AMENDMENTS

1951—Act Oct. 25, 1951, inserted ''until disposed of as provided by law''.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

''Secretary of the Interior or such officer as he may designate'' substituted for ''Supervisor of Surveys'' on authority on section 403 of Reorg. Plan No. 3 of 1946. See note set out under section 1 of this title.

Previously, ''Supervisor of Surveys'' was substituted for ''surveyor general'' by act Mar. 3, 1925.

§ 60. Stationery for mineral surveys

The stationery and drafting instruments purchased on and after March 3, 1901, for exclusive use of the Secretary of the Interior or such officers as he may designate in the preparation of plats and field notes of mineral surveys, as also the rent of additional quarters that may be necessary for the execution of such work, shall be paid for out of the fund created by deposits made by individuals to the credit of the United States to cover the cost of office work on such mineral surveys.

(Mar. 3, 1901, ch. 830, §1, 31 Stat. 1003; 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.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

''Secretary of the Interior or such officer as he may designate'' substituted for ''Field Surveying Service'' on authority of section 403 of Reorg. Plan No. 3 of 1946. See note set out under section 1 of this title.

Previously, ''Field Surveying Service'' substituted for ''surveyors-general'' on authority of act Mar. 3, 1925, which abolished office of surveyor general and transferred its activities to Field Surveying Service.

§§ 61 to 63. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1029

Section 61, R.S. §2230; act Mar. 3, 1925, ch. 462, 43 Stat. 1144, related to bonds for deputy surveyors.

Section 62, R.S. §2231, act Mar. 3, 1925, ch. 462, 43 Stat. 1144, related to oath of deputy surveyors.

Section 63, R.S. §2232; act Mar. 3, 1925, ch. 462, 43 Stat. 1144, related to suits on bond of deputy surveyors.

CHAPTER 4—DISTRICT LAND OFFICES

Sec.
70 to 74. Repealed or Omitted.
75. Administration of oaths.
75a to 79b. Repealed.
79c. Payment of fees, commissions, etc.; deposit in Treasury.
79d. Alaska land claimant liable for fees, commissions or purchase money; deposit in Treasury.
80 to 82. Repealed.
83. Transcripts of records as evidence.
84, 85. Repealed or Omitted.
86. Accounting for fees for notices of cancellation of entries.
87, 88. Repealed.
89. Monthly returns of district land offices.
90. Omitted.
91. Deposit in Treasury of unearned fees and unofficial moneys.
92. Lists furnished with deposits.
93. Deposit of moneys deposited by unknown parties.
94. Reimbursement of sums disbursed as special disbursing agents.
95 to 98a. Repealed.
99. Repayment of moneys deposited and covered into Treasury.
100. Disqualification.
101. Report of disqualification; designation of officer to act.
102. Attendance of witnesses.
103. Witnesses' fees.
104. Disobedience to subpoena.
105. Depositions of witnesses residing outside county.
106. Continuing taking of depositions in behalf of opposite party.
107. Penalty for false information.

§§ 70 to 73. Repealed. Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 632, 638, 645, 646

Section 70, act Oct. 28, 1921, ch. 114, §1, 42 Stat. 208, consolidated offices of register and receiver.

Section 71, act Mar. 3, 1925, ch. 462, 43 Stat. 1145, provided for consolidation of offices of register and receiver, effective July 1, 1925.

Section 72, R.S. §2334; acts Jan. 27, 1898, ch. 10, 30 Stat. 234; Oct. 28, 1921, ch. 114, §1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, §403, 11 F.R. 7876, 60 Stat. 1100, related to duties of Secretary of the Interior concerning sale of public lands.

Section 73, act Oct. 28, 1921, ch. 114, §2, 42 Stat. 208, related to designation of chief clerk to act in case of death, resignation, removal, or disability of register.

