

May 31, 1878.

CHAP. 147.—An act supplementary to the act of March third, eighteen hundred and seventy-three entitled An act supplemental to the act of February ninth, eighteen hundred and twenty-one incorporating Columbia College District of Columbia.

Columbian College, D. C. 1873, ch. 328, 17 Stat., 629. Amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act of March third, eighteen hundred and seventy-three, ratifying and confirming the act for the relief of the Columbian College in the District of Columbia, enacted by the legislative assembly of the said District, and approved July twenty-fifth, eighteen hundred and seventy-one, be so modified as to authorize the trustees and overseers of the Columbian University to hold their annual meeting on such day in May or June as the said trustees and overseers shall appoint, instead of being held on "the Tuesday next preceding the last Wednesday in June".

Approved, May 31, 1878.

June 1, 1878.

CHAP. 148.—An act for the relief of certain settlers on the public lands.

Homesteaders; injured by grasshoppers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for homestead settlers on the public lands whose crops were destroyed or seriously injured by grasshoppers in the year eighteen hundred and seventy-six, who left their land in said year, if no other settlement shall have been made thereon by, or right or interest therein accrued to, any other person, to return to said land at any time within three months from and after the passage of this act; and upon the return of such settlers to such land, such absence therefrom shall in no wise affect the original settlements or homestead rights, but such settlers shall be allowed to resume and perfect their settlement, as if no such absence had occurred: *Provided,* That proof of such destruction or injury of crops, absence and return of such settlers, shall be made in such manner as the Commissioner of the General Land Office may prescribe

Approved, June 1, 1878.

June 3, 1878.

CHAP. 150.—An act authorizing the citizens of Colorado, Nevada and the Territories to fell and remove timber on the public domain for mining and domestic purposes.

Timber and mineral lands may be taken for certain purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all citizens of the United States and other persons, bona fide residents of the State of Colorado, or Nevada, or either of the Territories of New Mexico, Arizona, Utah, Wyoming, Dakota, Idaho, or Montana, and all other mineral districts of the United States, shall be, and are hereby, authorized and permitted to fell and remove, for building, agricultural, mining, or other domestic purposes, any timber or other trees growing or being on the public lands, said lands being mineral, and not subject to entry under existing laws of the United States, except for mineral entry, in either of said States, Territories, or districts of which such citizens or persons may be at the time bona-fide residents, subject to such rules and regulations as the Secretary of the Interior may prescribe for the protection of the timber and of the undergrowth growing upon such lands, and for other purposes: *Provided,* the provisions of this act shall not extend to railroad corporations.

Proviso.

Taking etc., for unauthorized purposes

SEC. 2. That it shall be the duty of the register and the receiver of any local land-office in whose district any mineral land may be situated to ascertain from time to time whether any timber is being cut or used upon any such lands, except for the purposes authorized by this act, within their respective land districts; and, if so, they shall immediately notify the Commissioner of the General Land Office of that fact; and all necessary expenses incurred in making such proper examinations shall be paid and allowed such register and receiver in making up their next quarterly accounts.

SEC. 3. Any person or persons who shall violate the provisions of this act, or any rules and regulations in pursuance thereof made by the Secretary of the Interior, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not exceeding five hundred dollars, and to which may be added imprisonment for any term not exceeding six months.

Penalty.

Approved, June 3, 1878.

CHAP. 151.—An act for the sale of timber lands in the States of California, Oregon, Nevada and in Washington Territory.

June 3, 1878.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That surveyed public lands of the United States within the States of California, Oregon and Nevada and in Washington Territory, not included within military, Indian, or other reservations of the United States, valuable chiefly for timber, but unfit for cultivation, and which have not been offered at public sale according to law, may be sold to citizens of the United States, or persons who have declared their intention to become such, in quantities not exceeding one hundred and sixty acres to any one person or association of persons, at the minimum price of two dollars and fifty cents per acre; and lands valuable chiefly for stone may be sold on the same terms as timber lands: *Provided*, That nothing herein contained shall defeat or impair any bona-fide claim under any law of the United States, or authorize the sale of any mining claim, or the improvements of any bona-fide settler, or lands containing gold, silver, cinnabar, copper, or coal, or lands selected by the said States under any law of the United States donating lands for internal improvements, education, or other purposes: *And provided further*, That none of the rights conferred by the act approved July twenty-sixth, eighteen hundred and sixty-six, entitled "An act granting the right of way to ditch and canal owners over the public lands, and for other purposes", shall be abrogated by this act; and all patents granted shall be subject to any vested and accrued water rights, or rights to ditches and reservoirs used in connection with such water rights, as may have been acquired under and by the provisions of said act; and such rights shall be expressly reserved in any patent issued under this act.

Timber and stone lands in California, Oregon, etc., to be sold.

Proviso.

Proviso.
1866, ch. 262,
14 Stat., 251.
R. S. 2339, p. 432.
R. S. 2340, p. 432.
R. S. 2341, p. 432.

SEC. 2. That any person desiring to avail himself of the provisions of this act shall file with the register of the proper district a written statement in duplicate, one of which is to be transmitted to the General Land Office, designating by legal subdivisions the particular tract of land he desires to purchase, setting forth that the same is unfit for cultivation, and valuable chiefly for its timber or stone; that it is uninhabited; contains no mining or other improvements, except for ditch or canal purposes, where any such do exist, save such as were made by or belong to the applicant, nor, as deponent verily believes, any valuable deposit of gold, silver, cinnabar, copper, or coal; that deponent has made no other application under this act; that he does not apply to purchase the same on speculation, but in good faith to appropriate it to his own exclusive use and benefit; and that he has not, directly or indirectly, made any agreement or contract, in any way or manner, with any person or persons whatsoever, by which the title which he might acquire from the government of the United States should inure, in whole or in part, to the benefit of any person except himself; which statement must be verified by the oath of the applicant before the register or the receiver of the land-office within the district where the land is situated; and if any person taking such oath shall swear falsely in the premises, he shall be subject to all the pains and penalties of perjury, and shall forfeit the money which he may have paid for said lands, and all right and title to the same; and any grant or conveyance which he may have made, except in the hands of bona-fide purchasers, shall be null and void.

Application for purchase.

False swearing in application.