

§ 103. Patents for oil or gas lands not denied because of transfer before discovery of oil or gas; acreage limitation; nonapplication to withdraw lands

In no case shall patent be denied to or for any lands located or claimed prior to March 2, 1911, under the mining laws of the United States containing petroleum, mineral oil, or gas solely because of any transfer or assignment thereof or of any interest or interests therein by the original locator or locators, or any of them, to any qualified persons or person or corporation, prior to discovery of oil or gas therein, but if such claim is in all other respects valid and regular, patent therefor not exceeding one hundred and sixty acres in any one claim shall issue to the holder or holders thereof, as in other cases. The above provisions shall not apply where such lands were at the time of inception of development on or under such claim withdrawn from mineral entry.

(Mar. 2, 1911, ch. 201, § 1, 36 Stat. 1015.)

§ 104. Agreements with applicants for patents as to disposition of oil or gas, or proceeds thereof, pending determination of title; Navy Petroleum Fund

Where applications for patents have been or may be offered for any oil or gas land included in an order of withdrawal upon which oil or gas had been discovered, or was being produced prior to March 2, 1911, or upon which drilling operations were in actual progress on October 3, 1910, and oil or gas is thereafter discovered thereon, and where there has been no final determination by the Secretary of the Interior upon such applications for patent, said Secretary, in his discretion, may enter into agreements, under such conditions as he may prescribe with such applicants for patents in possession of such land or any portions thereof, relative to the disposition of the oil or gas produced therefrom or the proceeds thereof, pending final determination of the title thereto by the Secretary of the Interior, or such other disposition of the same as may be authorized by law. Any money which may accrue to the United States under the provisions of sections 103 and 104 of this title from lands within the Naval Petroleum Reserves shall be set aside for the needs of the Navy and deposited in the Treasury to the credit of a fund to be known as the Navy Petroleum Fund, which fund shall be applied to the needs of the Navy as Congress may from time to time direct, by appropriation or otherwise.

(Mar. 2, 1911, ch. 201, § 2, as added Aug. 25, 1914, ch. 287, 38 Stat. 708.)

SUBCHAPTER IV—HOMESTEAD ENTRY OF LANDS IN UTAH, WITHDRAWN OR CLASSIFIED AS OIL LANDS

§§ 111 to 113. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1028

Section 111, act Aug. 24, 1912, ch. 367, § 1, 37 Stat. 496, related to homestead entry of lands in Utah.

Section 112, act Aug. 24, 1912, ch. 367, § 2, 37 Stat. 496, related to required information in the application for entry.

Section 113, act Aug. 24, 1912, ch. 367, § 3, 37 Stat. 496, related to reservation of oil and gas to the United States in the lands entered.

Provisions on entry of lands withdrawn or classified as oil lands are contained in sections 121 to 123 of this title.

SUBCHAPTER V—AGRICULTURAL ENTRY OF LANDS WITHDRAWN OR CLASSIFIED AS CONTAINING PHOSPHATE, NITRATE, POTASH, OIL, GAS, ASPHALTIC MINERALS, SODIUM, OR SULPHUR

§ 121. Agricultural entry or purchase of lands withdrawn or classified as containing phosphate, nitrate, potash, oil, or gas; reservations to United States; application

Lands withdrawn or classified as phosphate, nitrate, potash, oil, gas, or asphaltic minerals, or which are valuable for those deposits, shall be subject to appropriation, location, selection, entry, or purchase, if otherwise available, under the nonmineral land laws of the United States, whenever such location, selection, entry, or purchase shall be made with a view of obtaining or passing title with a reservation to the United States of the deposits on account of which the lands were withdrawn or classified or reported as valuable, together with the right to prospect for, mine, and remove the same. All applications to locate, select, enter, or purchase under this section shall state that the same are made in accordance with and subject to the provisions and reservations of sections 121 to 123 of this title.