PRIOR PROVISIONS

Provisions similar to section 71 of this title were contained in the following prior appropriation acts:

Jan. 24, 1923, ch. 42, 42 Stat. 1179.
June 30, 1922, ch. 255, §1, 42 Stat. 766.
May 24, 1922, ch. 199, 42 Stat. 557.
Mar. 24, 1921, ch. 161, 41 Stat. 1397.
June 5, 1920, ch. 235, 41 Stat. 907.
July 19, 1919, ch. 24, 41 Stat. 194.

Act May 24, 1922, ch. 199, 42 Stat. 557, abolished land office at Springfield and offices of register and receiver thereat.

Act May 2, 1914, ch. 74, §§1, 2, 38 Stat. 371, 372, abolished office of receiver of public moneys at Springfield, Mo., transferred his duties and custody of books, records, etc., to register, and contained other provisions concerning register's duties.

Act. Mar. 2, 1895, ch. 177, §3, 28 Stat. 807, required duplication of reports and returns of registers and receivers to be prevented by regulations.

Act. Oct. 1, 1890, ch. 1269, §2, 26 Stat. 657, concerned taking of final proofs by remaining officer in case of a vacancy in office of register or receiver.

§ 74. Omitted

CODIFICATION

Section, R.S. §2228, acts Oct. 28, 1921, ch. 114, §1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145, which authorized President to transfer duties of register in any district to Supervisor of Surveys, was omitted pursuant to Reorg. Plan No. 3 of 1946, §403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100. See note set out under section 1 of this title.

§ 75. Administration of oaths

The officer designated by the Secretary of the Interior is authorized, and it shall be his duty,

to administer any oath required by law or the instructions of the Bureau of Land Management, in connection with the entry or purchase of any tract of the public lands; but he shall not charge or receive, directly or indirectly, any compensation for administering such oath.

(R.S. § 2246; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

CODIFICATION

The words ''or receiver'' which followed ''register'' in the original text were omitted, in view of act Mar. 3, 1925 (classified to section 71 of this title), providing for the consolidation of the offices of register and receiver. See, also, Transfer of Functions note below.

R.S. § 2246 derived from act June 12, 1840, ch. 35, 5 Stat. 384.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

Reference to ''register'' changed to ''officer designated by the Secretary of the Interior'' and ''Bureau of Land Management'' substituted for ''General Land Office'' on authority of section 403 of Reorg. Plan No. 3 of 1946. See note set out under section 1 of this title.

§§ 75a to 79b. Repealed. Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 632, 645, 646, 652

Section 75a, act May 17, 1926, ch. 303, 44 Stat. 558, authorized administration of oaths by an employee of Department of the Interior designated to act as register.

Section 76, R.S. § 2244; acts Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145, related to term of office of registers.

Section 77, R.S. § 2222; acts Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145, provided for continuation of duties and bond of register after expiration of his commission.

Section 78, R.S. § 2235; acts Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145, required register to reside at place where land office was located.

Section 79, R.S. § 2236; acts Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145, required registers to give bond in the penal sum of $10,000.

Section 79a, act Apr. 24, 1944, ch. 177, § 1, 58 Stat. 215, related to bond for registers.

Section 79b, act Apr. 24, 1944, ch. 177, § 2, 58 Stat. 215, related to compensation for registers.

§ 79c. Payment of fees, commissions, etc.; deposit in Treasury

No provision of this Act shall relieve any public land applicant or claimant from the necessity of making payment of fees, commissions, or other moneys required by law or regulation. Commencing sixty days after April 24, 1944, the officials of district land offices shall not receive any compensation based on fees, commissions, or other receipts and all amounts collected by them shall be covered into the Treasury of the United States.

(Apr. 24, 1944, ch. 177, § 3, 58 Stat. 215; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

REFERENCES IN TEXT

This Act, referred to in text, is act Apr. 24, 1944, ch. 177, 58 Stat. 215, as amended, which enacted sections 79a to 79c of this title, repealed sections 80 and 80a of this title, and enacted provisions set out as notes under this section. For complete classification of this Act to the Code, see Tables.

