

March 1, 1847

CHAP. XXXII.—*An Act to establish a Land Office in the northern Part of Michigan, and to provide for the Sale of mineral Lands in the State of Michigan.*

Lake Superior
land district.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all that portion of the public lands in the State of Michigan lying north of the boundaries of the Saganaw and Grand River land districts in said State, commonly called the northern peninsula of the State of Michigan with the islands in Lakes Superior, Huron, and Michigan, and in Green Bay, the Straits of Michilimackinac, and the River St Mary's, within the jurisdiction of said State, be, and the same are hereby, included in a land district, to be called the Lake Superior Land District; and for the sale of the lands in said district, there shall be a land office established at such point therein as the President of the United States may select.

Secretary of
Treasury shall
cause a geological
examination
and survey.

Mineral lands
how sold.

SEC. 2. *And be it further enacted,* That the Secretary of the Treasury shall cause a geological examination and survey of the lands embraced in said district to be made and reported to the Commissioner of the General Land Office. And the President is hereby authorized to cause such of said lands as may contain copper, lead, or other valuable ores, to be exposed to sale, giving six months' notice of the times and places of sales in such newspapers of general circulation, in the several States, as he may deem expedient, with a brief description of the lands to be offered; showing the number and localities of the mines known, the probability of discovering others, the quality of the ores, the facilities of working the mines, and the means and expense of transporting their products to the principal markets in the United States. And all the lands embraced in said district, not reported as aforesaid, shall be sold in the same manner as other lands under the laws now in force for the sale of the public lands, excepting and reserving from such sales section sixteen in each township for the use of schools, and such reservations as the President shall deem necessary for public uses.

Other lands.

All persons in
actual occupancy,
under lease
from Secretary of
War, may purchase
to the extent
of lease.

SEC. 3. *And be it further enacted,* That all those persons who are in possession, by actual occupancy, of any portion of the district described in the first section of this act, under authority of a lease from the Secretary of War, for the purpose of mining thereon, and who have fully complied with all the conditions and stipulations of said lease, may enter and purchase the same at any time during the continuance of such lease, to the extent of such lease, and no less, by paying to the United States therefor at the rate of two dollars and fifty cents per acre: *Provided,* That said entry and purchase shall be made to include the original survey of such lease, as near as may be, conforming to the lines of the public surveys of sections and subdivisions thereof. And all those persons who are in possession, by actual occupancy, of any of said lands, for mining purposes, under authority of a written permit from the Secretary of War, and who have visible landmarks and muniments as boundaries thereon, and who have, in all other respects, complied with the conditions and stipulations contained in such permit, may enter and purchase the same, to the extent of the tract selected by them and reported to the Secretary of War, as required by said permit, and no less, in the same manner as those who hold under leases, and at the same price: *Provided,* such entry and purchase be made before the day said lands shall be offered for sale by order of the President. And all those persons who shall be in possession, by actual occupancy, of a mine or mines actually discovered before the passage of this act, and who shall pay the same per centum of rents as those who hold under leases, as aforesaid, shall be permitted to enter and purchase one section of land, and not less,

Persons in actual
occupancy
for mining
purposes, under
permits, may purchase
as those
holding under
lease.

Other persons
in actual occupancy.

to include such mine or mines discovered and occupied as aforesaid, by them, by paying to the United States the same price, and at the same time, as required of those who hold under permits aforesaid, and all rents accruing from such lessees or occupants shall be paid and delivered to such officers of the government as the Secretary of the Treasury shall direct: *Provided*, That prior to any such purchase being made under the provisions of this section, proof of possession and occupancy, as aforesaid, of the mine or mines claimed, shall be made to the register and receiver of the land district, together with the evidence of the payment of all rents due the United States, agreeably to such rules as may be prescribed by the Secretary of the Treasury for that purpose, which register and receiver shall each be entitled to receive one dollar for his services therein: *Provided*, That an appeal from the decision of the register and receiver to the Secretary of the Treasury may be had, under such regulations as the said Secretary may prescribe. And if two or more persons are in possession of the same section, the first occupant shall be entitled to a preference, unless the same can be so divided by legal subdivisions as to give to each the discovery claimed by him.

Proof of possession and occupancy.

Appeal.

Joint occupancy.

SEC. 4. *And be it further enacted*, That the said mineral lands shall be offered for sale in quarter-sections, and no bid shall be received at a less rate than five dollars per acre; and if such lands shall not be sold at public sale at such price, they shall thereafter be entered at private sale at that price: *Provided*, That no legal division or subdivision of any of said lands upon which there may be an outstanding lease or leases from the Secretary of War unexpired or undetermined, and which is actually occupied for mining purposes, and the occupants of which have complied with all the requisites of such lease or leases, and continue to perform the same, shall be sold until after the determination of such lease or leases by efflux of time, voluntary surrender, or other legal extinguishment thereof, except in such cases as are provided for in the third section of this act, and the lessees respectively shall be entitled to the privileges secured by said section upon the voluntary surrender of the lease or leases held by them.

Mineral lands offered for sale in quarter-sections.

No legal divisions or subdivisions of standing leases to be sold.

SEC. 5. *And be it further enacted*, That the management and control of the mineral lands shall be transferred from the War Department, and placed under the jurisdiction and control of the Treasury Department; and all books, maps, papers, instruments, and other property procured, to be used and employed in the management, survey, exploring, or conducting of said mineral lands, by the War Department, shall be delivered over and made subject to the disposition of the Secretary of the Treasury.

Control and management of the mineral lands transferred from the War to the Treasury Department.

SEC. 6. *And be it further enacted*, That the President, by and with the advice and consent of the Senate, so soon as a sufficient number of townships are surveyed, and returns thereof made to the General Land Office, to authorize the commencement of the sales in said district, shall appoint one register and one receiver for the land office in said district, who shall reside at the place designated by the President for the land office, receive such compensation, give security, and discharge all duties pertaining to such office as are prescribed by law.

President to appoint register and receiver

APPROVED, March 1, 1847.

CHAP. XXXIII. — *An Act to amend the Act entitled "An Act to reduce the Rates of Postage, to limit the Use and correct the Abuse of the franking Privilege, and for the Prevention of Frauds on the Revenues of the Post-Office Department," passed third of March, eighteen hundred and forty-five.*

March 1, 1847.

1845, ch. 43.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in lieu of