(July 17, 1914, ch. 142, § 1, 38 Stat. 509; June 16, 1955, ch. 145, § 2, 69 Stat. 138.)

Editorial Notes

AMENDMENTS

1955—Act June 16, 1955, removed 160-acre limitation on desert entry.

Statutory Notes and Related Subsidiaries

ADDITIONAL DESERT-LAND ENTRY

Increase of limitation with respect to desert entries to 320 acres, see note set out under section 83 of this title.

§ 122. Patents; reservation in the United States of reserved deposits; acquisition of right to remove deposits; application for entry to disprove classification

Upon satisfactory proof of full compliance with the provisions of the laws under which the location, selection, entry, or purchase is made, the locator, selector, entryman, or purchaser shall be entitled to a patent to the land located, selected, entered, or purchased, which patent shall contain a reservation to the United States of the deposits on account of which the lands so patented were withdrawn or classified or reported as valuable, together with the right to prospect for, mine, and remove the same, such deposits to be subject to disposal by the United States only as shall be hereafter expressly directed by law: *Provided, however,* That all mineral deposits heretofore or hereafter reserved to the United States under sections 121 to 123 of this title which are subject, at the time of appli-

cation for patent, to valid and subsisting rights acquired by discovery and location under the mining laws of the United States made prior to the date of the Mineral Leasing Act of February 25, 1920 [30 U.S.C. 181 et seq.], shall hereafter be subject to disposal to the holders of those valid and subsisting rights by patent under the mining laws of the United States in force at the time of such disposal. Any person qualified to acquire the reserved deposits may enter upon said lands with a view of prospecting for the same upon the approval by the Secretary of the Interior of a bond or undertaking to be filed with him as security for the payment of all damages to the crops and improvements on such lands by reason of such prospecting, the measure of any such damage to be fixed by agreement of parties or by a court of competent jurisdiction. Any person who has acquired from the United States the title to or the right to mine and remove the reserved deposits, should the United States dispose of the mineral deposits in lands, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining and removal of the minerals therefrom, and mine and remove such minerals, upon payment of damages caused thereby to the owner of the land, or upon giving a good and sufficient bond or undertaking therefor in an action instituted in any competent court to ascertain and fix said damages. Nothing herein contained shall be held to deny or abridge the right to present and have prompt consideration of applications to locate, select, enter, or purchase, under the land laws of the United States, lands which have been withdrawn or classified as phosphate, nitrate, potash, oil, gas, or asphaltic mineral lands, with a view of disproving such classification and securing patent without reservation, nor shall persons who have located, selected, entered, or purchased lands subsequently withdrawn, or classified as valuable for said mineral deposits, be debarred from the privilege of showing, at any time before final entry, purchase, or approval of selection or location, that the lands entered, selected, or located are in fact nonmineral in character.

(July 17, 1914, ch. 142, § 2, 38 Stat. 509; July 20, 1956, ch. 652, 70 Stat. 592.)

Editorial Notes

REFERENCES IN TEXT

The Mineral Leasing Act of February 25, 1920, referred to in text, is act Feb. 25, 1920, ch. 85, 41 Stat. 437, which is classified generally to chapter 3A (§181 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 181 of this title and Tables.

AMENDMENTS

1956—Act July 20, 1956, permitted disposal of mineral deposits which are subject, at the time of application for patent, to valid and subsisting rights acquired by discovery and location under the mining laws made prior to Feb. 25, 1920.

Statutory Notes and Related Subsidiaries

LANDS IN NORTH PLATTE RECLAMATION PROJECT; MINERAL RIGHTS

Patents for lands in North Platte Reclamation Project not to contain reservations of minerals in certain cases, see section 125 of this title.