REPEALS

Section 4 of act Apr. 24, 1944, provided: ''Sections 2237 and 2240 of the Revised Statutes and the act of May 21, 1928 (45 Stat. 684; 43 U.S.C., sec. 80), as amended [sections 80 and 80a of this title], are hereby repealed, and all other provisions of law inconsistent with this Act [See References in Text note above] are repealed to the extent of such inconsistency.''

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

Words ''officials of district land offices'' substituted for ''registers'' on authority of section 403 of Reorg. Plan No. 3 of 1946. See note set out under section 1 of this title.

EXTENSION TO ALASKA

Section 5 of act Apr. 24, 1944, provided that the provisions of this Act [see References in Text note above] not extend to the territory of Alaska.

§ 79d. Alaska land claimant liable for fees, commissions or purchase money; deposit in Treasury

No provision of this Act shall relieve any public land claimant from the necessity of making payment of fees, commissions, or purchase money required by law or regulation in connection with an application, selection, location, or lease of public lands in Alaska, and all such payments, when made, shall be covered into the Treasury of the United States.

(Oct. 9, 1942, ch. 584, § 5, 56 Stat. 779.)

REFERENCES IN TEXT

This Act, referred to in text, is act Oct. 9, 1942, ch. 584, 56 Stat. 778, which enacted sections 79d and 123a of this title and sections 366 and 367 of Title 48, Territories and Insular Possessions, amended sections 80 and 751b of this title, repealed sections 366 and 367 of Title 48, and enacted provisions formerly set out as notes under section 366 of Title 48. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 367a of Title 48, Territories and Insular Possessions.

§§ 80, 80a. Repealed. Apr. 24, 1944, ch. 177, § 4, 58 Stat. 215

Section 80, R.S. §§ 2237, 2240; acts Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; May 21, 1928, ch. 661, 45 Stat. 684; Aug. 22, 1935, ch. 602, 49 Stat. 680; Oct. 9, 1942, ch. 584, § 7, 56 Stat. 779, provided that from and after Sept. 1, 1935, registers should be paid $2,000 per annum together with fees and commissions limited to $3,600 per annum. See section 79c of this title.

Section 80a, R.S. §§ 2237, 2240, provided that receivers should be paid $500 per annum together with fees and commissions limited to $3,000 per annum. See section 79c of this title.

§ 81. Repealed. Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 632, 645, 646

Section, R.S. § 2243; acts Oct. 28, 1921, ch. 115, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145, related to commencement of compensation of registers.

§ 82. Repealed. Pub. L. 86–649, title II, § 202(b), July 14, 1960, 74 Stat. 507

Section, R.S. § 2238; acts May 14, 1880, ch. 89, § 2, 21 Stat. 141; Dec. 17, 1880, ch. 2, 21 Stat. 311; July 26, 1892, ch. 251, 27 Stat. 270; Mar. 22, 1904, ch. 748, 33 Stat. 144; May 29, 1908, ch. 220, § 14, 35 Stat. 468; Jan. 24, 1923, ch. 42, 42 Stat. 1179; June 5, 1924, ch. 264, 43 Stat. 395; Mar. 3, 1925, ch. 462, 43 Stat. 1145, related to fees and commissions required to be collected by district land offices. See section 1734 of this title.

§ 83. Transcripts of records as evidence

Transcripts of the records in the district land offices, when made and duly certified to by the Secretary of the Interior or such officers as he may designate for individuals, shall be admitted as evidence in all courts of the United States and the Territories thereof, and before all officials authorized to receive evidence, with the same force and effect as the original records.

(Mar. 22, 1904, ch. 748, 33 Stat. 144; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

CODIFICATION

The words ''and receivers'' which followed ''registers'' in the original text were omitted as superseded by acts Oct. 28, 1921, and Mar. 3, 1925, providing for consolidation of the two offices. See, also, Transfer of Functions note below.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

Words ''district land offices'' substituted for ''offices of registers'' and ''the Secretary of the Interior or such officers as he may designate'' substituted for ''them'' on authority of section 403 of 1946 Reorg. Plan No. 3 of 1946. See note set out under section 1 of this title.

