

February 3, 1911.
[H. R. 15660.]

[Public, No. 340.]

Public lands.
Second desert-land,
etc., entries allowed,
if first lost, etc.
Vol. 35, p. 6, amended.

Proviso.
Parties excluded.

CHAP. 34.—An Act Providing for second homestead and desert-land entries.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who, prior to the approval of this Act, has made entry under the homestead or desert-land laws, but who, subsequently to such entry, from any cause shall have lost, forfeited, or abandoned the same, shall be entitled to the benefits of the homestead or desert-land laws as though such former entry had not been made, and any person applying for a second homestead or desert-land entry under this Act shall furnish a description and the date of his former entry: *Provided,* That the provisions of this Act shall not apply to any person whose former entry was canceled for fraud, or who relinquished his former entry for a valuable consideration in excess of the filing fees paid by him on his original entry.

Approved, February 3, 1911.

February 3, 1911.
[H. R. 20109.]

[Public, No. 341.]

Dona Ana County,
N. Mex.
Settlers on lands ex-
cluded from Refugio
Colony grant.
Allowed homestead
patents.

Provisos.
Mineral, etc., lands
excluded.

Existing subdivision
lines recognized.

Assistance to claim-
ants.

Expenses.

CHAP. 35.—An Act To quiet title to certain land in Dona Ana County, New Mexico.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases where persons have made a claim or claims to land in Dona Ana County, New Mexico, by virtue or under color or bona fide claim of right or title derived from the Mexican land grant, known as the Refugio Colony grant, in said county, and which grant was confirmed by the final decree of the Court of Private Land Claims, rendered in nineteen hundred and two, and where such person or persons in good faith and for a valuable consideration have purchased such lands and occupied and improved the same prior to the rendition of said decree, in the bona fide belief that said lands were embraced in and a part of said grant and which lands were excluded therefrom by the final survey of said grant ordered by said court, and where said persons, their assigns, and successors in interest have used, improved, and continued in the actual possession of the same as according to the lines of the original purchase, and where no valid adverse right or title (except of the United States) exists, such occupants, claimants, or purchasers may make entry and the Commissioner of the General Land Office shall cause patents to issue for the same, after having such lands surveyed under existing laws, on payment of the fees and commissions required on original homestead entries, upon first making proof of the facts as required in this section, under regulations to be provided by the Commissioner of the General Land Office, joint entries being admissible by coterminous proprietors to such an extent as will enable them to adjust their respective boundaries: *Provided,* That the right to make entry herein given shall not extend to lands containing deposits of gold, silver, copper, oil, coal, or other valuable minerals: *And provided,* That whenever it shall be made to appear by petition from the occupants of such land that injury to permanent improvements would result from running the lines of the public survey through such permanent improvements, the Commissioner of the General Land Office may recognize existing lines of subdivisions.

SEC. 2. That the Commissioner of the General Land Office is hereby authorized to render to the claimants under this Act such assistance as he may deem necessary in the matter of the preparation and submission of proofs hereunder, and all actual expenses incurred by clerks of the General Land Office or others detailed by the commissioner in rendering the necessary assistance to such claimants, including per diem allowance in lieu of subsistence, may be paid from the appropriation for expenses of inspectors, General Land Office.

Approved, February 3, 1911.