§ 123. Persons locating lands subsequently withdrawn or classified; patents to

Any person who has, in good faith, located, selected, entered, or purchased, or any person who shall locate, select, enter, or purchase, after July 17, 1914, under the nonmineral land laws of the United States, any lands which are subsequently withdrawn, classified, or reported as being valuable for phosphate, nitrate, potash, oil, gas, or asphaltic minerals, may, upon application therefor, and making satisfactory proof of compliance with the laws under which such lands are claimed, receive a patent therefor, which patent shall contain a reservation to the United States of all deposits on account of which the lands were withdrawn, classified, or reported as being valuable, together with the right to prospect for, mine, and remove the same.

(July 17, 1914, ch. 142, § 3, 38 Stat. 510.)

Statutory Notes and Related Subsidiaries

NORTH PLATTE RECLAMATION PROJECT; ENTRY PRIOR TO JULY 17, 1914; MINERAL RIGHTS

Patents for lands in North Platte Reclamation Project not to contain reservations of minerals in certain cases, see section 125 of this title.

§ 124. Agricultural entry or purchase of lands withdrawn or classified as containing sodium or sulphur

Lands withdrawn, classified, or reported as valuable for sodium and/or sulphur and subject to prospecting, leasing, or development under the General Leasing Act of February 25, 1920, or Acts amendatory thereof or supplementary thereto [30 U.S.C. 181 et seq.], shall be subject to appropriation, location, selection, entry, or purchase if otherwise available in the form and manner and subject to the reservations, provisions, limitations, and conditions of the Act of Congress approved July 17, 1914 (38 Stat. L. 509; U.S.C., title 30, sec. 123); *Provided, however*, That lands lying within the geologic structure of a field, or withdrawn, classified, or reported as valuable for any of the minerals named herein and/or in any of said sections, or upon which leases or prospecting permits have been applied for or granted, for the production of any of such minerals, shall not be subject to such appropriation, location, selection, entry, or purchase unless it shall be determined by the Secretary of the Interior that such disposal will not unreasonably interfere with operations under said sections.

(Mar. 4, 1933, ch. 278, 47 Stat. 1570.)

Editorial Notes

REFERENCES IN TEXT

The General Leasing Act of February 25, 1920, referred to in text, probably means the Mineral Leasing Act of 1920, act Feb. 25, 1920, ch. 85, 41 Stat. 437, which is classified generally to chapter 3A (§181 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 181 of this title and Tables.

The Act of Congress approved July 17, 1914, referred to in text, is act July 17, 1914, ch. 142, 38 Stat. 509, which is classified to sections 121 to 123 of this title.

§ 125. Patents in North Platte Reclamation Project; mineral rights; subrogation

Where reclamation homestead entry was made prior to July 17, 1914, pursuant to the Act of June 17, 1902 (32 Stat. 389, 43 U.S.C., sec. 431), as amended and supplemented, for lands in the Northport Division or the Interstate Division of the North Platte Reclamation Project, and after such entry the lands have been or are hereafter withdrawn, classified, or reported as being valuable for any of the minerals named in sections 81 and 121 to 124 of this title, the patent shall not contain a reservation of such minerals. If any such mineral deposits on account of which the lands were withdrawn, classified or reported as being valuable have been leased by the United States, such patent shall be made subject to the rights of the lessee, but the patentee shall be subrogated to the rights of the United States under the lease.

(Apr. 17, 1954, ch. 152, 68 Stat. 56.)

Editorial Notes

REFERENCES IN TEXT

Act of June 17, 1902, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388, popularly known as the Reclamation Act, which is classified generally to chapter 12 (§371 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 371 of Title 43 and Tables.

SUBCHAPTER VI—LOCATION OF PHOSPHATE ROCK LANDS UNDER PLACER-MINING LAWS

§ 131. Omitted

Editorial Notes

CODIFICATION

Section, act Jan. 11, 1915, ch. 9, 38 Stat. 792, provided for perfection under placer mining laws of locations made in good faith prior to Jan. 11, 1915, on public lands containing deposits of phosphate rock.

SUBCHAPTER VII—PERMITS TO PROSPECT FOR CHLORIDES, SULPHATES, CARBONATES, BORATES, SILICATES, OR NITRATES OF POTASSIUM

§§ 141 to 152. Repealed. Feb. 7, 1927, ch. 66, § 6, 44 Stat. 1058

Section 141, act Oct. 2, 1917, ch. 62, § 1, 40 Stat. 297, related to permits to prospect.

Section 142, act Oct. 2, 1917, ch. 62, § 2, 40 Stat. 298, related to patents to permittees.

Section 143, act Oct. 2, 1917, ch. 62, § 3, 40 Stat. 298, related to leases to permittees for campsites.

Section 144, act Oct. 2, 1917, ch. 62, § 4, 40 Stat. 299, related to cancellation of permits.

Section 145, act Oct. 2, 1917, ch. 62, § 5, 40 Stat. 299, related to restrictions on leasehold interests.

Section 146, act Oct. 2, 1917, ch. 62, §§ 6, 7, 40 Stat. 299, related to reservations in leases.

Section 147, act Oct. 2, 1917, ch. 62, § 8, 40 Stat. 300, related to forfeitures in leases.

Section 148, act Oct. 2, 1917, ch. 62, § 9, 40 Stat. 300, related to potassium salts deposits.

Section 149, act Oct. 2, 1917, ch. 62, § 10, 40 Stat. 300, related to disposition of royalties and rentals.

Section 150, act Oct. 2, 1917, ch. 62, § 11, 40 Stat. 300, related to rules and regulations.

Section 151, act Oct. 2, 1917, ch. 62, § 12, 40 Stat. 300, related to regulations for disposition of deposits.

Section 152, act Oct. 2, 1917, ch. 62, § 13, 40 Stat. 300, related to provisions in leases for regulation of price and disposition of minerals.

SUBCHAPTER VIII—BUILDING STONE OR SALINE LAND ENTRIES UNDER PLACER-MINING LAWS

§ 161. Entry of building-stone lands; previous law unaffected

Any person authorized to enter lands under the mining laws of the United States may enter lands that are chiefly valuable for building stone under the provisions of the law in relation to placer mineral claims. Lands reserved for the benefit of the public schools or donated to any State shall not be subject to entry under this section. Nothing contained in this section shall be construed to repeal section 471 of title 16 relating to the establishment of national forests.

(Aug. 4, 1892, ch. 375, §§ 1, 3, 27 Stat. 348.)

Editorial Notes

REFERENCES IN TEXT

Section 471 of title 16, referred to in text, was repealed by Pub. L. 94-579, title VII, §704(a), Oct. 21, 1976, 90 Stat. 2792, effective on and after Oct. 21, 1976.

CODIFICATION

First two sentences of this section are from section 1 and last sentence of this section is from section 3 of act Aug. 4, 1892.

§ 162. Entry of saline lands; limitation

All unoccupied public lands of the United States containing salt springs, or deposits of salt in any form, and chiefly valuable therefor, shall be subject to location and purchase under the provisions of the law relating to placer-mining claims. The same person shall not locate or enter more than one claim hereunder.

(Jan. 31, 1901, ch. 186, 31 Stat. 745.)

SUBCHAPTER IX—DISPOSAL OF ALABAMA LANDS AS AGRICULTURAL LANDS

§ 171. Disposal as agricultural lands

Except as otherwise provided in chapter 3A of this title, all public lands within the State of Alabama, whether mineral or otherwise, shall be subject to disposal only as agricultural lands. All lands which had been reported to the General Land Office prior to March 3, 1883, as containing coal and iron shall first be offered at public sale.

(Mar. 3, 1883, ch. 118, 22 Stat. 487; Feb. 25, 1920, ch. 85, § 1, 41 Stat. 437.)

Editorial Notes

CODIFICATION

Section is from act Mar. 3, 1883, which contained an additional provision relating to pending homesteads, which was omitted because of its temporary nature.

AMENDMENTS

1920—The exception clause was inserted at beginning of this section because of act Feb. 25, 1920, which pro-