

the United States for a trespass on such public timber lands or to recover timber or lumber cut thereon, it shall be a defense if the defendant shall show that the said timber was so cut or removed from the timber lands for use in such State or Territory by a resident thereof for agricultural, mining, manufacturing, or domestic purposes, and has not been transported out of the same; but nothing herein contained shall apply to operate to enlarge the rights of any railway company to cut timber on the public domain: *Provided*, That the Secretary of the Interior may make suitable rules and regulations to carry out the provisions of this section". It was amended to read as set forth here by act Mar. 3, 1891, ch. 559, except that after the word "Wyoming," the words "New Mexico and Arizona," were inserted by act Feb. 13, 1893, and after the word "Nevada," the words "California, Oregon, and Washington" were inserted by act Mar. 3, 1901, ch. 855.

In the section as originally enacted the words "Territory of Alaska" read "District of Alaska," and the words "the Territory of," preceded the word "Utah".

Act July 1, 1898, amended section in the manner set out in section 611 of this title.

Act Mar. 3, 1919, ch. 111, amended section in the manner set out in section 608 of this title.

Act Mar. 3, 1919, ch. 115, amended section in the manner set out in section 609 of this title.

Act Feb. 27, 1922, amended section in the manner set out in section 610 of this title.

Act Aug. 21, 1935, amended section in the manner set out in section 611a of this title.

The portion of the section omitted here prescribed the time within which suits by the United States to annul patents should be brought, and is classified to section 2506 of Title 43, Public Lands.

AMENDMENTS

1959—Pub. L. 86-70 included Alaska within the enumeration of States and struck out provisions which related to Territory of Alaska.

§ 607a. Cutting and use of timber in Alaska by settlers, residents, miners, etc.

The Secretary of the Interior may permit under regulations to be prescribed by him the use of timber found upon the public land in Alaska by actual settlers, residents, individual miners, and prospectors for minerals, for firewood, fencing, buildings, mining, prospecting, and for domestic purposes, as may actually be needed by such persons for such purposes and may permit such use by churches, hospitals, and charitable institutions in Alaska for firewood, fencing, buildings, and for domestic purposes.

(May 14, 1898, ch. 299, § 11, 30 Stat. 414; June 15, 1938, ch. 437, 52 Stat. 699.)

Editorial Notes

CODIFICATION

Section is comprised of the last sentence of section 11 of act May 14, 1898. The remainder of section 11 of act May 14, 1898, is classified to section 615a of this title.

Section was formerly classified to section 423 of Title 48, Territories and Insular Possessions.

AMENDMENTS

1938—Act June 15, 1938, inserted last clause relating to use of timber by churches, hospitals, and charitable institutions.

§ 608. Permits to cut and remove timber; citizens of Malheur County, Oregon

It shall be lawful for the Secretary of the Interior to grant permits under the provisions of

section 607 of this title to citizens of Malheur County, Oregon, to cut timber in the State of Idaho for agricultural, mining, or other domestic purposes, and to remove the timber so cut to Malheur County, State of Oregon.

(Mar. 3, 1891, ch. 561, § 8 (part), as added Mar. 3, 1919, ch. 111, 40 Stat. 1321.)

Editorial Notes

CODIFICATION

Section is derived from act Mar. 3, 1919, which recites that it amends section 8 of act Mar. 3, 1891, which is the source of section 607 of this title, by adding this section thereto. Section 8 of act Mar. 3, 1891, is classified to sections 607, 608 to 611a of this title.

§ 609. Permits to cut and remove timber; citizens of Modoc County, California

It shall be lawful for the Secretary of the Interior to grant permits under the provisions of section 607 of this title, to citizens of Modoc County, California, to cut timber in the State of Nevada for agricultural, mining, or other domestic purposes, and to remove the timber so cut to Modoc County, State of California.

(Mar. 3, 1891, ch. 561, § 8 (part), as added Mar. 3, 1919, ch. 115, 40 Stat. 1322.)

Editorial Notes

CODIFICATION

Section is derived from act Mar. 3, 1919, which recites that it amends section 8 of act Mar. 3, 1891, which is the source of section 607 of this title, by adding this section thereto. Section 8 of act Mar. 3, 1891, is classified to sections 607, 608 to 611a of this title.

§ 610. Permits to cut and remove timber; citizens of Washington County and Kane County, Utah

It shall be lawful for the Secretary of the Interior to grant permits under the provisions of section 607 of this title, to citizens of Washington County and of Kane County, Utah, to cut timber on the public lands of the counties of Mohave and Coconino, Arizona, for agricultural, mining, or other domestic purposes, and remove the timber so cut to said Washington County and Kane County, Utah.

(Mar. 3, 1891, ch. 561, § 8 (part), as added Feb. 27, 1922, ch. 82, 42 Stat. 398.)

Editorial Notes

CODIFICATION

Section is derived from act Feb. 27, 1922, which recites that it amends section 8 of act Mar. 3, 1891, which is the source of section 607 of this title, by adding this section thereto. Section 8 of act Mar. 3, 1891, is classified to sections 607, 608 to 611a of this title.

§ 611. Permits to cut and remove timber; citizens of Idaho and Wyoming

It shall be lawful for the Secretary of the Interior to grant permits under the provisions of section 607 of this title, to citizens of Idaho and Wyoming to cut timber in the State of Wyoming west of the Continental Divide on the Snake River and its tributaries to the boundary line of

Idaho, for agricultural, mining, or other domestic purposes, and to remove the timber so cut to the State of Idaho.

(Mar. 3, 1891, ch. 561, § 8 (part), as added July 1, 1898, ch. 546, § 1, 30 Stat. 618.)

Editorial Notes

CODIFICATION

Section is derived from act July 1, 1898, which recites that it amends section 8 of act Mar. 3, 1891, which is the source of section 607 of this title, by adding this section thereto. Section 8 of act Mar. 3, 1891, is classified to sections 607, 608 to 611a of this title.

§ 611a. Permits to cut and remove timber; citizens of Bear Lake County, Idaho

The Secretary of the Interior is authorized to grant permits, subject to the provisions of section 607 of this title, to citizens of Bear Lake County, Idaho, to cut and remove timber on the unappropriated public domain in Lincoln County, Wyoming, for domestic use in Bear Lake County, Idaho: *Provided*, That no live standing timber shall be taken without compensation.

(Mar. 3, 1891, ch. 561, § 8 (part), as added Aug. 21, 1935, ch. 591, 49 Stat. 665.)

Editorial Notes

CODIFICATION

Section is derived from act Aug. 1, 1935, which recites that it amends section 8 of act Mar. 31, 1891, which is the source of section 607 of this title, by adding this section thereto. Section 8 of act Mar. 3, 1891, is classified to sections 607, 608 to 611a of this title.

§ 612. Permits to cut and remove timber to certain corporations

It shall be lawful for the Secretary of the Interior to grant permits in accordance with the provisions of section 607 of this title, to corporations incorporated under a Federal law of the United States or incorporated under the laws of a State or Territory of the United States, other than the State in which the privilege is requested, said permits to confer the same rights and benefits upon such corporations as are conferred upon corporations incorporated in the State in which the privilege is to be exercised: *Provided*, That all such corporations shall first have complied with the laws of that State so as to entitle them to do business therein; but nothing herein shall operate to enlarge the rights of any railway company to cut timber on the public domain.

(Jan. 11, 1921, ch. 22, 41 Stat. 1088.)

Editorial Notes

CODIFICATION

See portion of note under section 604 of this title relative to act Jan. 11, 1921, which is applicable equally to this section.

§ 613. Limitations of use of timber taken not to apply to certain territory

The provisions of section 607 of this title, limiting the use of timber taken from public lands to residents of the State in which such timber is

found, for use within said State, shall not apply to the south slope of Pryor Mountains, in the State of Montana, lying south of the Crow Reservation, west of the Big Horn River, and east of Sage Creek; but within the above-described boundaries the provisions of said section shall apply equally to the residents of the States of Wyoming and Montana, and to the use of timber taken from the above-described tract in either of the above-named States.

(Mar. 3, 1901, ch. 862, 31 Stat. 1439.)

§§ 614, 615. Repealed. Pub. L. 87-689, § 2, Sept. 25, 1962, 76 Stat. 588

Sections, acts Mar. 4, 1913, ch. 165, §§ 1, 2, 37 Stat. 1015, 1016; July 3, 1926, ch. 779, §§ 1, 2, 44 Stat. 890, 891, related to sale of timber killed or damaged by forest-fires and to disposal of proceeds of sale of burnt timber on an existing claim.

Statutory Notes and Related Subsidiaries

SAVINGS PROVISION

Pub. L. 87-689, § 2, Sept. 25, 1962, 76 Stat. 588, provided in part that rights and liabilities existing under sections 614 and 615 of this title on Sept. 25, 1962, shall not be affected thereby.

§ 615a. Sale of timber in Alaska; appraisal; local consumption; accounting; deposit in Treasury

The Secretary of the Interior, under such rules and regulations as he may prescribe, may cause to be appraised the timber or any part thereof upon public lands in Alaska, and may from time to time sell so much thereof as he may deem proper for not less than the appraised value thereof, in such quantities to each purchaser as he shall prescribe, to be used in Alaska except as aforesaid, but not for export therefrom except as provided under section 615b of this title. And such sales shall at all times be limited to actual necessities for consumption in Alaska from year to year, and payments for such timber shall be made to such officer as the Secretary of the Interior may designate of the local land office of the land district in which said timber may be sold, under such rules and regulations as the Secretary of the Interior may prescribe, and the moneys arising therefrom shall be accounted for by such officer as the Secretary of the Interior may designate to the Secretary of the Interior in a separate account, and shall be covered into the Treasury.

(May 14, 1898, ch. 299, § 11, 30 Stat. 414; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1144; 1946 Reorg. Plan. No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

Editorial Notes

CODIFICATION

Section is comprised of the first two sentences of section 11 of act May 14, 1898, the remainder of section 11 of act May 14, 1898, is classified to section 607a of this title.

Section was formerly classified to section 421 of Title 48, Territories and Insular Possessions.