§ 84. Repealed. Pub. L. 86–649, title II, § 202(b), July 14, 1960, 74 Stat. 507

Section, R.S. § 2239; acts Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145, related to fees for consolidated land offices. See section 1734 of this title.

§ 85. Omitted

CODIFICATION

Section, acts Mar. 3, 1887, ch. 362, 24 Stat. 526; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; May 21, 1928, ch. 661, 45 Stat. 684, which required all fees collected by registers which would increase their salaries beyond a certain amount to be covered into the Treasury, except for certain clerical fees, was superseded by sections 79c and 79d of this title, which require all fees to be covered into the Treasury.

§ 86. Accounting for fees for notices of cancellation of entries

On and after March 4, 1911, all money or fees received or collected by the Secretary of the Interior or such officers as he may designate of United States land offices for issuing notices of cancellation of entries shall be reported and accounted for by the Secretary or such officers in the same manner as other fees or moneys received or collected.

(Mar. 4, 1911, ch. 261, §§ 1, 2, 36 Stat. 1352; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

References to ''registers of United States land offices'' and ''such registers'' changed to ''Secretary of the Interior or such officers as he may designate'' and ''the Secretary or such officers'', respectively, on authority of section 403 of Reorg. Plan No. 3 of 1946. See note set out under section 1 of this title.

§§ 87, 88. Repealed. Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 632, 634, 645, 646

Section 87, acts Mar. 3, 1883, ch. 101, § 2, 22 Stat. 484; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, 11 F.R. 7876, 60 Stat. 1100, related to plats of townships and lists of lands sold.

Section 88, R.S. § 2242; acts Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145, related to receipt of illegal fees by registers.

§ 89. Monthly returns of district land offices

The Secretary of the Interior or such officer as he may designate shall make to the Secretary of the Treasury monthly returns of the moneys received in district land offices, and pay over such money pursuant to his instructions.

(R.S. § 2245; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

CODIFICATION

The office of receiver consolidated with that of register by act Mar. 3, 1925, under a register only, the office of receiver being abolished. See, also, Transfer of Functions note below.

R.S. § 2245 derived from act July 4, 1836, ch. 352, § 9, 5 Stat. 111.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

''Secretary of the Interior or such officer as he may designate'' substituted for ''registers'', ''district land offices'' substituted for ''their several offices'', and former last sentence relating to returns to Commissioner of the General Land Office omitted on authority of section 403 of Reorg. Plan No. 3 of 1946. See note set out under section 1 of this title.

§ 90. Omitted

CODIFICATION

Section, act July 1, 1946, ch. 529, 60 Stat. 352, which required authorization of Commissioner of the General Land Office for expenses chargeable to the Government incurred by registers, was omitted pursuant to Reorg. Plan No. 3 of 1946, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, set out as a note under section 1 of this title, which abolished the offices of registers and Com-

missioner of the General Land Office. Section was not repeated in the Interior Department Appropriation Act, 1948, act July 25, 1947, ch. 337, 61 Stat. 460. Similar provisions were contained in the following prior appropriation acts:

July 3, 1945, ch. 262, 59 Stat. 323.
June 28, 1944, ch. 298, 58 Stat. 468.
July 12, 1943, ch. 219, 57 Stat. 455.
July 2, 1942, ch. 473, 56 Stat. 511.
June 28, 1941, ch. 259, 55 Stat. 310.
June 18, 1940, ch. 395, 54 Stat. 412.
May 10, 1939, ch. 119, 53 Stat. 692.
May 9, 1938, ch. 187, 52 Stat. 297.
Aug. 9, 1937, ch. 570, 50 Stat. 569.
June 22, 1936, ch. 691, 49 Stat. 1762.
May 9, 1935, ch. 101, 49 Stat. 180.
Mar. 2, 1934, ch. 38, 48 Stat. 366.
Feb. 17, 1933, ch. 98, 47 Stat. 823.
Apr. 22, 1932, ch. 125, 47 Stat. 93.
Feb. 14, 1931, ch. 187, 46 Stat. 1117.
May 14, 1930, ch. 273, 46 Stat. 283.
Mar. 4, 1929, ch. 705, 45 Stat. 1565.
Mar. 7, 1938, ch. 137, 45 Stat. 203.
Jan. 12, 1927, ch. 27, 44 Stat. 938.
May 10, 1926, ch. 277, 44 Stat. 457.
June 5, 1924, ch. 264, 43 Stat. 395.
Jan. 24, 1923, ch. 42, 42 Stat. 1179.
May 24, 1922, ch. 199, 42 Stat. 557.
June 12, 1917, ch. 27, 40 Stat. 142.
Mar. 3, 1915, ch. 75, 38 Stat. 855.

§ 91. Deposit in Treasury of unearned fees and unofficial moneys

Officers of district land officers, as designated by the Secretary of the Interior are authorized, under the direction of the Secretary of the Interior or such officer as he may designate, to deposit to the credit of the Treasurer of the United States all unearned fees and unofficial moneys that have been carried upon the books of their respective offices for a period of five years or more, which sums shall be covered into the Treasury by warrant and carried to the credit of the parties from whom such fees or moneys were received, and into an appropriation account to be denominated ''Outstanding liabilities.''

(Mar. 2, 1907, ch. 2562, § 1, 34 Stat. 1245; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

CODIFICATION

This section, as originally enacted, related to receivers of public moneys for land districts. The office of receiver was consolidated with that of register by acts Mar. 3, 1925, and Oct. 28, 1921, under which the office of receiver was abolished. See, also, Transfer of Functions note below.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

''Officers of district land offices, as designated by the Secretary of the Interior,'' substituted for ''registers'' and ''Secretary of the Interior or such officer as he may designate'' substituted for ''Commissioner of the General Land Office'' on authority of section 403 of Reorg. Plan No. 3 of 1946. See note set out under section 1 of this title.

APPROPRIATIONS

Effective July 1, 1935, the appropriation provided for in this section was repealed and provision was made for annual appropriations of sums necessary to meet expenditures by act June 26, 1934, ch. 756, § 17, 48 Stat. 1230, which was repealed by Pub. L. 97–258, § 5(b), Sept. 13, 1982, 96 Stat. 1074. See section 1322 of Title 31, Money and Finance.

§ 92. Lists furnished with deposits

At the time of making such deposit the officer designated by the Secretary of the Interior shall furnish a list showing the date when the money was paid to him or to his predecessor; the names and residences of the parties; the purposes of the payments and the amounts thereof, which list shall bear the certificate of the officer that the same is correct; that the amounts are due and payable; that diligence has been exercised to return the same, and that the sums specified have remained unclaimed for a period of five years or more.

(Mar. 2, 1907, ch. 2562, § 2, 34 Stat. 1245; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

CODIFICATION

This section, as originally enacted, related to receivers of public moneys for land districts. The office of receiver was consolidated with that of register by acts Mar. 3, 1925, and Oct. 28, 1921, under which the office of receiver was abolished. See, also, Transfer of Functions note below.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

Words ''officer designated by the Secretary of the Interior'' and ''officer'' substituted for ''register'' on authority of section 403 of Reorg. Plan No. 3 of 1946. See note set out under section 1 of this title.

§ 93. Deposit of moneys deposited by unknown parties

Amounts that appear in the accounts of a district land office as ''Moneys deposited by unknown parties'' shall also be deposited to the credit of the Treasurer of the United States, accompanied by a list showing the amount and, if possible, the date of the receipt of each item; which list shall bear the certificate of the officer designated by the Secretary of the Interior that, after careful investigation, the ownership of said moneys could not be determined, and that they have been reported in the unearned fees and unofficial moneys accounts for five years or more.

(Mar. 2, 1907, ch. 2562, § 3, 34 Stat. 1245; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

CODIFICATION

This section, as originally enacted, related to receivers of public moneys for land districts. The office of receiver was consolidated with that of register by acts Mar. 3, 1925, and Oct. 28, 1921, under which the office of receiver was abolished. See, also, Transfer of Functions note below.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with cer-

tain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

Words ''the accounts of a district land office'' substituted for ''a register's accounts'' and ''officer designated by the Secretary of the Interior'' substituted for ''register'' on authority of section 403 of 1946 Reorg. Plan No. 3 of 1946. See note set out under section 1 of this title.

§ 94. Reimbursement of sums disbursed as special disbursing agents

The Secretary of the Treasury is authorized and directed to pay, out of any unexpended balances of appropriations for contingent expenses of land offices, for the expenses of hearings in land entries and the expenses of depositing public moneys, such sums as have been or may be disbursed by officers designated by the Secretary of the Interior acting as special disbursing agents at United States land offices, before the receipt of Government funds: *Provided*, That no payment shall be made under this section in excess of the amount appropriated by the Congress for the particular purpose in each instance and for the fiscal year in which such disbursements were made: *Provided*, That all such disbursements shall have been or shall be made in pursuance of law in carrying out departmental regulations or to meet authorizations by the Secretary of the Interior or such officer as he may designate: *Provided further*, That the accounts containing such items shall have been duly approved by the Secretary of the Interior or such officer as he may designate.

(Mar. 2, 1907, ch. 2563, 34 Stat. 1245; Oct. 28, 1921, ch. 114, §1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, §403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

CODIFICATION

This section, as originally enacted, referred to receivers of public moneys. The office of receiver was consolidated with that of register by acts Mar. 3, 1925, and Oct. 28, 1921, under which the office of receiver was abolished. See, also, Transfer of Functions note below.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

''Officers designated by the Secretary of the Interior'' substituted for ''registers'' and ''Secretary of the Interior or such officer as he may designate'' substituted for ''Commissioner of the General Land Office'' on authority of section 403 of Reorg. Plan No. 3 of 1946. See note set out under section 1 of this title.

§§ 95 to 98a. Repealed. Pub. L. 86–649, title II, § 204(b), July 14, 1960, 74 Stat. 507

Section 95, acts Mar. 26, 1908, ch. 102, §1, 35 Stat. 48; Dec. 11, 1919, ch. 5, 41 Stat. 366, related to repayment of purchase moneys paid under applications rejected.

Section 96, acts Mar. 26, 1908, ch. 102, §2, 35 Stat. 48; Dec. 11, 1919, ch. 5, 41 Stat. 366, related to repayment of excess payments.

Section 97, acts Mar. 26, 1908, ch. 102, §3, 35 Stat. 48; Dec. 11, 1919, ch. 5, 41 Stat. 366; 1946 Reorg. Plan No. 3, §403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, related to certification of amount of excess moneys and repayment.

Section 98, act Mar. 26, 1908, ch. 102, §4, as added Dec. 11, 1919, ch. 5, 41 Stat. 367, related to rules and regulations.

Section 98a, act June 27, 1930, ch. 642, 46 Stat. 822, made sections 95 to 98 of this title applicable to all payments in excess of lawful requirements made under statutes relating to disposition of public lands.

§ 99. Repayment of moneys deposited and covered into Treasury

Any person or persons who shall have made payment to an officer designated by the Secretary of the Interior or to his predecessor, and the money shall have been covered into the Treasury pursuant to section 91 or 93 of this title, shall, on presenting satisfactory evidence of such payment to the Government Accountability Office, be entitled to have the same returned by the settlement of an account and the issuing of a warrant in his favor according to the practice in other cases of authorized and liquidated claims against the United States: *Provided*, That when such moneys shall remain unclaimed in the Treasury for more than five years the right to recover the same shall be barred: *Provided*, That no homestead entryman shall be required to make payment of the purchase money on any application to make a cash entry until the same shall have been approved by the officer designated by the Secretary of the Interior, but such payment shall be made within ten days after notice of such approval.

(Mar. 2, 1907, ch. 2562, §4, 34 Stat. 1245; June 10, 1921, ch. 18, title III, §304, 42 Stat. 24; Oct. 28, 1921, ch. 114, §1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, §403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100; Pub. L. 108–271, §8(b), July 7, 2004, 118 Stat. 814.)

CODIFICATION

This section, as originally enacted, related to receivers of public moneys for land districts. The office of receiver was consolidated with that of register by acts Mar. 3, 1925, and Oct. 28, 1921, under which the office of receiver was abolished. See, also, Transfer of Functions note below.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

Words ''officer designated by the Secretary of the Interior'' substituted for ''register'' on authority of section 403 of Reorg. Plan No. 3 of 1946. See note set out under section 1 of this title.

''Government Accountability Office'' substituted in text for ''General Accounting Office'' pursuant to section 8(b) of Pub. L. 108–271, set out as a note under section 702 of Title 31, Money and Finance, which redesignated the General Accounting Office and any references thereto as the Government Accountability Office. Previously, ''General Accounting Office'' substituted in text for ''proper officer of the Treasury Department'' pursuant to act June 10, 1921, which transferred all powers and duties of the Comptroller, six auditors, and certain other employees of the Treasury to the General Accounting Office. See section 701 et seq. of Title 31.

§ 100. Disqualification

No officer shall receive evidence in, hear, or determine any cause pending in any district

land office in which cause he is interested directly or indirectly, or has been of counsel, or where he is related to any of the parties in interest by consanguinity or affinity within the fourth degree, computing by the rules adopted by the common law.

(Jan. 11, 1894, ch. 10, § 1, 28 Stat. 26; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

CODIFICATION

This section, as originally enacted, was applicable to both registers and receivers. The office of receiver was abolished by acts Oct. 28, 1921, and Mar. 3, 1925, which consolidated the two offices. See, also, Transfer of Functions note below.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

Word ''officer'' substituted for ''register'' on authority of section 403 of Reorg. Plan No. 3 of 1946. See note set out under section 1 of this title.

§ 101. Report of disqualification; designation of officer to act

It shall be the duty of every officer so disqualified to report the fact of his disqualification to the Secretary of the Interior or such officer as he may designate as soon as he shall ascertain it, and before the hearing of such cause, who thereupon, with the approval of the Secretary of the Interior, shall designate some other officer or special agent of the Land Department to act in the place of the disqualified officer, and the same authority is conferred on the officer so designated which such officer would otherwise have possessed to act in such case.

(Jan. 11, 1894, ch. 10, § 2, 28 Stat. 26; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

Word ''officer'' substituted for ''register'' and ''Secretary of the Interior or such officer as he may designate'' substituted for ''Commissioner of the General Land Office'' on authority of section 403 of Reorg. Plan No. 3 of 1946. See note set out under section 1 of this title.

Act Mar. 3, 1925, abolished office of surveyor general and transferred administration of all activities in charge of surveyors general to Field Surveying Service under jurisdiction of United States Supervisor of Surveys.

§ 102. Attendance of witnesses

Officers of district land offices designated by the Secretary of the Interior in all matters requiring a hearing before them are authorized and empowered to issue subpoenas directing the attendance of witnesses, which subpoenas may be served by any person by delivering a true copy thereof to such witness, and when served, witnesses shall be required to attend in obedience thereto: *Provided*, That if any subpoena be served under the provisions of this section by any person other than an officer authorized by the laws of the United States, or of the State or Territory in which the depositions are taken, the service thereof shall be proved by the affidavit of the person serving the same: *Provided further*, That said subpoenas shall be served within the county in which attendance is required, and at least five days before attendance is required.

(Jan. 31, 1903, ch. 344, § 1, 32 Stat. 790; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

CODIFICATION

The original text of this section referred to both registers and receivers, but reference to the latter was omitted in view of the abolition of such office under acts Oct. 28, 1921, and Mar. 3, 1925, which provided for the consolidation of the two offices under a register only. See, also, Transfer of Functions note below.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

''Officers of district land offices designated by the Secretary of the Interior'' substituted for ''Registers of the land office, or either of them,'' on authority of section 403 of Reorg. Plan No. 3 of 1946. See note set out under section 1 of this title.

§ 103. