

CHAP. 220. An Act Authorizing a resurvey of certain townships in the State of Wyoming, and for other purposes.

May 29, 1908.
[S. 6190.]

[Public, No. 160.]

Public lands.
Wyoming.
Resurvey of certain townships.

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 be, and he is hereby, authorized and directed to cause to be made in the manner now provided by law for the survey and resurvey of public lands, and from time to time as may be necessary, a resurvey of the following townships in the State of Wyoming: Townships forty-one to forty-four north, ranges eighty-one to ninety-two west, inclusive; townships forty-five to forty-eight north, ranges eighty-one to one hundred and four west, inclusive, except township forty-eight north, ranges eighty-eight to ninety-one west, inclusive; townships forty-nine to fifty-two north, ranges eighty-nine to ninety-two west, inclusive; townships fifty-three to fifty-six north, ranges one hundred and one to one hundred and three west, inclusive; townships twelve and thirteen north, range eighty-six west; townships twelve, thirteen, and fourteen north, range eighty-seven west; townships twelve to sixteen north, ranges eighty-eight to one hundred and four west, inclusive; townships seventeen to twenty-four north, ranges ninety-seven to one hundred west, inclusive; townships twelve north, ranges one hundred and five to one hundred and eight west, inclusive; townships twelve to twenty-three north, ranges one hundred and nine to one hundred and twelve west, inclusive; township twenty-four north, range one hundred and eleven west; township twenty-four north, range one hundred and fourteen west; townships seventeen to twenty-one west, inclusive; township fifty-seven north, range sixty-eight west; townships fifty-four to fifty-six north, ranges eighty and eighty-one west, inclusive; all west of the sixth principal meridian.

SEC. 2. That nothing herein contained shall cause the applications of settlers upon other lands to be rejected, or caused to be increased the amount annually apportioned to the district of Wyoming, out of the appropriation for surveys and resurveys of public lands. And all rules and regulations of the Department of the Interior requiring petitions from all settlers on said lands asking for a resurvey and an agreement to abide by the result of the survey, so far as these lands are concerned, are hereby abrogated: *Provided*, That nothing herein contained shall be so construed as to impair the present bona fide rights or claims of any actual occupant of any of said lands so occupied to the amount of land to which, under the law, he is entitled: *Provided further*, That before any resurvey is ordered it shall be made to appear to the Secretary of the Interior that the former official survey of said lands is so inaccurate or obliterated as to make it necessary to resurvey the land, and only such parts of the land where the survey is so inaccurate or obliterated shall be resurveyed: *Provided further*, That where it is found that, at the time the resurvey is entered upon, more than half the lands in any township have been disposed of by entry or otherwise, the resurvey in such township shall not be made; but this proviso shall not apply to lands within railroad land grant limits.

SEC. 3. That the Secretary of the Interior be, and he is hereby, authorized and directed to certify to the State of Kansas, for the benefit of the Kansas State Agricultural College, seven thousand six hundred and eighty-two acres of public land in said State, the same to be in full satisfaction of the claim of said State under an Act entitled "An Act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and mechanic arts," approved July second, eighteen hundred and sixty-two.

SEC. 4. That the tracts of land described as follows: Sections nine and ten, lot four, southwest quarter of northwest quarter, west half of southwest quarter, section three, east half of southeast quarter sec-

Application of settlers, etc., not affected.

Certain regulations abrogated.

Provisos.
Present rights, etc., not impaired.

Inaccurate, etc., surveys.

Restriction.

Kansas.
Lands certified to, for benefit of State Agricultural College, etc.

Vol. 12, p. 503.

Oklahoma.
Lands granted for insane asylum.

tion four, township twenty-four north, range twenty-two west; east half of northeast quarter, east half of southeast quarter, section thirty-four, southwest quarter of northwest quarter, northwest quarter of southwest quarter, section thirty-five, township twenty-five north, range twenty-two west, Indian meridian, together with the buildings and improvements thereon, which lands were formerly a part of the Fort Supply Military Reservation, in the former Territory and now State of Oklahoma, the use of which for the purpose of an insane asylum was granted to the Territory of Oklahoma by the Act of Congress approved February eighth, in the year eighteen hundred and ninety-nine, entitled "An Act authorizing the Secretary of the Interior to permit the use of the buildings on the Fort Supply Military Reservation by Oklahoma Territory for an insane asylum," be, and the same are hereby, granted to the State of Oklahoma for the purpose of an insane asylum for said State, and for other purposes.

