears from data submitted by you that in at least one land district certain persons are segregating public land by the filing of applications to make desert-land entries, and later withdrawing the applications when purchasers for the "relinquishments" are found. With a view to putting an end to such practices, the following administrative rule is adopted:

An allowable application to make desert-land entry will be treated as an entry within the meaning of the act of September 5, 1914 (38 Stat., 712), and if such an application is withdrawn prior to its allowance the applicant will be required, in connection with any subsequent application, to make the showing required of persons who seek to make second desert-land entries.

Respectfully,

E. C. FINNEY,

First Assistant Secretary.

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OFFICIAL HOURS IN FIELD OFFICES.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

September 29, 1923.

Mr. Silas E. Speckman,
Register, U.S. Land Office,
Lamar, Colorado.

Sir:

This office is in receipt of your letter of September 14, 1923, in which you ask whether our circular No. 903 of August 29, 1923, directing that all field offices are to be uniformly opened for official business at nine o'clock a.m. and remain open continuously until 4:30 o'clock p.m., revokes of-fice letter "A" 921385 of May 25, 1920, approved by the Department, permitting

your office to open at 8:00 a.m., and close at 3:30 p.m., from May 1 to November 1.

It is our desire and intention that all field offices shall observe uniform hours. The purpose of circular No. 903 was to fix 9 a.m. to 4:30 p.m., as the official hours for all field offices, and to cancel all prior special orders or authorizations in conflict therewith. Our field offices should maintain the same hours for official business as are observed in Washington, and it is our intention to insist upon such observance, which is essential to a proper and full cooperation between the offices of our various field services. Considerable uncertainty and confusion have resulted, to the perplexity of both the public and other field offices, because of the variance in the hours observed in different States, and many times between field offices in the same State. With a uniform practice the public and all other agencies will soon adjust themselves to conditions.

We have no objection to your opening earlier than 9 a.m. for the furnishing of information, or remaining open later than 4:30 p.m. for the same purpose, but no filings should be accepted for record outside of regular office hours, which are from 9 to 4:30. It must be distinctly understood that an early closing predicated upon an early opening is not permitted.

Very respectfully,
WILLIAM SPRY,

Commissioner.

Approved: October 2, 1923.
F. M. GOODWIN,
Assistant Secretary.

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UNITED STATES MAP AT THE BRAZILIAN INTERNATIONAL CENTENNIAL EXPOSITION.

In the August number of the Land Service Bulletin for 1922 there appeared under the above title the following article:

"The joint resolution of Congress, adopted November 2, 1921 (42 Stat., 209), accepted the invitation of Brazil to take part in an international exposition to be held in Rio de Janeiro in 1922, and the main feature of the contribution, on the part of the Interior Department, to this exhibit is an enlarged facsimile of the General Land Office map, which deserves more than a passing notice.

"The dimensions of this map are $10\frac{1}{2}$ x $13\frac{1}{2}$ feet including the frame. The enlargement from the original was made from impressions from the aluminum plates from which the regular 1922 edition of the map will be printed; and as the plates were made by transfer from the engraved copper plate; the results of enlargement were sharp and clearly cut. It required thirty-two negatives to make the photographic enlargement, these negatives being transferred to eight aluminum plates from which the map was printed.

"The work of enlarging, printing, and mounting was so accurately done that it is difficult to find where the several sheets are joined.

After the map was mounted it was colored by hand, all features of the General Land Office map being followed as to color and shade of color. The map was mounted on a stretcher, which after completion was taken apart and boxed for shipment together with the frame.

"Accompanying this map were also five charts, prepared and framed, showing the activities of surveying, disposition of land and mineral, with typical township and mineral plats."

This article is reprinted for the reason that the map, having served its purpose at the Exposition, has been returned to the General Land Office, and is now on exhibition in the main corridor in the west wing of this building, and will well repay a visit by anyone who is interested in not only map making but also in the graphic exhibition of the United States and its territorial and insular possessions.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington
1078291

PUBLIC LANDS RESTORED TO HOMESTEAD ENTRY AND OTHER DISPOSITION BY
PROCLAMATION, EXECUTIVE OR DEPARTMENTAL ORDER.

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Preference Rights to Ex-Service Men of the War with Germany.

General Method of Opening:

By virtue of Public Resolution No. 29, of February 14, 1920 (41 Stat., 434), as amended by Public Resolutions Nos. 36 and 79, approved January 21 and December 28, 1922, respectively, hereafter and until February 15, 1930, when any surveyed lands within the provisions of the public resolutions are opened or restored to disposition under the authority of the Department, such lands, unless otherwise provided in the order of restoration, shall become subject to appropriation under the laws applicable thereto in the following manner, and not otherwise:

Lands not affected by the preference rights conferred by the acts of August 18, 1894 (28 Stat., 394), or June 11, 1906 (34 Stat., 233), or February 14, 1920 (41 Stat., 407), will be subject to entry by soldiers under the homestead and desert-land laws, where both of said laws are applicable, or under the homestead law only, as the case may be, for a period of 91 days, beginning with the date of the filing of the township plat in the case of surveys or resurveys, and with the date specified in the order of restoration in all other cases, and thereafter to disposition under all of the public land laws, applicable thereto, except where homestead entrymen are granted a prior preference period under the order. For a period of 20 days and for a like period prior to the date or dates such lands become subject to entry by the general public, soldiers in the first instance, and any qualified applicants in the second, may execute and file their applications, and all such applications presented within such 20-day periods, together with those offered at 9 o'clock a.m., standard time, on the dates such lands become subject to appropriation under such applications, shall be treated as filed simultaneously.

Unsurveyed lands are not subject to homestead or desert-land entry. A homestead entry may embrace 160 acres, or an approximation thereof, and where the lands are of the character contemplated by the 320 or 640 acres homestead acts, applications for the unappropriated lands may be filed by qualified persons, under either of said acts; accompanied by proper petitions, if undesignated, for the designation of lands thereunder, and such applications will be suspended pending determination as to the character of such lands.

The following are restorations or openings which will occur in the near future and concerning which further information may be obtained from the local offices:

OPEN TO ENTRY THROUGH SURVEYS AND RESURVEYS.

Official plats of the surveys and resurveys of public lands have been transmitted to Surveyors General with instructions to transmit copies thereof to United States land officers for official filing as follows:

Fractional Ts. 18 S., Rgs. 7 and 8 E., S.B.M., California, with letter of September 7, 1923, approximately 700 acres; United States land office at El Centro.

Fractional T. 8 N., Rgs. 29 and 30 E., M.D.M., Nevada, with letter of September 13, 1923, approximately 13,700 acres; United States land office at Carson City.

T. 20 S., R. 16 E., and fractional T. 19 S., R. 16 E., H.M.P.M., New Mexico, with letter of September 7, 1923, approximately 19,700 acres; United States land office at Roswell.

T. 32 S., R. 12 E., S.L.M., Utah, with letter of September 7, 1923, approximately 17,000 acres; United States land office at Salt Lake City.

The dates of filing will be fixed by the registers of the several offices, and the public lands indicated will be open to entry and subject to prior valid settlement rights and equitable claims, ex-service men of the World War will be entitled to a preference right to enter these lands under the homestead and desert land laws for a period of 91 days, beginning with the date of filing of the plats, under Public Resolutions Nos. 36 and 79, dated January 21 and December 23, 1922, respectively.

In addition to the above, plats of T. 31 S., Rgs. 10, 11, and 12 E., Utah, were transmitted September 7, 1923, approximately 61,000 acres; United States land office at Salt Lake City.

These surveys were made upon application of the State, and the public lands involved were withdrawn under the provisions of the act of August 18, 1894 (28 Stat., 394), until 60 days after the date of filing of the plats during which period the State has a preference right to select lands therein in satisfaction of public land grants. On the expiration of such period, ex-service men of the World War are entitled to the preference heretofore indicated for lands not selected by the State. All lands will be open to general disposition on the expiration of the preference periods indicated.

In fractional T. 18 N., Rgs. 7 and 8 E., California, most of the land is reported too rough for cultivation, although there are small areas of good land in several sections. The soil is part rocky and part clay loam of third and fourth rate.

Fractional T. 8 N., Rgs. 29 and 30 E., Nevada, are reported as mountainous, rolling, and level, with scattered timber and undergrowth. The soil is generally a coarse, sandy loam in the lowlands, while the uplands are gravelly and rocky. Arable lands border on or near Walker Lake and water for all purposes is obtained from Cat and House Creeks.

The lands in New Mexico are mountainous and high, rolling hills, covered with scrub timber and a fair growth of grass. The tillable soil is a productive clay loam. There are several earth tanks for storing rain water, which constitutes the entire supply. There are five homesteaders on these lands who live by stock raising.

The lands in Ts. 31 and 32 S., R. 12 E., Utah, are mountainous and desert in character, with a sparse growth of scrub timber and with undergrowth, and grass suitable for grazing; very little water in either township. In T. 31 S., Rgs. 10 and 11 E., the lands are mountainous, covered with a heavy growth of timber, are well watered by numerous streams, and a good growth of grass, making an excellent summer range for stock, but not suitable for farming.

(384)

FROM STOCK DRIVEWAY WITHDRAWAL.

NEW MEXICO: Six hundred acres in T. 6 S., R. 5 W., N.M.P.M., Socorro County, Las Cruces land district, open to entry under the homestead and desert-land laws by ex-service men of the war with Germany for a period of 91 days beginning October 8, 1923. Filings may be presented at any time during the 20 days prior to that date. On and after January 8, 1924, any of such lands remaining unentered will be subject to appropriation under any public land law applicable thereto by the general public. The land is released from stock driveway withdrawal and designated under the enlarged homestead act of February 19, 1909, and is reported to be slightly hilly, as a whole good grazing land, and lies on a ridge.

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(383)

FROM SEGREGATION UNDER THE CAREY ACT.

WYOMING: Three hundred and twenty acres in Converse County, Douglas land district, opened to entry under the homestead and desert-land laws by ex-service men of the World War, beginning September 26, 1923, and opened to entry by the general public under any applicable public land law beginning December 27, 1923.

All the land has been released from segregation for Carey Act purposes.

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OIL AND GAS ACTIVITIES.

During the month of September the permit section received 294 new applications and 1,240 old cases for further action. Disposals were made as follows: permits granted 241; applications finally rejected 127; rejected subject to appeal 217; extensions of time granted 164; rejected 81; permits held for cancellation 43; canceled 32; assignments approved 39; denied 11; departmental decisions promulgated, decisions affirmed 28; reversed 6; modified 3; preliminary action was taken on 187 cases.

The section handling applications under the "Relief" sections of the act during the month of September granted 4 leases and 4 permits, rejected 11 applications subject to appeal, transmitted 3 appeals to the Secretary, and finally rejected, in whole or in part, 7 applications; affirmed 3 decisions; reversed 1 and modified 1. Seventeen assignments and 11 applications for extensions of time were disposed of; 5 permits were held for cancellation; 3 entries canceled; hearing order in 1 case; and approval of 2 sales contracts recommended.

Government royalties from oil, gas, and other mineral leases on public lands during the month of August, 1923, amounted to \$880,896.35. Of this amount \$660.98 was from lands within naval petroleum reserves, leaving royalties from public lands outside such reserves at \$880,235.37. This is \$99,508.25 less than the receipts from royalties in July, 1923, when \$980,404.60 was received.

SERVICE MONOGRAPH NO. 13.

The publication entitled: "Service Monograph of the United States Government, No. 13, The General Land Office--Its history, activities, and organization," by Milton Conover of the Institute for Government Research, is not available for distribution by the General Land Office but may be purchased from The Johns Hopkins Press, Baltimore, Maryland, price \$1.50. The publication can not be supplied by this office on requisition.

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NOTATION OF STATUTORY LIFE OF ENTRY--BELLEFOURCHE PLAN.

The plan now followed by this office in checking up entries on which the statutory life has expired, is, I believe, of sufficient value to pass along, although it may be followed in some of the other offices.

Looking through a large number of serial dockets to locate these entries is a tiresome job, and one likely to be neglected as long as there is anything else to do. However, by going back five years in the Receiver's applied book (four years for desert entries) it is very easy to obtain the serial numbers of these entries and by reference to the serial docket determine whether expiration notices should be issued. This can be done every month, takes but little time, and results in keeping the work of the office up-to-date in this regard.

OIL SHALE CLAIMS IN COLORADO AND UTAH.

Not only the validity of mineral oil shale claims, but the value of such claims as compared to the value of the land for farming purposes is to be tested in two cases recently heard in the Glenwood Springs, Colorado, land office. The hearings lasted for eight days, with two night sessions, and the record in the two cases will consist of approximately 400,000 words.

It is said that these cases will be of the nature of test cases and on the outcome may result the disposition of several thousand acres of land now claimed controversially for mineral and homesteading purposes.

Large areas of western Colorado and eastern Utah are underlaid with tremendous beds of oil shale which it is claimed will distil as high as sixty gallons of crude oil to the ton.

CONSOLIDATED WORK REPORT OF LOCAL LAND OFFICES
FOR THE MONTH OF AUGUST, 1923.

OFFICES.	: End Last Month. :		: Received : : and : End of This Month.		: Disposed of.:	
	: Pend- : ing : desig- : nation:	: Sus- : pend- : ed re- : jected:	: Pend- : ing : un- : acted:	: Rec'd : in : this : month.	: Trans- : mitted : to GLO : this : month.	: Now : pend- : ing : desig- : na- : tion.
Alabama	:	:	:	:	:	:
Montgomery	:	:	18 :	19 :	20 :	17 :
Arizona	:	:	:	:	:	:
Phoenix	:	240 :	175 :	215 :	328 :	140 :
Arkansas	:	:	:	:	:	:
Harrison	:	:	29 :	54 :	57 :	26 :
Little Rock	:	:	277 :	95 :	104 :	268 :
California	:	:	:	:	:	:
El Centro	:	10 :	36 :	43 :	40 :	18 :
Eureka	:	46 :	1 :	26 :	24 :	47 :
Independence	:	42 :	115 :	68 :	86 :	44 :
Los Angeles	:	62 :	151 :	194 :	226 :	64 :
Sacramento	:	80 :	66 :	54 :	45 :	82 :
San Francisco	:	130 :	49 :	89 :	79 :	143 :
Susanville	:	24 :	24 :	18 :	17 :	26 :
Visalia	:	17 :	37 :	37 :	40 :	18 :
Colorado	:	:	:	:	:	:
Del Norte	:	35 :	14 :	7 :	15 :	31 :
Denver	:	127 :	43 :	72 :	107 :	101 :
Durango	:	61 :	43 :	43 :	78 :	31 :
Glenwood Springs	:	397 :	244 :	216 :	110 :	388 :
Lamar	:	42 :	31 :	69 :	76 :	42 :
Leadville	:	10 :	27 :	20 :	26 :	7 :
Montrose	:	95 :	83 :	74 :	89 :	84 :
Pueblo	:	193 :	152 :	114 :	106 :	201 :
Sterling	:	24 :	10 :	16 :	16 :	24 :
Florida	:	:	:	:	:	:
Gainesville	:	:	33 :	10 :	77 :	91 :
Idaho	:	:	:	:	:	:
Blackfoot	:	102 :	93 :	8 :	85 :	90 :
Boise	:	73 :	102 :	:	86 :	78 :
Cocur d'Alene	:	:	27 :	:	23 :	25 :
Hailey	:	47 :	58 :	:	51 :	51 :
Leviston	:	9 :	16 :	:	26 :	23 :
Kansas	:	:	:	:	:	:
Topeka	:	36 :	20 :	:	8 :	22 :
Louisiana	:	:	:	:	:	:
Baton Rouge	:	:	16 :	:	14 :	14 :

4

Michigan	:	:	:	:	:	:	:	:	:
Marquette	:	1	8	:	26	19	1	15	:
Minnesota	:	:	:	:	:	:	:	:	:
Cass Lake	:	:	2	:	24	14	:	12	:
Crookston	:	:	7	:	23	22	:	8	:
Duluth	:	:	33	:	31	36	:	28	:
Mississippi	:	:	:	:	:	:	:	:	:
Jackson	:	:	11	:	24	19	:	16	:
Montana	:	:	:	:	:	:	:	:	:
Billings	:	35	166	:	5	22	35	149	:
Bozeman	:	62	73	:	64	54	63	82	:
Clasgow	:	120	75	:	81	107	92	77	:
Great Falls	:	27	32	:	45	40	27	37	:
Havre	:	53	70	:	97	82	48	90	:
Helena	:	183	83	:	82	91	188	69	:
Kalispell	:	2	3	1	21	21	:	5	1
Lewistown (a)	:	:	:	:	:	:	:	:	:
Miles City	:	185	233	:	174	216	187	189	:
Missoula	:	18	10	:	16	15	19	10	:
Nebraska	:	:	:	:	:	:	:	:	:
Alliance	:	21	2	:	20	16	21	6	:
Lincoln	:	18	8	:	6	7	18	9	:
Nevada	:	:	:	:	:	:	:	:	:
Carson City	:	32	126	:	67	52	37	136	:
Elko	:	31	33	:	22	17	35	34	:
New Mexico	:	:	:	:	:	:	:	:	:
Clayton	:	89	57	:	51	66	95	38	:
Ft. Sumner	:	62	36	29	91	95	57	51	15
Las Cruces	:	64	132	:	105	125	64	112	:
Roswell (a)	:	:	:	:	:	:	:	:	:
Santa Fe	:	129	175	:	261	306	100	159	:
North Dakota	:	:	:	:	:	:	:	:	:
Bismarck	:	23	38	:	37	50	24	24	:
Dickinson	:	15	6	:	20	18	16	7	:
Oklahoma	:	:	:	:	:	:	:	:	:
Guthrie	:	55	25	:	50	67	38	25	:
Oregon	:	:	:	:	:	:	:	:	:
Burns	:	25	19	:	31	22	30	23	:
La Grande	:	60	143	:	28	36	60	135	:
Lakeview	:	45	68	:	32	28	45	72	:
Portland	:	:	10	:	50	51	:	9	:
Roseburg	:	:	126	:	73	139	:	60	:
The Dalles	:	176	28	:	83	75	179	33	:
Vale	:	27	62	:	29	28	28	62	:
South Dakota	:	:	:	:	:	:	:	:	:
Bellefourche	:	3	15	:	44	42	3	17	:
Pierre	:	42	36	:	140	158	35	25	:
Rapid City	:	35	41	:	73	67	33	49	:
Utah	:	:	:	:	:	:	:	:	:
Salt Lake City	:	264	219	:	234	166	329	222	:
Vernal	:	22	25	:	21	28	20	20	:

Washington	:	:	:	:	:	:	:	:	:
Seattle	:	:	34 :	:	21 :	47 :	:	8 :	:
Spokane	:	26 :	20 :	:	23 :	18 :	25 :	26 :	:
Vancouver	:	1 :	4 :	:	12 :	9 :	1 :	7 :	:
Walla Walla	:	15 :	4 :	:	9 :	10 :	15 :	3 :	:
Waterville	:	30 :	22 :	4 :	38 :	48 :	28 :	13 :	:
Yakima	:	11 :	4 :	:	9 :	9 :	11 :	4 :	:
Wisconsin	:	:	:	:	:	:	:	:	:
Wausau	:	:	2 :	:	13 :	11 :	:	4 :	:
Wyoming	:	:	:	:	:	:	:	:	:
Buffalo	:	103 :	73 :	:	167 :	165 :	111 :	67 :	:
Cheyenne	:	176 :	173 :	:	229 :	256 :	122 :	200 :	:
Douglas	:	52 :	164 :	:	232 :	257 :	45 :	146 :	:
Evanston	:	45 :	120 :	:	86 :	55 :	23 :	175 :	:
Lander	:	76 :	40 :	:	85 :	100 :	63 :	38 :	:
Newcastle	:	129 :	113 :	:	233 :	295 :	90 :	95 :	:

TOTAL, :4,490 :4,999 : 52 :5,354 :5,780 :4,222 :4,673 : 20

NOTE (a)--No report received from these offices on September 27, 1923.

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LEGAL HONORS FOR THE GENERAL LAND OFFICE.

James R. Drake and Stephen E. Morgan of this office each received the degree of L. L. B. from the law school of the Y. M. C. A. at the May commencement of the present year.

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OBITUARY.

John H. Davis —Once more we are called upon to register the final parting with a tried and true associate in the service. This time it is "Jack" Davis, genial, kindly Jack Davis that we will miss from our council table, where for many years he has been a helpful figure. Not only the number of his years in the office, but the wide scope of his activities brought him practically into contact with most of the live questions that are encountered in the administration of the public land laws, in all of which he was thoroughly at home. Out of the office but a few days in his last illness, the announcement of his death came before his absence had hardly been noted save by his immediate associates. Faithful and diligent in the discharge of his official duties, the final call found him true to his record.

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TELL THE BULLETIN.

To all Local Offices and Field Service Employees:

If anything occurs, in the public land service, which you think is of administrative value, tell us about it. Address all communications to the Commissioner of the General Land Office, "Land Service Bulletin." All information should be received not later than the 24th of each month for use in the current number.

THE HISTORY OF THE UNITED STATES

THE HISTORY OF THE UNITED STATES
FROM THE FIRST SETTLEMENTS TO THE PRESENT TIME
BY CHARLES C. SMITH

CHAPTER I

THE HISTORY OF THE UNITED STATES
FROM THE FIRST SETTLEMENTS TO THE PRESENT TIME
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CHAPTER II

THE HISTORY OF THE UNITED STATES
FROM THE FIRST SETTLEMENTS TO THE PRESENT TIME
BY CHARLES C. SMITH

LAND SERVICE
BULLETIN
DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE

By direction of the Secretary of the Interior the matter contained herein is published as administrative information, and is required for the proper trans-
action of public business.

Vol. 7.

November 1, 1923.

No. 89

DISPOSITION OF CONTESTS PENDING AND PROSPECTIVE.

The persistent administrative effort to reduce the long standing arrearage of work in this office to current conditions has not only shown excellent results in many fields of action that have already been the subject of comment in the Bulletin, but it has also made it possible in many cases to shorten the period of time heretofore existing between actions in the district land offices and this office through the substitution of semi-monthly returns for the old scheme of monthly reports. All this results in the office being enabled to the same extent to give earlier consideration to the heavier line of work involved in the preparation of decisions in contest cases pending here on appeal, or otherwise.

Formerly, the early arrival of contest records from the field did not always insure correspondingly early action, on account of the congested condition of the work, but now the office can take up contest cases for decision practically as soon as they are ready for action under the Rules of Practice.

The attention of the district land offices and the field service is therefore directed to the desirability of closing up pending cases and proceeding with the proposed cases with as little delay as may be consistent with due regard to the rights of the interested parties and the United States.

All disputed questions as to priority of right, or other questions affecting title under the public-land laws, must be settled by the Land Department, and the longer such questions remain unsettled the more complicated they become, with equally disastrous effect upon the parties. Nothing is more conducive to adverse criticism of our administrative efforts than any apparent

delay in the disposition of litigation and the resultant uncertainty in land titles. It is up to us to see that no excuse for such criticism is given.

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SURVEY NOTES.

Survey Mesa Verde National Park, Colorado.

The following excerpt from the report of the Superintendent of the Mesa Verde National Park, Colorado, was transmitted to the General Land Office by letter of October 17, 1923, from the Acting Director of the National Park Service:

"Boundary Survey. -- The survey crew of the General Land Office under Mr. Knowles has just completed the survey of the north and east boundaries of the Park, after great difficulty since they had to come clear up to the north rim and down to the east and west old Ute line, 2 miles above camp to establish their beginning points, since no authentic corners could be located in the Montezuma Valley. They were about two months on the job. All the markers are set now, and we have placed 200 boundary signs along their lines. The fine cooperation of the General Land Office in surveying our boundaries has been most highly appreciated by the Park, and I wish to particularly commend the enthusiastic way in which the work was carried on, even in the worst of weather, under the direction of Mr. Knowles. This survey now makes it possible to define the Park boundaries when points or questions arise that have caused considerable worry in the past."

The Surveying Service is to be congratulated on obtaining such excellent results under the adverse conditions reported.

Monuments for Public Land Surveys.

The Metals Committee of the Federal Specification Board on October 8, 1923, approved the report of its subcommittee on Survey Corner Markers submitted on that date and which is quoted in full for the information of the Surveying Service:

"This committee has given serious study to the problem of securing some form of metal post that would prove satisfactory for survey markers for the use of the U. S. Geological Survey, the General Land Office, the Bureau of Reclamation, and the Coast and Geodetic Survey. In this connection, experts in metals of the Bureau of Mines, the Bureau of Standards, the Ordnance Department of the Army, the Navy Department, and outside authorities and leading firms in the metal industries have been consulted, as well as officials of the Bureau of Soils. But, unfortunately, there seems to be no available data covering this particular subject, excepting that iron pipe heretofore used has not proven permanent over a period of more than a few years, yielding particularly at the ground level, to corrosive influences.

"These pipe posts are approximately 4' long, varying in diameter from 1" to 3", with a wall thickness of 1/4", and having the base expanded for about 1/10 the length. They are surmounted by a copper-aluminum alloy cap bearing the survey legend. The necessity for some other metal or composition of metals alloyed together, that would be permanent, has become urgent. In certain places the above-mentioned posts have been replaced with cement columns, but for several reasons, these are not desirable.

"The Committee has considered the following metals as possible materials for the fabrication of survey posts:

Armco Iron	(Zinc coated both sides.
	(Cadmium coated outside; zinc inside.
Other iron or steel	(Copper coated outside; zinc inside.
	(Vitreous coated both sides.
	(Monel metal.
	(Al. bronze.
	(Copper Alum. alloy.
Alloys	(Manganese bronze.
	(Chrome steel.
	(Silicon steel.
Copper	

"The requirements for these posts are as follows:

"They should be permanent for from 50 to 75 years, resistant to corrosion and tough, strong, and rigid enough to withstand rough handling in transport, and either accidental or malicious destructive influences in the field. If the material is more than ordinarily valuable, for instance, as in the use of copper or high-copper or nickel alloys, there is always danger of the posts being stolen.

"Applying these requirements to the above list, some of the metals were eliminated on the score of cost, or because they represented a value inviting theft, or because it was doubtful whether they would resist soil conditions or rough usage in the field; so that, preliminarily, consideration has been narrowed down to two possibilities, under existing circumstances--to chrome-iron alloys and vitreous-covered iron or steel. But one chrome-iron alloy has been thus far discovered that has possibilities as to permanency, besides being procurable at a cost low enough for consideration with regard to present available funds, and but one make of vitreous covering has been presented that has any chance of being serviceable.

"However, in the light of the committee's investigations, it has become apparent that before proposing any material definitely for specification purposes, it would undoubtedly be necessary to subject it to tests extending over considerable time under conditions at least approximately normal use. Laboratory tests undoubtedly should be undertaken to determine as far as may be, the life of the post material under accelerated conditions of corrosive influence and stress, but just how far results of such testing

may be relied upon as an index of resistance under normal conditions would remain to be definitely determined. The element of time--extending over a contemplated period of say, 75 years--together with a lack of exact statistics as to the chemical and physical nature and potential action of the soils, and changes of temperature and other unknown factors in the different localities where these posts may be placed in the field, such field embracing the whole country, present a wide range of uncertainty. It is, therefore, apparent that the only true test of the metals would be to set them out in appropriate places in the field, representing maximum differences in conditions, and to keep them under observation for many months.

"It is, therefore, submitted that no reliable specifications for survey posts can be properly made under existing conditions. Since, however, it is of paramount importance that a permanent marker be developed to prevent obliteration of Government surveys, it is proposed:

"That this committee continue its investigations as a subcommittee of the Metals Committee, without definite limit as to time for making a final report, carrying on such researches with various metals as may be indicated."

The use of iron posts with brass caps and concrete cores, which since about 1907 has constituted the standard form of corner markers in all public land surveys was a decided step forward from the wooden posts and native stone corners used for over a hundred years under the old contract system. Experience has shown, however, that in some climates and the soil conditions even these iron posts have not the permanency that is desired. Through the Chief of the Surveying Division of the General Land Office, who is a member of the subcommittee on Surveying Corner Markers, the needs of our Surveying Service for an enduring corner monument have been made known and there is no doubt but that the committee will develop a monument that will be both permanent and economical.

Monthly Service Letters from Assistant Supervisors.

We are pleased to acknowledge the receipt of interesting monthly service bulletins from some of the Assistant Supervisors of Surveys. It is understood that such bulletins or letters in circular form are issued monthly by the following-named Assistant Supervisors of Surveys: Harrison, Harrington, Rands, and Spofford. The Editor of the Bulletin and Chief of the Division of Surveys would be pleased to receive promptly copies of these communications when issued by any of the Assistant Supervisors.

Survey of Oil Lands, Southeastern Utah.

Conditions having developed indicating the desirability of surveying the lands deemed to be necessary for the furtherance of the oil industry under the discretionary authority vested in this office by the provisions of the act of January 24, 1923 (42 Stat., 1180), making appropriation for surveying the public lands, whereby there may be used not to exceed \$50,000 for surveys and resurveys under the rectangular system provided by law for public lands deemed to be valuable for oil and oil shale, the U. S. Surveyor General for Utah was recently authorized to provide for the extension of the public surveys over the area south of the San Juan River to the State boundary line bounded on the east by the 110th meridian and on the west by the foothills of the Navajo Mountains.

This area includes substantially all of the lands that were eliminated from the Piute Indian Reservation in Utah, July 28, 1922. The east boundary of restored area is defined as 110th meridian of west longitude, which from the best available information will be found, if astronomically determined, to be approximately 2 miles east of the line between Rs. 17 and 18 E, the south boundary is the line between the States of Arizona and Utah and the north and west boundaries are the San Juan River.

During the past month special instructions have been issued under this authority, and approved by the General Land Office for the survey of Ts. 40 to 43 S., Rs. 11 to 16 E., and Ts. 41 to 43 S., R. 17 E., S.L.B. and M. The survey of the portion of Ts. 41 to 43 S., R. 18 E., lying west of the 110th meridian will be deferred for the present because of the expense and delay incident to the astronomical determination of the true position of that meridian, and the line between Rs. 10 and 11 E., has been decided upon as the western limit of the present survey undertaking for the reason that the mountains which lie immediately to the west, and which have but recently been eliminated from the Indian Reservation, are understood to be held sacred by the Indians and an invasion thereof is not to be needlessly undertaken.

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FIELD SERVICE NOTES.

Mr. J. D. Yelverton, Assistant Chief of the Denver Division, concluded his labors in the General Land Office and left for his home October 29.

Almost time for the annual migration of the "snow-birds," the first winter's storms having already arrived in the northern divisions.

The following indictments have been returned by the Federal Grand Jury at Los Angeles:

Violation of the act of February 23, 1917--E. H. Hahn, C. S. Kenyon, and J. W. Reiff:

Violation of section 215, fraudulent use of the mails, and section 37, conspiracy to defraud the United States--Wm. R. Price, Ben McLendon, Gertrude M. Caldwell, V. E. Clarke, and Clinton Johnson.

Mr. Ralph L. Neary, of South Dakota, has been appointed a special agent in the excepted class.

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TIMBER LANDS RESERVED FOR THE NAVY.

In the days before steel was used for the construction of ships, the Government gave thought at an early date to the reservation of timber lands for the use of the Navy.

The act of March 1, 1817 (3 Stat., 347), provided that the Secretary of the Navy should have lands growing suitable live oak and red cedar trees explored and selections of them made, and withdrawn from disposal, to supply timber for the Navy.

Under that act, on November 13, 1818, James Leander Cathcart and James Hutton were appointed to examine lands in Louisiana and Alabama. Their report to the Secretary of the Navy, made May 21, 1819, which was written by Cathcart and which reads like a chapter from "Robinson Crusoe," so crowded with minute details is it about Indians, negroes, criminals, early settlers, etc., and so full of stories of adventure, hardship, and exploration, is among the archives of the General Land Office. They recommended the withdrawal of lands at Fort Darby on the east side of the Mississippi River, the purchase of Belle Isle, the selection of Paris' Island, Tiger Isle or Bryant's, Navy Commissioners' Island and Cypress Island and four islands near it in Louisiana. They selected also nearly twelve sections on Cedar Creek, namely, part of Secs. 29 and 32, and all Secs. 33 and 34, T. 7 N., R. 4 E., and part of Sec. 1, and all Secs. 2, 3, 4, 5, 9, 10, 11, and 12, in T. 6 N., R. 4 E., St. Stephens Meridian, not far from Claiborne, on the Alabama River, in Monroe County, Alabama. These lands had a great quantity of red cedar trees of large size.

The act of May 15, 1820 (3 Stat., 607), took away from the Secretary of the Navy the power to select timber lands and authorized the President to employ surveyors for that purpose.

The act of February 23, 1822 (3 Stat., 651), provided that the President might use the land and naval forces of the United States to prevent trespasses on Government timber lands in Florida.

Section 3 of the act of March 3, 1827 (4 Stat., 242), authorized the President to reserve from sale vacant public lands containing live oak and other timber suitable for the construction of ships.

The act of March 2, 1831 (4 Stat., 472), provided penalties for timber trespasses on lands reserved for the Navy.

August 12, 1828, the Commissioner of the General Land Office, George Graham, issued instructions to the United States District Attorneys in Florida, Thomas Douglass at St. Augustine, James G. Ringgold at Tallahassee, and Benjamin D. Wright, at Pensacola, to enjoin and prosecute criminals who committed depredations on the public lands in that State.

November 4, 1830, the Secretary of the Navy, John Branch, wrote to the Secretary of the Treasury, Samuel D. Ingham, to request him to instruct the surveyors about to survey the eastern part of Florida, to report in their field notes such lands as have live oak or other timber valuable for naval purposes.

November 10, 1830, J. W. Dabney, of Dills, Alachua County, Florida, wrote to the Secretary of the Navy that he had bought at Government sale in the city of Tallahassee in February of that year, 730 acres of the finest live oak land to be found in any part of the United States; that it lay on the Suwanee River, a fine navigable stream about 25 miles from its mouth; that it was dry and firm land; that "it never would have been brought into market until the timber had been secured to the Government if the deputy surveyor had done his duty;" that he was a planter, and had begun to clear the tract; that he offered to sell it to the Government and that the other gentlemen owning land in that body also desired to sell their timber. He referred the Secretary to Gen. William F. Gordon, of Virginia, and Col. J. M. White, of Florida, for information about "anything you may wish to know of me."

April 18, 1831, the Navy Department appointed seven agents to preserve live oak timber for the Navy and reserve from sale such public lands as had trees valuable for ship-building purposes. The Secretary gave them appropriate written instructions. They were Eli B. Whitaker, whose district was from Range 5 East, T.M., to the Suwanee River; John E. Frost, from St. Mary's River to Cape Sable, or southern extremity of Florida, with station at St. Augustine; Samuel Reed, from Cape Sable to Suwanee River, with residence at Tallahassee; Thompson Mason, from Range 5 E., to Range 25 W., T.M., with headquarters at Tallahassee; John Clark, from R. 25 W. to the Perdido River, with residence at St. Andrew's Bay; John Jarrison, from the Perdido to the Mississippi River, with station at Pensacola; and James Blair, from the Mississippi River to the Sabine River, with station at New Orleans. They were to examine the lands in their respective districts, report discoveries of suitable timber, make selections for the Government, have the district land officers reserve the lands selected by them, prevent trespasses, and make report to the Department at least once every three months. They were allowed compensation at the rate of \$1,800 a year, and \$1.25 per day for expense of themselves and horse. They were also allowed an attendant whose pay was \$26 a month, including his support.

June 23, 1831, those agents received additional instructions from the Secretary of the Navy and they were told to report once a month to the registers and receivers the tracts they had found growing naval timbers. John E. Frost was informed that the schooner "Shark," Lieut. William P. Piercy, Commander, had sailed for St. Augustine, and would patrol the coast from St. Mary's River to Cape Sable, and that that officer would cooperate with him in his official duties.

Under those instructions lands were reserved in Alabama, Florida, Louisiana, and Mississippi. A list of them is in the "Live Oak Book" among the old records of Divisions "E". President Andrew Jackson made the official withdrawals.

In October, 1831, one of the agents employed by the navy Department for the preservation of the live oak timber, reported to Secretary Levi Woodbury, as he informed Elijah Hayward, then Commissioner of the General Land Office, that extensive depredations were being committed on cypress land. "To give some idea of the extent to which this portion of the public lands are despoiled," he wrote, "there are within fifty miles of this place 5 steam mills, several of them located upon public lands and all of them draw their supply of timber from the public lands, and a New Orleans newspaper, in recapitulating the injury done by one of the recent storms, estimated the loss of rafts driven from the levee at over \$20,000, and all these were cut from the public lands."

In 1857, 1858, and 1859 President James Buchanan reserved for naval purposes a large area on the Suwanee River and elsewhere in Florida, and some lands in Mississippi, which had been selected by agents of the Navy. This happened when Isaac Tracey was Secretary of the Navy, J. Thompson was Secretary of the Interior, and Thomas A. Hendricks was Commissioner of the General Land Office. These lands are listed in a book called "Live Oak Reservations" among the old records of Division "E".

By the acts of March 3, 1843 (5 Stat., 611), 5th section, of the act of August 3, 1846 (9 Stat., 41), March 3, 1853 (10 Stat., 258), and March 3, 1879 (20 Stat., 470), March 2, 1895 (28 Stat., 814), and February 16, 1923 (42 Stat., 1258), these reservations were all or nearly all annulled.

SALE OF COAL LEASES.

Wyoming.

The United States land office at Evanston, Wyoming, has been directed by the Secretary of the Interior to offer for coal lease a tract of public land in Wyoming containing 480 acres.

The land is in Uinta County, 14 miles south of Kemmerer and about 1½ miles east of Cumberland, on the Cumberland branch of the Wyoming Western Railroad. The surface of the tract is occupied by the Frontier formation which contains throughout this general region several thick beds of high-grade bituminous coal. Lease for this tract will be at a Government royalty of 10 cents per ton for coal mined, a minimum investment in mining operations of \$75,000 during the first three years of the lease, and a minimum production of 45,000 tons of coal a year beginning with the fourth year of the lease.

Colorado.

The United States land office at Glenwood Springs has been directed by the Secretary of the Interior to offer for coal lease a tract of public coal land in Colorado containing approximately 560 acres.

The land is in Garfield County in the Grand Hogback coal field. Lease for this tract will be at a Government royalty of 10 cents per ton for coal mined, a minimum investment in mining operations of \$125,000 during the first three years of the lease, and a minimum production of 120,000 tons of coal a year beginning with the fourth year of the lease.

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TIMBER TRESPASS--CRIMINAL ACTION.

From Helena.

On September 12, 1922, the United States attorney for the district of Montana filed an information against Rudolph A. Hill for cutting timber on vacant public lands in the Miles City, Montana, land district, described as NE¼ Sec. 35, T. 7 S., R. 42 E., W.M., same being based upon an adverse report of Special Agent L. B. Kimble, dated September 8, 1922.

During the term of court just held at Billings, Montana, warrant issued for Hill, who pleaded guilty on September 24, 1923, and was on that date sentenced by the court to pay a fine of \$100 and costs, with no imprisonment in default of fine.

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GOVERNMENT SELLS LOTS IN TOWN OF NENANA.

George Parks, chief of the field division, General Land Office, held an auction sale of lots at Nenana last week. Louis Johnson, Charles Hagan, and Charles Bergman were the principal purchasers, the total sales amount to \$1,100.

The lots sold were widely scattered, the one sold to Hagan being the only business lot. The Government had set an appraised valuation and no bids were accepted for less than that sum. Buyers also had to pay the old assessments so no remarkable values were offered, except as compared to the boom prices of 1916.-- Alaska Gateway.

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FALSE OATH IN MAKING HOMESTEAD ENTRY.

In a recent clipping from the Santa Fe New Mexican sent in from the Santa Fe Field Division, the conviction in the Federal court of William B. Turner, on account of perjury in connection with his homestead entry papers is noted. The jury found a verdict guilty and the court imposed a sentence of nine months imprisonment. In passing the sentence the court took occasion to comment at some length on the serious nature of the offense against our public-land system.

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KINDLY WORDS FOR THE DEPARTMENT.

The quotation that follows is from a firm of attorneys at Sacramento, California, and sounds a note of appreciation that is pleasant to hear.

"Entirely aside from the matter above, both members of this firm would like to state that they have been more than pleased with the expeditious and efficient management of the Department of the Interior, so far as it has affected the district in which we practice, the last several months. It is indeed a pleasure to get action on matters sent up to you, within a reasonable time, and also it seems to us there is more sympathy and assistance given homesteaders. We handle the joys and sorrows of so many of them that we have understanding of what they go through to obtain title, and we try to help them to an understanding of rules and regulations that exist, and to their duties as good citizens. It is easier to do this now than it sometimes has been in the past.

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RECENT DECISIONS OF THE COURTS.

Water Rights--Public Lands.

One who acquires by appropriation the right to the use of the water of a spring situated wholly upon Government land may restrain a subsequent patentee of such land, or his successor in interest, from any interference with the use of such water or the easement over which the same is conducted to his premises. (Supreme Court of Idaho.)

Keiler et al. vs. McDonald.
(218 Pacific Reporter, 355.)

Jurisdiction of Land Department.

The only question that can be considered by the courts regarding the decisions of the Land Department is whether the Department made a mistake of law; and,

to hold that it did, it must be clearly manifest, and not founded on a possible finding of the facts different from that put on them by the Department. (Supreme Court of Washington.)

McDonald et al. vs. Neal et al.
(218 Pacific Reporter, 228.)

Unsurveyed Land--Settlement Rights--Railway Selection.

Where unsurveyed land has been entered upon by bona fide claimants, who have posted notices and exercised acts of ownership, although insufficient under the homestead law, such land is segregated from the public domain and not subject to entry by a railway company under the Federal law of August 5, 1892, permitting a railway company to select non-mineral land not reserved, and to which "no adverse claim shall have attached" to the extent of lands relinquished and released. (Supreme Court of Washington.)

Reed et ux. vs. Great Northern Railway Co.
(218 Pacific Reporter, 210.)

Water Rights--Irrigation Corporations.

Mutual irrigation corporations may provide in their articles of incorporation that shares of stock which merely evidence a right to a certain amount of water are inseparably appurtenant to the land owned by the stockholders so that such lands are subject to liens for assessment to accrue in the future. (Supreme Court of Arizona.)

Greene & Griffin Real Estate and Investment
Company vs. Salt River Valley Water Users'
Association.
(217 Pacific Reporter, 945.)

Public Lands--Private Claim--Swamp Grant.

Under the swamp land grant made by the act of March 2, 1849 (9 Stat., 352), land which was then claimed under a Spanish grant did not pass to the State though then subject to overflow. (Supreme Court of Louisiana.)

Wemple et al. vs. Albritton et al.
(97 Southern Reporter, 489.)

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CAREY ACT SEGREGATIONS--RELINQUISHMENT--INSTRUCTIONS.

DEPARTMENT OF THE INTERIOR
Washington

October 12, 1923.

The Commissioner

of the General Land Office.

Dear Mr. Commissioner:

My attention has been called to departmental decision in the case of Thomas S. Taliaferro 3d (Evanston 09187), involving the allowance of a homestead

entry upon land formerly embraced in a Carey Act segregation, the entryman having apparently secured, just prior to his homestead application, a relinquishment from the State Land Board of the particular tract, the State within about thirty days thereafter filing the relinquishment covering other unreclaimed land in the project.

As you are aware, the question of the disposition of lands segregated under the Carey Act, and not reclaimed by the States, has been the subject of consideration both by the Department and by Congress.

In order to secure equal opportunity to all citizens, to prevent speculation in relinquishments, etc., the Department has adopted the rule that such relinquishments shall not be effective until accepted and approved by the Commissioner of the General Land Office, and the general practice has been to accord no preference rights in such cases, but to restore the lands to entry after due notice to the public.

An act of Congress provides that where people have been induced to enter upon such lands, through sales or contracts, and establish residence or make valuable improvements thereon, they may, under conditions prescribed in the act, be accorded a preference when the lands are restored to disposition. Moreover, the joint resolution of February 14, 1920, as amended January 21, 1923, provides that for a period of ten years lands restored to entry shall be subject to a preference right by soldiers, sailors, and marines of the late war.

General procedure such as described in the Taliaferro decision would be contrary to the policy of the Department described and to the acts of Congress mentioned. While the peculiar facts, circumstances, and equities of the Taliaferro case may have justified the action in the said decision of September 19, 1923, you are advised that same will not be regarded as changing in any respect the practice heretofore established by the Department and Congress, nor is it to be followed as a general precedent. In future in adjudicating such matters, you will be governed by the practice heretofore prevailing.

Respectfully,

E. C. FINNEY,

First Assistant Secretary.

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UNITED STATES COAL COMMISSION--RECORDS.

THE SECRETARY OF THE INTERIOR

Washington

October 11, 1923.

O R D E R.

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The records, files, and property of the United States Coal Commission which, by Executive Order of September 13, 1923, were transferred to the Department of the Interior, and the Secretary of the Interior designated as custodian thereof,

will be housed and cared for under the supervision of the Director of the Geological Survey until further orders.

HUBERT WORK.

DEPARTMENT OF THE INTERIOR,
October 12, 1923.

Respectfully referred to the
Commissioner of the General Land Office,
for his information.

JNO. HARVEY,
Chief Clerk.

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INFORMATION FOR EX-SERVICE MEN.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

November 3, 1923.

Register and Receiver,
Glenwood Springs, Colorado.

Gentlemen:

The letter of the receiver under date of October 22, 1923, relative to the article "Should Ex-service Men Attempt to Homestead Public Lands" in the October number of the Land Service Bulletin, is at hand.

This article has not been printed in such form and numbers that it can be supplied for general distribution. It was prepared by the Secretary of the Interior to correct certain erroneous impressions extant as to the public lands that were being opened subject to the preference right of ex-service men; especially to point out that the ex-soldier was receiving first consideration in all cases of land openings, in fact getting the best we had; and that the entry-men under the terms of the homestead law would be required to expend no little labor and money in securing a farm under present day conditions. Every effort was made to give this article due publicity, especially among ex-service men, through publications devoted to their interests, such as the "American Legion Weekly", the "Stars and Stripes", and other papers of similar character, as well as through the public press generally throughout the country, and the "Land Service Bulletin."

This article is general in its character and is not suited for use in response to inquiries that may be received from ex-soldiers at the district land offices. These letters call for special information from a given locality, usually as to the character of land open to entry, and should be answered as fully in matter of detail as the records of the office permit, and the personal knowledge of the district officers justify. In framing responses to letters of this kind, however, you may well be guided by the information contained in the Secretary's article, which in no manner should be construed as implying that the district land officers were remiss in their duty to our ex-soldiers.

Very respectfully,

WILLIAM SPRY,

Commissioner.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington
1078291

PUBLIC LANDS RESTORED TO HOMESTEAD ENTRY AND OTHER DISPOSITION BY
PROCLAMATION, EXECUTIVE OR DEPARTMENTAL ORDER.

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Preference Rights to Ex-Service Men of the War with Germany.

General Method of Opening:

By virtue of Public Resolution No. 29, of February 14, 1920 (41 Stat., 434), as amended by Public Resolutions Nos. 36 and 79, approved January 21 and December 28, 1922, respectively, hereafter and until February 15, 1930, when any surveyed lands within the provisions of the public resolutions are opened or restored to disposition under the authority of the Department, such lands, unless otherwise provided in the order of restoration, shall become subject to appropriation under the laws applicable thereto in the following manner, and not otherwise:

Lands not affected by the preference rights conferred by the acts of August 18, 1894 (28 Stat., 394), or June 11, 1906 (34 Stat., 233), or February 14, 1920 (41 Stat., 407), will be subject to entry by soldiers under the homestead and desert-land laws, where both of said laws are applicable, or under the homestead law only, as the case may be, for a period of 91 days, beginning with the date of the filing of the township plat in the case of surveys or resurveys, and with the date specified in the order of restoration in all other cases, and thereafter to disposition under all of the public land laws, applicable thereto, except where homestead entrymen are granted a prior preference period under the order. For a period of 20 days and for a like period prior to the date or dates such lands become subject to entry by the general public, soldiers in the first instance, and any qualified applicants in the second, may execute and file their applications, and all such applications presented within such 20-day periods, together with those offered at 9 o'clock a.m., standard time, on the dates such lands become subject to appropriation under such applications, shall be treated as filed simultaneously.

Unsurveyed lands are not subject to homestead or desert-land entry. A homestead entry may embrace 160 acres, or an approximation thereof, and where the lands are of the character contemplated by the 320 or 640 acres homestead acts, applications for the unappropriated lands may be filed by qualified persons, under either of said acts; accompanied by proper petitions, if undesignated, for the designation of lands thereunder, and such applications will be suspended pending determination as to the character of such lands.

The following are restorations or openings which will occur in the near future and concerning which further information may be obtained from the local offices:

ARIZONA:

RECONVEYED LAND OPENED TO ENTRY.

Six hundred and forty (640) acres situated in Mohave County, Phoenix land district, opened to entry under the homestead and desert-land laws by ex-service men of the war with Germany for a period of ninety-one days, beginning November 3, 1923, subject to valid rights and the preference right of entry of settlers on the land August 24, 1922. On and after February 3, 1924, any of such land remaining unentered will be subject to appropriation under any public-land law applicable thereto by the general public.

This land was reconveyed to the United States by the Santa Fe Pacific Railroad Company under the act of Congress approved August 24, 1922, is described as Sec.13, T. 17 N., R. 13 W., G. & S. R. M., and has been designated under the enlarged-homestead act of February 19, 1909.

Official plats of surveys and resurveys of public lands have been transmitted to Surveyors General with instructions to transmit copies thereof to United States land offices for official filing as follows:

T. 29 S., Rs. 35 and 36 E., M.D.M., California, with letter dated October 5, 1923, approximately 18,000 acres; United States land office at Independence, California. The odd-numbered sections in these townships have been selected by the Southern Pacific Railway Company and other lands have been appropriated by settlers in T. 29 S., R. 35 E.

Fractional T. 36 N.; R. 18 E., M.D.M., Nevada, with letter dated October 15, 1923, approximately 14,000 acres; United States land office at Carson City, Nevada.

The dates of filing will be fixed by the registers of the several offices and the public lands indicated will be open to entry and subject to prior valid settlement rights and equitable claims, ex-service men of the World War will be entitled to a preference right to enter these lands under the homestead and desert-land laws for a period of 91 days, beginning with the date of filing of the plats, under Public Resolutions Nos. 35 and 79, dated January 21 and December 28, 1922, respectively.

In addition to the above, the plat of T. 28 S., R. 12 E., S.L.M., Utah, was transmitted October 8, 1923, approximately 20,000 acres; United States land office at Salt Lake City.

These surveys were made upon application of the State and the public lands involved were withdrawn under the provisions of the act of August 18, 1894 (28 Stat., 394), until 60 days after the date of filing of the plat, during which period the State has a preference right to select lands therein in satisfaction of public land grants. On the expiration of such period ex-service men of the World War are entitled to the preference right heretofore indicated for lands not selected by the State. All lands will be open to general disposition on the expiration of the preference periods indicated.

In T. 29 S., Rs. 35 and 36 E., California, the lands are reported as rolling and broken desert. The soil is gravelly and stony, second and third rates. There is an undergrowth of sage and grease wood.

Fractional T. 36 N., R. 18 E., Nevada, is reported as mountainous and rolling, with scattering timber and a good growth of bunch and wild rye grasses which afford an excellent range for cattle and sheep. An ample supply of water for stock is furnished by small springs and creeks. The soil is a heavy clay mixed with lava rocks.

T. 28 S., R. 12 E., Utah, is reported as rolling bench land covered with a scattering growth of shad scale and a good growth of brush grass which affords excellent grazing for stock. Water is furnished by Dirty Devil River. The soil in the greater part of the township has a deep, sandy loam while on the more broken parts it is shallow, lying on sandstone bedrock.

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ARIZONA:

FROM FOREST RESERVATION.

One thousand three hundred acres in scattered tracts in Apache County, Phoenix land district excluded from the Sitgreaves National Forest by proclamation of October 13, 1923, will be open to entry under the homestead and desert-land laws by ex-service men of the war with Germany for a period of 91 days, beginning December 15, 1923. On and after March 15, 1924, any of such land remaining unentered will be subject to appropriation under any public land law applicable thereto by the general public.

The restored areas are reported to be non-timbered grazing lands and are located in T. 10 N., Rs. 24 and 25 E., about 50 miles southeast of Holbrook, near the town of Bannock. Further information if desired may be obtained from the United States land office at Phoenix, Arizona.

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COLORADO:

RECOVERED THROUGH CANCELLATION OF PATENTS.

One thousand seven hundred and fifty-six acres in Routt County, Glenwood Springs land district, open to entry under the homestead and desert-land laws, and where withdrawn for coal classification to surface entry only, by ex-service men of the war with Germany for a period of 91 days, beginning November 24, 1923. Filings may be presented at any time within the 20 days prior to that date. On and after February 23, 1924, any of said lands remaining unentered will be subject to appropriation under any applicable public land law by the general public.

The lands have been recovered by the United States through the cancellation of patents issued on coal-cash entries, and are located T. 8 N., R. 86 W., and Ts. 7 and 8 N., R. 87 W., 6th P.M., about 20 miles northwest of Steamboat Springs near the town of Deepcreek, and 1,656 acres thereof are withdrawn for coal classification, and 244 acres have been designated under the 320-acre homestead law.

Further information, if desired, may be obtained from the United States land office at Glenwood Springs.

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WYOMING:

RESTORATION OF LANDS RECONVEYED FROM CAREY ACT GRANT.

203.18 acres of land in Park County, Cheyenne, Wyoming, land district, opened to homestead and desert-land entries by ex-service men of the World War where not reserved or withdrawn beginning November 27, 1923. Filings may be presented during the 20 days prior to that date, such filings to be considered as simultaneously filed and to be disposed of by lot. From February 26, 1924, any

of said land remaining unentered will be subject to appropriation under any of the applicable public-land laws by the general public. The lands have been designated under the enlarged and stock-raising homestead acts. Furthermore, the Geological Survey states under date of October 15, 1923, that general knowledge of the country indicates that conditions are not favorable for dry farming or stock raising.

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WYOMING: FROM SEGREGATION UNDER THE CAREY ACT.

12,525.52 acres in Lincoln County, Evanston land district, opened to entry under the homestead and desert-land laws by ex-service men of the World War beginning November 28, 1923, and opened to entry by the general public under any applicable public-land law beginning February 27, 1924.

All of the land has been released from application under the Carey Act. It has an altitude of some 7,000 feet and requires artificial irrigation, though some of the lands are non-desert in character. The soil is a dark gravelly loam, partially covered with scrub sagebrush, and the principal products are wild hay and timothy, the production of small grain such as wheat and oats can not be depended upon because of the short growing season, though 60-day oats may be raised.

Only a local market can be depended upon, the nearest shipping point being Victor, Idaho, some 40 miles to the west.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

August 30, 1923.

Guthrie O13937 et al.

: Instructions on Red River
: Oil and Gas Applications.

Register and Receiver,

Guthrie, Oklahoma.

Gentlemen:

1. There has been filed in your office, accepted, and advertised, 160 applications under the act of March 4, 1923, for oil and gas permits or leases in the south half of Red River. All of the 160 accepted applications, including a description by metes-and-bounds of the land applied for, were advertised simultaneously in the weekly Grandfield Enterprise of Grandfield, Oklahoma, commencing May 11, 1923, and ending June 8, 1923. The duplicate copy of each application is on file in your office at Guthrie, Oklahoma, for inspection by interested parties without removal from your office.

2. Composite or conflict maps have been prepared by this office, from the descriptions given in the applications, to show all the applications and their conflicts. Such a map showing the river area through Range 14 West, Indian Meridian, and another map showing the river area through Range 15 West, have been printed. The conflicts on the remaining areas are so few that photostat maps showing the conflicts will suffice.

3. You are hereby directed to serve a copy of this letter upon each of the 160 applicants, enclosing the appropriate map showing his claim. Such service of this letter will be a formal notice on each recipient to show cause on or before October 25, 1923, why his application should not be rejected and canceled, to the extent of each and every one of the conflicts shown on said map, and to show cause why a permit or lease should not be issued for the conflict area to such adverse conflicting claimants and to the exclusion of the applicant upon whom service is being made. The following applications are either free from conflict, or the conditions are such that they may be freed from conflict by adjustment; consequently the applicants will not be required to take action under this letter:

Serial.

Applicant.

014128	Cortney No. 26, Placer Mining Association.
014129	Smith No. 54, Placer Mining Association.
014130	Miller No. 62, Placer Mining Association.
014131	Fromholtz No. 67, Placer Mining Association.

Serial.Applicant. (continued)

Cl4132	Morris No. 49, Placer Mining Association.
Cl4133	Hamilton No. 50, Placer Mining Association.
Cl4150	A. B. Flannery.
Cl4171	William J. Armstrong.
Cl4172	Fred Holt et al.
Cl4173	T. M. Latham et al.
Cl4174	L. C. Bashor et al.
Cl4197	Cam Galt et al.
Cl4209	Frederick Mining Association.
Cl4221	Pearl A. Little et al.
Cl4222	Jas. M. Patterson and Wm. Trigg.
Cl4226	AAAL Placer Mining Association.
Cl4227	Aaba Placer Mining Association.
Cl4237	Sons of Thor.

4. Any showing of cause, as above required, which should be in the main a statement of facts, should be filed in your office in duplicate under the serial number of the applicant making the showing on or before the stated date of October 25, 1923. The duplicate copy should be attached to the duplicate copy of application being held permanently in your office. You will forward the original copy with reasonable promptness to this office at Washington. Photostat copies of all applications, showings, etc., in whole or part, may be secured from this office at Washington at a cost of 15 cents per page, payable in advance in form of Post Office money order, New York exchange, or certified or cashier's check, made payable to the Commissioner of the General Land Office. Copies of the conflict maps may be obtained at a cost of 15 cents for each printed map and 40 cents for each photostat map.

5. A legible copy of said showing of cause must be served on each of the conflicting claimants, either by personal service or by letter registered to their "record address" as given below on or before October 25, 1923; and the usual evidence of such service, in the form of affidavit that personal service was made or affidavit of mail service and signed registry receipt, filed in your office within due time thereafter. Should any applicant be unable to obtain service promptly, he should immediately report the fact to you that you may take such steps as you may deem advisable, and you will also report the matter promptly to this office.

6. No extension of time beyond October 25, 1923, will be granted in which to file this original or direct showing. Should any applicant file his showing after the time set, you will accept same, but note on the face of the showing that it was filed after the date fixed. Such a showing will not be considered, unless the adverse claimants, within the time for reply, voluntarily file a statement in rebuttal thereof. Any showing may be filed at Guthrie in person, or forwarded by registered mail in proper time to be received on or before the date fixed.

7. A conflicting claimant upon whom may be served a showing as afore-said or upon whom such service has been attempted at his record address, must on or before November 20, 1923, file his answer in your office in duplicate under his own serial number, and must serve a copy upon the original or direct protestant

within the same period and in due time file evidence of such service in your office. The general rules of paragraphs 4 to 6 above will apply to this counter showing or rebuttal.

8. The 160 applications have given their "record addresses" (the name and address of their attorney or other representative who is to receive formal notifications) as follows, and they are hereby held responsible for the correctness of such addresses so far as relates to the service of showings. After A is given the name of the applicant, and after B is given the record address.

- 013937 A. Agricultural Aid Association.
B. Jas. S. Fulton, American National Bank Bldg.,
Oklahoma City, Oklahoma.
- 013961 A. Ben Bergerman, trustee, Pueblo, Colorado.
B. Ben Bergerman, Pueblo, Colorado.
- 014007 A. Thos. A. Gall, trustee.
B. Thos. A. Gall, First National Bank Bldg., Duluth, Minnesota.
- 014008 A. J. M. Wakefield et al.
B. Thos. A. Gall, First National Bank Bldg., Duluth, Minnesota.
- 014036 A. Ben Bergerman, trustee.
B. Ben Bergerman, Pueblo, Colorado.
- 014037 A. Ben Bergerman, trustee.
B. Ben Bergerman, Pueblo, Colorado.
- 014038 A. Ben Bergerman, trustee.
B. Ben Bergerman, Pueblo, Colorado.
- 014044 A. Carl C. Staley et al. and Red River Oil Corporation.
B. Jas. T. Macy, 711 Ernest & Cranmer Bldg., Denver, Colorado.
- 014045 A. Buckeye Petroleum Co.
B. Smoot & Smoot, 304 City National Bank Bldg., Wichita Falls, Texas.
- 014046 A. Southwest Petroleum Co.
B. Smoot & Smoot, 304 City National Bank Bldg., Wichita Falls, Texas.
- 014058 A. Mark Denson and Red River Oil Corporation.
B. Jas. T. Macy, 711 Ernest & Cranmer Bldg., Denver, Colorado.
- 014059 A. D. V. Burrell et al. and Red River Oil Corporation.
B. Jas. T. Macy, 711 Ernest & Cranmer Bldg., Denver, Colorado.
- 014060 A. Arthur S. Beymer et al. and Red River Oil Corporation.
B. Jas. T. Macy, 711 Ernest & Cranmer Bldg., Denver, Colorado.
- 014061 A. R. L. Brown et al. and Red River Oil Corporation.
B. Jas. T. Macy, 711 Ernest & Cranmer Bldg., Denver, Colorado.

- 014062 A. Carl C. Snapp et al.
B. Roy A. Payton, Pueblo, Colorado.
- 014064 A. Arthur S. Beymer et al. and Red River Oil Corporation.
B. Jas. T. Macy, 711 Ernest & Cranmer Bldg., Denver, Colorado.
- 014065 A. R. L. Brown et al. and Red River Oil Corporation.
B. Jas. T. Macy, 711 Ernest & Cranmer Bldg., Denver, Colorado.
- 014066 A. Arthur S. Beymer et al. and Red River Oil Corporation.
B. Jas. T. Macy, 711 Ernest & Cranmer Bldg., Denver, Colorado.
- 014067 A. Alfred A. Brashear, Ave Willis, and Red River Oil Corporation.
B. Jas. T. Macy, 711 Ernest & Cranmer Bldg., Denver, Colorado.
- 014068 A. F. W. Thaison et al.
B. F. W. Thaison, 319 West Bldg., Houston, Texas.
- 014071 A. W. F. Corts Drilling Co.
B. W. F. Corts Drilling Co., 1101 Guaranty Title and Trust Bldg., Columbus, Ohio.
- 014072 A. J. L. Ellsworth et al. and National Exploration Co.
B. Jas. T. Macy, 711 Ernest & Cranmer Bldg., Denver, Colorado.
- 014073 A. Eugene H. Smith et al. and National Exploration Co.
B. Jas. T. Macy, 711 Ernest & Cranmer Bldg., Denver, Colorado.
- 014074 A. Jas. H. Shaw et al. and National Exploration Co.
B. Jas. T. Macy, 711 Ernest & Cranmer Bldg., Denver, Colorado.
- 014075 A. J. L. Ellsworth et al. and National Exploration Co.
B. Jas. T. Macy, 711 Ernest & Cranmer Bldg., Denver, Colorado.
- 014076 A. Arthur S. Beymer et al. and National Exploration Co.
B. Jas. T. Macy, 711 Ernest & Cranmer Bldg., Denver, Colorado.
- 014077 A. R. L. Brown et al. and National Exploration Co.
B. Jas. T. Macy, 711 Ernest & Cranmer Bldg., Denver, Colorado.
- 014078 A. R. L. Brown et al. and National Exploration Co.
B. Jas. T. Macy, 711 Ernest & Cranmer Bldg., Denver, Colorado.
- 014079 A. Carl C. Staley et al. and National Exploration Co.
B. Jas. T. Macy, 711 Ernest & Cranmer Bldg., Denver, Colorado.
- 014080 A. A. F. Anderson et al. and National Exploration Co.
B. Jas. T. Macy, 711 Ernest & Cranmer Bldg., Denver, Colorado.
- 014081 A. D. V. Burrell et al. and National Exploration Co.
B. Jas. T. Macy, 711 Ernest & Cranmer Bldg., Denver, Colorado.
- 014082 A. A. W. Wright, Wm. Spurck, jr., and Red River Oil Corporation.
B. Jas. T. Macy, 711 Ernest & Cranmer Bldg., Denver, Colorado.

- 014083 A. Snoden T. Brashearset al. and Red River Oil Corporation.
B. Jas. T. Macy, 711 Ernest & Crammer Bldg., Denver, Colorado.
- 014084 A. F. A. Fine et al.
B. Jas. T. Macy, 711 Ernest & Crammer Bldg., Denver, Colorado.
- 014085 A. H. A. Kirby, J. A. Harris et al.
B. J. A. Harris, Frederick, Oklahoma.
- 014088 A. Melish Consld. Placer Mining Association.
B. Tom Testerman, 215 Morgan Bldg., Wichita Falls, Texas.
- 014089 A. Kirby Petroleum Co.
B. R. H. Ward, P. O. Box 1475, Houston, Texas.
- 014090 A. Kirby Petroleum Co.
B. R. H. Ward, P. O. Box 1475, Houston, Texas.
- 014091 A. General Oil Co.
B. K. C. Barkley, 1108 Union National Bank Bldg., Houston, Texas.
- 014092 A. National Petroleum and Refining Co.
B. K. C. Barkley, 1108 Union National Bank Bldg., Houston, Texas.
- 014093 A. R. J. Bain.
B. K. C. Barkley, 1108 Union National Bank Bldg., Houston, Texas.
- 014094 A. Sam Sparks.
B. K. C. Barkley, 1108 Union National Bank Bldg., Houston, Texas.
- 014095 A. E. L. Roberts, H. R. King, R. E. Litton, J. L. Meeks, M. B. Pickens.
B. J. L. Meeks, Frederick, Oklahoma.
- 014096 A. W. H. Baird et al.
B. J. O. Counts, Frederick, Oklahoma.
- 014098 A. Pacific-Wyoming Oil Co.
B. Pacific-Wyoming Oil Co., 808 Interstate Trust Bldg., Denver, Colorado.
- 014099 A. Pacific-Wyoming Oil Co.
B. Pacific-Wyoming Oil Co., 808 Interstate Trust Bldg., Denver, Colorado.
- 014100 A. Pacific-Wyoming Oil Co.
B. Pacific-Wyoming Oil Co., 808 Interstate Trust Bldg., Denver, Colorado.
- 014101 A. Pacific-Wyoming Oil Co.
B. Pacific-Wyoming Oil Co., 808 Interstate Trust Bldg., Denver, Colorado.
- 014102 A. Pacific-Wyoming Oil Co.
B. Pacific-Wyoming Oil Co., 808 Interstate Trust Bldg., Denver, Colorado.
- 014104 A. Burk-Rainbow Oil Co.
B. c/o John O. Wilson, 4th & Market Sts., Camden, New Jersey.
- 014105 A. James Herbert Dean et al.
B. Wilson & Roe, Frederick, Oklahoma.

- 014107 A. Lone Star Refining Co.
B. Jas. T. Getty, Getty Bldg., Kansas City, Kansas.
- 014108 A. R. O. Ray et al.
B. Wilson & Poe, Frederick, Oklahoma.
- 014109 A. J. H. Seright.
B. Smoot & Smoot, 304 City National Bank Bldg., Wichita Falls, Texas.
- 014113 A. Grand Oil & Development Co.
B. E. E. Blake, 502 Terminal Bldg., Oklahoma City, Oklahoma.
- 014114 A. Charles H. Smoot.
B. Smoot & Smoot, 304 City National Bank Bldg., Wichita Falls, Texas.
- 014117 A. R. R. Sims et al.
B. A. B. Renchan, Santa Fe, New Mexico.
- 014118 A. Harry E. Fisher et al.
B. A. B. Renchan, Santa Fe, New Mexico.
- 014119 A. Chas. C. Conley et al.
B. A. B. Renchan, Santa Fe, New Mexico.
- 014120 A. Big Eight Placer Mining Association.
B. P. A. Miracle, Grandfield, Oklahoma.
- 014121 A. Dr. S. C. Cook et al.
B. Dr. S. C. Cook, Box 722, Greenville, Texas.
- 014122 A. Mrs. Annie L. Witcher, guardian.
B. W. C. Witcher, Box 216, Wichita Falls, Texas.
- 013123 A. B. M. Mason.
B. B. M. Mason, Box 924, Wilson, Oklahoma.
- 014124 A. Gypsy-Burk Petroleum Co.
B. W. D. Gordon, Beaumont, Texas.
- 014125 A. A. S. Nelson, Tide Rock Oil Co. et al.
B. Smoot & Smoot, 304 City National Bank Bldg., Wichita Falls, Texas.
- 014126 A. Frank Patton et al.
B. James A. Stephens, Benjamin, Texas.
- 014127 A. D. J. Brookreson.
B. James A. Stephens, Benjamin, Texas.
- 014128 A. Courtney No. 26, Placer Mining Association.
B. Fred Fromholtz, Enid, Oklahoma.
- 014129 A. Smith No. 54, Placer Mining Association.
B. Fred Fromholtz, Enid, Oklahoma.

- 014130 A. Miller No. 62, Placer Mining Association.
B. Fred Fromholtz, Enid, Oklahoma.
- 014131 A. Fromholtz No. 67, Placer Mining Association.
B. Fred Fromholtz, Enid, Oklahoma.
- 014132 A. Morris No. 49, Placer Mining Association.
B. Fred Fromholtz, Enid, Oklahoma.
- 014133 A. Hamilton No. 50, Placer Mining Association.
B. Fred Fromholtz, Enid, Oklahoma.
- 014134 A. Capitol Hill Placer Mining Association No. 1.
B. R.A. Caldwell, 323 West B St., Oklahoma City, Oklahoma.
- 014135 A. W. A. Fondren.
B. W. A. Fondren, Grandfield, Oklahoma.
- 014138 A. Allied Placer Mining Association.
B. P. W. Cress, Perry, Oklahoma.
- 014144 A. Burke Divide Oil Co.
B. Jesse B. Roote, 27 North 6th St., Terra Haute, Indiana.
- 014145 A. Burke Divide Oil Co.
B. Jesse B. Roote, 27 North 6th St., Terra Haute, Indiana.
- 014146 A. Burke Divide Oil Co.
B. Jesse B. Roote, 27 North 6th St., Terra Haute, Indiana.
- 014147 A. French Placer Mining Claim Association.
B. C. S. Worley, Tulsa, Oklahoma.
- 014148 A. Darius V. Dyke et al.
B. Thos. P. Gore, 1020 Woodward Bldg., Washington, D.C.
- 014150 A. A. B. Flannery.
B. A. B. Flannery, Bristol Hotel, Oklahoma City, Oklahoma.
- 014152 A. F. R. Quirby, agent for Sunset-Black Jack Pershing Consolidated Claim.
B. West & Petry, 708 Daniel Bldg., Tulsa, Oklahoma.
- 014153 A. Red River Syndicate, agent for Soldiers Claim.
B. West & Petry, 708 Daniel Bldg., Tulsa, Oklahoma.
- 014154 A. Red River Syndicate, agent for Texas Strike Claim.
B. West & Petry, 708 Daniel Bldg., Tulsa, Oklahoma.
- 014155 A. Burk Bet Claim, by W. F. Quay, managing trustee.
B. West & Petry, 708 Daniel Bldg., Tulsa, Oklahoma.
- 014156 A. George W. Bayers.
B. Arthur R. Morrison, 919 Equitable Bldg., Denver, Colorado.

- 014157 A. Texiana Petroleum Co.
B. Arthur R. Morrison, 919 Equitable Bldg., Denver, Colorado.
- 014158 A. R. J. Baker.
B. Arthur R. Morrison, 919 Equitable Bldg., Denver, Colorado.
- 014159 A. Thos. Green et al.
B. John A. Fain, 721 Tradesman National Bank Bldg., Oklahoma City, Oklahoma.
- 014160 A. Chas. Payne et al.
B. John A. Fain, 721 Tradesman National Bank Bldg., Oklahoma City, Oklahoma.
- 014161 A. Hamilton Morgan et al.
B. John A. Fain, 721 Tradesman National Bank Bldg., Oklahoma City, Oklahoma.
- 014162 A. Casper L. Ulrich et al.
B. John A. Fain, 721 Tradesman National Bank Bldg., Oklahoma City, Oklahoma.
- 014163 A. Nathan Ulrich et al.
B. John A. Fain, 721 Tradesman National Bank Bldg., Oklahoma City, Oklahoma.
- 014164 A. Harry Williams et al.
B. John A. Fain, 721 Tradesman National Bank Bldg., Oklahoma City, Oklahoma.
- 014165 A. Clyde Owen et al.
B. John A. Fain, 721 Tradesman National Bank Bldg., Oklahoma City, Oklahoma.
- 014166 A. John T. Smith et al.
B. John A. Fain, 721 Tradesman National Bank Bldg., Oklahoma City, Oklahoma.
- 014167 A. T. E. Kendrick et al.
B. John A. Fain, 721 Tradesman National Bank Bldg., Oklahoma City, Oklahoma.
- 014168 A. A. C. Kendrick et al.
B. John A. Fain, 721 Tradesman National Bank Bldg., Oklahoma City, Oklahoma.
- 014169 A. Blanche Schrugham et al.
B. E. E. Mead, Hillsdale, Oklahoma.
- 014170 A. George W. Bayers.
B. Arthur R. Morrison, 919 Equitable Bldg., Denver, Colorado.
- 014171 A. William J. Armstrong.
B. J. S. Harris, 1202 First National Bank Bldg., Oklahoma City, Oklahoma.

- 014172 A. Fred Holt et al.
B. Fred Holt, Oklahoma City, Oklahoma.
- 014173 A. T. M. Latham et al.
B. T. M. Latham, Oklahoma City, Oklahoma.
- 014174 A. L. C. Bashor et al.
B. L. C. Bashor, Oklahoma City, Oklahoma.
- 014175 A. R. H. Drennan.
B. R. H. Drennan, 613 Grain Exchange Bldg., Oklahoma City, Oklahoma.
- 014177 A. A. E. Pearson et al. and Silver Moon Oil Co.
B. A. E. Pearson, 208 Fidelity National Bank Bldg., Oklahoma City, Oklahoma.
- 014178 A. Frank H. Lawrence et al.
B. Jesse B. Roote, 27 North 6th St., Terra Haute, Indiana.
- 014179 A. T. V. Kirk et al.
B. Jesse B. Roote, 27 North 6th St., Terra Haute, Indiana.
- 014180 A. Melville E. Peters, Jas. M. Patterson, Wm. G. Trigg.
B. Melville E. Peters, 203 Morgan Bldg., Wichita Falls, Texas.
- 014181 A. Jas. M. Patterson and Melville E. Peters.
B. Melville E. Peters, 203 Morgan Bldg., Wichita Falls, Texas.
- 014182 A. M. N. Addison et al.
B. Melville E. Peters, 203 Morgan Bldg., Wichita Falls, Texas.
- 014185 A. Aldine Oil Corporation.
B. Aldine Oil Corporation, c/o T. W. Richards, 615 Texas St., Fort Worth, Texas.
- 014186 A. Ewing Claggett, receiver.
B. Ewing Claggett, 220 Bob Waggoner Bldg., Wichita Falls, Texas.
- 014187 A. Forty-in-One Red River Oil Co.
B. John W. Riley, c/o Chas. Warhurst, Grandfield, Oklahoma.
- 014188 A. Red River Eight Placer Oil Mining Association.
B. Geo. C. Waterman, First National Bank Bldg., Frederick, Oklahoma.
- 014189 A. Gregory Crane Placer Oil Mining Association.
B. Geo. C. Waterman, First National Bank Bldg., Frederick, Oklahoma.
- 014190 A. J. N. Southard.
B. J. N. Southard, c/o W. D. Nicholson, 1811 F. & M. Bldg., Fort Worth, Texas.
- 014191 A. Continental Oil & Gas Co.
B. W. D. Nicholson, 1811 F. & M. Bldg., Fort Worth, Texas.

- 014194 A. J. Lee Costly.
B. Worth S. Ray, 416 Interurban Bldg., Dallas, Texas.
- 014195 A. J. Lee Costly.
B. Worth S. Ray, 416 Interurban Bldg., Dallas, Texas.
- 014196 A. McKinley A. Testerman et al.
B. Elsie E. Wright, 215 Morgan Bldg., Wichita Falls, Texas.
- 014197 A. Can Galt et al.
B. C. H. Hyde, Alva, Oklahoma.
- 014198 A. P. W. Raemer et al.
B. P. W. Raemer, 111 N. Harvey St., Oklahoma City, Oklahoma.
- 014199 A. W. B. Cuppy et al.
B. Marvin Spears, Granite, Oklahoma.
- 014200 A. A. J. McMahan et al.
B. H. G. Oliver, 630 American National Bank Bldg., Oklahoma City, Oklahoma.
- 014201 A. J. Lee Costly.
B. Worth S. Ray, 416 Interurban Bldg., Dallas, Texas.
- 014202 A. Southwest Petroleum Co., by Rhea S. Nixon, receiver.
B. Rhea S. Nixon, 801 City National Bank Bldg., Wichita Falls, Texas.
- 014203 A. Buckeye Petroleum Co., by Rhea S. Nixon, receiver.
B. Rhea S. Nixon, 801 City National Bank Bldg., Wichita Falls, Texas.
- 014204 A. Guthrie Mining Association.
B. Otis A. Roberts and G. B. Fulton, 513 Colcord Bldg., Oklahoma City, Oklahoma.
- 014205 A. Black Jack Mining Association.
B. Otis Roberts and G. B. Fulton, 513 Colcord Bldg., Oklahoma City, Oklahoma.
- 014206 A. Mangum Placer Claim Association.
B. Otis A. Roberts and G. B. Fulton, 513 Colcord Bldg., Oklahoma City, Oklahoma.
- 014207 A. Cotton County Mining Association.
B. Otis A. Roberts and G. B. Fulton, 513 Colcord Bldg., Oklahoma City, Oklahoma.
- 014208 A. Tillman County Mining Association.
B. Otis A. Roberts and G. B. Fulton, 513 Colcord Bldg., Oklahoma City, Oklahoma.
- 014209 A. Frederick Mining Association.
B. Otis A. Roberts and G. B. Fulton, 513 Colcord Bldg., Oklahoma City, Oklahoma.

- 014210 A. Good Luck Mining Association.
B. Otis A. Roberts and G. B. Fulton, 513 Colcord Bldg., Oklahoma City, Oklahoma.
- 014211 A. Woodrow Mining Association.
B. Otis A. Roberts and G. B. Fulton, 513 Colcord Bldg., Oklahoma City, Oklahoma.
- 014212 A. Success Mining Association.
B. Otis A. Roberts and G. B. Fulton, 513 Colcord Bldg., Oklahoma City, Oklahoma.
- 014213 A. Mueller Petroleum Co.
B. H. L. Stuart, 818 American National Bank Bldg., Oklahoma City, Oklahoma.
- 014214 A. Wichita Petroleum Co.
B. H. L. Stuart, 818 American National Bank Bldg., Oklahoma City, Oklahoma.
- 014215 A. Granite Red River Petroleum Association.
B. A. F. Schwartz, Huckins Hotel, Oklahoma City, Oklahoma.
- 014217 A. Robert J. Hamill and J. M. Jordan.
B. H. S. Traylor, 721 Tradesman National Bank Bldg., Oklahoma City, Oklahoma.
- 014218 A. Thomas F. Stephenson.
B. H. S. Traylor, 721 Tradesman National Bank Bldg., Oklahoma City, Oklahoma.
- 014221 A. Pearl A. Little et al.
B. John A. Fain, 721 Tradesman National Bank Bldg., Oklahoma City, Oklahoma.
- 014222 A. Jas. M. Patterson and Wm. Trigg.
Melville E. Peters, 203 Morgan Bldg., Wichita Falls, Texas.
- 014223 A. J. B. Lawton.
B. J. B. Lawton, 601 W. 13th St., Oklahoma City, Oklahoma.
- 014224 A. Oregon Mining Co.
B. C. L. McGuire, 1729 W. 9th St., Oklahoma City, Oklahoma.
- 014225 A. All American Association.
B. C. L. McGuire, 1729 W. 9th St., Oklahoma City, Oklahoma.
- 014226 A. AAAL Placer Mining Association.
B. C. L. McGuire, 1729 W. 9th St., Oklahoma City, Oklahoma.
- 014227 A. Aaba Placer Mining Association.
B. C. L. McGuire, 1729 W. 9th St., Oklahoma City, Oklahoma.

- 013230 A. J. C. O'Quinn.
B. J. C. O'Quinn, 1600 W. 1st. St., Oklahoma City, Oklahoma.
- 014231 A. Mutual Placer Mining Association.
B. Geo. C. Waterman, First National Bank Bldg., Frederick, Oklahoma.
- 014232 A. Golden Rod Placer Mining Association.
B. Geo. C. Waterman, First National Bank Bldg., Frederick, Oklahoma.
- 014233 A. Lemon Placer Mining Association.
B. Geo. C. Waterman, First National Bank Bldg., Frederick, Oklahoma.
- 014234 A. Pandora Placer Mining Association.
B. Geo. C. Waterman, First National Bank Bldg., Frederick, Oklahoma.
- 014235 A. Dewdrop Placer Mining Association and Arister Lair, trustee.
B. Geo. C. Waterman, First National Bank Bldg., Frederick, Oklahoma.
- 014236 A. C. E. Stout and Grace L. Barnes.
B. Ben A. Longfellow, 206 Scott-Thompson Bldg., Oklahoma City, Oklahoma.
- 014237 A. Sons of Thor.
B. C. L. McGuire, 1729 W. 9th St., Oklahoma City, Oklahoma.
- 014238 A. Arizona Placer Oil and Mining Association.
B. Thos. J. Grogan, Grandfield, Oklahoma.
- 014244 A. John C. Shaw.
B. John C. Shaw, Frederick, Oklahoma.

9. This office prefers that no further showings be made, but should any applicant feel that his interest can only be protected by further rebuttal and showing, he may on or before December 10, 1923, serve his further showing, which must be confined strictly to rebuttal, on the particular adverse claimant with whom he is in dispute, under the rules above set forth. Duplicate copies of the showing must be filed in your office at the same time.

10. Reference is made to the Transcript of Evidence in the United States Supreme Court suit entitled Oklahoma vs. Texas, United States intervener, No. 20 Original, October, 1921, term, contained in nine volumes relating to the Oklahoma-Texas boundary, and in five volumes relating to rival claims in the bed of Red River. Applicants who may wish to use any of this testimony or evidence in their behalf must cite the specific volumes and the specific pages of such volumes of which they desire to take advantage, and should reduce the number of pages to the smallest practicable amount. A resume, outline, or statement should be made of what this evidence is and what is attempted to be proved by it, so that reference to the specific pages need be for verification purposes only; and an applicant will be confined to the allegations made by him in said resume, outline, or statement. Applicants who may wish to deny or rebut any testimony or evidence so cited, and any matter whatever in the transcript, relating to questions of fact and having a bearing on their applications, should support their denial or rebuttal by the detailed affidavits of two persons on the questions of fact. Such notice of use of the

transcript evidence, and any denials or rebuttals of such evidence, including the supporting affidavits, should be incorporated in the showings called for under paragraphs 3 to 9 of this letter that proper notice thereof may be given to the other claimants. A set of the fourteen volumes of evidence will be forwarded you for use in your office by all interested parties between September 5 and November 20, 1923, after which you will return the set to this office. These volumes should be carefully guarded against loss.

11. It has been noted that some of the above applicants have not complied with the requirement of office Circular No. 876 that the land applied for must be located by an accurate, instrumental, metes-and-bounds, closed survey connected with an established corner of the approved public-land surveys in Oklahoma. This office will take due note of such failure to comply, and other applicants may refer to such failure, all to the end that the equities of those who may have made proper compliance may be fully protected.

12. It has also been noted that many applicants have made an indefinite and unsatisfactory compliance with paragraph 1-A-(h) of the Circular No. 876 requiring itemization, description, dates, location, etc., of the improvements. For the purpose of adjudicating the rights of the conflicting claimants it is absolutely necessary for the Department to know when an applicant took physical possession of his land or claim, what he did to assert his possession of the land, what improvements he made, and with what diligence he pursued his work. If he claims that he was hindered in his possession of the claim or land, he must detail the nature of the hindrance. Statements of an indefinite and vague nature will be given a weight accordingly. Where two or more claims or locations are embraced in one application, showings must be made that will enable the rights of each claim to be weighed separately.

13. There is no objection to applicants referring to former applications filed by them as evidence of their good faith, but their present applications should be complete in themselves, save that applicants will be allowed to refer to and make use of abstracts of title and showings of citizenship already on file with this office. That is, if applicants wish to make use of any other matter in their former applications, they must quote or introduce the same in the present applications.

14. You will forward the original copy of all showings to this office with reasonable promptness and promptly upon the closing dates of October 25, November 20, and December 10, 1923. The primary purpose of this letter is to have the facts, as between conflicting claimants, settled upon and fixed without the use of local hearings or the formal taking of testimony; but if applicants desire to make any brief or argument before this office, it must be contained in the showings above called for, and in the original or direct showing, except that which is in the nature of a rebuttal. Therefore, after December 10, 1923, this office without the allowance of further hearing or showing will prepare its findings in the form of a recommendation to the Secretary of the Interior. A copy of this recommendation will be served on each of the interested applicants and they will be afforded the fullest opportunity to show cause why the Secretary should not accept the recommendation and make final adjudication in accordance therewith. The matter of an oral hearing before the Secretary will be taken up at that time. Such recommendation by this office can not be made until the United States Supreme Court has fixed the State boundary on the south bank of Red River. No final adjudication of any land, including that free from conflict, can be made until it is released from the custody of the United States Supreme Court.

15. Serve by registered mail a copy of this letter, and the appropriate map, upon each of the 160 applicants. Should any of the applicants fail to take within the specified time the action required herein, it will be considered that they have no further representations to make, particularly on questions of fact, and they will not be afforded other opportunity to present evidence or argument before this office makes its recommendation to the Secretary. Under no condition will an extension of time be given, or any exception made for the benefit of any applicant, which would operate to delay or hinder progress on any other application.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved:

E. C. FINNEY,

First Assistant Secretary.

Circular No. 905.
DEPARTMENT OF THE INTERIOR

General Land Office

Washington

October 15, 1923.

: Instructions relative to
: identification of lands
: in Alaska.
: Amending Circulars Nos.
: 672 and 845.

Registers and Receivers,

U. S. Land Offices in Alaska.

Gentlemen:

Owing to the difficulties encountered in the adjustment of conflicting claims for oil-prospecting permits under the leasing act of February 25, 1920 (41 Stat., 437), for unsurveyed land in Alaska, Sec. 4(d) of the regulations of March 11, 1920 (47 L.D., 437), Circular No. 672 and Sec. 2(c) of Circular No. 845, approved August 12, 1922 (49 L.D., 247), are modified to make the following requirements:

Where Permits Have Not Issued.

1. All applicants must hereafter describe lands with reference to true cardinal directions and in cases where applications have heretofore been made and can be conformed to such directions without prejudice to valid intervening claims said applications must be amended to conform to true cardinal directions.

2. In order to permit adjustment of conflicts the claims of all conflicting applicants must be identified with reference to a common monument which can be definitely ascertained and located upon the records and plats in this office.

These conflicting claims fall into two general classes: (a) Those involving lands located in the vicinity of the public land surveys; (b) those involving lands which are removed from such surveys.

The following regulations are prescribed for the designation of these lands in applications for prospecting permit:

(a) In all cases where circumstances permit, applicants for prospecting permits for unsurveyed lands must describe the lands applied for by metes and bounds connecting such description by courses and distances to some monument of an approved public land survey.

The point of reference utilized may be the initial monument erected by another applicant who has described said monument by courses and distances with reference to a public survey monument, provided the location of said monument has been definitely established with reference to the public land survey.

In such case, however, the location of the adopted monument, with respect to such public land survey monument, must be stated or the field notes or calculations by which the location of the applicant's initial monument with reference to the public survey monument was obtained, must be furnished.

(b) In cases where there are no available public land survey monuments the applicant for permit must describe the land by metes and bounds designating the location of his initial monument by courses and distances, with reference to such permanent monuments as will enable this office to identify its location from its records and maps. A plat or chart illustrating the location of said monument will aid in a determination of its location.

3. An applicant for permit must state, under oath, whether his application is for any lands described in any prior application, or in any notice posted on the ground within six months prior to the date of the filing of his application.

In the event that there are any prior conflicting claims for permits the applicant initiating the subsequent claim must describe the land desired with reference to the initial monuments of each prior claimant.

Where Permits Have Issued.

4. Numerous permits have been issued for unsurveyed land in cases where the Department could not determine whether conflicting claims existed, or the extent of apparent conflicts, upon the following conditions:

"This permit is granted upon the express condition that the permittee will adjust any conflict with any prior applicant within six months from date hereof."

In numerous instances where conflicts have apparently existed the permittees have failed to comply with this condition. Any extension of time for beginning or completing drilling operations, granted pursuant to the act of January 11, 1922 (42 Stat., 844), does not extend the time for compliance with the foregoing condition and these permits are subject to cancellation for default in this respect.

5. All permittees who have received permits upon the foregoing conditions and are in default must, within ninety days from receipt of notice, submit:

(a) Their affidavits that there are no conflicting claims initiated simultaneously with, or prior to, their initiation of a claim to a permit, and where this office has stated that such conflicts apparently existed, they must furnish amended descriptions locating the claim with reference to the initial monuments of the prior claimants, clearly indicating that such conflicts do not exist; or

(b) Their affidavits showing an adjustment of these conflicts or such effort as was made to procure one, which must be accompanied by such amended descriptions with reference to the initial monuments of the prior conflicting claimants as will enable this office to make such final adjudication

of rights as the facts may warrant.

(c) In the case of conflicting claims simultaneously initiated the claimants must furnish a description with reference to a public survey monument if possible, but if no such monument is available the parties must furnish amended descriptions with reference to a common monument.

6. Failure of the permittees to comply with the requirements of the preceding section shall constitute proper grounds for the cancellation of their permits without further notice from this office.

7. You will examine all applications for prospecting permits and require compliance with sections 1 and 2 hereof, within ninety days from notice, in cases where such applications do not comply therewith, transmitting said applications in due course with a report as to the action taken. These regulations will be given the widest publicity possible without cost to the Government.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved: October 15, 1923.

E. C. FINNEY,

First Assistant Secretary.

CHANGES IN NATIONAL FOREST BOUNDARIES.

By executive order of October 12, a tract of approximately 8,360 acres of unsurveyed land in Utah was excluded from the La Sal National Forest, at the instance of the Indian Office, in order that portions of such area which had been occupied and used for many years by two bands of Piute Indians might be allotted to them under the General Allotment Act of February 8, 1887 (34 Stat., 388), as amended. By proclamation of October 13, the N $\frac{1}{2}$ of T. 10 N., R. 23 E., Arizona, was added to the Sitgreaves Forest, and a small area was also excluded from such reservation.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

October 17, 1923.

To All Field Officers

of the General Land Office.

Gentlemen:

Please furnish this office immediately with a list of those of your employees who had Government service prior to entering the General Land Office Service, or who have had military or naval service, with the total number of years of Government service (including service under the General Land Office) and total number of years of military service. The information furnished should be as of July 1, 1923. The Departments or bureaus in which the Government service was rendered and the organizations in which the military service was performed are not desired -- simply the total number of years of service (appropriate total by whole years).

This information is desired by the Department of Commerce for use in the compilation of a card index to take the place of the Official Register, and should be furnished in the following form:

Employee.	Total number of years of Government service.	Total number of years of military service.
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Very respectfully,

WILLIAM SPRY,

Commissioner.

(6156)

OIL AND GAS ACTIVITIES.

Quite a reduction of the number of oil and gas applications under sections 13 and 20 of the leasing act was made during the month of October, there being on hand at the first of the month 3,898 cases and at the close of the month 3,343. During the month 294 new applications for permits were received and 1,530 old cases which required further action before being finally disposed of. There were 543 permits issued, 56 assignments of rights under the permits acted upon, and 384 applications for extensions of time for drilling operations were disposed of. The Secretary affirmed 23 decisions during the month on this class of cases, reversed 1, and modified 4. One thousand six hundred and ninety-nine requests for report from the Geological Survey were made during the month, and in practically all of the new cases received, such reports have been called for.

Under the relief sections of the leasing act, the number pending was reduced by 20 during the month, there being on hand at the beginning of the month 285 and at the end of the month 265. All of these pending cases have received considerable action but final action has not been taken because of the lack of additional evidence, etc. Under the relief sections, 22 assignments were disposed of and 26 extensions of time acted upon.

The receipts under the mineral-leasing act for the month of September were \$1,089,904.96, of which \$162.19 was from lands within naval reserves and \$1,089,742.77 from lands outside of naval reserves.

CONSOLIDATED WORK REPORT OF LOCAL LAND OFFICES
FOR THE MONTH OF SEPTEMBER, 1923.

OFFICES.	: Received : : End Last Month. : and : End of This Month. : Disposed of.:						
	:Pend- ing :desig- nation. : : :	:Sus- pend- ed re- jected: :other- :wise. :	:Pend- ing :un- acted: on by: :R & R:	:Rec'd :in :this :month. : : :	:Trans- :mitted :to GLO: :this :month. : : :	:Now :pend- ing :desig- :na- :tion. : : :	:Now :Pend- ing :unact- :ed on :by :R & R. : : :
Alabama	:	:	:	:	:	:	:
Montgomery	:	:	:	:	:	:	:
Arizona	:	:	:	:	:	:	:
Phoenix	:	140	:	162	:	179	201 145 135
Arkansas	:	:	:	:	:	:	:
Harrison	:	:	:	26	:	70	67 29
Little Rock	:	:	:	268	:	97	106 259
California	:	:	:	:	:	:	:
El Centro	:	18	:	31	:	36	35 18 32
Eureka	:	47	:	2	:	22	19 50 2
Independence	:	44	:	95	:	34	36 43 94
Los Angeles	:	64	:	117	:	146	178 45 104
Sacramento	:	82	:	73	:	38	65 51 77
San Francisco	:	143	:	46	:	52	98 96 47
Susanville	:	26	:	23	:	18	16 29 22
Visalia	:	18	:	29	:	32	26 13 40
Colorado	:	:	:	:	:	:	:
Del Norte	:	31	:	10	:	20	20 34 7
Denver	:	101	:	34	:	52	53 104 30
Durango	:	31	:	38	:	65	77 37 20
Glenwood Springs	:	388	:	359	:	176	193 413 317
Lamar	:	42	:	24	:	61	58 43 26
Leadville	:	7	:	24	:	44	36 9 30
Montrose	:	84	:	79	:	79	63 100 79
Pueblo	:	201	:	152	:	149	147 207 148
Sterling	:	24	:	10	:	20	17 23 14
Florida	:	:	:	:	:	:	:
Gainesville	:	:	:	25	:	4 71	76 18 6
Idaho	:	:	:	:	:	:	:
Blackfoot	:	104	:	94	:	86	61 124 83 16
Boise	:	82	:	101	:	43	86 66 74
Coeur d'Alene	:	1	:	24	:	7	6 1 25
Hailey	:	50	:	55	:	48	48 47 58
Lewiston	:	11	:	17	:	13	18 11 12
Kansas	:	:	:	:	:	:	:
Topeka	:	24	:	18	:	10	10 26 16
Louisiana	:	:	:	:	:	:	:
Baton Rouge	:	:	:	16	:	17	18 15

Michigan	:	:	:	:	:	:	:	:	:
Marquette	:	1	15	:	21	23	1	13	:
Minnesota	:	:	:	:	:	:	:	:	:
Cass Lake	:	:	12	:	105	61	:	56	:
Crookston	:	:	8	:	40	37	:	11	:
Duluth	:	:	28	:	26	26	:	28	:
Mississippi	:	:	:	:	:	:	:	:	:
Jackson	:	:	15	:	20	19	:	16	:
Montana	:	:	:	:	:	:	:	:	:
Billings	:	35	149	:	22	18	35	153	:
Bozeman	:	63	82	:	37	40	63	79	:
Glasgow	:	92	77	:	60	86	93	50	:
Great Falls	:	27	37	:	37	36	27	38	:
Havre	:	48	90	:	53	59	52	70	:
Helena	:	188	69	:	65	56	149	118	:
Kalispell	:	:	5	1	14	14	2	4	:
Lewistown (a)	:	:	:	:	:	:	:	:	:
Miles City	:	187	189	:	232	250	193	165	:
Missoula	:	19	10	:	6	6	19	10	:
Nebraska	:	:	:	:	:	:	:	:	:
Alliance	:	21	6	:	23	24	21	5	:
Lincoln	:	16	9	:	15	12	17	11	:
Nevada	:	:	:	:	:	:	:	:	:
Carson City	:	37	136	:	69	86	36	120	:
Elko	:	35	34	:	14	14	37	32	:
New Mexico	:	:	:	:	:	:	:	:	:
Clayton	:	95	36	:	72	70	99	34	:
Ft. Sumner	:	57	51	15	95	107	48	57	6
Las Cruces	:	64	112	:	128	75	64	144	21
Roswell	:	122	71	:	174	215	84	68	:
Santa Fe	:	100	159	:	203	190	111	166	:
North Dakota	:	:	:	:	:	:	:	:	:
Bismarck	:	24	24	:	38	33	25	28	:
Dickinson	:	16	7	:	21	12	13	17	:
Oklahoma	:	:	:	:	:	:	:	:	:
Guthrie	:	33	25	:	41	43	40	21	:
Oregon	:	:	:	:	:	:	:	:	:
Burns	:	30	23	:	17	20	31	19	:
La Grande	:	60	135	:	25	67	60	93	:
Lakeview	:	45	72	:	24	24	46	71	:
Portland	:	:	9	:	35	38	:	5	1
Roseburg	:	:	60	:	116	84	:	92	:
The Dalles	:	179	33	:	46	97	117	44	:
Vale	:	28	62	:	37	37	28	62	:
South Dakota	:	:	:	:	:	:	:	:	:
Bellefourche	:	3	17	:	41	39	4	18	:
Pierre	:	35	25	:	116	74	84	18	:
Rapid City	:	33	49	:	62	82	28	34	:
Utah	:	:	:	:	:	:	:	:	:
Salt Lake City	:	329	222	:	224	195	363	217	:
Vernal	:	20	20	:	33	33	20	20	:

Washington	:	:	:	:	:	:	:	:	
Seattle	:	:	8 :	:	17 :	16 :	:	9 :	
Spokane	:	25 :	26 :	:	30 :	23 :	26 :	32 :	
Vancouver	:	1 :	7 :	:	8 :	11 :	1 :	4 :	
Walla Walla	:	15 :	3 :	:	14 :	15 :	14 :	3 :	
Waterville	:	28 :	13 :	:	25 :	25 :	29 :	17 :	
Yakima	:	11 :	4 :	:	9 :	10 :	11 :	3 :	
Wisconsin	:	:	:	:	:	:	:	:	
Wausau	:	:	4 :	:	5 :	6 :	:	3 :	
Wyoming	:	:	:	:	:	:	:	:	
Buffalo	:	111 :	67 :	:	128 :	141 :	109 :	56 :	
Cheyenne	:	122 :	200 :	:	159 :	181 :	131 :	169 :	
Douglas	:	45 :	146 :	:	245 :	250 :	38 :	148 :	
Evanston	:	23 :	175 :	:	60 :	77 :	44 :	137 :	
Lander	:	63 :	38 :	:	42 :	41 :	69 :	33 :	
Newcastle	:	90 :	95 :	:	154 :	156 :	86 :	97 :	
Total,	:	4,344	4,943 :	20	5,013	5,217	4,305	4,748 :	50

NOTE (a)--No report received from this office on October 27, 1923.

RETIREMENT.

The Bulletin announces the retirement of Miss Laura O. Friebus on October 25. Miss Friebus entered the Interior Department as a clerk in the Patent Office on July 31, 1877. On July 7, 1885, she was transferred to the General Land Office. For many years she has been assigned to the Division of Surveys. During the nearly half a century that Miss Friebus has been connected with the Department she has in her quiet, unassuming way set a high example of fidelity to duty. In her daily tasks she exemplified her conscientious devotion to the principle that what is worth doing at all is worth doing well.

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RESIGNATION.

Mr. Ivan G. Bishop, register at Vancouver, Washington, tendered his resignation by letter of September 27, and by wire of September 29 asked to be relieved as soon as possible. Resignation accepted October 4, effective October 15. The office is temporarily in charge of Mr. Edgar M. Mumford, acting register.

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Clerks designated as Acting Registers under Act of October 28, 1921.

Miss Florence L. Kolb, Anchorage, Alaska, October 17, 1925.
Adin H. Stringham, Great Falls, Montana, October 17, 1923.

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TELL THE BULLETIN.

To all Local Offices and Field Service Employees:

If anything occurs, in the public land service, which you think is of administrative value, tell us about it. Address all communications to the Commissioner of the General Land Office, "Land Service Bulletin." All information should be received not later than the 24th of each month for use in the current number.

**LAND SERVICE
BULLETIN
DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE**

By direction of the Secretary of the Interior the matter contained herein is published as administrative information, and is required for the proper transaction of public business.

Vol. 7.

December 1, 1923.

No. 310

ANNUAL REPORT OF THE COMMISSIONER OF THE GENERAL LAND OFFICE.

The Annual Report of the Commissioner of the General Land Office for the fiscal year closing June 30, 1923, is an exceedingly interesting document to any one that is giving attention to the material development of our national resources. The distribution of our public lands among the home builders of our country is always of appealing interest to the good citizen, as it constitutes the very heart of our Federal land system; while other activities of the General Land Office attendant upon the administration of the public land laws contribute equally to the public welfare.

Area of Land Entered and Patented.

The total area of public and Indian lands originally entered and allowed during the past year is 6,415,001 acres, of this area 4,257,990 acres were allowed under the stockraising act of December 29, 1916. During the same period of time 9,395,815 acres were patented, of which area 6,309,929 acres were patented under the homestead laws, an acreage substantially devoted to home building and farm purposes.

Cash Receipts and Expenditures.

The total cash receipts for sale, leases, and other disposition of public lands for the fiscal year constitute an aggregate of \$10,700,427.72 which was deposited in the Treasury of the United States. Five per cent of the net proceeds from cash sales of public lands are paid to the public land States with-in which such sales are made, and the balance of the net receipts from the

States included within the reclamation act, together with the net receipts from fees and commissions from the same States, are paid into the reclamation fund; 90 per cent of the receipts under the mineral-leasing act from lands outside of naval petrolcum reserves are divided between the States from which the minerals are taken and the reclamation fund. Under this plan of distribution the reclamation fund received \$5,076,069.06, while the State funds received \$2,828,717.18.

The foregoing items of lands "entered and patented" and "cash receipts and expenditures" are always the leading features of the annual report, but by no means can be taken as a measure of the actual accomplishments of the fiscal year. The many administrative and legal problems that are daily presented and solved, disappear in the grand total, but nevertheless this is the work that makes the total worth while. Our work for this year makes a good showing, for which the Commissioner gives due credit to the faithful men and women of the field and office who are charged with the execution of the details of the service. Do not forget that the annual report is the record of a year's work, and hence should contain much information that will prove useful in the work of the ensuing year; hence give it careful study and keep it accessible for reference.

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SURVEY NOTES.

Government-Owned Transportation Equipment.--In taking stock recently of the transportation equipment of the surveying service it is found that the equipment consists of 128 animals (horses and mules) for wagon, saddle, and packtrain use, 65 wagons, and 58 automobile trucks. During the past fiscal year 21 new auto trucks were purchased at a cost of \$20,772.91, and rating the life of a truck at an average of 25,000 miles, it is estimated that we are wearing out approximately 20 trucks annually. Taking New Mexico as an example, the total number of miles traversed by trucks during the past calendar year will be approximately 50,000 miles, at an average cost of \$0.063 per mile, exclusive of depreciation. On November 21, 1923, the purchase of 2 new auto trucks for Arizona was authorized.

Our total fuel consumption for the operation of the trucks the last fiscal year was \$7,500.

Surveyors in the Field.--The last semi-monthly bulletin, dated November 15, 1923, from the Supervisor of Surveys, shows that there are 38 surveying parties in the field, distributed as follows:

Alaska	2
Arizona	3
California	3
Colorado	4
Nebraska and South Dakota.....	4
Nevada	4
New Mexico	2
Oregon	2
Utah	9
Eastern District	5
Total,	<u>38</u>

At the beginning of the month of November there were 59 parties in the field. This shows a reduction of 21 parties in two weeks, due to the closing down of activities in the northern latitudes and higher altitudes for the winter.

With the exception of one party on work payable from Indian Funds and five parties at work payable from funds provided by the State of Utah, all the work now in progress is payable from the regular appropriation for surveying the public lands.

Indian Allotment Surveys on the Blackfoot Indian Reservation, Montana.

In the January, 1923, issue of the Bulletin there appeared an article on the progress of the allotment surveys on the Blackfoot Indian Reservation in northern Montana in which it was stated that the work was about one-half completed at that time. During the past surveying season 4 engineers were engaged in this work with the result that the surveys have been extended over a considerable additional area so that, while field work was suspended on the reservation the latter part of September due to the fact that the funds set aside by the Indian Office for the field work this year were exhausted, the allotment surveys on approximately two-thirds of the area of the entire reservation have been completed.

The total expense to date has been about \$55,000, but owing to the fact that in the past the policy has been to confine activities to the more settled portions of the reservation where a definition of the land boundaries was most needed, the portion remaining to be surveyed will require a somewhat greater expenditure per township than has been necessary in the past.

Most of the allotments remaining to be surveyed are situated in the northern portion of the reservation in the area lying east of Glacier National Park and traversed by the St. Marys and Milk Rivers, which is somewhat more inaccessible than the portion already surveyed.

Detail of Engineers to the General Land Office.

Under authority of the provision in the appropriation act for the temporary detail of field employees to the General Land Office, the following-named engineers have so far been assigned to work in the home office: W. R. Bandy, E. G. Harrington, E. H. Kimmell, A. P. Warner, and F. Mensch. Messrs. Bandy and Harrington have already reported for duty, and the others are expected to arrive before the close of December. Other details will also be made as the work demands. R. W. Livingston is also in the General Land Office in connection with the surveys along Red River. He will return to field duty at an early date.

Eastern Surveying District.

November 15 ordinarily marks the close of the northern field season of the parties in the Eastern Surveying District, and this year saw no change in this rule. Guy R. Veal, U. S. Cadastral Engineer, having completed his assignments in Michigan, has moved to northern Arkansas and is now engaged under Group 24, Arkansas. Albert Smith, jr., U. S. Cadastral Engineer, completed the re-survey of T. 65 N., R. 12 W., Group 16, Minnesota, and is now at work in central Florida. Earl G. Harrington, U. S. Cadastral Engineer, having finished work

in three of the five townships under Group No. 17, Minnesota, has been detailed to the General Land Office.

Cross Lake, Louisiana.

The field work in connection with the survey of the areas bordering Cross Lake, Louisiana, will be started at a very early date. The basis of field operation in this vicinity is contained in the Secretary's decision of October 28, 1922.

Cross Lake is one of the several lakes formed by the "Great Raft" in Red River about 1795. With the removal of the raft and consequent drainage of the lake, the surveyors' problem has been vastly complicated. After considerable study and investigation, it has been determined that the mean high water elevation of Cross Lake in 1812 when Louisiana was admitted into the Union, and in 1837 when the original surveys were executed, was 172 feet above mean gulf level.

The field work to be undertaken at this time involved the re-tracement and re-establishment of the original meander line of the lake in those places where areas were erroneously omitted from the original survey, and the location and monumentation of the 172 feet contour in front of such tracts in T. 17 N., R. 14 W., and Ts. 17 and 18 N., R. 15 W., La. M., Louisiana:

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FIELD SERVICE NOTES.

In the trial of the suit of the United States vs. Northern Pacific Railway Company in United States District Court, at Butte, Montana, a suit brought to set aside the title to approximately 360 acres of land in the Helena land district, United States Attorney Slattery, because of pressure of work in his office, requested Special Agent B. F. L. Heron, formerly attached to the Helena Division, now in charge of hearings in the Denver Division, to assume charge of the prosecution and conduct the case before the court. Mr. Heron did so, and on conclusion of the trial was the recipient of many congratulations from the court, as well as the United States Attorney's office. This is only another example of what is required of our Special Agents. They are expected to be able to do anything, anywhere, at any time. And the best of it is, when they are called upon, they do it.

Mineral Examiner M. A. Sears has returned to Washington, having concluded field work in the Southern Division for the present season.

Special Agent C. F. Follen, who has worked in the Minnesota-Wisconsin-Michigan field the past season, has returned to Washington to prepare reports on investigations made.

Mr. Ralph L. Neary, of South Dakota, has been appointed Special Agent in the excepted class, and assigned for the winter to the Santa Fe Field Division.

Special Agent J. A. Ramsey, of the Alaska Field Division, has been transferred to the Southern Division for the winter.

Special Agent William J. Hanna has been transferred for the winter from the Cheyenne to the Santa Fe Field Division.

Special Agent W. M. Gilcrest has been transferred for the winter from the Denver to the Santa Fe Field Division.

Edward Jessop, of Helena, Montana, has been appointed clerk in the Helena Field Division, by transfer from United States Veterans' Bureau, Helena.

Norman F. Waddell, for several years Special Disbursing Agent of the General Land Office, with headquarters at San Francisco, has been appointed a Special Agent and attached to the San Francisco Division. The disbursing office in that division has been abolished, all accounts and vouchers of that division now being handled by Special Disbursing Agent Fowle, Portland, Oregon. Accounts and vouchers of the Salt Lake Division, formerly handled by Mr. Waddell, are now referred to Special Disbursing Agent Read, at Denver, for settlement.

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Intimidation of Homesteader.

In the case of the United States vs. Ray Janes, William Jones, Frank Berry, David Karren, jr., and "Shorty" Chambers for conspiracy to oppress, intimidate, and coerce one James E. Price, a homesteader, tried at Grand Junction, Colorado, November 5 to 10, the jury rendered a verdict of guilty as to all defendants except Chambers, the indictment against whom was dismissed on motion of the United States Attorney.

The court passed sentences as follows: Jones and Berry 2 years each in the Federal penitentiary at Leavenworth, and fines of \$100 each; Karren, jr., 18 months at Leavenworth, and a fine of \$50; Janes, whom the jury recommended to the clemency of the court, 1 year and 1 day at Leavenworth, and a fine of \$50.

This case was a very noted one in northwestern Colorado. It arose through the killing in 1920, of one John Durnell, son-in-law of Price, and some 600 head of sheep being herded by Durnell and Price in Colorado near the Utah State line. After the killing of Durnell, Price received written notice to leave the country under penalty of death. Because of this threat, Price and family left the State. The murderers of Durnell were never punished.

Notwithstanding this, the Field Service continued its investigations over a long period, with the result as above stated.

Under the direction of Chief of Field Division McEniry, his field men, particularly Special Agent C. F. Leuenberger, did some wonderful work in securing evidence in a section of the country openly hostile to the Government's representatives.

On the conclusion of the case one of the jurymen said to Mr. McEniry that defendants and their attorneys did not help their cause any by attacking the Government agents, and added:

"This is the first time in nearly 40 years of sheep-killing and murder of sheep herders in this western country that anyone has been found guilty of these crimes on the western slope. We concluded that it was about time to stop this sort of crime, and the jury was glad of an opportunity to do so."

The jury was composed of cattlemen, farmers, and business men, all from a cow country, where many sheep-killing episodes and mistreatment of homesteaders have occurred in the past, but it seems the jury had concluded it was about time to put a stop to such actions, and by its verdict showed that time to have arrived.

From San Francisco.

On November 8, the United States Grand Jury at Fresno, California, returned indictments in the following cases:

F. E. Mitton, for violation Section 215, using the mails to defraud in connection with the locating of persons on alleged placer mining claims in the El Centro land district.

A. T. Lightner and H. W. McCray, for violation Section 125, perjury, in connection with the Independence Homestead entry of Albert H. Gifford.

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ALASKA RAILROAD TOWNSITES.

An interesting report has recently been received from Chief of Field Division George A. Parks, concerning expenditures and receipts for railroad townsites in Alaska. The construction of a Government railroad under the act of March 12, 1914 (38 Stat., 305), from Seward to Fairbanks was preceded by a withdrawal of large tracts of land for townsite purposes at strategic points along the route. Subsequently 8 townsites were surveyed, subdivided, and offered for sale at public auction under regulations promulgated by the Secretary of the Interior. The development of the several towns is essential to the success of the railroad and the Alaskan Engineering Commission was authorized to provide the necessary municipal improvements and to levy assessments against the lots to reimburse the railroad for all expenditures. For a time the townsites were in charge of the railroad and all municipal affairs were under the supervision of a townsite manager appointed by the chairman of the Alaskan Engineering Commission. Mr. Parks

is now Superintendent of Sales for these townsites.

There seems to be an impression in certain quarters that the Government has lost money as a result of the administration of the railroad townsites. This impression is erroneous, as shown by the report of Mr. Parks, which has been summarized showing a net profit as follows:

Profit on Nenana Townsite	\$11,150.13	
" " Anchorage "	12,510.00	
" " Seward "	13,172.59	
" " Wasilla "	3,320.89	
" " Moose "	75.00	
" " Talkeetna "	1,915.00	
	<u>\$42,113.61</u>	
Loss on Matanuska "	6,784.09	
Net profit		\$35,329.52

This represents the net profit derived from 8 townsites on The Alaska Railroad, based on the records of the Alaskan Engineering Commission as to expenditures and the records of the land office as to amounts collected from sales of lots. It is gratifying to have Mr. Parks report that "recent instructions from your office have cleared up most of the difficulties in the administration of the railroad townsites."

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HARDING TOWNSITE.

Opening of a townsite, consisting of public lands in Florida, named after the late President Harding, has been announced by Secretary of the Interior Work.

The lots are to be sold at public auction on February 12, 1924, and is the first opening of a Government townsite in the State of Florida in many years. It is expected to attract widespread attention.

Harding townsite is situated about four miles north of Miami Beach, Florida. The location is picturesque and attractive, fronting the Atlantic Ocean on the east, and Biscayne Bay on the west.

Ten blocks divided into 133 lots are offered for sale, being generally 50 by 150'. The lots have been appraised at prices ranging from \$350 to \$1,000.

A circular containing instructions governing the sale and a list showing the appraisement of the lots may be had upon application to the local office at Gainesville, Florida, or to the General Land Office at Washington, D.C.

CARLSBAD CAVE, NEW MEXICO.

On recommendation from Secretary of the Interior Work, President Coolidge signed on October 25 a presidential proclamation establishing the Carlsbad Cave National Monument, New Mexico.

The Carlsbad Cave is located 25 miles by automobile road southwest of Carlsbad, New Mexico, which is the nearest town and railroad point. The cave was discovered some 22 years ago and was first known as "Bat Cave" because it was the habitat of thousands of bats which have largely been driven out.

A survey of the cave was made by Mineral Inspector Holley of the General Land Office, who traveled for several miles through underground passages and descended a vertical distance of about 800 feet. No passage was explored to the end nor is the total depth of the cave known. In reporting on the beauty of the cave the mineral inspector said one is reminded of the illustrations of Dore in Dante's Inferno.

Dr. Willis T. Lee, Geologist of the United States Geological Survey, who recently visited the cave writes: "I know of no limestone cavern whose chambers approach in size those of the Carlsbad Cave, and the internal decorations rival in variety, beauty, and magnitude those of any cave heretofore described. The chambers are phenomenal in size and the deposits of travertine so voluminous and varied in form as to be of unusual scientific as well as scenic interest. I am convinced that in many respects it surpasses anything of its kind heretofore known in America."

The Monument area comprises 719.22 acres of land.

MAP SHOWING ACTIVITIES OF THE DEPARTMENT.

The Drafting Division of the General Land Office has just delivered to the Secretary of the Interior a map, showing that part of the United States west of the Mississippi River, on which are designated by appropriate conventional signs the location of the various activities of the Bureaus of the Department of the Interior.

A recitation of the several stations thus indicated upon this map is of instructive value to the land service, and is given herewith as follows:

(1) National Parks, (2) National Monuments, (3) Reclamation Projects, (4) Offices of Bureau of Reclamation, (5) Offices of Surveyors General, (6) United States District Land Offices, (7) Field Division Headquarters of the General Land Office, (8) Field Offices of Geological Survey, (9) Experimental Stations of Bureau of Mines, (10) Oil and Gas Leasing Stations of Bureau of Mines, (11) Mineral Leasing Stations of Bureau of Mines, (12) Safety Stations of Bureau of Mines, (13) Field Offices and Laboratories of Bureau of Mines, (14) Safety Cars of Bureau of Mines, (15) Indian Reservations, (16) Indian Reservations Allotted or Opened, (17) Indian Reservations Superintendents Headquarters, (18) Non-reservation Indian Schools, (19) Indian Schools under separate Superintendents.

This map, which in itself is an artistic piece of map-making work, illustrates graphically the various points of contact between the Department and the country at large, as well as the maintenance of the appropriate local agencies for the discharge of the manifold administrative duties that lie outside of the seat of Government.

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PUBLIC SALE--ACT MAY 20, 1920--CAMP RESERVE.

On December 8, 1923, at the front door of the office of Lower Yellowstone Irrigation District No. 1, Sidney, Montana, at 10 o'clock a.m., or at any publicly announced continuation thereof, H. A. Parker, project manager of the Lower Yellowstone Irrigation Project, will, under the act of May 20, 1920 (41 Stat., 605), offer for sale at public outcry, to the highest bidder at not less than the appraised price, \$1,480, the camp reserve known as the "Newlon Farm;" with improvements thereon, described as the SE $\frac{1}{2}$ SW $\frac{1}{2}$, SW $\frac{1}{2}$ SE $\frac{1}{2}$, Sec. 18, T. 22 N., R. 59 E., P.M., within the Lower Yellowstone Irrigation District No. 1.

The terms of sale are either all cash or not less than one-fifth of the total purchase price cash and the remainder in not more than four equal annual installments, with interest at 6 per cent per annum payable annually on the deferred payments on the 1st day of December each year thereafter. Parties are warned under penalty mentioned in section 59 of the Criminal Code of the United States against any combination or action tending to hinder or embarrass the sale of the farm or to prevent free competition between bidders.

REJECTED APPLICATION--RIGHT OF APPLICANT--INSTRUCTIONS.

Under date of October 24, 1923 (Phoenix 055217), in connection with a case where an application to select had been rejected by the register and receiver and the selector notified of the rejection, and thereafter the conflicting entry had been relinquished, the local officers were instructed as follows:

"You are instructed that rejection slips when inclosed with the appeal should be signed by the register and receiver, and that the relinquishment of a conflicting entry during the appeal period furnishes no basis for your revoking your action where it was correct when made. (13 L.D., 502; 44 L.D., 80.) The selector must renew his application if he desires the land, and the right of entry must be determined with reference to the conditions existing at the date of renewal.

"You will report the present status of this selection as it appears on your records and forward a corrected rejection slip in accordance with the facts. If no adverse applications have been filed since the relinquishment of the homestead entry, and none are now pending, you can inform the selector of the status of the land and afford him an opportunity to re-select the land if he now desires to do so."

In response to those instructions the register reported that it had been the understanding in his office for some time past that if no adverse claim appeared during the appeal period, that a rejected application could be properly allowed if the conflict was removed. The local officers are correct in the belief that the application can be allowed if there is no application accompanying the relinquishment and none is filed before the rejected application is renewed. The Department has repeatedly held that an appeal from the rejection of an application only entitles the applicant to a decision upon the question whether the rejection was correct or in error. If the land subsequently becomes open to entry, the application for selection should be renewed, and the right of entry determined with reference to the status of the land and the sufficiency of the application at the time of such renewal. The omission to sign rejection slips attesting the correctness of the action taken should be corrected at any offices where laxity exists.

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PROPAGATION OF SPINELESS CACTI--BURBANK SELECTIONS.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

November 5, 1923.

Phoenix 054394 "X" J.B.
054376
055217
055409
055539
055675
055683
055856

: Instructions under the act of
: August 24, 1912. Selections
: rejected, in part, and closed.

Register and Receiver,

Phoenix, Arizona.

Gentlemen:

Under the provisions of the act of August 24, 1912 (37 Stat., 507), Luther Burbank, by E. Lyders, his attorney-in-fact, has filed applications to have set aside for the propagation of the spineless cacti thereon, 7,681.26 acres of land, alleged to be of the character contemplated by the act, and serial numbers have been assigned thereto as follows:

Serial 054394, filed October 4, 1922, for $S\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 2, T. 9 N., R. 6 W., containing 80 acres.

Serial 054676, filed December 1, 1922, for SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 8, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 17, T. 12 S., R. 1 East, and unsurveyed SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 25, T. 12 S., R. 1 West, containing 160 acres.

Serial 055217, filed April 12, 1923, for S $\frac{1}{2}$, Sec. 7, Sec. 18, and N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 19, T. 8 S., R. 15 W., containing 1,120 acres. The partial rejection of this selection to the extent of S $\frac{1}{2}$ S $\frac{1}{2}$, Sec. 18 and N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 19, leaving it intact as to 760.01 acres will be the subject of a separate communication.

Serial 055409, filed May 19, 1923, for unsurveyed Secs. 23, 24, 25, and 26, T. 6 N., R. 16 W., containing about 2,540 acres.

Serial 055839, filed June 30, 1923, for Secs. 3, 4, 5, and 6, T. 9 S., R. 16 W., containing 2,560 acres. This selection was rejected as to SE $\frac{1}{4}$, Sec. 4, for conflict and remains intact for 2,395.25 acres.

Serial 055675, filed August 9, 1923, for E $\frac{1}{2}$ E $\frac{1}{2}$, Sec. 9, T. 2 N., R. 1 W., containing 160 acres.

Serial 055683, filed August 11, 1923, for S $\frac{1}{2}$, Sec. 28, S $\frac{1}{2}$, Sec. 29, E $\frac{1}{2}$, Sec. 33, T. 9 S., R. 7 E., containing 960 acres.

Serial 055856, filed October (?), 1923, for NE $\frac{1}{2}$, Sec. 34, NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 33, T. 6 N., R. 16 W., containing 160 acres. This land is unsurveyed, and the application has not been received in the General Land Office.

Portions of the selected land have been designated under the provisions of the act of February 19, 1909 (35 Stat., 639), and others have been designated under the act of December 29, 1916 (39 Stat., 862), but such designations will not be sufficient to determine whether the lands are or are not of the character contemplated by the act of August 24, 1912 (37 Stat., 507). An examination in the field by a representative of the Department will, therefore, be directed at the proper time.

Portions of the selected land have heretofore been withdrawn for reclamation projects, which have since been revoked and the land restored to entry. The possibility of irrigating the land will be determined, however, by examination in the field.

The land embraced under serial 055683 was within the exterior boundaries of the Santa Cruz reservoir according to the map approved March 19, 1913, serial 015293, but has been excluded therefrom by amended map 041477, approved September 25, 1920, but is subject to an easement for the diversion canal. The irrigability of this land will be determined by examination and other information available.

The act of Congress approved August 24, 1912 (37 Stat., 507), entitled "an act to patent certain semiarid lands to Luther Burbank under certain conditions," provides:

"Sec. 1. That there be set aside for a period of five years such portions of the unappropriated, nonmineral, nonirrigable, nontimbered, and unreserved public lands situated in California, New Mexico, Arizona, and Nevada as Luther Burbank, of Santa Rosa, California, may select, not to exceed ¹⁰⁰sections in all, and the right to enter the same and propagate the spineless cacti thereon, erecting all necessary improvements, and clearing and tilling the soil thereof, be granted the said Luther Burbank, his heirs, and successors in interest.

"Sec. 2. That the Secretary of the Interior be directed to issue patent to the said Luther Burbank, his heirs, or successors in interest, for all or any legal subdivision of the said lands so set aside upon the payment of one and twenty-five one-hundredths dollars per acre, or two and fifty one-hundredths dollars per acre if the same be reserved sections within any railroad grant, as purchase price, provided said payment is made within the said five years: Provided, That no patent shall issue until the said Luther Burbank or his heirs or successors in interest shall have had at least one hundred thousand growing plants of spineless cacti of a character suitable for animal food upon said lands or some part thereof for the period of two years, and until it has been shown to the satisfaction of the Secretary of the Interior that the lands to be patented are suitable for the growth of spineless cacti valuable for domestic animal food: Provided further, That the land selected shall be approved by the Secretary of the Interior, when the Commissioner of the General Land Office shall certify to the Secretary of the Interior is semiarid, nonmineral, nonirrigable, nontimbered, unreserved, and unsuitable lands for agricultural purposes under present methods of agriculture before the same shall be set aside as herein provided, and that said certificate shall be conclusive as to the character of said lands."

Under date of August 23, 1912, the Secretary of the Interior issued instructions to the Commissioner of the General Land Office relative to action to be taken under the provisions of this act, and a copy thereof was sent to Mr. Burbank. No selections have heretofore been filed by the beneficiary, and the questions hereinafter considered have not been passed upon in connection with applications under this act. In addition to geographical and quantity limitations,

the act contains limitations as to time within which to complete the entry and secure patent; fixes the price to be paid; and contains the following limitations as to the character and status of the land to wit:

"semiarid, nonirrigable, nontimbered, nonmineral, and unsuitable for agricultural purposes under present methods of agriculture before the same shall be set aside; and unappropriated and unreserved public lands."

In an appeal from the rejection of applications under serials 054676 (partial), 055409 and 055856, to set aside unsurveyed land, described in terms of future surveys, the applicant argues that the act having prescribed the limitations above indicated without specifically stating that the selections were to be made on surveyed public land, does not prohibit the selection of unsurveyed land and if Congress had intended to restrict the selection to surveyed lands, it would have said so in the act.

In his argument for the privilege of selecting unsurveyed land, the applicant cites the use of the word "surveyed" in the act of June 13, 1912 (37 Stat., 132), and in the act of March 4, 1913 (37 Stat., 1007), and refers to the construction of the act of October 22, 1919 (41 Stat., 293), in the instructions in Circular No. 666, January 12, 1920 (47 L.D., 310), authorizing the issuance of permits to explore and develop underground waters in the State of Nevada for not to exceed 2,500 acres of "unreserved, unappropriated, non-mineral, nontimbered public lands of the United States in the State of Nevada not known to be susceptible of irrigation at a reasonable cost." It is not necessary to distinguish the latter act further than to call attention to section 5 therein authorizing the permittee to enter --

"one-fourth of the land embraced in the permit, such area to be selected by the permittee in compact form according to the legal subdivisions of the public land surveys, if the land be surveyed, or to be surveyed at his expense under rules and regulations to be established by the Secretary of the Interior if located on unsurveyed land."

The act under which these selections were made contains a limitation as to quantity expressed in terms used to designate surveyed public land.

It also requires the issuance of patent "for all or any legal subdivision of the said lands so set aside," provided proof and payment are made within five years from certification. The language used clearly implies that it shall be within the power of the selector to secure patent within five years, without the embarrassment or delay that might follow the selection of unsurveyed lands not reached by the progress of the public land surveys, within the time limited.

Furthermore, in view of the unusual and specific limitations as to the character and status of the land to be set aside, it is not presumed without clear language that Congress intended that the Commissioner and the Secretary should be deprived of the usual and valuable information acquired in the progress of the surveys, with reference to monuments, streams, and water courses; minerals, timber, and soil conditions; or that Congress intended to confer the privilege of making selections in advance of the surveys and before the land had been

opened to entry for agricultural purposes. While the information secured in making the surveys is not conclusive as to the character of the land it is evidence secured by legislative direction and under surveying instructions and may be given due weight and consideration in connection with other available information.

Finally, by a long series of legislative acts, Congress has limited sales to surveyed public lands. The failure to use the word "surveyed" can not be construed as extending the benefits of the act to unsurveyed land without affirmative language indicating an intention to extend such an exceptional privilege.

In addition to the act cited in the appeal, there are other acts in which Congress has conferred the right of applying for unsurveyed land, but in these instances it has been by language "so clear and explicit as to leave no room for construction." (F. A. Hyde, et al--on review--28 L.D., 284), and their citation affords no basis for the construction contended for.

The selection of unsurveyed land has been considered in connection with the following acts in which the terms "surveyed" or "unsurveyed" are not found.

The act of February 17, 1815 (3 Stat., 211), authorized the issuance of certificates of new location to sufferers by earthquake in New Madrid County, Missouri Territory (known as New Madrid scrip), entitling them--

"to locate the like quantity of land on any of the public lands of the said Territory, the sale of which is authorized by law."

In opinions under dates of May 11, 1820, and again June 19, 1820 (1 Op.A.G., 361-2, and 373-5), the Attorney General held that locations that had been made on unsurveyed land were illegal and void. This legislation and the construction placed thereon was fully considered and followed in the case of Britton Williams (14 L.D., 3), decided in 1882.

And see also the act of December 26, 1876 (19 Stat., 500), authorizing the relocation of a new Madrid right, and known as "Ware scrip," which may be located only upon surveyed land (W. E. Moses, 39 L.D., 319; decided in 1910).

The act of Congress approved April 11, 1860 (12 Stat., 836), under which "Porterfield scrip" was issued--

"to be by them located on any of the public lands which may have been or may be surveyed, etc."

was construed in Hosmer vs. Denny (23 L.D., 319), decided September 11, 1896; and it was held that the scrip was locatable only upon lands that have been surveyed under the authority of the Government.

Under the act of June 9, 1860 (21 Stat., 171), certificates were issued (known as "Palatka scrip") authorizing the State of Florida to select--

"an equal quantity of land from any of the vacant and unappropriated public lands of the United States in Florida and patents shall be issued to the State for the land so selected."

In State of Florida vs. Santa Fe Pacific Railway Co. (37 L.D., 112), decided in 1908, it is said:

"Public land can be disposed of only after survey. By express acts of Congress in certain cases, rights to enter lands may be located in advance of surveys, but such locations necessarily remain unexecuted by patent until the lands are identified by survey and proper descriptions can be given. Such locations in advance of surveys must be made to conform to survey lines when made. But except by special authority of Congress no rights are or can be recognized by the land department to arise from attempted scrip locations in advance of surveys. There was in the act no authority express or necessarily implied to make location of the Palatka scrip on unsurveyed lands and it necessarily follows that the words 'vacant and unappropriated lands' must be read in the light of the general legislation of Congress and means only surveyed lands subject to disposal by other forms of entry."

The above language was quoted and followed by the Department in the instructions of March 14, 1910 (38 L.D., 485), relative to Gerard and McKee scrip, issued under acts authorizing the location of vacant public lands without restricting such selections to surveyed land.

These decisions were rendered prior to the passage of the act under which these selections have been made, and the interpretation of the several acts to which the applicant has called attention, has been in entire harmony with the principles therein stated. It must be held, therefore, that the right of selection conferred by the act of August 24, 1912, supra, is limited to surveyed land of the character defined by the act.

The selection of the following-unsurveyed land is, therefore, rejected and you will so note on your records and advise the applicant in order that he may make further selections:

Serial 054676 (partial) for unsurveyed SW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 25, T. 12 S., R. 1 W., leaving the selection intact as to 80 acres.

Serial 055409 (total) Secs. 23, 24, 25, and 26, T. 6 N., R. 16 W., containing 2,560 acres.

Serial 055856 (total) NE $\frac{1}{4}$, Sec. 34, NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 33, T. 6 N., R. 16 W., containing 600 acres.

Notices for publication will be issued in accordance with the circular of February 21, 1908 (36 L.D., 278), for the remaining selections, and in due time proof thereof will be transmitted with report as to action taken. Copies of the notices will be sent to the Chief of Field Division to be returned to this office with his report after examination as to the character of the land has been made in the field.

The selection of SE $\frac{1}{2}$ SW $\frac{1}{2}$, Sec. 8 and NE $\frac{1}{2}$ NW $\frac{1}{2}$, Sec. 17, T. 12 S., R. 1 E., serial 054676 (partially rejected) will remain intact, but the selector may, within thirty days from receipt of notice, relinquish the entire selection and make a new selection for this area, or else begin publication of notice as to the surveyed land.

You will furnish the Chief of Field Division with a diagram showing the character of surrounding entries and such further information as may be requested from his office bearing upon the character of the land and its adaptability to development under ordinary agricultural entries. Copies of this letter will be furnished the Chief of Field Division for his instructions and the rejection as to the unsurveyed tracts is final.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved:

E. C. FINNEY,
First Assistant Secretary.

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RECLAMATION HOMESTEAD--ACT OF AUGUST 9, 1912.

The Commissioner of the

General Land Office.

Dear Mr. Commissioner:

The Department has considered your letter ("F"-A R) of October 18, 1923, requesting authority to approve for patenting the entry of David Davies (Miles City 01556) without reserving a lien under the act of August 9, 1912 (37 Stat., 265):

The entry was made May 31, 1905, subject to the provisions of the reclamation act of June 17, 1902 (32 Stat., 388), for S $\frac{1}{2}$ SW $\frac{1}{2}$ and W $\frac{1}{2}$ SE $\frac{1}{2}$, Sec. 34, T. 19 N., R. 57 E., M.H., under the Lower Yellowstone Project. The entry was conformed to farm unit "B", embracing SW $\frac{1}{2}$ NE $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{2}$ and SE $\frac{1}{2}$ SW $\frac{1}{2}$, said Sec. 34 (160 acres), on January 22, 1914. Final proof of compliance with the ordinary provisions of the homestead law was submitted July 11, 1910, and final reclamation proof was filed July 9, 1920. Under date of November 17, 1920, your office directed the issuance of final certificate, but for some unexplained reason final certificate was not issued until May 29, 1923. The final certificate is indorsed:

Subject to the provisions of the act of June 17, 1902 (32 Stat., 388), and the act of May 15, 1922 (42 Stat., 541),

The irrigable portion (91 acres) of said farm unit is within the limits of Lower Yellowstone Irrigation District No. 1, under contract dated December 10, 1920.

Under date of October 10, 1923, the Bureau of Reclamation advised you that--

the lands of the entry outside the limits of the said irrigation district are not now subject to payment of any sums due to the United States for irrigation purposes. We are unable to state that there will never be any future charges against the lands for these purposes, because the United States, the district, or their successors in control of the project might work out further irrigation developments which would result in contractual or statutory charges against the land outside the present limits of the district.

The irrigation district, by the contract of December 10, 1920, assumed payment to the United States of the costs of the project.

By including within the limits of the district only the irrigable area of Davies's entry, the district released all claim and jurisdiction as to the nonirrigable area (69 acres), and as to the nonirrigable area there is now pending no proposed scheme of irrigation; hence no reason exists why the United States should reserve a lien under the act of August 9, 1912, supra.

In your letter you state that there are a large number of farm units already established for lands that are partly within and partly without the district. In regard to entries for such farm units, you are instructed to follow the views herein expressed--that is, where the entire irrigable area of the entry is within the limits of the irrigation district, the patent may issue under the acts of June 17, 1902, and May 15, 1922, without reserving a lien under the act of August 9, 1912.

Respectfully,

E. C. FINNEY,

October 31, 1923.

First Assistant Secretary.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

November 12, 1923.

- : Allowable desert-land applications
- : as constituting entries within the
- : meaning of act of September 5, 1914,
- : relating to second desert-land
- : entries.

Registers and Receivers.

Gentlemen:

September 13, 1923, the Department adopted the following administrative rule:

"An allowable application to make desert-land entry will be treated as an entry within the meaning of the act of September 5, 1914 (38 Stat., 712), and if such an application is withdrawn prior to its allowance the applicant will be required, in connection with any subsequent application, to make the showing required of persons who seek to make second desert-land entries."

The right to make a desert-land entry is exhausted as effectively by the filing of an allowable declaration as if the entry had been actually allowed, in the absence of a sufficient and satisfactory showing of the right to make a second entry. It is not to be understood that where a declaration is rejected for conflict or other sufficient cause the desert-land right of entry is held to be exhausted, but where such declaration is subject to allowance and is withdrawn before such action is taken, then it is to be understood that the desert-land entry right is held to be exhausted, except as herein stated.

Under the act of September 5, 1914, supra, provision is made for the making of second desert-land entries under the conditions therein stated. When, therefore, a desert-land declaration is filed, unless rejected for conflict or other sufficient cause, a second declaration should not be accepted unless accompanied by a showing, by way of corroborated affidavit, of qualification to make it, the same as if applying to make a second desert-land entry.

If a prior application was filed, it should give the number thereof and description of the land by section, township, and range. In this event you will forward the papers to the General Land Office for consideration, following as closely as possible the instructions (contained in 43 L.D., 408) relating to second desert-land entries.

Very respectfully,

WILLIAM SPRY,

Approved: November 12, 1923.

Commissioner.

E. C. FINNEY,

First Assistant Secretary.

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THREE FOOT HOMESTEADER.

Final proof was made in the Leadville, Colorado, land district in November, by an entryman who is just 36 inches tall and is said to be the smallest man in the United States. His only source of income, is his own road show, which he puts on at county fairs and carnivals during his five-months statutory leave.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

1078291

PUBLIC LANDS RESTORED TO HOMESTEAD ENTRY AND OTHER DISPOSITION BY
PROCLAMATION, EXECUTIVE OR DEPARTMENTAL ORDER.

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Preference Rights to Ex-Service Men of the War with Germany.

General Method of Opening:

By virtue of Public Resolution No. 29, of February 14, 1920 (41 Stat., 434), as amended by Public Resolutions Nos. 36 and 79, approved January 21 and December 28, 1922, respectively, hereafter and until February 15, 1930, when any surveyed lands within the provisions of the public resolutions are opened or restored to disposition under the authority of the Department, such lands, unless otherwise provided in the order of restoration, shall become subject to appropriation under the laws applicable thereto in the following manner, and not otherwise:

Lands not affected by the preference rights conferred by the acts of August 18, 1894 (28 Stat., 394), or June 11, 1906 (34 Stat., 233), or February 14, 1920 (41 Stat., 407), will be subject to entry by soldiers under the homestead and desert-land laws, where both of said laws are applicable, or under the homestead law only, as the case may be, for a period of 91 days, beginning with the date of the filing of the township plat in the case of surveys or resurveys, and with the date specified in the order of restoration in all other cases, and thereafter to disposition under all of the public land laws, applicable thereto, except where homestead entrymen are granted a prior preference period under the order. For a period of 20 days and for a like period prior to the date or dates such lands become subject to entry by the general public, soldiers in the first instance, and any qualified applicants in the second, may execute and file their applications, and all such applications presented within such 20-day periods, together with those offered at 9 o'clock, a.m., standard time, on the dates such lands become subject to appropriation under such applications, shall be treated as filed simultaneously.

Unsurveyed lands are not subject to homestead or desert-land entry. A homestead entry may embrace 160 acres, or an approximation thereof, and where the lands are of the character contemplated by the 320 or 640 acres homestead acts, applications for the unappropriated lands may be filed by qualified persons, under either of said acts; accompanied by proper petitions, if undesignated, for the designation of lands thereunder, and such applications will be suspended pending determination as to the character of such lands.

The following are restorations or openings which will occur in the near future and concerning which further information may be obtained from the local offices:

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RESTORATION FROM CAREY ACT SEGREGATION.

COLORADO

14,441.32 acres of land in Conejos County, Del Norte, Colorado, land district, open to homestead and desert-land entries by ex-service men of the World War, beginning December 6, 1923. Filings may be presented during the twenty days prior to that date, such filings to be considered as simultaneously filed and to be disposed of by lot. From March 6, 1924, any of said land remaining unentered will be subject to appropriation under any of the applicable public land laws by the general public. Available information indicates that the lands are unquestionably desert in character, being located in the most arid portion of the State. The chief industry in the vicinity is sheep raising, but some farming is done by irrigation, and where water is thus applied to the land good crops of peas, oats, wheat, and potatoes, as well as alfalfa are produced. There are no running streams within the area, but the Rio Grande Del Norte River flows along the east line thereof. Its channel is 80 to 100 feet in depth and water from this stream therefore is not available for use on adjoining land. There is a natural growth of sagebrush and greasewood on practically all of the land but very little grass, not enough to produce a growth of hay. The only trees within the area are a few cottonwood trees which have grown on the banks of irrigating ditches. The elevation is from 7,500 to 8,000 feet above sea level.

(6307)

Official plats of the survey and resurvey of public lands have been transmitted to Surveyors General with instructions to transmit copies thereof to the United States land offices for official filing, as follows:

T. 3 S., R. 86 W., 6th P.M., Colorado, with letter dated November 16, 1923, approximately 15,000 acres; United States land office, Glenwood Springs.

T. 18 N., R. 61 E., T. 22 N., R. 70 E., and T. 28 N., R. 40 E., M.D.N. Nevada, with letters dated November 14 and 16, 1923, approximately 54,000 acres; United States land offices, Elko and Reno.

T. 28 S., R. 14 W., N.M.P.M., New Mexico, with letter dated November 7, 1923, approximately 19,000 acres; United States land office, Las Cruces.

T. 41 N., R. 87 W., 6th P.M., Wyoming, with letter dated November 7, 1923, approximately 9,800 acres, the balance patented or occupied by settlers; United States land office, Buffalo.

The dates of filing will be fixed by the registers of the several offices and the public lands indicated will be open to entry and subject to prior valid settlement rights and equitable claims, ex-service men of the World War will be entitled to a preference right to enter these lands under the homestead and desert-land laws for a period of 91 days, beginning with the date of the filing of the plats, under Public Resolutions Nos. 36 and 79, dated January 21 and December 28, 1922, respectively.

In addition to the above Secs. 31, 32, and 33 of T. 28 S., R. 14 W., New Mexico, were withdrawn upon application of the State, of which Sec. 32 is a school section, leaving approximately 1,200 acres; and T. 28 S., R. 18 W., S.L.M., Utah, transmitted with letter dated November 7, 1923, approximately 19,600 acres; United States land office, Salt Lake City. These surveys were made upon application of the States and the public lands involved were withdrawn under the provisions of the act of August 18, 1894 (28 Stat., 391., until 60 days after the date of filing of the plats, during which period the States have a preference right to select lands therein in satisfaction of public land grants. On the expiration of such period ex-service men of the World War are entitled to the preference right heretofore indicated for lands not selected by the State. All lands will be open to general disposition on the expiration of the preference periods indicated.

In T. 3 S., R. 86 W., Colorado, the lands are reported as mountainous, rolling, and valley. Most of the lands along the Grand River and other streams are occupied by settlers or withdrawn for power sites. The mountainous lands are rough and broken with timber, water, and grass; soil rocky, third and fourth rate.

The lands in Nevada are mountainous, rolling, and level with more or less timber and a fine growth of native grasses. Soil sandy and clay loam, rocky on the rough lands.

T. 28 S., R. 14 W., New Mexico, is reported as rolling and broken, covered with scattering undergrowth; soil sandy loam, second rate, excepting the broken hills in the southern portion are rocky, third and fourth rate.

T. 28 S., R. 18 W., Utah, is mountainous and rolling with a medium growth of scrub timber and a fair growth of grass. Soil a clay loam, rocky on mountainous land, second, third, and fourth rate.

T. 41 N., R. 87 W., Wyoming, is mountainous and rolling, covered with sage brush and a good growth of grass. The soil is a sandy loam, ^{and clay,} rocky on the rough land, second and third rate.

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COLORADO: RESTORATION OF LANDS RECOVERED THROUGH
CANCELLATION OF PATENTS AND ENTRIES.

1,362.91 acres in two tracts of 960 and 402.91 acres, respectively, in Routt County, Glenwood Springs land district, open to surface entry under the homestead and desert-land law by ex-service men of the war with Germany for a period of 91 days, beginning December 20, 1923. Filings may be presented at any time within the 20 days prior to that date. On and after March 20, 1924, any of such land remaining unentered will be subject to appropriation under any applicable public land law by the general public. The lands have been recovered by the United States through the cancellation of certain coal-land patents and coal entries after court proceedings and are located in Ts. 5 N., Rs. 85 and 86 W., about 12 miles southwest of the town of Steamboat Springs. Such lands are withdrawn for coal classification and the greater portion thereof has been designated under the enlarged-homestead law.

Further information if desired may be obtained from the United States land office at Glenwood Springs, Colorado.

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RECENT DECISIONS OF THE COURTS AND THE DEPARTMENT.

Ware Scrip Location--Missouri Territory.

In the case of Ralph E. Colvin vs. Albert B. Fall, Secretary of the Interior, decided November 5, 1923, in the Court of Appeals, District of Columbia, the final decision of the Department of the Interior, rendered June 16, 1922, was under review, with the result that the action of the Department was fully upheld.

The case went to the Court of Appeals from a decree in the Supreme Court in the District of Columbia, dismissing the appellant's bill to restrain the enforcement of the decision of the Department respecting a scrip location which was locatable "on any land in what was Missouri Territory subject to sale." In the disposition of the case, the Department said in effect that this land could never have formed any part of the Missouri Territory, because located about 40 miles west of the 100th parallel, west longitude, and south of the Arkansas River, and therefore a part of Mexico during all the time the Missouri Territory was in existence, and did not completely pass to our Government until after the State of Texas, as Mexico's successor in interest, ceded her claim to the United States.

The Court of Appeals went into the question thus presented very fully, and concluded, as a legal proposition, that the decision of the court below, refusing to interfere with the action of the Department, should be affirmed.

This case, while in the Department, has heretofore received notice in the Bulletin, first, in the July number for 1922, at page 9, and again in the September number for 1922, at page 13.

Public Waters--Appropriation, Stock-watering.

The use of springs as a watering place for range cattle, by claimants of the water rights in such springs, and their predecessors in interest, is held insufficient alone to establish an appropriation thereof, in the absence of any showing that their use was to the exclusion of others having stock at large upon the public domain, or that the springs were subject to the complete domain and control of claimants.

(Supreme Court of Utah.)
Robinson v. Schoenfeld,
218 Pacific Reporter, 1041.

Water Rights--Abandonment.

Where defendant made an appropriation of water from a creek and later abandoned it to use water from another creek, but on selling the latter right resumed the use of the former creek again, his right to the water from the former creek was not reestablished until after such abandonment, and to vest in him as of the date of such resumed use.

Appropriation Limited to Beneficial Use.

An appropriation is limited to its beneficial use, to needs present and prospective as coupled with a bona fide intention to use the water, and where appropriators' needs and facilities are equal, they measure the extent of his appropriation, and where one appropriates water first from one stream, and then from another, and either is sufficient, he can not thereafter hold both rights against subsequent appropriators, but must elect to hold either one or the other.

(Supreme Court of Montana.)
O'Shea vs. Doty,
218 Pacific Reporter, 658.

Contest--Homestead Entry--Practice--Notice--Adverse Claim.

Failure to comply with the proof of publication requirement prescribed in Rules of Practice 8 and 10, is not a sufficient ground for the abatement of a contest, where the contestant is seeking to cancel an entry because he is claiming the land under color of title, and the contestee fails to answer allegations which, when undisputed, warrant the holding that the tract was not subject to entry.

Querbes v. Trammel; decided August 14, 1923,
by First Assistant Secretary Finney.

Soldiers' Homestead--Declaratory Statement--Filing--Agent--Military Service--Statutes.

The provision of Section 2309, Revised Statutes, relating to the filing of soldiers' and sailors' homestead declaratory statements by agent was not extended by Congress to include survivors who served in the war with Germany and consequently is inapplicable to them.

Glen S. Clapp; decided August 17, 1923, by
First Assistant Secretary Finney.

Reclamation Homestead--Final Proof--Alien--Citizenship--Assignment.

An alien who has submitted five-year proof upon a reclamation homestead entry which is satisfactory except as to his citizenship qualifications may make a valid assignment of the entry under the act of June 23, 1910.

Reclamation Homestead--Final Proof--Mortgage--Mortgagee--Assignment.

One who purchases a reclamation homestead entry at a mortgage foreclosure sale upon which satisfactory final/^{five-year} proof had previously been submitted is entitled to have the foreclosure deed treated as an assignment of the entry under the act of June 23, 1910.

Benner, Powell, Transferee; decided August 17, 1923, by
First Assistant Secretary Finney.

Stock-Raising Homestead--Enlarged Homestead--Application.

One who files an application under the enlarged-homestead act or the stock-raising homestead act for a tract of undesignated land can not be charged with claiming the land therein described until the date the application is allowable after the designation of the land becomes effective.

Isaac P. Palmer; decided August 18, 1923,
by First Assistant Secretary Finney.

Practice--Appeal--Notice--Land Department--Jurisdiction--Homestead Entry.

While Rule 95, Rules of Practice, provides that notice of appeal must be served on an adverse party either personally or by registered mail, yet failure to receive such notice does not deprive the Department of its jurisdiction to act upon the appeal.

Appeal--Estoppel--Homestead Entry.

One is not estopped from exercising his right of appeal to the Department because of prior statements made to an adverse party to the controversy to the effect that the decision of the Commissioner of the General Land Office, when rendered, would be accepted by him as final.

Homestead Entry--Adverse Claim--Notice--Courts--Land Department.

Service of notice upon a homestead entryman of the commencement of a suit against him in the local courts by an adverse claimant in no wise calls in question before the Land Department the validity of the entry.

Mining Claim--Mineral Lands--Homestead Entry--Notice--Evidence.

A location or certificate does not of itself constitute evidence of the mineral character of the land described therein, nor do the recitals in a location notice or certificate that a discovery has been made constitute evidence of discovery.

Departmental Decisions Cited and Applied--Prior Departmental Decision Adhered to.

Cases of Magruder v. Oregon and California Railroad Co. (28 L.D., 174), Todd v. Hays, on review (34 L.D., 371), and United States v. Bunker Hill and Sullivan Mining and Concentrating Co. (48 L.D., 598), cited and applied; case of Independent Lead and Copper Company v. Levelle (47 L.D., 169), adhered to.

Independent Lead and Copper Co. v. Levelle (on rehearing);
decided August 18, 1923, by First Assistant Secretary Finney.

Selection--Withdrawal--Vested Rights.

Failure of a selector to fulfil, prior to attachment of a withdrawal, an additional requirement imposed upon him by amended regulations, will not defeat a selection if, at the time of its acceptance by the local officers, there had been full compliance with the law and all existing applicable departmental regulations.

State of California, Parker, Transferee; decided
August 21, 1923, by First Assistant Secretary Finney.

Land Department--Res Judicata--Supervisory Authority.

In the exercise of its broad powers to do justice the Land Department should so far as within it lies put an end to controversies involving title to public lands which have been once finally adjudicated by it.

Patent--Survey--Plat--Entry--Accretion--Riparian Rights--Land Department--Jurisdiction.

Where the question arises whether a patent, issued on an entry in accordance with the official plat of survey existing at date of entry, conveyed title to adjoining lands added by accretion, it is competent for the Land Department to decide whether the accreted land is public land subject to disposal or privately-owned land over which it has no jurisdiction.

Land Department--Supervisory Authority--Res Judicata--Patent--Accretion--Riparian Rights.

When the Land Department has once finally adjudged that the title to accretion land passed with the patent conveying the adjoining land, it is

competent for it to take such action, within the scope of its powers, as will render its judgment effective, and, to this end, it may issue a supplemental patent in order that such determination may be given the fullest effect and be in such form as to become regularly a matter of local record.

Patent--Transferor--Section 2448, Revised Statutes.

Section 2448, Revised Statutes, permits of the issuance of a patent in the name of a deceased person, and where a patent is thus issued, rights under it may inure to the benefit of the remote grantees of such person.

Prior Departmental Decisions Adhered To.

Cases of Gleason v. Pent (14 L.D., 375), Gleason v. Pent, on review (15 L.D., 285), Lewis W. Pierce (18 L.D., 323), and Whitten et al. v. Read (49 L.D., 253), adhered to.

Whitten et al. v. Read (on petition); decided August 27, 1923, by First Assistant Secretary Finney.

Patent--Stock-Raising Homestead--Land Department--Courts--Jurisdiction.

Consideration and adjudication of questions relating to the character of patented lands are solely within the jurisdiction of the courts and, after the issuance of a patent, the Land Department is without authority to try and determine any question of right pertaining thereto.

Patent--Stock-Raising Homestead--Land Department--Jurisdiction.

Actual manual delivery of a patent issued for public land, subject to disposition under the public-land laws, is not essential to the passing of title to the patentee, and the Land Department can not retain jurisdiction by withholding the delivery of the patent after it has been signed, sealed, countersigned, and recorded.

Patent--Stock-Raising Homestead--Land Department--Contest--Jurisdiction.

The Land Department is without jurisdiction to entertain a contest against an entry for which a patent has been duly executed, but not delivered to the patentee because it was prematurely and erroneously issued.

Stock-Raising Homestead--Mining Claim--Mineral Lands--Contest--Preference Right.

Section 9 of the act of December 29, 1916, reserves to the United States the mineral deposits in lands entered as stock-raising homesteads, and the filing of an application to make entry of lands, subject to entry under that act, confers upon the applicant a prior right to the surface that is not subject to contest by a mineral claimant who bases his right upon discovery made after the filing of the homestead application.

Attorney--Notary Public--Officers--Affidavits--Statutes.

Section 558 of the Code of the District of Columbia, as amended by the proviso to the act of June 29, 1906, which prohibits the administering of

oaths by notary publics in connection with matters pending before any of the departments of the United States Government in which they are employed as counsel, attorney, or agent, or in any way interested, applies to all such persons, whether residing in the District of Columbia or elsewhere.

Rosetti et al, v. Dougherty; decided August 30, 1923,
by First Assistant Secretary Finney.

School Land--Selection--Indemnity--Mineral Lands--Adverse Claim--Hearing.

A State indemnity selection, canceled upon the default of the selector after due notice to answer the charge that the land is mineral in character, will not be reinstated for the purpose of ordering a hearing in the presence of an adverse claim, even though such claim was inadvertently allowed.

State of Arizona; decided August 31, 1923,
by First Assistant Secretary Finney.

Land Department--Courts--Timber and Stone Act--Mineral Lands--Evidence.

The rules of law as applied by the courts are binding upon the Land Department only in so far as they are not adverse to but assist its function as an administrative agency of the executive branch of the Government which, as the proprietor of the public domain, is a party to all proceedings relative to the disposal of the public lands, and entitled to rely upon and adhere to their classification once arrived at, even though between others than the parties to a new application to enter.

Court Decision Cited and Applied.

Case of United States v. Midwest Oil Company (236 U.S., 459), cited and applied.

Ormlia E. Day; decided September 4, 1923,
by First Assistant Secretary Finney.

Kinkaid Act--Stock-Raising Homestead--Additional Statutes.

The Kinkaid law, act of April 28, 1904, has no relevance to the right to make entry under the stock-raising homestead act of one who has not made an entry under the former act or in the territory affected by that act, or who, having made such entry, has not, under the Kinkaid law, the right to make an additional entry.

Departmental Decisions Cited and Distinguished.

Cases of Charles Makela (46 L.D., 509), and Earl A. Mann (49 L.D., 286), cited and distinguished.

Orestes C. Cramer; decided September 4, 1923, by
First Assistant Secretary Finney.

Oil and Gas Lands--Prospecting Permit--Homestead Entry--Preference Right--Contest.

The preferment in the award of an oil and gas prospecting permit accorded to a homestead entryman by section 20 of the act of February 25, 1920, over a prior applicant for a permit under section 13 of that act, is not affected by a pending contest against the entry where there is no charge that the entry was made with a view to acquiring the mineral deposits or in bad faith for any other purpose.

Miller v. Little; decided September 11, 1923, by
First Assistant Secretary Finney.

Stock-Raising Homestead--Adverse Claim--Improvements--Hearing--Practice.

While ordinarily the Department will not inquire whether an applicant under section 4 of the stock-raising homestead act has complied with the law in connection with his original entry, yet an exception will be made in favor of a conflicting applicant who has placed valuable improvements upon the land and made allegations which, if sustained at the hearing, warrant cancellation thereof.

Harvard v. Flemings; decided September 13, 1923,
by First Assistant Secretary Finney.

Stock-Raising Homestead--Additional--Improvements--Final Proof--Contest.

Where an additional entry, made under the stock-raising homestead act of December 29, 1916, is governed by the provisions of section 4 thereof, and acceptable final proof has been submitted on the original entry, the entryman will only be required to show at time of submission of final proof on the additional entry the presence of permanent improvements, tending to increase the value of the land for stock-raising purposes, of the value of not less than \$1.25 per acre.

Gray v. Yirka; decided September 27, 1923,
by Assistant Secretary Goodwin.

Desert Land--Assignment--Act of March 28, 1908.

An assignment of a desert-land entry to one who is qualified to make an entry of that character is not rendered invalid or ineffective because he holds under a transfer from a mesne assignor who is not so qualified, notwithstanding that section 2 of the act of March 28, 1908, declares that assignments to disqualified persons and to associations shall not be allowed or recognized.

Desert Land--Assignment--Words and Phrases.

The term "association" usually means an unincorporated organization composed of a body of persons, banded together for some particular purpose, partaking in its general form and mode of procedure of the characteristics of a corporation.

Desert Land--Assignments--Act of March 28, 1908.

Where a desert-land entry is assigned to several individuals, and there is no evidence to show that the assignees have formed a union or organization for the prosecution of some enterprise, such transfer is not to be construed as an assignment to an association within the prohibition of section 2 of the act of March 28, 1908.

Ruple v. De Journotte (on rehearing); decided September 28, 1923, by Assistant Secretary Goodwin.

Reclamation--Irrigation Water Right--Payment--Acts of February 21, 1911, and May 15, 1922.

The act of May 15, 1922, which authorized the Secretary of the Interior to enter into contracts with irrigation districts with respect to payments of water users' charges, did not modify the act of February 21, 1911, and existing contracts entered into under the latter act may stand as made or be modified under the same authority which authorized their execution; likewise, new contracts may be made thereunder without resort to the court proceedings specified for contracts under the former act.

Reclamation--Irrigation--Water Right--Act of May 15, 1922.

The act of May 15, 1922, has no retroactive effect upon contracts theretofore made under proper authority and such contracts are not, therefore, dependent for their validity upon the court confirmation specified in the proviso to that act.

Reclamation--Irrigation--Water Right--Payment--Secretary of the Interior--Act of August 13, 1914.

The Secretary of the Interior, in whom the extension act of August 13, 1914, imposed the authority to fix the date for payment of operation and maintenance charges in connection with irrigation projects as of the date fixed for each project, may for sufficient reason change the due date for future payments and modify the contract without violation of either the letter or the spirit of the act of May 15, 1922, and without invoking the procedure therein provided for confirmation of contracts under the latter act.

Reclamation--Irrigation--Water Right--Payment.

The act of August 13, 1914, provided for the payment of irrigation construction charges upon a specified date, the only authority for change of which is contained in the act of May 15, 1922, and where the latter act is invoked to change the date of payment under a prior contract, the procedure prescribed therein must be followed in order to give validity to the amended contract.

Opinion of Solicitor Edwards, September 20, 1923; approved by Secretary Work.

OIL AND GAS ACTIVITIES.

Considerable progress is still being made in the disposition of oil and gas applications under sections 13 and 20 of the leasing act.

During the month of November, 223 new cases were received as against 294 in the preceding month. A marked increase appears, however, in the number of old cases returned for further action, 2,348 being received as against 1,824. By actual count in the section at the close of business November 30, there were on hand 3,250 applications in practically all of which action has been taken. There were 547 permits issued and 114 applications finally rejected, 315 applications were rejected subject to the right of appeal, 54 assignments of rights under the permits were acted upon, and 294 applications for extensions of time for drilling operations were disposed of. Twenty-eight permits were held for cancellation and 38 were canceled. During the month departmental decisions were rendered whereby 32 actions were affirmed, 2 reversed, and 3 modified. Six hundred and seventeen applications were examined and reports thereon called for from the Geological Survey.

Under the "relief" sections of the leasing act (18, 18a, 19, and 22) a reduction of 78 cases was made during the month. Final action in the disposition of cases under those sections is delayed on account of suspension awaiting result of hearings in several instances, and due to the fact that the additional evidence necessary to their completion has not been furnished; obtaining this evidence involves considerable correspondence and action by this office. Under the relief sections 8 assignments were disposed of, and 17 extensions of time acted upon. Three permits and 2 leases were granted, 9 applications rejected subject to appeal, and 2 applications finally rejected. Two permits were canceled.

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RECEIPTS UNDER THE MINERAL-LEASING ACT.

Receipts under the mineral-leasing act for the month of October amounted to \$1,174,330.99, of which \$1,173,884.43 was from public lands and \$446.56 was from naval petroleum reserve lands.

CONSOLIDATED WORK REPORT OF LOCAL LAND OFFICES FOR
THE MONTH OF OCTOBER, 1923.

OFFICES.	: End Last Month.		: Received : and		: End of This Month.		
	: Pending:	: Sus- : desig- : nation:	: Pend- : ing : re- : jected:	: un- : acted : on by : R.&P.	: Rec'd : in : this : month:	: Trans- : mitted : to : this : month:	: Now : pen- : ded : re- : jected : by : R. & R. : wise.
Alabama	:	:	:	:	:	:	:
Montgomery	:	:	17:	:	21:	21:	17:
Arizona	:	:	:	:	:	:	:
Phoenix	:	145:	135:	:	260:	204:	169:
Arkansas	:	:	:	:	:	:	:
Harrison	:	:	29:	:	78:	73:	34:
Little Rock	:	:	259:	:	169:	188:	240:
California	:	:	:	:	:	:	:
El Centro	:	18:	32:	:	33:	25:	38:
Eureka	:	50:	2:	:	32:	30:	1:
Independence	:	43:	94:	:	41:	32:	101:
Los Angeles	:	45:	104:	:	165:	156:	112:
Sacramento	:	51:	77:	:	47:	54:	69:
San Francisco	:	96:	47:	:	104:	81:	60:
Susanville	:	29:	22:	:	40:	39:	22:
Visalia	:	13:	40:	:	74:	81:	32:
Colorado	:	:	:	:	:	:	:
Del Norte	:	34:	7:	:	19:	17:	7:
Denver	:	104:	50:	:	65:	53:	24:
Durango	:	37:	20:	:	89:	78:	31:
Glenwood Sprgs.	:	413:	317:	:	206:	215:	321:
Lamar	:	43:	26:	:	94:	94:	22:
Leadville	:	9:	30:	:	42:	41:	31:
Montrose	:	100:	79:	:	78:	57:	94:
Pueblo	:	207:	148:	:	165:	165:	138:
Sterling	:	23:	14:	:	12:	13:	15:
Florida	:	:	:	:	:	:	:
Gainesville	:	:	18:	6:	43:	51:	12:
Idaho	:	:	:	:	:	:	:
Blackfoot	:	124:	82:	16:	69:	100:	98:
Boise	:	66:	74:	:	45:	57:	66:
Coeur d'Alene	:	1:	25:	:	17:	14:	28:
Hailey	:	47:	58:	:	40:	35:	58:
Lewiston	:	11:	12:	:	11:	10:	13:

4

Kansas	:	:	:	:	:	:	:	:
Topeka	:	26:	16:	:	11:	17:	26:	10:
Louisiana	:	:	:	:	:	:	:	:
Baton Rouge	:	:	15:	:	24:	23:	:	15:
Michigan	:	:	:	:	:	:	:	:
Marquette	:	1:	13:	:	9:	12:	1:	10:
Minnesota	:	:	:	:	:	:	:	:
Cass Lake	:	:	56:	:	24:	57:	:	23:
Crookston	:	:	11:	:	69:	71:	:	9:
Duluth	:	:	28:	:	23:	24:	:	27:
Mississippi	:	:	:	:	:	:	:	:
Jackson	:	:	16:	:	26:	24:	:	18:
Montana	:	:	:	:	:	:	:	:
Billings	:	35:	153:	:	7:	132:	27:	36:
Bozeman	:	63:	79:	:	39:	50:	65:	66:
Glasgow	:	93:	50:	:	88:	74:	101:	56:
Great Falls	:	27:	38:	:	48:	53:	22:	38:
Havre	:	52:	70:	:	66:	58:	56:	64:
Helena	:	149:	118:	:	71:	81:	155:	102:
Kalispell	:	2:	4:	:	15:	19:	2:	:
Lewistown	:	172:	41:	:	45:	56:	163:	39:
Miles City	:	193:	165:	:	199:	203:	195:	160:
Missoula	:	19:	10:	:	20:	21:	19:	9:
Nebraska	:	:	:	:	:	:	:	:
Alliance	:	21:	5:	:	18:	18:	23:	3:
Lincoln	:	17:	11:	:	11:	16:	19:	4:
Nevada	:	:	:	:	:	:	:	:
Carson City	:	56:	120:	:	61:	47:	38:	132:
Elko	:	37:	32:	:	25:	18:	38:	38:
New Mexico	:	:	:	:	:	:	:	:
Clayton	:	99:	34:	:	56:	77:	74:	58:
Et. Summer	:	48:	57:	6:	116:	100:	46:	74:
Las Cruces	:	64:	144:	21:	78:	142:	60:	105:
Roswell	:	84:	68:	:	193:	190:	89:	66:
Santa Fe	:	111:	166:	:	228:	243:	127:	135:
North Dakota	:	:	:	:	:	:	:	:
Bismarck	:	25:	28:	:	46:	46:	26:	27:
Dickinson	:	15:	17:	:	30:	37:	16:	9:
Oklahoma	:	:	:	:	:	:	:	:
Guthrie	:	40:	21:	:	30:	38:	40:	13:
Oregon	:	:	:	:	:	:	:	:
Burns	:	31:	19:	:	37:	34:	31:	22:
La Grande	:	60:	92:	:	27:	64:	60:	56:
Lakeview	:	46:	71:	:	25:	22:	46:	74:
Portland	:	:	5:	1:	46:	42:	:	7:
Roseburg	:	:	92:	:	102:	130:	:	64:
The Dalles	:	117:	44:	:	56:	68:	110:	39:
Vale	:	28:	62:	:	45:	42:	28:	65:

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South Dakota	:	:	:	:	:	:	:	:	
Bellefourche	:	4:	18:	:	30:	36:	4:	12:	
Pierre	:	84:	18:	:	36:	90:	28:	20:	
Rapid City	:	28:	34:	:	60:	64:	29:	29:	
Utah	:	:	:	:	:	:	:	:	
Salt Lake City	:	363:	217:	:	152:	142:	348:	242:	
Vernal	:	20:	20:	:	22:	17:	20:	25:	
Washington	:	:	:	:	:	:	:	:	
Seattle	:	:	9:	:	7:	8:	:	8:	
Spokane	:	26:	32:	:	16:	23:	27:	24:	
Vancouver	:	1:	4:	:	14:	14:	1:	4:	
Walla Walla	:	14:	3:	:	8:	8:	13:	4:	
Waterville	:	29:	17:	:	26:	25:	30:	17:	
Yakima (a)	:	:	:	:	:	:	:	:	
Wisconsin	:	:	:	:	:	:	:	:	
Wausau	:	:	3:	:	13:	13:	:	3:	
Wyoming	:	:	:	:	:	:	:	:	
Buffalo	:	109:	56:	:	73:	69:	117:	52:	
Cheyenne	:	131:	169:	:	140:	141:	134:	165:	
Douglas	:	38:	148:	:	212:	214:	41:	143:	
Evanston	:	44:	137:	:	73:	81:	37:	136:	
Lander	:	69:	33:	:	60:	57:	75:	30:	
Newcastle	:	86:	97:	:	163:	167:	97:	82:	
	:	:	:	:	:	:	:	:	
Total	:	4,466:	4,785:	50:	5,178:	5,511:	4,453:	4,501:	14

NOTE: (a)--No report received from this office on November 27, 1923.

OBITUARY.

George Redway:—The Bulletin now chronicles the passing from earth life of Capt. George Redway, Monday evening, November 26, 1923, at his home in Redlands, California, "very suddenly and peacefully," the message says. Captain Redway, born in Marion County, Indiana, February 25, 1835, was very near Life's eighty-ninth milestone, and during all the while had led a most active life. At twenty-seven he recruited a part and became a Lieutenant in Company I, 103d Ohio Voluntary Infantry, of which company he resigned the captaincy July 4, 1865, the war having closed.

In June 1877 he was appointed to a position in the office of the First Comptroller of the Treasury where he remained for ten years. In September, 1889, he re-entered the Government service as chief clerk of the General Land Office, but again separated from the service April 12, 1893, by resigning his position as chief of the accounts division. He was reappointed to the same position four years later and remained on active duty in the accounts division until February, 1922, when, having reached his eighty-seventh birthday, he asked to be retired. The retirement became effective March 2, 1922.

Much of his time outside the Government service he was occupied—chiefly at Medina, Ohio—as printer, publisher, and editor, but when he resigned in 1893 he moved to Redlands, California, where he was interested in orange growing. And it was the "call of the West" and of orange groves that, on his retirement in 1922, took him and his one remaining daughter, Miss Georgia Redway, back to Redlands, where, on a little orange ranch they purchased, these two have since made their home.

The body of Mrs. Redway who preceded her husband by a few years rests in Arlington, where his body is soon to rest by the side of his loved one. "The valiant little Captain," he was often called during his military service, "And Valiant passed over the River, and all the trumpets sounded for him on the Other Side."

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Orlando W. Goodwin:—On the evening of November 6, 1923, Mr. Goodwin of our office while on his way to attend a meeting of the Brightwood Commandery, Knights Templar, at Brightwood, was struck by an automobile, and died the following morning at Walter Reed Hospital, without having recovered consciousness.

Mr. Goodwin entered the General Land Office May 1, 1914, by transfer from the Pension Office, to which office he had been appointed from the State of Wisconsin, December 13, 1889. His duties in the Land Office, which were of exacting character, were always discharged in a conscientious and able manner, and with that punctilious attention to detail which distinguished him both in and out of office. As a genial and companionable associate he was esteemed by all with whom he came in contact. As a public servant he was without reproach.

Funeral services were held in this city on the afternoon of November 9, after which the body was taken to Leominster, Massachusetts, for interment.

Richard R. Stewart:—Death has taken another member of the General Land Office force. On November 1, 1923, Richard R. Stewart died. He was born July 19, 1864. After a preliminary education, he studied law and later, practiced that profession in Lansing, Michigan, for many years. He entered the service of the Government as an examiner in this Bureau on November 5, 1919, bringing to his work, which consisted largely of the adjudication of claims asserted under the swamp-land grants, a sound, practical knowledge of law and judicial procedure. His gentle disposition and unflinching courtesy endeared him to his associates in the office. Peace to his memory.

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Ethel Louise Cumbers:—Very many who have had business with the United States Land Department through its San Francisco office will feel poignant regret over the death of Miss E. L. Cumbers. She was the chief clerk there for many years. Those who have taken up Government land in the San Francisco district during the last two decades found in Miss Cumbers an official in whom competency and courtesy were happily blended. She was implicitly relied on in the perplexities that beset such transactions. Patrons of the office seemed to regard her assistance more as a personal favor than as a duty inherent in her position, so graciously was it accorded. It was recognized at Department headquarters in Washington that she was, perhaps, the most thoroughly versed in land law and procedure of any in the service. When the San Francisco office was destroyed in the great fire in 1906, with all its records--the charred remains being carried to Oakland in a suit case--Miss Cumbers' work in rehabilitating the office and restoring the records was invaluable because of her personal and general knowledge of the office's detail. In addition to her keen business ability and fidelity to duty she possessed a graciousness and buoyancy of spirit that won a host of friends, who will regard her unexpected summons as untimely, indeed.--Oakland Tribune.

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TELL THE BULLETIN.

To All Local Offices and Field Service Employees:

If anything occurs, in the public land service, which you think is of administrative value, tell us about it. Address all communications to the Commissioner of the General Land Office, "Land Service Bulletin." All information should be received not later than the 24th of each month for use in the current number.

LAND SERVICE
BULLETIN
DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE

By direction of the Secretary of the Interior the matter contained herein is published as administrative information and is required for the proper transaction of public business.

Vol. 7

January 1, 1924.

No. 11.

A NEW YEAR'S GREETING.

During the year just closed the General Land Office has made notable progress in expediting its work, thus promptly discharging its obligations to public-land applicants, and others with interests of a kindred character. To the faithful men and women who have so loyally labored to effect this very desirable condition we have only words of commendation and praise, and feel encouraged to believe that during the new year, the attendant duties of which we are just now undertaking to discharge, will be met by the same fidelity and devotion which have marked the one just closed.

Because of this and in the fraternal spirit surrounding the holiday season, it is a source of great pleasure to extend the heartiest greetings and good wishes to all engaged in the public-land service, and to express the hope that the new year will bring to all health, happiness, and prosperity.

SURVEY NOTES.

Surveys Executed in Past Fiscal Year.

During the past fiscal year there were accepted and placed of record as a basis for the disposal of the lands involved surveys aggregating 5,183,536 acres, of which 3,631,938 acres were of virgin lands, and 1,551,598 acres were of resurveys, leaving as a future task of the Surveying Service 159,106,769 acres in the public land States and 376,452,200 acres in Alaska, making a grand total of 535,568,969 acres to be surveyed and an inestimable area to be resurveyed.

Last year there were surveyed in the field approximately 26,751 linear miles or the equivalent to about 8,500,000 acres. If this rate of progress is maintained in the future it will be nearly twenty years before all of the public land in the States is brought under survey.

Alaska with its unexplored and inaccessible areas, the greater portion of which does not lend itself to surveys of the rectangular system presents such a complexity of problems that an estimate as to when it will be completely surveyed would be but the wildest guess.

Of the 159,106,769 acres of the unsurveyed lands in the States 56,026,912 acres are vacant, unappropriated, and unreserved public lands.

Ephemeris of the Sun and Polaris.

The Surveying Service received from the press during the month of December, 2,500 copies of the Ephemeris of the Sun and Polaris and Tables of Azimuths and Altitudes of Polaris for the year 1924. This technical data was as usual computed by Mr. A. D. Kidder, Associate Supervisor of Surveys, and the tables were typewritten in the General Land Office. They were then reproduced by lithography direct from the typewritten sheets, thus eliminating the possibility of errors in typesetting. Our field officers have been supplied with the necessary copies for the ensuing year and copies may be had by other agencies or interested parties without cost from any of the following: Commissioner of the General Land Office, Washington, D. C.; Supervisor of Surveys, Federal Building, Denver, Colorado; Associate Supervisor of Surveys, General Land Office, Washington, D. C.; Assistant Supervisors of Surveys at Juneau, Alaska; Federal Building, Phoenix, Arizona; Federal Building, Denver, Colorado; Federal Building, Boise, Idaho; Federal Building, Helena, Montana; Woodmen of the World Building, Omaha, Nebraska; Federal Building, Salt Lake City, Utah; Federal Building, Santa Fe, New Mexico; and Post Office Building, Portland, Oregon; U.S. Surveyors General at Juneau, Alaska; Phoenix, Arizona; San Francisco, California; Denver, Colorado; Boise, Idaho; Helena, Montana; Reno, Nevada; Santa Fe, New Mexico; Portland, Oregon; Salt Lake City, Utah; Olympia, Washington; and Cheyenne, Wyoming.

Survey of Petrified Forest National Monument, Arizona.

The boundaries of the Petrified Forest National Monument are described in Presidential Proclamation of July 31, 1911, as conforming to the lines of legal subdivisions of the public land surveys in Ts. 16 and 17 N., Rs. 23 and 24 E., G. & S.R.M., Arizona, and are not identifiable by reference to any natural topographic features. The surveys of said townships were executed

in 1882 and 1883 and when adopted, as fixing the monument boundaries, were not otherwise marked to evidence that fact.

The National Park Service when called upon to administer this national monument found the evidences of the original survey, after forty years of weathering, were rather scarce and the boundaries of the reservation hard to identify upon the ground. Consequently, on May 23, 1921, Director Mather, of the National Park Service, formally requested the Secretary to direct this office to mark on the ground the boundaries of this monument. As a result of this request the First Assistant Secretary, in his letter dated May 31, 1921, directed this office to make the survey.

Instructions were immediately issued the U. S. Surveyor General to prepare special instructions for this survey with the result that the survey was completed September 6, 1921, a little over three months after the request was received from the National Park Service.

The notes of this survey, which was recently accepted by this office, show that the original survey was obliterated to such an extent that the engineer experienced considerable difficulty in finding sufficient corners for a basis for the re-establishment of the corners along the boundaries of the reservation. However, after extensive retracements, the missing corners along the boundaries of the reservation were re-established and have, together with the original monuments found, been perpetuated by the use of our regular iron corner posts.

In a recent publication describing the natural curiosities found in this area the statement is made that this is--

"in extent and beauty the noblest petrified forest in the world. Only the diamond is harder than its wood, only the opal so rainbowed. * * * * Some trees were once 240 feet tall (and still so measure upon the ground) and 9 feet diameter. A 150-foot log 'petrified bridge' spans a ravine between rock piers."

Many of the original corners found during this resurvey were constructed of pieces of these petrified tree trunks and if more of them had been used, it is very probable that the work of making the resurvey would have been simplified, if not made unnecessary.

Another object of interest in this reservation is a pile of rocks known as "Hieroglyphic Rocks." With reference to them the following appears in the general description of the survey of T. 17 N., R. 24 E., written by Harry A. Coe, U.S.D.S., in 1883:

"Gabriel Arniño has a house, corral and fencing in Sec. 15, valued at about \$250. Near his house is a rock pile covered with hieroglyphics supposed to have been made by some of the Aztecs."

FIELD SERVICE NOTES.

Special Agent E. J. Keefe, of the Salt Lake Division, spent his Christmas vacation visiting relatives and friends in Washington. He returned to duty December 26.

Mr. Stephen W. Norton, Chief of Section in Division "FS", has been given a three-months' detail to the Santa Fe Division where he will assist Chief Murphy during the rush of work due to the presence of the temporary "snow birds" from the northern divisions.

Benjamin F. Ryncarson, of Indiana, formerly with the Veterans' Bureau, has been appointed a Special Agent and is now attached to the Southern Division.

Frank W. Yoler, an experienced land law clerk attached to the Pierre, South Dakota, land office, has been appointed Special Agent and assigned to the Cheyenne Division.

C. W. Richie, Inspector of Field Divisions, spent two weeks at headquarters during December in conference with the Commissioner and Chief of Field Service. He has again taken to the field where he will be kept busy for some time assisting agents and attorneys in the prosecution of cases before the various United States courts of the West.

Chief of Field Division George A. Parks, of Anchorage, Alaska, who has been spending his holiday vacation with his parents in Denver, has been called to Washington for conferences with departmental and bureau officials.

Elisha D. Stanford, for many years a Special Agent and Chief of Field Division, but who was retired for disability April 1, 1923, died at his home in Little Rock, Arkansas, at 3 a.m., January 1. He had been a sufferer from diabetes for some time, the past few months being almost unable to stand. The old-timers in the Service and the General Land Office deeply regret his passing.

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From San Francisco.

During the early part of December the San Francisco Field Division was honored with a visit from Mr. George R. Wickham, Assistant Commissioner, and Mr. D. K. Parrott of the Board of Law Review. Mr. Wickham was in San Francisco only one day, but fortunately this happened to be the day on which the Federal Business Mens' Association met. He accompanied the Surveyor General and Chief of Field Division to this meeting and addressed the gathering. The meeting was a very interesting one, most of the discussion being devoted to the Reclassification bill and the Federal Retirement bill.

The members of the San Francisco Field Division were very glad of the opportunity to discuss with Mr. Wickham and Mr. Parrott various matters affecting the work of the office and to learn from them many things of interest in connection with the handling of the work at the Washington end.

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RECENT DECISIONS OF THE COURTS AND THE DEPARTMENT.

Railroad Right of Way.

A right of way obtained by a railroad company under the act of Congress March 2, 1899, conveys to such company a base or qualified fee to the land in such right of way, and gives to such railroad company the exclusive use and possession of such right of way so long as it is used by the railroad company for the purposes for which it was granted.

Railroad Right of Way--Navigable Waters.

In case the railroad right of way bordering a navigable body of water is a base or qualified fee, giving the railroad company the exclusive right of possession and use, a mere license to cross such right of way to the water bordering such right of way, revocable at any time on thirty days' notice from the railroad company, does not confer upon the licensee any riparian rights as to such navigable body of water.

(Supreme Court of Idaho.)

Bowman v. McGoldrick Lumber Company,
219 Pacific Reporter, 1053.

Grant of Public Lands to State.

Sections 4 and 5 of the act of July 3, 1890, providing for the admission of the State of Idaho to the Union, together with the acceptance by Congress of the constitutional provisions regulating the manner of locating granted lands and a disposition thereof, constitute a pact between the Government and the State, which neither may abrogate or modify without the consent of the other party to the pact.

Exchange of Granted School Lands.

Section 5 of the act admitting the State of Idaho to the Union which provides that "all lands herein granted for educational purposes shall be disposed of only at public sale," and section 8, article 9 of the Constitution, which provides that "no school lands shall be sold for less than \$10 per acre," are mandatory and prohibitory, and the State Board of Land Commissioners is without authority to effect an exchange of State school lands after the same have been surveyed, for other lands with the Government of the United States.

(Supreme Court of Idaho.)

Newton v. State Board of Land Commissioner.
219 Pacific Reporter, 1053.

Public Land Grant--Private Land Claim.

The act of Congress passed December 22, 1853, confirming Spanish and Mexican grants of lands in New Mexico, respectively, to towns named is conclusive that the grants were to the towns as communities, and not to the individuals on whose applications the grants were made.

Private Land Claim--Character of Grant not Subject to Question.

Under the act of July 22, 1854, imposing on the Surveyor General of New Mexico the duty of ascertaining the "origin, nature, character, and extent" of land grants in the Territory, and reporting the same with his decision thereon to Congress, where after a hearing and without contest he reported in favor of confirmation of a grant to a town, and a confirmatory act was passed in 1858, individual claimants can not for the first time after a lapse of sixty years, while relying on the confirmatory act to establish the validity of the grant, which was not in fact within the jurisdiction of the granting authority, assert that it was not a community, but an individual grant.

Yeast v. Pru et al.
292 Federal Reporter, 598.

Confirmation of Homestead Entry.

Under section 7 of the act of March 3, 1891, a homestead entryman is entitled to a patent on or before the expiration of two years from the date of acceptance of final proof and issuance of receiver's receipt, in the absence of contest, and from that time title is vested in him, and a patent subsequently issued relates back to that date, and a suit by the United States for its cancellation is barred in six years thereafter, under section 8 of the act of March 3, 1891 (26 Stat., 1099).

United States v. Newton et al.
(292 Federal Reporter, 489.)

Coal Lands--Lease--Prospecting Permit.

The provision in section 27 of the act of February 25, 1920, limiting a person, association, or corporation to one coal lease during the life of such lease in any one State is applicable to coal prospecting permits issued pursuant to section 2 of that act.

Coal Lands--Lease--Prospecting Permit--Assignment.

The limitation in section 27 of the act of February 25, 1920, respecting the granting of but one lease during the life of that lease is not to be construed as preventing one who has secured a coal prospecting permit or lease and assigned all rights and interests therein from thereafter securing a second permit or lease.

Charles H. Loud; decided August 14, 1923,
by First Assistant Secretary Finney.

Statutes--Words and Phrases.

In construing a statute it is permissible to substitute the word "and" for the word "or" when found necessary to do so in order to impart the true legislative intent as gathered from the context and the circumstances attending its enactment.

Coal Lands--Lease--Statutes.

The purpose of the limitation in section 27 of the act of February 25, 1920, prohibiting anyone, except as therein provided, from taking or holding more than one coal lease during the life of such lease in any one State, was, according to the legislative intent, to place a restriction on the number of leases that may be taken or held simultaneously, but not as to the number that may be held in succession.

Charles H. Loud (on rehearing); decided December 2, 1923,
by First Assistant Secretary Finney.

School Land--Survey--Plat.

Where a township plat has been superseded by a corrected plat and there is a variance as to the acreage shown upon those plats in certain designated sections granted to a State for school purposes, a determination of the measure of the grant in those sections will be made in accordance with the plat subsisting at the date of the grant.

State of New Mexico; decided October 11, 1923,
by First Assistant Secretary Finney.

Selection--Coal Lands--Withdrawal--Surface Rights.

A coal land withdrawal does not defeat a selection made by the Northern Pacific Railway Company pursuant to section 3 of the act of March 2, 1899, which authorized the exchange of its lands within the Mount Rainier National Park for unreserved, unappropriated, nonmineral lands elsewhere, where the company elects to take subject to the provisions of the act of March 3, 1909, and the lands are nonmineral in character except as to their coal contents.

Northern Pacific Railway Company; decided October 11, 1923,
by First Assistant Secretary Finney.

Land Department--Officers--Jurisdiction--Secretary of the Interior.

The Secretary of the Interior may delegate to the First Assistant Secretary and to the Assistant Secretary not merely administrative or ministerial duties, but also the duty to act judicially in review of the actions of the head of a bureau of his Department, and in matters requiring the exercise of such delegated authority, their powers are coordinate and concurrent with those of the Secretary himself.

Practice--Rehearing--Appeal.

A motion for rehearing will not be sustained on the ground that the decision on the appeal is not supported by the law and the evidence where that question was presented by the appeal and fully considered and finally disposed of in the decision.

Court and Departmental Decisions Cited and Applied.

Cases of Turner v. Seep et al. (167 Fed., 645), Robertson et al. v. United States ex rel. Baff (285 Fed., 911), Rees v. Central Pacific Railroad Company (5 L.D., 277), Frost et al. v. Wenie (9 L.D., 588), and Cobb v. Crowther et al. (46 L.D., 473), cited and applied.

Wildrick v. Thomas (on rehearing); decided October 11, 1923, by First Assistant Secretary Finney.

Coal Lands--Withdrawal--Improvements.

One who, prior to the passage of the leasing act of February 25, 1920, went upon lands embraced within an unrevoked coal land withdrawal and made large expenditures in the development of a coal mine thereupon acquired no legal rights by reason of such expenditures and improvements.

Coal Lands--Withdrawal--Lease--Equity--Improvements--Occupancy--Secretary of the Interior.

The first proviso to section 2 of the act of February 25, 1920, authorizes the Secretary of the Interior to extend equitable relief by granting a lease without the necessity of competitive bidding to any properly qualified person, or association of persons, who, prior to the approval of the act, had in good faith substantially improved and occupied or claimed an area of public coal lands, not in excess of that to which a valid claim might have been asserted under the coal laws, where no legal right to purchase is accorded by section 37 of the leasing act.

Elmer Lauritzen et al; decided October 15, 1923, by First Assistant Secretary Finney.

Repayment--Words and Phrases--Statutes--Act of June 16, 1880.

In coupling the expression "can not be confirmed" with the term "erroneously allowed," as those phrases are used in section 2 of the act of June 16, 1880, which authorized repayment where an entry was "erroneously allowed and can not be confirmed," the law necessarily contemplated an entry with reference to which the defect could not be cured.

Repayment--Desert Land--Railroad Grant--Payment.

Allowance of a desert-land entry under the act of March 3, 1877, for lands within the primary limits of a railroad grant, upon original payment of 25 cents per acre, was not erroneous, and, where, during its existence it could have been completed at the rate of \$1.25 per acre under regulations then in force, it was subject to confirmation within the meaning of the repayment act, and even under subsequent regulations to meet a new interpretation of the law, such an

entry, if then existing, could have been completed upon payment of the unpaid portion of the legal price; hence, under either view, a proper case for repayment is not presented.

Departmental Decision Overruled.

Case of William W. Brandt (31 L.D., 277), overruled.

Heirs of James Byrne; decided October 26, 1923,
by First Assistant Secretary Finney.
Motion for rehearing denied December 5, 1923.

Relinquishment--Homestead Entry.

A letter written by a homestead entryman to a United States land office containing the statement, "I wish to relinquish all my claims on the land," is not sufficiently definite in its terms to indicate a present intention to relinquish the particular lands embraced in the entry.

Contest--Practice--Notice--Agent--Attorney.

Under the Rules of Practice notice of contest must be served upon the entryman and mere service of notice upon his agent or attorney is insufficient.

Contest--Practice--Notice.

The requirement in Rule 8 of Practice that proof of service of notice of contest be made within a specified time, where no answer has been filed, is mandatory, and, upon failure of the contestant to strictly comply therewith, the contest abates ipso facto.

Departmental Decisions Cited and Applied.

Cases of Schmidt v. McCurdy (44 L.D., 608), and Whalen v. Hanson (47 L.D., 100), cited and applied.

Bojorques v. Heihn; decided October 30, 1923,
by First Assistant Secretary Finney.

Relinquishment--Homestead Entry--Estoppel.

A relinquishment of a homestead entry which, except for the relinquishment, would have been confirmed under the proviso to section 7 of the act of March 3, 1891, estops the entryman from obtaining the benefits of the exchange of entry provision of the act of January 27, 1922, notwithstanding that the relinquishment was induced by adverse proceedings by the Government, instituted in accordance with the then existing practice, afterwards held to be unauthorized.

Land Department--Practice--Res Judicata.

The application by the Department of the rule of res adjudicata to controversies in which final decisions have been rendered by it, is based upon the well-established principle that there must come a time when there is to be

finality of action in order to prevent endless confusion in matters in which parties seek readjudication in the light of changes resulting from subsequent rulings of the Department or of the courts.

Departmental Decision Distinguished--Departmental Decision Applied.

Case of Dorathy Ditrar (43 L.D., 104), cited and distinguished; case of Lillie M. Kelly (49 L.D., 659), cited and applied.

Charles Perkins (on rehearing); decided October 30, 1923, by First Assistant Secretary Finney.

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PATENT FOR STATE LANDS--PRIORITY OF POSSESSION.

Mr. D. B. Morgan, formerly of our office, now at Phoenix, Arizona, sends in the following interesting items relative to recent decisions in the Supreme Court of the State of Arizona:

"On November 21, 1923, in the case entitled, Flying V Cattle Company vs. Thomas E. Campbell, et al, the Supreme Court of this State rendered a very interesting decision to the effect that our State Land Department, unless it had legislative authority for so doing, could not of its own volition insert in State certificates of purchase and patents and muniments of title emanating from the State of Arizona, a provision reserving all minerals to the State. Of course, the decision is a very important one in so far as this State is concerned in that it affects a large area of land in Arizona which had already been disposed of."

"Again on December 22, 1923, our Supreme Court rendered a decision in the case entitled Willows Cattle Company, appellant, vs. Oscar G. Connell, appellee, involving 80 acres of land located in Mojave County. This case is very interesting in that there is a proceeding pending before the Department of the Interior by the same parties, involving the same land, on the same identical issue. In other words, the issue before our State courts was whether or not the Willows Cattle Company was in the actual possession of the land when Connell made his entry thereon. And in accordance with the Secretary's decision, a hearing was ordered before the Interior Department on the same issue. In the land office case both the local land officials and the General Land Office held that the Willows Cattle Company was in the actual possession of the said land, the same as our Supreme Court."

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EXTENSION OF TIME GRANTED ON CROW RESERVATION ENTRIES.

On December 18, 1923, the President signed a proclamation which provides for the extension of time of payment of the purchase money due on purchases or entries on the former Crow Indian Reservation in Montana made under proclamation of September 28, 1914, and April 6, 1917, until the 1924 anniversaries of the entries, where the purchaser or entryman shows by affidavit,

corroborated, that he is unable to make the required payments, provided there is paid in advance to the receiver of the proper district land office interest at the rate of 5 per cent per annum on the amounts extended from the maturities thereof to the expiration of the period of extension.

If the purchasers and entrymen after receiving notice of the manner in which extension can be obtained, fail to comply with the requirements, the purchases and entries upon which default has been made will be reported to this office by the district land office for cancellation.

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FORTUNATE EX-SERVICE MAN.

By order approved November 8, 1923, addressed to the Spokane land office, Lots 7 and 8, Sec. 30, T. 32 N., R. 45 E., W.M., theretofore withdrawn in Power Site Reserve No. 72, were opened to entry, subject to the provisions of Sec. 24, of the Federal Water Power Act, with the preference right of entry accorded to ex-service men.

The account of the opening that follows is taken from the Spokesman-Review:

Two minutes after he had been adjudged winner of an 80-acre island in the Perd Oreille River 7 miles above Newport, Wash., Richard A. Smith, a 23-year old employee of The Spokesman-Review's classified advertising department, was offered \$5,000 for title to the property, he said last night.

Smith's name was drawn from a box in the office of A. W. Doland, register of the United States land office, at 2 o'clock yesterday afternoon. Forty-five other names reposed in the box, and most of those filing were on hand to learn the result. As soon as the winner was announced the unlucky entrants, all former service men, crowded round and congratulated him.

The affidavit which accompanied Richard A. Smith's filing attested that he had participated in the Aisne-Marne, St. Mihiel, and Meuse-Argonne engagements, and was a member of the army of occupation. He was in Company E, 37th Engineers, which he joined in April, 1918.

The land which Smith won was set aside years ago by the Government for power purposes, but later was thrown open to settlement by ex-service men. The winner said he is undecided just what to do, and that he has a year in which to map out his course.

"I know that the island has been very productive during the time it has been farmed by a lessee," he said. "Sixty-five acres of meadow on the island produced 100 tons of hay this year."

The name was drawn from the box by Mrs. C. E. Salisbury, one of the clerks in the register's office.

Circular No. 906.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

November 26, 1923.

ACCOUNTS: Travel regulations.

Officers and Employees in the Field.

Gentlemen:

The Assistant Secretary's order of September 15, 1923, having amended paragraph 8 of Interior Department travel regulations of September 30, 1914, paragraph 234 of Circular No. 616, is amended accordingly to read as follows:

"Transfer of Self and Baggage.--Fares on street car, transfer coach, omnibus, or other vehicle and the transfer of baggage. A charge not to exceed 75 cents for either transfer coach or omnibus, or for the transfer of each piece of baggage, if within the customary rate, will be allowed. Payment in excess of this amount must be explained in writing, and street cars must be used when practicable.

Very respectfully,

S. V. PROUDFIT,

Acting Assistant Commissioner.

APPROVED: November 26, 1923.

E. C. FINNEY,

First Assistant Secretary.

(6383)

DEPARTMENT OF THE INTERIOR

General Land Office

Circular No. 907.

Washington

December 4, 1923.

: ACCOUNTS: Vouchers for
: Payment by Special Disbursing
: Agents.

Chiefs of Field Divisions,

Special Disbursing Agents:

In order to relieve the special disbursing agents of the work incident to the payment of a volume of small vouchers you will hereafter include auto hire, livery, and other like expenses amounting to less than \$10 in vouchers for services and traveling and other expenses and will not certify such vouchers to disbursing officers for payment unless they amount to \$10 or more.

Very respectfully,

WILLIAM SPRY,

Commissioner.

(6410)

DEPARTMENT OF THE INTERIOR

General Land Office

Circular No. 908.

Washington

December 4, 1923.

ACCOUNTS: Unclaimed checks.

Receivers of Public Moneys,

United States Land Offices:

Circular No. 897 refers specifically to checks of disbursing officers, but the contents thereof are equally applicable to the checks drawn by receivers of public moneys and such checks should be handled in the manner described in the above circular.

Very respectfully,

WILLIAM SPRY,

Commissioner.

(6426)

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

1078291

PUBLIC LANDS RESTORED TO HOMESTEAD ENTRY AND OTHER DISPOSITION BY
PROCLAMATION, EXECUTIVE OR DEPARTMENTAL ORDER.

---C---

Preference Rights to Ex-Service Men of the War with Germany.

General Method of Opening:

By virtue of Public Resolution No. 29, of February 14, 1920 (41 Stat., 434), as amended by Public Resolutions Nos. 36 and 79, approved January 21 and December 28, 1922, respectively, hereafter and until February 15, 1930, when any surveyed lands within the provisions of the public resolutions are opened or restored to disposition under the authority of the Department, such lands, unless otherwise provided in the order of restoration, shall become subject to appropriation under the laws applicable thereto in the following manner, and not otherwise:

Lands not affected by the preference rights conferred by the acts of August 18, 1894 (28 Stat., 394), or June 11, 1906 (34 Stat., 233), or February 14, 1920 (41 Stat., 407), will be subject to entry by soldiers under the homestead and desert-land laws, where both of said laws are applicable, or under the homestead law only, as the case may be, for a period of 91 days, beginning with the date of the filing of the township plat in the case of surveys or resurveys, and with the date specified in the order of restoration in all other cases, and thereafter to disposition under all of the public land laws, applicable thereto, except where homestead entrymen are granted a prior preference period under the order. For a period of 20 days and for a like period prior to the date or dates such lands become subject to entry by the general public, soldiers in the first instance, and any qualified applicants in the second, may execute and file their applications, and all such applications presented within such 20-day periods, together with those offered at 9 o'clock a.m., standard time, on the dates such lands become subject to appropriation under such applications, shall be treated as filed simultaneously.

Unsurveyed lands are not subject to homestead or desert-land entry. A homestead entry may embrace 160 acres, or an approximation thereof, and where the lands are of the character contemplated by the 320 or 640 acres homestead acts, applications for the unappropriated lands may be filed by qualified persons, under either of said acts; accompanied by proper petitions, if undesignated, for the designation of lands thereunder, and such applications will be suspended pending determination as to the character of such lands.

The following are restorations or openings which will occur in the near future and concerning which further information may be obtained from the local offices:

COLORADO:

13,340 acres in Moffat and Rio Blanco Counties, Glenwood Springs land district, open to entry under the applicable homestead and desert-land laws by qualified ex-service men of the war with Germany, for a period of 91 days, beginning January 18, 1924. Filings may be presented at any time during the 20 days prior to that date. A small portion of the area is classified coal land and such lands are therefore subject to surface entry only under said laws, and 280 acres are withdrawn for power site purposes, and subject to entry only under the provisions of section 24 of the Federal Water Power Act. On and after April 18, 1924, any of such lands remaining unentered will be subject to appropriation under any applicable public land law by the general public.

The lands were released from stock-driveway withdrawals Nos. 148 and 149 on April 29, 1922, and thereafter suspended pending consideration of a further driveway project. They are now relieved from such suspension and are generally grazing lands, the greater portion having been designated under the enlarged-homestead laws and over 7,000 acres under the stock-raising homestead laws.

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(396)

RESTORATION OF LANDS RECOVERED THROUGH COURT
PROCEEDINGS.

WYOMING:

1,285.97 acres in 5 non-contiguous tracts, in the Douglas land district, open to entry under the homestead and desert-land laws by qualified ex-service men of the war with Germany for a period of 91 days, beginning January 2, 1924. On and after April 2, 1924, any of such land remaining unentered will become subject to appropriation under any applicable land law by the general public.

The lands are in Converse County, about 18 miles southwest of Douglas, and are reported to be good grazing lands with some dry farming value in certain instances. The entire area has been designated under the 320-acre homestead law and 806 acres also under the stock-raising law.

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(395)

OPEN TO ENTRY THROUGH SURVEYS, IDAHO.

IDAHO:

The official plats of the survey of public lands in T. 12 S., R. 3 E., T. 13 S., R. 8 E., Ts. 14 and 15 S., R. 9 E., B.M., Idaho, aggregating approximately 84,000 acres, were transmitted to the Surveyor General with letter dated November 26, 1923, with instructions to transmit copies thereof to the United States land office at Boise, for official filing after the usual thirty days' notice. The date of filing will be fixed by the register of that office.

The lands indicated will be open to entry and subject to prior valid settlement rights and equitable claims, ex-service men of the World War will be entitled to a preference right to enter these lands under the homestead and desert-land laws for a period of 91 days, beginning with the date of filing of the plats, under Public Resolutions Nos. 36 and 79, dated January 21, and December 28, 1922, respectively; all lands will be open to general disposition on the expiration of the 91-day period.

The lands are reported as mountainous, rolling and level, covered with a fair growth of native grasses, and dense sage, chiefly valuable for grazing. The soil is a sandy loam, first and second rate, stony on the mountainous portions.

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OIL AND GAS ACTIVITIES.

During the month of December 299 new cases were received as against 223 in the preceding month. Old cases received for further action numbered 1,550. New Permits were issued in 383 cases and 183 were finally rejected, 308 applications were rejected subject to the right of appeal, 38 assignments of rights under the permits were acted upon and 399 applications for extension of time for drilling operations were disposed of. Forty-one permits were held for cancellation and 39 were canceled. During the month departmental decisions were rendered where by 20 actions were affirmed, 148 applications were examined and reports thereon called for from Geological Survey.

Under the "relief" sections of the leasing act, 5 permits and 6 leases were granted, 8 applications finally rejected.

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MINERAL LEASING RECEIPTS.

Receipts under the mineral-leasing act of February 25, 1920, for the month of November amounted to \$1,107,615.17, of which \$1,106,170.25 was from lands outside of naval reserves and \$1,444.92 was from lands within naval reserves.

CONSOLIDATION OF MINERAL WORK.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

January 3, 1924.

ORDER:

The Oil Permit and Oil Leasing Section of the Mineral Division, heretofore designated by the initial "NF", is hereby abolished as a section and consolidated with the Mineral Division as a part of same.

William J. McGee, Chief of the Contest Division, is hereby relieved of all work and responsibility in that division and is designated Chief of the Mineral Division, to which he is now transferred.

Asa N. Cummiford, Assistant Chief of the Contest Division, is hereby designated Acting Chief of that division, and will continue in charge of the contest work until further notice.

These changes will take effect 9 a.m., tomorrow, January 4, 1924.

WILLIAM SPRY,

Approved: January 3, 1924.

Commissioner.

E. C. FINNEY,

First Assistant Secretary.

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OBITUARY.

Daniel Webster. -- Civil War veteran and for twenty-seven years one of the principal law examiners of the General Land Office, died December 28, 1923, at his home, 3449 Holmead Place, N.W., aged 80 years. He had been in failing health for the past three years, following retirement from the public service.

Mr. Webster was a native of McGrawsville, New York. When a young man he located at Prairie du Chien, Wisconsin, where, under the tutelage of a brother, he read law and was admitted to practice in the Wisconsin courts. He followed his profession in that State for a considerable period. In 1896 he retired from his law practice in Wisconsin and came to this city to accept a position as law examiner of the General Land Office. He remained in active service until he retired because of physical infirmities.

For a number of years prior to his retirement, Mr. Webster had been in charge of the townsite work in this office, and was regarded as an authority on all matters connected with the administrative features incidental to this field of action.

A lawyer of ripe attainments and conscientiously devoted to the conservation of public interests that came under his supervision, of positive character and firm in his final views of statutory construction, yet so moderate in his assertion of his personal views that he retained the respect equally of those with whom he agreed or disagreed.

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PRESIDENTIAL APPOINTMENTS.

Walter L. Tooze, sr., of Salem, Oregon, to be register of the land office at Portland, Oregon, vice Alexander Sweck, term expired. Commission dated December 17, 1923.

Frank E. Vaughan, of Vancouver, Washington, to be register of the land office at Vancouver, Washington, vice Ivan G. Bishop, resigned October 15, 1923. Commission dated December 17, 1923. The office has been temporarily in charge of Edgar M. Mumford, clerk and acting register.

Hammil A. Canaday, of Medford, Oregon, to be register of the land office at Roseburg, Oregon, vice William H. Canon, resigned. Commission dated December 17, 1923.

George M. Love, of Vale, Oregon, to be Receiver of Public Moneys at Vale, Oregon, vice Matthias N. Fegty, resigned. Commission dated December 17, 1923.

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REAPPOINTMENTS OF OFFICIALS HOLDING RECESS APPOINTMENTS.

George C. Crom,	Register, U.S. Land Office,	Gainesville, Florida.
Elam Hubert McDowell,	" " " "	Miles City, Montana.
Miss Clara M. Crisler,	" " " "	Carson City, Nevada.
George B. Russell,	" " " "	Elko, Nevada.
Nelson D. McGinley,	" " " "	Guthrie, Oklahoma.
Eli F. Taylor,	" " " "	Salt Lake City, Utah.
Lannes L. Ferrall,	Receiver of Public Moneys,	Phoenix, Arizona.
Frank L. Reece,	" " " "	Helena, Montana.
Gilman Bullard,	Surveyor General,	Helena, Montana.

All of these commissions are dated December 17, 1923.

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TELL THE BULLETIN.

To All Local Offices and Field Service Employees:

If anything occurs in the public land service, which you think is of administrative value, tell us about it. Address all communications to the Commissioner of the General Land Office "Land Service Bulletin." All information should be received not later than the 24th of each month for use in the current number.

**LAND SERVICE
BULLETIN
DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE**

By direction of the Secretary of the Interior the matter contained herein is published as administrative information and is required for the proper transaction of public business.

Vol. 7.

February 1, 1924.

No. 12.

VOLUME SIX OF THE LAND SERVICE BULLETIN.

At about the time the present number of the Bulletin will reach its readers the members of the public land service will receive their copies of Volume 6 of the Land Service Bulletin. This volume overlaps in its contents partly both Volumes 48 and 49 of the "Land Decisions" and thus keeps unbroken the record of our administrative activities. Too much importance can not be attached to the value of the Bulletin in the prosecution of our work, both in the field and in the office, inasmuch as it is a service letter from headquarters that carries the very latest information relative to the public land service. Under our present system of reporting the advance notes of decisions rendered by the Secretary of the Interior, as well as those in the courts, State, Federal, and United States Supreme Court, every available source of information necessary to the proper transaction of the public land business is always at command.

Members of the land service are therefore again reminded of the necessity of preserving unbroken their file of the Land Service Bulletin during the year, to the end that each volume in turn may always be at hand when any question of administrative action or policy is under consideration.

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SURVEY NOTES.

Surveyors in the Field:

From the last report of the Supervisor of Surveys it is evident that we are at low ebb in surveying activities for the year due to the severe winter

weather prevailing throughout the West. On January 15, there were but 18 surveying parties reported on line all south of latitude 37°30', distributed as follows:

Arizona, 6 parties,	New Mexico, 2 parties,
California, 2 parties,	Utah, 2 parties,
Eastern Surveying District, 6 parties.	

With the exception of but one of these parties all are engaged in regular work under the appropriation for surveying public lands.

Cross Lake, Louisiana.

The following letter, dated January 22, 1924, has been received from James W. Neal, Chief of the Southern Field Division, relative to Cross Lake, Louisiana:

"I am informed that in a suit in the State district court for Cade Parish, Louisiana, Judge T. F. Bell on January 18 rendered a decision holding that all land surveyed and unsurveyed in the area known as Cross Lake below the 172-foot level is the property of the State and passed to the city of Shreveport, Louisiana, under a donation by the State to the city. I am also informed that the city is preparing to construct a dam that will confine the water at this level and submerge a large area of land in this area. The decision is important in that it practically nullifies a number of patents issued by the Government on the survey of 1870-71. It also affects the recent survey made by the Government in this locality parts of which have not been filed or if filed I have not had notice.

"I have requested a copy of the decision of Judge Bell and as soon as it is received I will forward a copy to you.

"I am enclosing a newspaper clipping in reference to this decision."

By reference to the note appearing on page 4 of the December Bulletin, 1923, it will be noted that the Surveying Service of the General Land Office made a thorough investigation and study of Cross Lake and as a result it was determined that the mean high-water elevation of the lake in 1812, when Louisiana was admitted into the Union, and in 1837, when the original surveys in the vicinity were executed, was 172 feet above mean gulf level. Thus it will be seen that the decision of the State district court, referred to by Mr. Neal, substantiates the finding of fact by this office as to the elevation of the lake at the dates stated. The lands above the 172 feet contour that were omitted from the original surveys have been held to be public lands of the United States. These lands are not involved in the recent court decision.

Manual of Surveying Instructions.

The Manual Board is about to proceed with the preparation of that portion of the revised Manual which will deal with the returns of the surveys and re-surveys of the public lands of the United States; namely, Chapter 8, Field Notes; Chapter 9, Plats. The subject-matter of these chapters will embrace not only the

returns of the more general types of surveys and resurveys, but also those of the special surveys for which provision is to be made in Chapter 7.

It is the purpose of the Board to provide, in connection with the text of these chapters, specimen plats and field notes which will constitute the standards to which the returns of the official surveys and resurveys will thereafter conform; this is a matter in which the offices of the U. S. Surveyors General are particularly concerned, and is one in which they are well qualified to be of material assistance to the Board in assembling and presenting certain essential data.

The duties of the individual members of the Manual Board are such that it is impracticable for them to devote the time which would be required to supervise the preparation of the basic material from which the final standards will ultimately be involved and it has been determined to enlist the cooperation of the offices of the Surveyors General in the construction of specimen plats and field notes. Specific requests were made January 19, 1934, on five of the offices for specimen plat and notes of the original and resurveys of specified types.

Surveys Recently Authorized.

During the month of January, the following surveys were authorized upon the application of settlers or otherwise:

First Preference Class.

Montana.

- T. 2 N., R. 21 W.
- T. 29 N., R. 34 W.
- T. 2 S., R. 14 W.
- T. 7 S., R. 3 W., P.M., Montana.

Arizona.

- T. 7 S., R. 17 E.
- T. 7 S., R. 30 E.
- T. 6 N., R. 2 W., G. and S.R.M., Arizona.

Nevada.

- T. 13 N., R. 61 E.
- T. 24 N., R. 67 E.
- T. 47 N., R. 32 E., M.D.M., Nevada.

California.

- T. 27 N., R. 8 E.
- T. 28 N., R. 6 E., M.D.M., California.

New Mexico.

- T. 31 N., R. 4 W.
- T. 31 N., R. 5 W.
- T. 22 N., R. 5 W., N.M.P.M., New Mexico.

Second Preference Class.

Utah.

- T. 8 S., R. 18 W.
- T. 41 S., R. 4 W.
- T. 42 S., R. 4 W., S.L.M., Utah.

Arizona.

- T. 13 S., R. 21 E.
- T. 15 S., R. 19 E., G. and S.R.M., Arizona.

The applications for the survey of the following-named townships were rejected, as the applicants were not found to be bona fide settlers:

- T. 6 N., R. 1 W., G. and S.R.M., Arizona.
- T. 5 S., R. 17 E., G. and S.R.M., Arizona.
- T. 8 S., R. 4 W., G. and S.R.M., Arizona.
- T. 45 N., R. 33 E., M.D.M., Nevada.

Distribution of the Ephemeris.

A previous issue of the Bulletin mentioned the new edition of the Ephemeris for the year 1924, but the large demand for this publication deserves further mention.

Judging from the requests for copies of the Ephemeris that have been received, engineers in all parts of the world are finding in this publication data of great value in the execution of their work. In a letter received from the Standard Oil Company, Foreign Producing Department, requesting a large supply of the Ephemeris, it was stated that these tables were--

"----actually needed by our engineers in the field who are extending our producing business into extremely isolated regions where base maps are not available and where astronomical observations have to be depended upon for survey work."

The Chief Engineer of the Perija Exploration Company, Maracaibo, Venezuela, has also found the astronomical tables contained in the Ephemeris to be of great value, and has been a regular "subscriber" for several years.

Innumerable requests for the Ephemeris have been received from large industrial and engineering corporations and from engineers in private practice in every State, and several of the leading universities of the country have adopted the General Land Office Ephemeris as base tables for the determination of the values of latitude, time, and azimuth in their engineering classes.

The Ephemeris was originally designed to meet the needs of the surveyors employed by the General Land Office and it is gratifying to note that the high standard of accuracy and the convenience of the tables have resulted in such universal demand for this publication.

FIELD SERVICE NOTES.

George A. Parks, Chief of the Alaskan Field Division, who has been in conference with the Secretary and Commissioner for the past few weeks, left Washington for Anchorage February 7.

Thomas A. L. Nicholas, of Wyoming, has been appointed a Special Agent, by transfer from Treasury Department, and assigned to the Santa Fe Division.

Mineral Examiner Glenn B. Morgan, of the Cheyenne Division, has been transferred to the Southern Division, where he will be engaged for a time in important investigations involving large areas of coal and other mineral lands.

Mineral Examiner Fred H. Hazard, of the Portland Division, has been assigned temporarily to the Santa Fe Division.

Mineral Examiner A. C. Kinsley, of the Portland Division, has been transferred temporarily to the San Francisco Division.

General Lorr, Director of the Bureau of the Budget, at the recent regular meeting of the Business Organization of the Government, among other important matters, said:

"Transportation, Travel, and Telegraph, which are always associated in my thought, cost us last year \$181,477,995.44. Is it too much to hope that all through the service from now on we will supplement these three T's -- Transportation, Travel, and Telegraph -- with three I's -- Interest, Intelligence, and Initiative, for interested, intelligent, initiative will help materially to reduce the expense of these important activities."

These three T's appeal particularly to our Field Service. The attention of all field men--and particularly Chiefs of Field Division, who are held directly accountable for the expenses of their Divisions--is called to these impressive items. Watch your step. We certainly do not want to be branded as lacking in the three I's.

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CHICAGO LAKE FRONT CASE.

A claim of Herman Kruegel and Elizabeth Schmidt of Chicago to ownership of 160 acres of valuable land on the lake front of Chicago filed with the Secretary of the Interior last April was rejected in a decision rendered at the Interior Department, January 23, 1924.

The claim was based upon an alleged occupation of the property by Peter T. Johnston, who, it was contended, had claimed it in 1869 through a military bounty land warrant and operated a bathhouse, later transferring it.

Application for a patent to the land was denied in today's decision on the grounds that the area involved is not public land of the United States; that the land, even if public, is not now and never has been subject to location under military bounty or any other bounty land warrant; that while Peter T. Johnston was the owner of the land warrant he did not locate it or attempt to locate it on the land in question but transferred the warrant, which was later satisfied by patent to a tract of land in Florida; that Herman Krueding and Elizabeth Schmidt have no right, title, or interest in and to the warrant; and that Krueding was advised long prior to the time he secured an alleged interest in the land that the purported warrant location was void.

The land involved in the rejected claim is located in the vicinity of Erie, St. Clair, and Illinois Streets along the shore line of Lake Michigan in Chicago.

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OLD RECORDS--GOOD FILE WORK.

A short time ago this office was called upon to decide, in connection with the authorization of the issuance of a new patent to take the place of an unsigned and consequently imperfect record covering an entry made in Ohio in the early years of the last century, whether the new patent should issue in the names of two entymen, in accordance with the final certificate, or in name of but one, to agree with the imperfect record, one of the two names originally written in the latter having been stricken out.

A brief notation at the bottom of the record suggested a possible clue to be followed in the effort to discover why the change had been made, and if good and sufficient reasons had existed therefor. In a few minutes, due in part to the care with which the records have been conserved and in part to the efficiency of the custodian in charge, a letter from the local office at Steubenville, dated April 2, 1816, was located, which furnished such data as to enable the decision in question to be quickly made.

Nearly a hundred and eight years resting quietly in the files of the office; then wanted, and wanted badly; and found!

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TIMBER SALES ON REVESTED LANDS IN OREGON.

The sale of timber, on lands formerly within the grant to the Oregon and California Railroad Company, and revested in the United States under the act of June 9, 1916 (39 Stat., 218), and on lands formerly within the Coos Bay Wagon Road Grant and revested in the United States under the act of February 26, 1919 (40 Stat., 1179), shows marked progress, and indicates an active interest in the manufacture of lumber on the Pacific Coast. During the first seven months of this fiscal year 88 timber sales were approved for patenting by the Department, embracing 15,353.42 acres; 489,697,000 feet of timber, board measure, and amounting to a total of \$1,030,549.25.

CLASSIFICATION OF PUBLIC LANDS.

The following statement just issued at the Interior Department summarizes the work of the Department in the classification of public lands through the Geological Survey during the month of December, 1923.

An area of 3,000 acres in North Dakota was included in a formal order designating the land as nonirrigable under the enlarged-homestead acts and to that extent subject to entry as homesteads of 320 acres or less. More than 200,000 acres in California, Colorado, Michigan, Montana, and Wyoming were classified under the stock-raising homestead law and were designated for entry in tracts of 640 acres or less. Much of the acreage involved in these designations is included in original entries or in applications under the enlarged and stock-raising homestead acts which confer a preference right.

Nearly 12,000 acres of land in California, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, and Washington formerly included in power-site withdrawal were restored to entry. The area of land so withdrawn in Nevada was increased 149 acres by reason of the interpretation of the withdrawal in terms of new survey. More than 400,000 acres in Utah formerly included in oil withdrawal were also restored to entry. Nearly 1,500 acres in Wyoming were defined as within oil and gas structures under the act of February 25, 1920.

During December the Geological Survey reported upon the structural relations of lands embraced in 299 applications for prospecting permits under the oil sections of the leasing act of February 25, 1920, thus bringing the number of such reports rendered since the passage of the act to 21,333. Nearly 700 such applications were pending in the Survey December 31, 1923. During the month reports were rendered on 27 applications for coal-prospecting permits and 21 applications for coal leases, making a total of 1,243 applications for coal permits and 463 applications for coal leases reported on since the passage of the act.

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RECENT DECISIONS OF THE COURTS AND THE DEPARTMENT.

Reservation of Rights of Way Under Act of August 30, 1890.

In a decision of January 7, 1924, in the case of Arthur W. Ide et al v. United States, the Supreme Court of the United States discusses at considerable length the provisions contained in the act of August 30, 1890 (26 Stat., 391), for the reservation in patents "for canals and ditches constructed by the authority of the United States," with the conclusion that the statute contemplated not only a reservation for canals and ditches constructed before the issuance, but also those constructed thereafter. Incidentally the court construed the reservation in patents issued by the State of Wyoming, containing a clause to the effect that the title was transferred subject to all rights of way granted under the laws of the State or "reserved to the United States," dismissing the contention that the reservation was confined to ditches constructed while the State owned the land.

Reclamation Act--Use of Seepage Water.

In discussing the right of the United States to utilize and apply in irrigation seepage water, the court in the Ide case said:

"The defendants insist that when water is once used under the appropriation it can not be used again--that the right to use it is exhausted. But we perceive no ground for thinking the appropriation is thus restricted. According to the record it is intended to cover, and does cover, the reclamation and cultivation of all lands within the project. A second use in accomplishing that object is as much within the scope of the appropriation as a first use is. The State law and the National Reclamation Act both contemplate that the water shall be so conserved that it may be subjected to the largest practicable use. A further contention is that the plaintiff sells the water before it is used, and therefore has no right in the seepage. But the water is not sold. In disposing of the lands in small parcels, the plaintiff invests each purchaser with a right to have enough water supplied from the project canals to irrigate his land, but it does not give up all control over the water or do more than pass to the purchaser a right to use the water so far as may be necessary in properly cultivating his land. Beyond this all rights incident to the appropriation are retained by the plaintiff."

Judicial Proceedings in Restraint of Executive Action--Necessary Parties.

In the case of Thomas N. Brady v. Hubert Work, Secretary of the Interior, et al, the Supreme Court of the United States, on January 7, 1924, affirmed a decree of the Supreme Court of the District of Columbia, in dismissing a bill in equity seeking to restrain the Secretary of the Interior and the Commissioner of the General Land Office from issuing a patent to one Lillie S. Harner for a homestead. The court said:

"The defendants moved to dismiss the bill on the ground that it asked the court to control the defendants in matters involving the exercise of the judgment and discretion vested in them by law, and also on the ground that Lillie S. Harner was an indispensable party to this suit. This motion was granted by the Supreme Court of the District on both grounds, and that action was affirmed by the Court of Appeals.

"We think the motion was properly sustained on the second ground, and do not find it necessary to discuss the first. Lillie S. Harner is the person whom the administrative officers of the Government have held to be entitled to a patent for this land. Clearly the controversy between the plaintiff and those officers involving the granting of a patent to her can not be settled without her presence in court. (New Mexico v. Lane, 243 U.S., 52, 58; Litchfield v. Register and Receiver, 9 Wall., 575, 578.) She is entitled to be heard. Inability to secure service on her because she lives in Arizona can not dispense with the necessity of making her a party."

Navigable Waters--Meander Line.

Where two lakes having a strip of land between them are meandered and the meander line runs from one to the other, a lot abutting the first lake but not the second lake and adjacent to the meander line connecting the two lakes is riparian to the second lake.

Riparian Ownership on Navigable Waters.

Where the shore of a lake is substantially a circle, the center of the lake is the point of convergence of the lines marking the respective ownership of the land between the meander lines and the shore line, but where the lake is long and narrow the thread may be used as the basis or if irregular, two or more centers may be adopted with a thread between them.

Karterud v. Karterud.
(195 Northwestern Reporter, 972.)

National Forests--Disposition of Proceeds.

Assuming that the act of May 23, 1908, providing that one-fourth of the receipts from a forest reserve shall be paid to the State for the benefit of public schools and public roads, creates a trust fund to be expended annually, one-half for schools and one-half for roads, Congress alone can inquire into the manner in which the State executes the trust.

King County, Washington v. Seattle School District No. 1.
(44 Supreme Court Reporter, 127.)

Water Rights--Assignable Character.

A water-right appurtenant to land is conveyed in a grant of the realty, unless reserved from operation of the grant, but where the water right intended to be conveyed with the land is stated in express terms, the grantee takes that only which is expressly conveyed, in such case the grantor reserving what he does not convey. (Supreme Court of Montana.)

Kofoed v. Bray.
(270 Pacific Reporter, 532.)

Practice--Contest--Hearing--Evidence--Officers--Register and Receiver.

Where testimony in a contest is taken before an officer designated for that purpose by the register and receiver the submission of further testimony by either party at the final hearing before the local officers is permissible only upon a proper showing, followed by a proper order by those officers.

Practice--Contest--Hearing--Evidence--Continuance--Officers--Register and Receiver.

Submission of testimony at the final hearing before the register and receiver in a contest case, after the taking of testimony before a designated officer, is in the nature of a continuance and is to be governed by the Rules of Practice relating to continuances.

Practice--Contest--Continuance--Appeal--Commissioner of the General Land Office.

The granting of a continuance in a contest case by the local officers is a mere interlocutory order from which an appeal to the Commissioner of the General Land Office will not lie.

Departmental Decisions Cited and Applied.

Cases of *Cusaden v. Perley* (3 L.D., 145), and *Dahlquist v. Cotter* (34 L.D., 396), cited and applied.

McEuen v. Quiroz; decided October 30, 1923,
by First Assistant Secretary Finney.

Navigable Waters--Lake--Louisiana--Public Lands--Oil and Gas Lands.

Upon the admission of Louisiana to the Union the United States relinquished all claim to the lands underlying navigable waters in that State, and the transfer of that ownership being complete and final, the rule that the title to submerged lands remains after their reappearance in the one who owned the lands prior to their submergence can not be invoked by the United States with respect to an area covered with a body of navigable water at the time that the State was admitted.

Navigable Waters--Lake--Louisiana--Public Lands--Oil and Gas Lands.

The area occupied by Cross Lake, Louisiana, being potentially navigable, although not actually used as a highway of commerce at the time the State was admitted to the Union, is to be held as navigable on that date, and the title to all of the lands below the mean high-water mark passed to the State upon its admission by virtue of its sovereignty.

Court and Departmental Decisions Cited and Applied.

Cases of *Hall v. Herbert* (3 Term Rep., 253), *Bucki v. Cone* (25 Fla., 1; 6 So., 160), *Pollard v. Hagan* (3 How., 212), and *Etoile P. Hatcher and W. M. Palmer et al.* (49 L.D., 452), cited and applied.

E. H. Vordenbaumen; decided November 8, 1923,
by First Assistant Secretary Finney.

Notice--Contest--Contestant--Attorney--Application--Homestead Entry--Preference Right.

Failure to serve notice of the cancellation of an entry under contest upon the attorney designated by the contestant in his application to contest as the one upon whom notice should be served does not relieve the contestant from fulfillment of the law with respect to the exercise of his preference right if he himself had been duly notified thereof.

Preference Right--Contest--Contestant--Application--Fees--Homestead Entry.

The presentation of an application in due form by a contestant to enter lands embraced within a prior canceled entry in the exercise of his preference right does not have any segregative effect as to the land involved until the required fees have been tendered.

Departmental Decisions Cited and Applied.

Cases of Saugstad v. Fay (39 L.D., 160), McGraw v. Lott (44 L.D., 367), and Robert K. Cox and Earnest I. Alfrey (48 L.D., 267), cited and applied.

Barrus v. McDonald (on rehearing); decided November 8, 1923,
by First Assistant Secretary Finney.

Relinquishment--Repayment--Desert Land--Confirmation--Act of January 27, 1922.

A voluntary relinquishment, executed and filed in connection with a claim for repayment of purchase money paid upon a canceled entry which, except for the relinquishment and refund of purchase price, would have been entitled to confirmation under the act of March 3, 1891, amounts to a quitclaim, for a valuable consideration, of all the entryman's right, title, and interest in and to the lands embraced therein, and precludes him from afterwards invoking the benefits of the exchange of entry provision of the act of January 27, 1922.

Frank L. Dawes; decided November 13, 1923,
by First Assistant Secretary Finney.

Mineral Lands--Oil and Gas Lands--Stock-Raising Homestead--Surface Rights--Statutes.

The placer mining laws, which originally provided for the patenting of a fee estate in both the surface and the mineral deposits of public lands, were modified by the act of December 29, 1916, to permit of the issuance of separate patents for the reserved mineral deposits under the mining laws and for the surface lands under the stock-raising homestead act.

Mineral Lands--Oil and Gas Lands--Abandonment--Occupancy--Stock-Raising Homestead--Estoppel--Adverse Claim.

Section 9 of the act of December 29, 1916, contemplated the perfection of claims by locators under the placer mining laws to the reserved mineral deposits, and acquiescence by a placer mining claimant in the possession of the land by a stock-raising homestead entryman does not constitute an adverse possession that will estop the former from denying abandonment of the mining claim.

Oil and Gas Lands--Prospecting Permit--Stock-Raising Homestead--Improvements--Damages.

A permittee under an oil and gas prospecting permit is not authorized to injure the permanent improvements of a stock-raising homestead entryman, and damages to crops must be compensated for as provided by section 9 of the act of December 29, 1916.

Mineral Lands--Oil and Gas Lands--Prospecting Permit--Stock-Raising Homestead--Surface Rights.

A stock-raising homestead entrman does not have a sufficient interest in the reserved mineral deposits in the lands within his entry to entitle him to protest against the issuance of an oil and gas prospecting permit, except it be in his capacity as a citizen desiring to prevent the perpetration of a fraud upon the Government.

Departmental Decisions Cited and Applied.

Cases of Coleman et al. v. McKenzie et al. (29 L.D., 389), and Purvis v. Witt (49 L.D., 260), cited and applied.

Dean v. Lusk Royalty Company; decided November 13, 1923,
by First Assistant Secretary Finney.

Indian Lands--Townsites--Oklahoma--Reservation--Secretary of the Interior--Statutes.

The provisions of the acts of June 30, 1913, and March 3, 1919, which vested the Secretary of the Interior with the authority to dispose of the remaining unappropriated lands in the Kiowa, Comanche, and Apache Indian Reservations in Oklahoma, have no application to any unappropriated lands in the townsites within those reservations that were created pursuant to the act of March 20, 1906.

Indian Lands--Townsites--Oklahoma--Restorations--Statutes.

The unappropriated lands within the townsites created pursuant to the act of March 20, 1906, in the Kiowa, Comanche, and Apache Indian Reservations in Oklahoma, are subject to disposition only in accordance with the terms of that act and congressional legislation is necessary to effect their restoration to disposition in any other manner.

Indian Lands--Townsites--Oklahoma--Application--Restorations--Preference Right.

Should Congress authorize the restoration of the unappropriated lands within the townsites in the Kiowa, Comanche, and Apache Indian Reservations in Oklahoma, one filing an application to purchase or enter any of those lands prior to such restoration would not acquire a preference right under such application unless the act authorizing the restoration should so expressly provide.

Everett Lanfair; decided November 13, 1923,
by First Assistant Secretary Finney.

Homestead Entry--Oil and Gas Lands--Prospecting Permit--Evidence--Final Proof--Patent.

An application for an oil and gas prospecting permit embracing lands within a homestead entry, filed by the entryman during pendency of action by the Land Department upon the question of allowance of his final proof, constitutes an admission that the land had a prospective oil and gas value and amounts to an election to take a restricted patent in accordance with the provisions of the act of July 17, 1914.

Board of Equitable Adjudication--Jurisdiction--Homestead Entry--Patent--Oil and Gas Lands.

Questions pertaining to the reformation of restricted patents issued in accordance with the provisions of the act of July 17, 1914, do not come within the jurisdiction of the Board of Equitable Adjudication.

Heirs of Robert H. Cordes; decided November 13, 1923,
by First Assistant Secretary Finney.

Coal Lands--Prospecting Permit--Lease--Homestead Entry--Surface Rights--Preference Right.

Neither the leasing act of February 25, 1920, nor any other act of Congress accords to surface entrymen or owners under the homestead law a preference right to a coal-prospecting permit or to a lease upon the land so entered.

Gottlieb Roth; decided November 13, 1923,
by First Assistant Secretary Finney.

Notice--Oil Shale Lands--Jurisdiction--Records--Colorado.

The rules relating to notices lis pendens that are applicable to the courts have no application to proceedings before an executive department, and recordation in the office of the recorder of the county in which the lands are situated of proceedings in a local land office, there being no statutory requirement to that effect, neither constitutes constructive notice nor raises a presumption of notice.

Notice--Oil Shale Lands--Land Department--Jurisdiction--Records.

Where there is no law making it the duty of a county recorder to receive and record notices of proceedings in a local United States land office, the Land Department is powerless to enforce any order or regulation it might issue directing the recordation of such notices.

Court Decision Cited and Applied.

Case of Bassinger v. Spangler (10 Pac., 809), cited and applied.

Instructions of November 14, 1923,
by First Assistant Secretary Finney.

Oil and Gas Lands--Prospecting Permit--Forfeiture--Application--Restorations--Records.

The language contained in paragraph 9 of the oil and gas regulations of March 11, 1920, declaring that in the absence of discovery of oil or gas within the period of a prospecting permit or extension thereof, the permit will thereupon terminate and the lands automatically revert to their original status, does not authorize another to file an application to prospect for the same deposits in the lands prior to the cancellation of the permit by the Commissioner of the General Land Office and notation thereof upon the records of the local land office.

Departmental Decisions Cited and Applied.

Cases of California and Oregon Land Company v. Hulen and Hunnicutt (46 L.D., 55), and Martin Judge (49 L.D., 171), cited and applied.

Fred L. Alger; decided November 17, 1923,
by First Assistant Secretary Finney.

Citizenship--Marriage--Desert Land Entry--Act of September 22, 1922.

Naturalization in a foreign country of a citizen of the United States is an act of expatriation which makes him a citizen of that country, and the citizenship of his wife, residing with him therein, is merged with that of her husband, if married prior to the passage of the act of September 22, 1922, irrespective of whether the expatriation occurred before or after the marriage.

Citizenship--Marriage--Naturalization--Act of September 22, 1922.

United States citizenship lost by a woman as the result of marriage and residence in a foreign country with a citizen thereof before the passage of the act of September 22, 1922, can thereafter be restored, if at all, only by naturalization as prescribed by that act.

Instructions of November 24, 1923,
by First Assistant Secretary Finney.

Oil and Gas Lands--Prospecting Permit--Relinquishment--Application--Preference Right--Restoration--Records.

A relinquishment of an oil and gas prospecting permit does not, of its own force, relieve the lands from the segregative effect created by the permit, and the filing of an application for a permit, predicated upon the relinquishment, prior to the cancellation of the permit by the Commissioner of the General Land Office and notation thereof upon the records of the local land office, does not confer upon the applicant any right to notice of the disposition of the prior existing claim or entitle him to any preference in the allowance of his application when the lands are formally restored.

Oil and Gas Lands--Prospecting Permit--Application--Commissioner of the General Land Office--Register and Receiver--Officers--Preference Right.

Authority to consider and determine the merits and validity of applications for oil and gas prospecting permits, in the first instance, resides in the Commissioner of the General Land Office, and the fact that the local officers, whose functions in this respect are merely ministerial, received without rejecting an application, together with the prescribed bond and fees, does not of itself confer upon the applicant any right to have his application allowed.

Departmental Decision Cited and Construed.

Case of Martin Judge (49 L.D., 171), cited and construed.
Harvey v. Craig; decided November 24, 1923,
by First Assistant Secretary Finney.

SECOND DESERT-LAND APPLICATION--INSTRUCTIONS.

DEPARTMENT OF THE INTERIOR

General Land Office

1116048 "F" FRD

Washington

January 25, 1924.

: Advice.

Register and Receiver,

Glenwood Springs, Colorado.

Gentlemen:

I am in receipt of your letter of November 24, 1923, asking for an interpretation of the phrase "allowable application" as used in the Secretary's administrative rule of September 13, 1923, relative to second desert-land applications.

You state that frequently desert-land applications are filed, and held for rejection, for lack of water right, the applicant being allowed 30 days to file same. That just before the expiration of the 30 days the applicant withdraws his application, at the same time filing a new application for the same land.

It is obvious that if this procedure is legal, and allowable under the regulations once, it may be resorted to twice, or ten times, or one hundred times, thus placing it within the power of anyone to segregate a particularly desirable tract of land indefinitely, until he can find a purchaser at his own figure.

While there appears to be no express inhibition against this procedure either in the law or the regulations, it is perfectly evident that it is inimical to the spirit and intent of the act, besides being distinctly detrimental to the proper, orderly, efficient, and economical administration thereof.

The administrative rule of September 13, 1923, to which you refer, reads as follows:

"An allowable application to make desert-land entry will be treated as an entry within the meaning of the act of September 5, 1914 (38 Stat., 712), and if such an application is withdrawn prior to its allowance the applicant will be required, in connection with any subsequent application, to make the showing required of persons who seek to make second desert-land entries."

Under date of November 12, 1923, the Department approved a letter addressed to the registers and receivers explaining the meaning and intent of the administrative rule of September 13, 1923.

In said letter it was stated, among other things: "

"The right to make desert-land entry is exhausted as effectively by the filing of an allowable declaration, as if the entry had been actually allowed, in the absence of sufficient and satisfactory showing of the right to make a second entry.

"It is not to be understood that where a declaration is rejected for conflict or other sufficient cause, the desert-land right of entry is held to be exhausted, but when such declaration is subject to allowance and is withdrawn before such action is taken, then, it is to be understood that the desert-land right is held to be exhausted, except as herein stated.

"Under the act of September 5, 1914, supra, provision is made for the making of second desert-land entries under the conditions therein stated. When, therefore, a desert-land declaration is filed, unless rejected for conflict or other sufficient cause, a second declaration should not be accepted unless accompanied by a showing by way of corroborated affidavit, of qualifications to make it, the same as if applying to make second desert-land entry. * * * * *"

As viewed in the light of the administrative rule, and the explanation thereof, it would seem that an "allowable application" should be defined as "any application against which there is no withdrawal, conflict, contest, protest, or other matter of record which would make it unallowable at the moment."

The mere fact that the applicant has not filed water right, or proof of citizenship, or other matter which it is his duty to file with his application, does not make it an unallowable application, because the local office can not reject the application at that time, but must hold it for rejection allowing 30 days for the filing of the additional evidence. If this evidence is filed, the application is allowable and must be allowed.

Until the 30 days without the additional evidence, have expired, the application is an allowable application within the meaning of the administrative rule.

If the application is withdrawn before the expiration of the 30 days, or before rejection, such withdrawal has been made while the application was subject to allowance. (The time to correct errors not having expired.)

Again, it might well be held that one pursuing such tactics was not proceeding in good faith. His proper course would be to present an application for extension of time to file the additional evidence required, which, if the reasons given were sufficient might be allowed by you, rather than attempt to circumvent the spirit of the law by sharp practice which would place him in no better position than he would have been with a 30 days extension, excepting that he places himself in position, by successive withdrawals, to forever hold the land, even though he can never fulfill the requirements.

Very respectfully,

WILLIAM SPRY,

Commissioner.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

PUBLIC LANDS RESTORED TO HOMESTEAD ENTRY AND OTHER DISPOSITION BY
PROCLAMATION, EXECUTIVE OR DEPARTMENTAL ORDER.

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Preference Rights to Ex-Service Men of the War with Germany.

General Method of Opening:

By virtue of Public Resolution No. 29, of February 14, 1920 (41 Stat., 434), as amended by Public Resolutions Nos. 36 and 79, approved January 21 and December 28, 1922, respectively, hereafter and until February 15, 1930, when any surveyed lands within the provisions of the public resolutions are opened or restored to disposition under the authority of the Department, such lands, unless otherwise provided in the order of restoration, shall become subject to appropriation under the laws applicable thereto in the following manner, and not otherwise:

Lands not affected by the preference rights conferred by the acts of August 18, 1894 (28 Stat., 394), or June 11, 1906 (34 Stat., 233), or February 14, 1920 (41 Stat., 407), will be subject to entry by soldiers under the homestead and desert-land laws, where both of said laws are applicable, or under the homestead law only, as the case may be, for a period of 91 days, beginning with the date of the filing of the township plat in the case of surveys or resurveys, and with the date specified in the order of restoration in all other cases, and thereafter to disposition under all of the public land laws, applicable thereto, except where homestead entrymen are granted a prior preference period under the order. For a period of 20 days and for a like period prior to the date or dates such lands become subject to entry by the general public, soldiers in the first instance, and any qualified applicants in the second, may execute and file their applications, and all such applications presented within such 20-day periods, together with those offered at 9 o'clock a. m., standard time, on the dates such lands become subject to appropriation under such applications, shall be treated as filed simultaneously.

Unsurveyed lands are not subject to homestead or desert-land entry. A homestead entry may embrace 160 acres, or an approximation thereof, and where the lands are of the character contemplated by the 320 or 640 acres homestead acts, applications for the unappropriated lands may be filed by qualified persons, under either of said acts; accompanied by proper petitions, if undesignated, for the designation of lands thereunder, and such applications will be suspended pending determination as to the character of such lands.

The following are restorations or openings which will occur in the near future and concerning which further information may be obtained from the local offices:

NEVADA:
NEW MEXICO:
UTAH:

OPEN TO ENTRY THROUGH SURVEYS.

The official plats of the survey of public lands have been transmitted to Surveyors General with instructions to transmit copies thereof to United States land offices for official filing as follows:

T. 38 N., R. 23 $\frac{1}{2}$ E., M.D.M., Nevada, with letter dated November 3, 1923:

T. 25 N., R. 54 E., and T. 29 N., R. 54 E., with letter dated December 18, 1923, approximately 46,500 acres; U.S. land offices at Carson City and Elko.

T. 1 S., R. 20 W., and T. 1 N., R. 21 W., N.M.P.M., New Mexico, with letter dated December 19, 1923, approximately 28,000 acres; U.S. land office Santa Fe.

The dates of filing will be fixed by the registers of the several offices and the public lands indicated will be opened to entry and, subject to prior valid settlement rights and equitable claims, ex-service men of the World War will be entitled to a preference right to enter these lands under the homestead and desert-land laws for a period of 91 days, beginning with the date of the filing of the plats, under Public Resolutions Nos. 38 and 79, dated January 21 and December 28, 1922, respectively.

In addition to the above, the plats of T. 7 S., R. 13 W., T. 30 S., R. 18 W., Ts. 29 and 30 S., Rs. 19 and 20 W., S.L.M., Utah, were transmitted November 3, 1923, approximately 90,000 acres; U.S. land office Salt Lake City.

These surveys were made upon application of the State and the public lands involved were withdrawn under the provisions of the act of August 18, 1894 (28 Stat., 394), until 60 days after the date of the filing of the plats, during which period the State has a preference right to select lands therein in satisfaction of public land grants. On the expiration of such period ex-service men of the World War are entitled to the preference right heretofore indicated for lands not selected by the State. All lands will be open to general disposition on the expiration of the preference periods indicated.

T. 38 N., R. 23 $\frac{1}{2}$ E., Nevada, is reported as mountainous plateau which furnishes some grazing for sheep and cattle; soil rocky. There is some fertile land along Little Smoky Creek in a narrow gorge through the central part of the township. T. 25 N., R. 54 E., is reported as mountainous in the eastern part with scrub timber and rocky soil. The western portion lies on the barren flat of an old dry lake bed. The soil both on the lake bed and on the rolling slopes to the east is a sandy and alkaline clay loam of little value. T. 29 N., R. 54 E., is mountainous and rolling mesa, with a medium growth of timber in the north-eastern part and undergrowth and grass on the entire township furnishes grazing for sheep and cattle. The soil varies from a fine sandy loam on the gentle slopes of the mesas to coarse, rocky loam on the steeper slopes.

T. 1 S., R. 20 W., and T. 1 N., R. 21 W., N. M. P. M., New Mexico, are reported a mountainous and rolling mesas with some scrub timber and a good growth of native grasses. The soil ranges from sandy clay loam on the mesas to gravelly and rocky on the broken portions, second and fourth rates.

T. 7 S., R. 13 W., Utah, is reported as low rolling sand hills and level alkali desert, with scattering undergrowth, and of little value. The lands in the other five townships are mountainous and rolling benches with some scrub timber, dense undergrowth and a fair growth of native grasses which afford excellent grazing. The soil is gravelly and sandy loam on the benches and rocky on the mountains and foothills, third and fourth rates.

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RESTORED FROM A WAGON ROAD WITHDRAWAL.

The lands withdrawn under the grant made by the act of Congress approved February 25, 1867 (14 Stat., 409), for a wagon road from Dalles City on the Columbia River, Oregon, to a point on Snake River opposite Fort Boise, Idaho, which have not been patented thereunder to The Dalles Military Road Company and the Eastern Oregon Land Company, are opened to entry, under the homestead and desert-land laws, at the United States land offices at Burns, La Grande, The Dalles, and Vale, Oregon, by ex-service men of the war with Germany, for a period of ninety-one (91) days, beginning February 2, 1924, subject to valid rights and the preference right of entry of settlers. On and after May 3, 1924, any legal subdivisions of such land remaining unentered will be subject to appropriation by the general public under any applicable public-land law.

The acreage involved in this restoration has not been ascertained, but it is not large.

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CALIFORNIA:

MEMORANDUM OF RESTORATION OF LAND.

Two hundred acres situated in Trinity County, California, in the Eureka land district, opened to entry under the homestead and desert-land laws by ex-service men of the war with Germany for a period of ninety-one (91) days, beginning February 2, 1924, subject to valid rights and the preference right of entry of settlers. On and after May 3, 1924, any of such land remaining unentered will be subject to appropriation under any public land law applicable thereto by the general public.

The restored land consists of the NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 36, T. 32 N., R. 11 W., M.D.M., a granted school section, and was reconveyed to the United States by State patent executed November 9, 1916, and accepted by this office on January 5, 1924.

The land is situated about 35 miles west of Redding on the Southern Pacific Railroad. It has not been designated as subject to entry under the enlarged or stockraising-homestead laws. Part of it is crossed by a creek. It is all near national forest boundaries.

NEW MEXICO:

UTAH: OPEN TO ENTRY THROUGH SURVEYS.

The official plats of the survey of public lands have been transmitted to Surveyors General with instructions to transmit copies thereof to the United States land offices for official filing as follows:

T. 8 S., R. 3 E., T. 9 S., R. 4 E., T. 10 S., Rgs. 3 and 4 E., a part of T. 6 S., R. 5 E., N.M.P.M., New Mexico, with letter dated November 22, 1923, approximately 80,800 acres; land office at Las Cruces.

The date of filing will be fixed by the register of that office and the public lands indicated will be opened to entry and, subject to prior valid settlement rights and equitable claims, ex-service men of the World War will be entitled to a preference right to enter these lands under the homestead and desert-land laws for a period of 91 days, beginning with the date of filing of the plats under Public Resolutions Nos. 36 and 79, dated January 21 and December 28, 1922, respectively.

In addition to the above, the plats of T. 11 S., R. 23 E., T. 12 S., Rs. 22 and 23 E., T. 14 S., R. 23 E., S.L.M., Utah, with letter dated November 21, 1923, and T. 13 S., R. 25 E., and fractional T. 13 S., R. 26 E., with letter of January 5, 1924, approximately 97,600 acres; United States land office at Vernal. The date of filing will be fixed by the register of that office.

These surveys were made upon application of the State, as was also a portion of T. 6 S., R. 5 E., New Mexico, approximating 8,500 acres, and the public lands involved were withdrawn under the provisions of the act of August 18, 1894 (28 Stat., 394), until 60 days after the date of filing of the plats, during which period the States have a preference right to select lands therein in satisfaction of public land grants. On the expiration of such period ex-service men of the World War are entitled to the preference right heretofore indicated for lands not selected by the State. All lands will be opened to general disposition on the expiration of the preference periods indicated.

The lands in New Mexico vary from mountainous to rolling hills and level plains. The mountainous portions are generally covered with scattering timber. All lands afford fair grazing. The soil on mountainous portions is stony, while on the rolling and level portions a sandy loam, varying from second to fourth rates. The lands in Utah are reported as mountainous and rolling, covered with timber and underbrush. The soil is a sandy clay loam, the rougher portions rocky and of little value except for grazing, mostly third and fourth rate.

(402)

IDAHO: LANDS OPEN TO ENTRY SUBJECT TO RECLAMATION ACT.

Pursuant to departmental order of January 2, 1924, Public Notice No. 11, twelve farm units will be opened to homestead entry under the reclamation act in T. 2 N., R. 2 W.; T. 2 N., R. 3 W.; T. 3 N., R. 3 W., at 9 o'clock a. m., February 8, 1924, to former service men of the World War, holding approved water-right applications.

Water-right applications may be filed with the Project Manager, U. S. Reclamation Service, at Boise, Idaho, in person, by mail, or otherwise, within a period of four days, beginning at 9 o'clock a. m., February 4 to February 8, 1924, and all applications filed within that period will be treated as having been simultaneously filed. Water-right applications received after 9 o'clock a. m., February 8, 1924, will be filed and noted in the order of their receipt. The water charges, exclusive of operation and maintenance, are fixed at \$77.⁴⁴ per irrigable acre, 5% of which must accompany the water-right application.

Any farm unit remaining unentered on and after May 12, 1924, will be opened to entry to any person having the qualification of a homestead entryman, subject to the provisions of the reclamation act, and the terms of said order.

All applicants to make entry of any of the lands which at the time of filing the homestead application are embraced in an oil and gas application or permit, under the leasing act, must waive the right to the oil and gas content of the land.

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(403)

WYOMING: RESTORATION FROM CAREY ACT SEGREGATION.

14,445.21 acres in Washakie and Big Horn Counties, Buffalo land district, Wyoming, opened to homestead and desert-land entries by ex-service men of the World War, beginning February 20, 1924, subject, however, to the preference right of adjoining entrymen and patentees under the act of December 29, 1916 (39 Stat., 862), where the land has been designated under said act.

Filings by ex-service men may be presented during the twenty days prior to that date, such filings to be considered as simultaneously made and to be disposed of by lot.

Beginning May 21, 1924, any of said land remaining unentered will be subject to appropriation under any of the applicable public land laws by the general public.

Available information indicates that these lands lie along the west slope of Big Horn Mountains north of Tensleep Creek along the valley and north of Nowood Creek at an elevation from 4,000 to 5,000 feet. The town of Tensleep, located near the mouth of the creek by the same name, is the nearest town and also trading point, while Big Horn, 10 miles to the west, is the nearest railroad point. The average precipitation in this vicinity over a period of 14 years was 4.77 inches, which indicates the land to be desert in character, and the average number of days between killing frosts is 120 days.

On irrigated lands in the valleys in the vicinity fair crops of corn, alfalfa, wheat, barley, and oats are raised, together with vegetables.

The Geological Survey has designated about three-fourth of the area as grazing land and one-fourth as cultivable.

The classification in this regard of any particular tract may be had by writing the Register and Receiver at Buffalo, Wyoming. However, practically all the land has been designated as subject to entry under both the enlarged and stock-raising homestead acts, which indicates that in all probability same can not, under present conditions, be irrigated from any known source of water supply.

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(404)

CALIFORNIA: OPEN TO ENTRY THROUGH SURVEYS.

The official plats of the survey of public lands in fractional Ts. 4 and 5 N., R. 15 E., T. 5 N., R 16 E., Ts. 4 and 5 N., Rs. 17 and 18 E., S. E. M., California, were transmitted to the Surveyor General with letter dated January 16, 1924, approximately 46,000 acres, with instructions to file same in the U. S. land office at Los Angeles.

The date of filing will be fixed by the register of that office and the public lands indicated will be opened to entry and subject to prior valid settlement rights and equitable claims, ex-service men of the World War will be entitled to a preference right to enter these lands under the homestead and desert-land laws for a period of 91 days, beginning with the date of filing of the plats under Public Resolutions Nos. 36 and 79, dated January 21 and December 23, 1922, respectively. All lands will be open to general disposition on the expiration of the 91-day period.

The greater part of the lands in these townships are described as mountainous and desert and generally unfit for cultivation or grazing purposes; the soil sandy, gravelly and rocky, third and fourth rate.

AN OLD LOUISIANA PATENT.

In going over the old patents on file in this office and arranging them according to different parishes and land districts in our efforts to get these patents into the hands of the present owners of the land embraced therein, we have come across one patent dated the first of September, 1826, signed by John Quincy Adams, and the signature appears to be in his own handwriting.

The patent was issued to the legal representatives of Luke Collins with respect to a tract of land in the county of Opelousas, along Bayou Maricroquant, containing 338 acres, designated as Section 14, T. 6 S., R. 5 E. This is the oldest patent we have come across so far and we thought, perhaps, it might be of interest to the Bulletin.

Respectfully,

GEO. J. REILEY,
Register.

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RECLAMATION SETTLEMENT OFFICE OPENED IN DENVER.

Miles Cannon, recently appointed Field Commissioner of the Bureau of Reclamation, has established his office in the Wilda Building, Denver, Colorado, where he will have charge of settlement problems and the management and agricultural development of the irrigation projects.

In order to divert to Mr. Cannon inquiries relating to his work, it is suggested that both written and oral inquiries from prospective settlers concerning opportunities on the irrigation projects, which may be received by the local land offices, be referred, so far as possible, directly to Mr. Cannon at the address given.

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OIL AND GAS ACTIVITIES.

During the month of January, 437 new cases were received as against 299 in the preceding month. Old cases received for further action numbered 1,769. New permits were issued in 435 cases and 253 were finally rejected; 318 applications were rejected subject to the right of appeal; 30 assignments of rights under the permits were acted upon and 664 applications for extension of time for drilling operations were disposed of. Fifty-seven permits were held for cancellation, and 45 were canceled. During the month departmental decisions were rendered whereby 29 actions were affirmed. One hundred and eighty-two applications were examined and reports thereon called for from the Geological Survey.

Under the "relief" section of the leasing act 4 permits and 1 lease were granted, and 4 applications finally rejected.

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RECEIPTS UNDER THE MINERAL LEASING ACT.

Receipts under the mineral leasing act for the month of December, 1923, were \$1,004,035.34.

Measure of damage in trespass cases. Amendment of Circular 881.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

December 29, 1923.

Chiefs of Field Divisions.

Sirs:

Circular No. 881 of March 14, 1923, is hereby amended by substituting for the second rule announced under the sub-heading TIMBER, the following:

2. In case of innocent trespasses neither the trespassers nor their transferees shall be required to pay more than the stumpage value, or the value of the timber in standing trees taken by them, as damages to the Government.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved: December 29, 1923.

E. C. FINNEY,

First Assistant Secretary.

Instructions under proclamation extending time
for payment on Crow Indian lands.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

January 7, 1924.

Register and Receiver,

Billings, Montana.

Gentlemen:

The President's proclamation issued December 18, 1923, providing for further extensions of time for payment by purchasers and entrymen under the President's proclamation of September 28, 1914 (38 Stat., 2029), and April 6, 1917 (40 Stat., 1653), of lands in the ceded portion of the Crow Indian Reservation, Montana, directs:

"That any purchaser or entryman of lands within said former reservation who is unable to pay the purchase money due under his purchase or entry made under the said proclamation of September 28, 1914, or the said proclamation of April 6, 1917, upon filing in the local land office an affidavit corroborated by two persons setting out his inability to make the required payment and the reasons therefor shall be granted an extension of time until the 1924 anniversary of the date of his entry or purchase upon the payment to the receiver of the district land office of interest at the rate of five per cent per annum on the amounts extended from the maturities thereof to the expiration of the periods of extension. The district land office will promptly notify all purchasers and entrymen entitled to the extension of the manner in which it may be obtained. If the affidavit is not filed and the interest paid within thirty days from receipt of notice or if within such time the amounts in arrears are not paid in full, the purchases or entries for which the amounts are due will be reported by the district land office to the General Land Office for cancellation."

Pursuant to the said proclamation the following regulations are prescribed:

(1) The said proclamation of September 28, 1914, provided that one-third of the price of the land must be paid when the entry or purchase is made. In the case of a purchase the balance of the price must be paid in two equal payments, one year and two years thereafter, and in the case of an entry in two equal payments three years and four years thereafter unless paid sooner. The said proclamation of April 6, 1917, provides that one-fifth of the purchase price must be paid on the day following the sale and that the balance must

be paid in four equal annual installments in 1, 2, 3, and 4 years after the date of sale unless paid sooner. The President's proclamation of May 5, 1920 (41 Stat., 1793), allowed an extension of time until the 1921 anniversaries of the dates of the purchases and entries made under the provisions of the two previous proclamations. By the President's proclamations of August 11, 1921 (42 Stat., 2246), and July 10, 1922 (42 Stat., 2281), further extensions of time were allowed until the 1923 anniversaries of the dates of such purchases and entries. Under the present proclamation an extension of time to the 1924 anniversaries of said purchases and entries may be secured under the conditions specified therein.

(2) Within thirty days from receipt of notice to be given by you immediately any purchaser or entryman whose payments are in default at the time of such receipt must either pay the amounts due in full or he may file in your office a corroborated affidavit setting out his inability to do so and the reasons therefor accompanied by interest at the rate of five per cent per annum on the amounts for which an extension is sought.

(3) The time for any payment can not be extended to a date beyond the 1924 anniversary.

(4) Proof may be submitted at any time before such anniversary provided the requirements of the law as to payments are complied with.

(5) No extension will be allowed unless the affidavit and interest as herein required are transmitted to your office within the time allowed.

You will forward copies of these instructions to all purchasers and entrymen who are affected thereby, advising each of them that in order to secure the benefits of this proclamation they must comply with its requirements as herein explained, and that in the event of failure to take such action within the time allowed, the purchase or entry will be reported for cancellation and forfeiture of payments without further notice to him. You will in due time report the entries in which no action has been taken transmitting evidence of service of notice.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved, January 7, 1924.

E. C. FINNEY,

First Assistant Secretary.

CONSOLIDATED WORK REPORT OF LOCAL LAND OFFICES
FOR THE MONTH OF DECEMBER, 1923.

OFFICES.	: : :		: Received :		: End of this Month.		: End of this Month.	
	: Pend-:ing	: Sus-:pend-:ing	: Rec'd :in	: Disposed of.	: Trans-:mitted	: Now :pend-:ing	: Now :sus-:pend-:ing	: Pend-:ing
	: :nation:	: :ected:	: :his	: :this	: :to GIO	: :ing	: :pend-:ing	: :unacted
	: :on by	: :on by	: :month.	: :month.	: :month.	: :na-	: :ed re-:on by	: :ected:R. & R.
	: :wise.	: :R. & R.	: : :	: : :	: : :	: :tion.	: :other-:wise.	: : :
Alabama	:	:	:	:	:	:	:	:
Montgomery	:	17	:	20	18	:	19	:
Arizona	:	:	:	:	:	:	:	:
Phoenix	162	178	:	250	294	112	184	:
Arkansas	:	:	:	:	:	:	:	:
Harrison	:	34	:	60	74	:	20	:
Little Rock	:	244	:	119	131	:	232	:
California	:	:	:	:	:	:	:	:
El Centro	15	39	:	65	38	15	66	:
Eureka	55	1	:	12	16	50	2	:
Independence	47	101	:	57	60	43	102	:
Los Angeles	43	102	:	156	172	47	82	:
Sacramento	58	67	:	41	43	59	64	:
San Francisco	113	56	:	104	111	121	41	:
Susanville	31	24	:	16	35	22	14	:
Visalia	14	24	:	46	39	14	31	:
Colorado	:	:	:	:	:	:	:	:
Del Norte	37	12	:	23	13	37	21	1
Denver	108	132	:	351	220	120	251	:
Durango	29	31	:	59	70	26	23	:
Glenwood Springs	441	285	:	107	205	403	225	:
Lamar	37	19	:	47	45	37	21	:
Leadville	9	28	:	13	17	9	24	:
Montrose	108	83	:	80	64	105	102	:
Pueblo	189	108	:	143	123	220	97	:
Sterling	22	15	:	34	15	22	34	:
Florida	:	:	:	:	:	:	:	:
Gainesville	:	25	8	72	55	:	40	10
Idaho	:	:	:	:	:	:	:	:
Blackfoot	98	106	:	58	71	101	90	:
Boise	63	73	:	82	72	80	66	:
Coeur d'Alene	1	28	:	7	6	1	29	:
Hailey	58	52	:	62	52	63	57	:
Lewiston	11	15	:	17	12	9	22	:
Kansas	:	:	:	:	:	:	:	:
Topeka	28	9	:	9	10	27	9	:
Louisiana	:	:	:	:	:	:	:	:
Baton Rouge	:	24	:	20	22	:	22	:

Michigan	:	:	:	:	:	:	:	:	:			
Marquette	:	1	:	11	:	30	:	36	:	6		
Minnesota	:	:	:	:	:	:	:	:	:	:		
Cass Lake	:	:	:	3	:	26	:	26	:	3		
Crookston	:	:	:	14	:	42	:	44	:	12		
Duluth	:	:	:	12	:	47	:	44	:	15		
Mississippi	:	:	:	:	:	:	:	:	:	:		
Jackson	:	:	:	13	:	26	:	24	:	15		
Montana	:	:	:	:	:	:	:	:	:	:		
Billings	:	27	:	30	:	12	:	10	:	21	17	21
Bozeman	:	59	:	71	:	18	:	29	:	57	62	
Glasgow	:	57	:	62	:	39	:	91	:	101	56	
Great Falls	:	24	:	40	:	20	:	27	:	26	31	
Havre	:	61	:	37	:	55	:	51	:	57	45	
Helena	:	161	:	99	:	56	:	97	:	142	77	
Kalispell	:	2	:	2	:	10	:	9	:	3	2	
Lewistown	:	153	:	30	:	30	:	40	:	148	25	
Miles City	:	223	:	110	:	153	:	210	:	189	87	
Missoula	:	18	:	9	:	12	:	19	:	11	9	
Nebraska	:	:	:	:	:	:	:	:	:	:	:	
Alliance	:	21	:	5	:	11	:	13	:	22	2	
Lincoln	:	17	:	4	:	11	:	12	:	17	3	
Nevada	:	:	:	:	:	:	:	:	:	:	:	
Carson City	:	23	:	132	:	27	:	29	:	28	125	
Elko	:	39	:	23	:	28	:	40	:	23	27	
New Mexico	:	:	:	:	:	:	:	:	:	:	:	
Clayton	:	80	:	40	:	58	:	61	:	84	33	
Ft. Sumner	:	30	:	73	:	85	:	78	:	43	67	
Las Cruces	:	56	:	94	:	92	:	122	:	43	77	
Roswell	:	92	:	50	:	124	:	120	:	89	57	
Santa Fe	:	81	:	147	:	218	:	206	:	97	143	
North Dakota	:	:	:	:	:	:	:	:	:	:	:	
Bismarck	:	26	:	26	:	32	:	29	:	28	27	
Dickinson	:	16	:	9	:	15	:	17	:	16	7	
Oklahoma	:	:	:	:	:	:	:	:	:	:	:	
Guthrie	:	41	:	10	:	40	:	40	:	41	10	
Oregon	:	:	:	:	:	:	:	:	:	:	:	
Burns	:	20	:	19	:	18	:	19	:	21	17	
La Grande	:	60	:	65	:	39	:	34	:	63	67	
Lakeview	:	45	:	70	:	17	:	24	:	43	65	
Portland	:	:	:	9	:	35	:	37	:	:	7	
Roseburg	:	:	:	51	:	77	:	72	:	:	56	
The Dalles	:	121	:	33	:	49	:	42	:	126	35	
Vale	:	18	:	63	:	59	:	59	:	19	62	
South Dakota	:	:	:	:	:	:	:	:	:	:	:	
Bellefourche	:	5	:	14	:	74	:	36	:	5	12	
Pierre	:	34	:	27	:	43	:	37	:	37	30	
Rapid City	:	32	:	24	:	85	:	79	:	32	30	
Utah	:	:	:	:	:	:	:	:	:	:	:	
Salt Lake City	:	389	:	246	:	259	:	265	:	399	230	
Vernal	:	20	:	21	:	19	:	24	:	17	19	

Washington	:	:	:	:	:	:	:	:
Seattle	:	:	5	:	14	8	:	11
Spokane	:	27	32	:	82	69	28	44
Vancouver	:	1	10	:	9	8	1	11
Walla Walla	:	14	2	:	8	7	14	3
Waterville	:	31	16	:	16	22	31	10
Yakima	:	11	4	:	11	8	12	6
Wisconsin	:	:	:	:	:	:	:	:
Wausau	:	:	4	:	10	12	:	2
Wyoming	:	:	:	:	:	:	:	:
Buffalo	:	119	45	:	79	108	101	34
Cheyenne	:	144	133	:	133	179	114	117
Douglas	:	45	101	:	157	123	48	132
Evanston	:	40	119	:	73	73	42	117
Lander	:	77	37	:	64	58	75	45
Newcastle	:	90	73	:	122	135	86	64
Total,	:	4,468	4,311	:	8,009	5,165	4,343	4,256
	:			:				32

OBITUARY.

Elisha D. Stanford:--On the morning of January 1, 1924, former Chief of Field Division, Mr. Elisha D. Stanford, died at his home in Little Rock, Arkansas. Mr. Stanford was native of North Carolina but later in his life adopted Arkansas and made his home at Little Rock, where he served as Chief of the 9th Field Division from 1908 to 1913.

As a special agent and representative of the Field Service Mr. Stanford was considered among the best, and as Chief of Field Division he was loved by all of the field men who served in his division. His work in the "Sunk Land Cases" of northeast Arkansas stands out as one of the notable achievements of the Field Service of the General Land Office.

At the time of Mr. Stanford's death he had been retired from active service on account of ill health.

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Byram C. Tiffany:--The newspapers of this city carried the announcement of the death of Mr. Tiffany, January 12, 1924, at his home 3409 Brown Street, N. W. He was born 84 years ago in Marion, New York, and for a number of years was identified with the public service.

The district land office at Grand Forks, North Dakota, was created by act of Congress January 21, 1880, and Mr. Tiffany entered on duty as the first register of that office February 19, 1880, under commission dated February 25, 1880. Later he was recommissioned March 3, 1884, for a period of four years; his last day of service as register was May 9, 1888.

January 24, 1890, Mr. Tiffany was appointed principal examiner in the General Land Office, and May 29, 1890, transferred to the office of the Assistant Attorney General for the Interior Department as an Assistant Attorney, from which position he resigned in June, 1893, to enter the practice of his profession in this city where he has since maintained his residence. The records of the General Land Office, covering the period of time in which Mr. Tiffany was connected with the service, give ample testimony to his value as an administrative officer, and his faithfulness in the discharge of all duties that were entrusted to him.

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REAPPOINTMENT OF RECESS APPOINTEE.

Frank A. Boyle, Register, U. S. Land Office, Anchorage, Alaska; commission dated January 10, 1924.

APPOINTMENT.

Charles M. Donohoe, of Phoenix, Surveyor General of Arizona; commission dated January 24, 1924.

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RESIGNATIONS.

Frank A. Boyle, Register, U. S. Land Office, Anchorage, Alaska, tendered his resignation by wire of January 29, 1924, asking to be relieved at the earliest practicable date. Resignation accepted January 30, effective upon appointment and qualification of successor.

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Elam Hubert McDowell, Register, U. S. Land Office, Miles City, Montana, has resigned. His resignation has been accepted, effective April 1 or as soon thereafter as his successor shall have been appointed and qualified.

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TELL THE BULLETIN.

To All Local Offices and Field Service Employees:

If anything occurs, in the public land service, which you think is of administrative value, tell us about it. Address all communications to the Commissioner of the General Land Office, "Land Service Bulletin." All information should be received not later than the 24th of each month for use in the current number.