Vol. 30, p. 822.

North Dakota.
Authority to sell
part of White Stone
Hills Park.
Vol. 33, p. 312.
Description.

SEC. 5. That the State of North Dakota is hereby authorized and empowered to sell such portion as it may deem wise of the southeast quarter of section seven and the southwest quarter of section eight and the northeast quarter of section eighteen and the northwest quarter of section seventeen, all in township one hundred and thirty-one north, range sixty-five west, heretofore granted to said State to be used for the purpose of a memorial park and burial ground of the soldiers killed at the battle of White Stone Hills, the money derived from the sale of said land to be used by the said State only for the purpose of erecting monuments and improving and beautifying such portions of such grounds as it may desire to use as a memorial park: *Provided*, That not less than forty acres be reserved immediately surrounding the graves located on said land.

Use of proceeds.

Proviso,
Cemetery.

Wisconsin Central
Railroad grants.
Settlers ejected
from, given credit for
residence, etc., on
making new entries.
Vol. 33, p. 184.

SEC. 6. That all qualified homesteaders who, under an order issued by the Land Department bearing date October twenty-second, eighteen hundred and ninety-one, and taking effect November second, eighteen hundred and ninety-one, made settlement upon and improved any portion of an odd-numbered section within the conflicting limits of the grants made in aid of the construction of the Chicago, Saint Paul, Minneapolis and Omaha Railway and the Wisconsin Central Railroad, and were thereafter prevented from completing title to the land so settled upon and improved by reason of the decision of the Supreme Court in the case of Wisconsin Central Railroad Company against Forsythe (One hundred and fifty-ninth United States, page forty-six), shall, in making final proof upon homestead entries made for other lands, be given credit for the period of their bona fide residence upon and the amount of their improvements made on the lands for which they were unable to complete title. In the event that any entryman entitled to the benefits of this Act shall have died, the right to make such second entry shall inure to his surviving widow, and if there be no widow living then to his minor child or children, if any, in the manner hereinbefore provided: *Provided*, That no such person shall be entitled to the benefits of this Act who shall fail to make entry within two years after the passage of this Act: *And provided further*, That this Act shall not be considered as entitling any person to make another homestead entry who shall have received the benefits of the homestead law since being prevented, as aforesaid, from completing title to the lands as aforesaid settled upon and improved by him.

Widow's, etc., rights.

Provisos,
Time limit.

Second entries for-
bidden.

Nebraska.
Vol. 33, p. 548.

SEC. 7. That section two of an Act entitled "An Act to amend the homestead laws as to certain unappropriated and unreserved lands in Nebraska," approved April twenty-eighth, nineteen hundred and four, be, and the same hereby is, amended to read as follows:

Additional entries
by present homestead-
ers.

"SEC. 2. That entrymen under the homestead laws of the United States within the territory above described who own and occupy the lands heretofore entered by them may, under the provisions of this Act and subject to its conditions, enter other lands contiguous to their

said homestead entry, which shall not, with the land so already entered, owned, and occupied, exceed in the aggregate six hundred and forty acres; and residence continued and improvements made upon the original homestead, subsequent to the making of the additional entry, shall be accepted as equivalent to actual residence and improvements made upon the additional land so entered, but final entry shall not be allowed of such additional land until five years after first entering the same, except in favor of entrymen entitled to credit for military service."

SEC. 8. That such portions of the lands of the abandoned Fort Sheridan Military Reservation, and of the abandoned Fort McPherson Military Reservation which were added to the original Fort McPherson Military Reservation by Executive order dated April nineteenth, eighteen hundred and seventy-eight, title to which remains in the Government and have become subject to homestead entry, be, and the same are hereby, exempted from the payment of the appraised values imposed by the Act of Congress approved July fifth, eighteen hundred and eighty-four, and this provision shall include existing unperfected entries.

SEC. 9. That no final certificate issued upon proof offered under the commutation provisions of the homestead laws prior to the passage of this Act shall be canceled solely upon the ground of insufficient residence in any case where such proof shows that the entryman had in good faith resided upon and improved the lands covered by his entry for at least eight months within the year immediately preceding the submission of such proof, and in all such cases where the final certificate has been canceled because of insufficient residence such certificate shall, upon application made therefor by the entryman, his heirs or assigns, within one year from the passage of this Act, be reinstated and confirmed if no fraud was practiced by the entryman and no valid adverse rights have attached to the land affected thereby at the date of the filing of such application.

SEC. 10. That no homestead entry heretofore made under the provisions of section two of the Act of Congress entitled "An Act for the relief of the Colorado Cooperative Colony, to permit homestead entries in certain cases, and for other purposes," approved June fifth, nineteen hundred, shall be canceled for the reason that the former entry made by the entryman was commuted under the provisions of an Act entitled "An Act relating to the public lands of the United States," approved June fifteenth, eighteen hundred and eighty (Twenty-first Statutes, page two hundred and thirty-seven). And all entries heretofore canceled on the ground that an entryman who commuted under the provisions of said Act of June fifteenth, eighteen hundred and eighty, is not entitled to the benefits of the Act of June fifth, nineteen hundred, shall be reinstated upon a showing by the entryman or his heirs, within one year from the approval of this Act, that there were no valid grounds for the cancellation of such entries except that a former entry was perfected under the Act of June fifteenth, eighteen hundred and eighty, in all cases where valid adverse rights have not attached to the lands covered by such second entries since the date of their cancellation.

SEC. 11. That all the provisions of the mining laws of the United States are hereby extended and made applicable to the undisposed-of lands in the Bitter Root Valley, State of Montana, above the mouth of the Lo Lo Fork of the Bitter Root River, designated in the Act of June fifth, eighteen hundred and seventy-two: *Provided*, That all mining locations and entries heretofore made or attempted to be made upon said lands shall be determined by the Department of the Interior as if said lands had been subject to mineral location and entry at the time such locations and entries were made or attempted to be made: *And provided further*, That this Act shall not be applicable to lands withdrawn for administration sites for use of the Forest Service.

Residence, etc., on original homestead accepted.
Vol. 33, p. 548, amended.

Fort McPherson Military Reservation.
Parts of, exempt from appraised values.

Vol. 23, p. 103.

Homestead commutations.
Not canceled on ground of insufficient residence.
Requirements.

Canceled certificates reinstated, etc.
Exception.

Commutated homestead entries.
Certain, not to be canceled.

Vol. 31, p. 268.

Vol. 21, p. 237.

Reinstatement of canceled entries.

Bitter Root Valley, Mont.
Mining laws extended to all undisposed-of lands in.
Vol. 17, p. 227.

Provisos.
Determining locations, etc.

Exception.

Military land warrant, etc., patents declared valid.

Certain locations legalized, etc.

Proviso.
Restriction.

North Dakota and South Dakota.
Lemmon land district established.
Boundaries.

Office at Lemmon.
Register and receiver.

Fees of registers and receivers.
R. S., sec. 2238, p. 393, amended.

Desert land added.

Fees, General Land Office.
R. S., sec. 461, p. 78.
Vol. 25, p. 76, amended.

SEC. 12. That all patents heretofore issued on applications made for title to public lands between June fifth, nineteen hundred and one, and June twentieth, nineteen hundred and seven, with either military bounty land warrants, agricultural college land scrip, or surveyor-general's certificates, be, and the same are hereby, declared valid; and that all such locations, where the applications to locate were made between June fifth, nineteen hundred and one, and June twentieth, nineteen hundred and seven, with either military bounty land warrants, agricultural college land scrip, or surveyor-general's certificates, and upon which patents have not been issued, but which may hereafter be approved for patent by the Department under the ruling in the case of Roy McDonald, December twenty-first, nineteen hundred and seven, are hereby declared legal, and the Commissioner of the General Land Office is hereby authorized and directed to issue patents on all such locations which may be approved by him for patent as above provided: *Provided*, That they are otherwise in accordance with the rules and regulations in such cases made and provided.

SEC. 13. That all that part of the States of North and South Dakota lying within the following-described boundaries, to wit: Commencing at a point on the boundary line between the States of North and South Dakota where the east boundary line of the county of Schnasse intersects said State line, thence due north to a point on the eighth standard parallel north; thence west on said eighth standard parallel north to a point where the boundary line between the States of North Dakota and Montana intersects the said eighth standard parallel north; thence south on the boundary line between the States of North Dakota and Montana and South Dakota and Montana to a point where the fourth standard parallel north intersects said State boundary line; thence east on the said fourth standard parallel north to the northeast corner of township sixteen north, of range nine east; thence south along the range line between ranges nine and ten east to a point where the same intersects the third standard parallel north; thence east on said third standard parallel north to a point where the same intersects the western boundary line of the county of Schnasse; thence north along the western boundary line of said county to a point where the same intersects the fifth standard parallel north; thence east along the said fifth standard parallel north to a point where the same intersects the range line between ranges twenty-three and twenty-four east; thence along said range line to a point where the same intersects the State line between the States of North Dakota and South Dakota; thence west along the said State line to the point of beginning, be, and the same hereby is, constituted a new land district, to be known as the Lemmon land district; and the United States land office for said district is hereby located at the town of Lemmon, in Butte County. That the President be, and he hereby is, authorized to appoint, by and with the advice and consent of the Senate, a register and a receiver for said land district, and they shall be subject to the same laws and be entitled to the same compensation as is or may be hereafter provided by law in relation to the existing land offices and officers in said State.

SEC. 14. That subdivision ten of section twenty-two hundred and thirty-eight of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

“Tenth. Registers and receivers are allowed jointly at the rate of fifteen cents per hundred words for testimony reduced by them to writing for claimants in establishing preemption, desert-land, and homestead rights.”

SEC. 15. That section four hundred and sixty-one of the Revised Statutes of the United States, as amended by the Act approved April second, eighteen hundred and eighty-eight, be, and the same is hereby, amended to read as follows:

“SEC. 461. All exemplifications of patents or papers on file or of record in the General Land Office which may be required by parties interested shall be furnished by the Commissioner upon payment by such parties at the rate of fifteen cents per hundred words, and thirty cents each for photolithographic copies of township plats or diagrams unverified, not to exceed ten copies to any one person, and twenty-five cents each for all copies in excess of ten, with an additional sum of one dollar for the Commissioner's certificate of verification, with the General Land Office seal; and the amount so received shall, under the direction of the Commissioner, be paid into the Treasury; but fees shall not be demanded for such authenticated copies as may be required by the officers of any branch of the Government, nor for such unverified copies as the Commissioner, in his discretion, may deem proper to furnish; but said Commissioner may, if he deem it advisable, make such charge for unverified copies as will, in his judgment, cover the cost of the preparation thereof.”

Exemplifications of patents, etc.

Fees for copies of records.

Unverified copies to Departments. Commissioner may charge for cost of.

SEC. 16. That each member of the selecting commission mentioned and described in section eight of the Act of Congress approved June twenty-first, eighteen hundred and ninety-eight, entitled “An Act to make certain grants of land to the Territory of New Mexico, and for other purposes,” consisting of the governor of the Territory of New Mexico, the surveyor-general of said Territory, and the attorney-general thereof, may receive from said Territory such compensation for their services as members of said commission as the legislative assemblies of said Territory may from time to time provide, not to exceed the sum of six hundred dollars each per annum.

New Mexico. School land grants. Compensation to selecting commission. Vol. 30, p. 485.

Minimum.

SEC. 17. That the Secretary of the Interior is hereby authorized to sell to the State of Idaho section eighteen, the south half of section seven, township eleven north, range forty-four east, and the south half of section twelve of township eleven north, range forty-three east, Boise meridian, providing that the State of Idaho shall pay one dollar and twenty-five cents per acre for the land, and providing the Secretary of the Interior shall be assured by the State of Idaho that the lands so purchased shall be used for a State fish hatchery and game reserve, and if not so used for a period of five years shall revert to the Government of the United States.

Idaho. Sale of land to, for State fish hatchery, etc.

Price per acre.

Reversion.

SEC. 18. That the south two hundred feet, lot two, Block A, as shown by the plat of Perry town site, approved by the Commissioner of the General Land Office September fourteenth, eighteen hundred and ninety-three, be, and the same is hereby, conveyed to and given to the city of Perry, State of Oklahoma, for a city library and other city and public buildings.

Perry, Okla. Land for public buildings conveyed to.

SEC. 19. That the title of block one, being ten acres reserved by law for park, school, and other public purposes, of the plat of Luther M. McGuire, of the southwest quarter of the northwest quarter of section eight, township twenty-two north of range six west of the Indian meridian, as filed with and approved by the Secretary of the Interior, with the application of the said Luther M. McGuire as homestead entryman of said lands to purchase the same for town-site purposes, be, and the same is hereby, vested in the municipality of the city of Enid, State of Oklahoma, for park, school, and other public purposes.

Enid, Okla. Certain land granted to.

SEC. 20. That all that tract or parcel of land in the city of Dubuque, heretofore known as Saint Raphael's Cemetery, and described as follows: “A tract of land three hundred and eighty-two feet in width and four hundred and five feet in length, bounded on the north by Third street, on the south by outlots six hundred and ninety-eight and six hundred and ninety-three A, on the east by outlot six hundred and ninety-three, and on the west by outlot seven hundred and twenty-three,” the same being the identical property which was in use as a Catholic cemetery in eighteen hundred and thirty-six, and having been

Dubuque, Iowa. Saint Raphael's Cemetery granted to archbishop of. Description.

Ante, p. 423.

in the open, continuous, and uninterrupted possession of a Catholic Church of Dubuque from said date until the present time, the title of the church to the same having never been contested nor questioned, and the boundaries of the property to-day being identical with those described in the original plat of Dubuque, is hereby granted to the Most Reverend John J. Keane, as archbishop of Dubuque, and to his successors in office, and the title thereto is confirmed and established accordingly.

Minnesota and
Manitoba Railroad
Company.
May convey land on
right of way to Thomas
Cathcart.
Description.

Vol. 31, p. 134.

Alienation restric-
tions removed, etc.

SEC. 21. That the Minnesota and Manitoba Railroad Company is hereby authorized to convey in fee simple to Thomas Cathcart, his heirs and assigns, such part as may not be needed for railway purposes of the following-described land, to wit: Lots three and four and the easterly one hundred and forty feet of the southwest quarter of section thirty-five, in township one hundred and sixty-one north, range thirty-one west, granted to it for railroad purposes by Act of Congress entitled "An Act granting the right of way to the Minnesota and Manitoba Railroad Company across the ceded portion of the Chippewa (Red Lake) Indian Reservation, Minnesota," approved April seventeen, nineteen hundred, and the restrictions upon alienation upon said grant are hereby removed, and the United States hereby relinquishes all claim or title and hereby conveys to said railroad company the fee to such part of said land as shall be conveyed to said Thomas Cathcart.

Pawnee Indian Res-
ervation, Okla.
Disqualification of
Charles A. Going to
enter lands in, re-
moved.

Entry restored.

Proviso.
Price per acre.

SEC. 22. That the disqualification of Charles A. Going to enter lands under the homestead laws in force in the State of Oklahoma and applying to lands opened to settlement in the Pawnee Indian Reservation, in the said State, arising by reason of the said Charles A. Going having heretofore entered a homestead in the State of Kansas, be, and the same are hereby, removed, and that the entry of said Charles A. Going of the southeast quarter of section numbered four, in township numbered twenty-two north, of range numbered four east of the Indian meridian, in Pawnee County, Oklahoma Territory, be, and the same is, restored as fully and to all intents and purposes as if the said Charles A. Going at the time of entering said lands had been qualified under the laws of the United States to enter the same: *Provided*, That the said Going shall pay the sum of one dollar and twenty-five cents per acre for said land.

Crookston land dis-
trict, Minn.
Entry of lands by
Walter H. Quist in,
allowed.
Vol. 33, p. 46.

SEC. 23. That the homestead entry of Walter H. Quist for the southeast quarter of section thirty-five, in township one hundred and fifty-four north, range thirty-nine west, in the Crookston land district, Minnesota, under the Act approved February twentieth, nineteen hundred and four, entitled "An Act to authorize the sale of a part of what is known as the Red Lake Indian Reservation, in the State of Minnesota," upon which final proof and full payment was made, but which was held for cancellation by the Secretary of the Interior for want of qualification to make the same, be, and the same is hereby, allowed and permitted to remain of record as of the date of said entry, and that patent shall issue in the name of said Walter H. Quist for said land.

Fargo land district,
N. Dak.
Entry of land in, by
Annie Ward, formerly
Annie Brown, con-
firmed.

Patent.

SEC. 24. That the entry of Annie Ward, formerly Annie Brown, of the southwest quarter of section twenty, township one hundred and forty-four north, range seventy-one west, in the Fargo land district, in the State of North Dakota, held for cancellation by the Commissioner of the General Land Office and ordered canceled by the Secretary of the Interior, be, and the same is hereby, confirmed, and the Secretary of the Interior is hereby authorized and directed to cause a patent to the land embraced within said entry to be issued to the said Annie Ward, formerly Annie Brown, provided there is no valid adverse claim for such land.

SEC. 25. That the title of Raleigh Brewer, senior, in and to the southeast quarter of section ten, township fifteen north, range nineteen east, Noxubee County, Mississippi, as assignee of the conveyance of Tish-o-no-wah, executed June second, eighteen hundred and thirty-one, to Reuben H. Grant and Jefferson Clement, be, and the same is hereby, quieted and confirmed, and patent therefor shall be issued to Raleigh Brewer, senior.

Raleigh Brewer.
Title to land in
Noxubee County,
Miss., confirmed.

SEC. 26. That the following-described land, to wit, the southeast quarter of the northwest quarter of section thirty, and the point of land in section eighteen extending from lot one in section nineteen, omitted from the original United States land survey, but which is shown upon the plat of survey made under the direction of the War Department by the United States engineer office at Saint Paul for the Gull Lake Reservoir, in Minnesota, which said land was reserved for reservoir purposes and the reservation approved by the President January eighteenth, eighteen hundred and ninety-six, in township one hundred and thirty-four north, of range twenty-nine west, in the State of Minnesota, be, and the same hereby is, restored to the public domain subject to homestead entry; and all prior rights of settlement and entry, or attempted entry, are hereby reserved to the occupant and claimant of the land, to be passed upon and determined by the Commissioner of the General Land Office: *Provided, however,* That any homestead entry of said land or final certificate or patent that may be issued therefor shall be subject to the right of the United States to construct and maintain a dam for reservoir purposes at Gull Lake and to flood any part of said land by means of said dam.

Gull Lake Reser-
voir, Minn.
Land reserved for,
restored to public do-
main.

Prior rights reserved.

Proviso.
Reservation for
dam.

SEC. 27. That the Commissioner of the General Land Office be, and he is hereby, authorized and directed to issue a patent to the assignees of Warner Bailey conveying all the right, title, and interest of the Government of the United States in and to the following-described land: West half northeast quarter and east half northwest quarter section thirty-six, township twelve north, range three west, lying and situated in Choctaw County, State of Alabama: *Provided,* That the said patent shall be in full satisfaction of and shall extinguish military bounty land warrant numbered seventy-five thousand seven hundred and forty-three.

Warner Bailey.
Patent to assignees
of.

Proviso.
Land warrant.

That the Secretary of the Interior be, and he is hereby, authorized to cause to be made a resurvey of the lands in the following townships: nine north, ranges eighty-six to eighty-nine, inclusive; eight north, ranges eighty-six to eighty-nine, inclusive; seven north, ranges eighty-six to ninety-one, inclusive; six north, ranges eighty-five to ninety-one, inclusive; five north, ranges eighty-five to ninety-one, inclusive; four north, ranges eighty-five to eighty-nine, inclusive, and ninety-one; three north, ranges eighty-five and eighty-six; one south, ranges one hundred and one and one hundred and two; two south, ranges one hundred and one and one hundred and two; three, south, ranges one hundred to one hundred and three, inclusive; four south, ranges one hundred to one hundred and two, inclusive; seven south, range one hundred and two; eight south, ranges one hundred and two and one hundred and three; ten south, range ninety-seven; eleven south, ranges ninety-seven and ninety-eight; twelve, south, ranges ninety-three to ninety-eight, inclusive; thirteen south, ranges eighty-nine to ninety-six, inclusive; and ninety-eight; fourteen south, ranges eighty-nine and ninety-six; twelve north, ranges eighty-seven to ninety-one, inclusive; eleven north, ranges eighty-seven to ninety, inclusive; ten north, ranges eighty-six to eighty-nine, inclusive; four north, range ninety; three north, ranges eighty-eight to ninety-one, inclusive; fifteen south, range eighty-nine; nineteen south, range fifty-four; all west of the sixth principal meridian, also of the lands in townships thirty-three and thirty-four north, of range two west of the New Mexico principal meridian, and of the lands in Cheyenne County, all

Colorado.
Resurvey of lands in.
Description.

Regulations abrogated.

Provisos.
Present claims not affected.

Inaccurate surveys.

in the State of Colorado; and all rules and regulations of the Interior Department requiring petitions from all settlers in said townships asking for resurvey and agreements to abide by the result of same, so far as any of these lands are concerned, are hereby abrogated: *Provided*, That nothing herein contained shall be so construed as to impair the present bona fide claim of any actual occupant on any of said lands so occupied: *And provided further*, That before any survey is ordered under this Act it shall be made to appear to the Secretary of the Interior that the former official survey of said lands is so inaccurate or obliterated as to make it necessary to resurvey the lands, and only such parts of the lands described herein where the survey is so inaccurate or obliterated shall be resurveyed.

Approved, May 29, 1908.

May 29, 1908.
[S. 6200.]

[Public, No. 161.]

Rights of way.
Salt Lake City, Utah,
granted easement,
etc., over Fort Douglas
Military Reservation.

Proviso.
Conditions.

CHAP. 221.—An Act Granting certain rights of way and providing for certain exchanges of the same.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby granted to Salt Lake City, a municipal corporation organized and existing under the laws of the State of Utah, a perpetual easement and right of way for the operation, maintenance, repair, and renewal of the conduit and pipe line as now constructed over and upon the Fort Douglas Military Reservation in said State, the same being connected with the water supply system of the said city; and also for the construction, operation, maintenance, repair, and renewal of all valve houses which may be deemed necessary in connection with said pipe line: *Provided*, That the said conduit and pipe line must be at all times maintained entirely below the surface of the ground; that the ground must be at all times kept in such condition as will enable troops to pass over the same without hindrance; that no fences shall be constructed to prevent the passage of troops and that all work done upon the reservation in pursuance of this grant shall be to the satisfaction of the post commander and under such regulations as he may prescribe in the interest of good order and discipline; and that in case of the removal of the conduit or pipe line or any of the valve houses the ground shall be restored by the grantee to its original condition.

Plattsburg, N. Y.
Delaware and Hudson
Company granted
right of way through
military reservation
at.

Conditions.

SEC. 2. That the Secretary of War be, and he is hereby, authorized and empowered, upon the release to the United States by the Delaware and Hudson Company, or its subsidiary companies, of all rights of way and other easements of said company and of its subsidiary companies within the limits of the military reservation of Plattsburg Barracks, at Plattsburg, in the county of Clinton and State of New York, as said reservation existed prior to January first, eighteen hundred and ninety, to convey to said Delaware and Hudson Company, its successors and assigns, for the operation and maintenance of its railway, a right of way one hundred feet wide through said military reservation, together with a right of way sixty-six feet wide along the north end of the reservation, and the right to occupy and use about two acres in the northeast corner of the same, within limits described in and shown upon a blueprint attached to a memorandum of agreement made between said company and the United States represented by Major J. G. Galbraith, Inspector-General United States Army, in October, nineteen hundred and six: *Provided*, That except as to the said two-acre tract in the northeast corner of the reservation, which may be used for the storage of cars, engines, and so forth, the right of way herein authorized to be granted shall be used for main and passing track purposes only, and not for the storage of cars, engines, and so forth, thereon; and that the occupation and use of any land

Proviso.
Restriction.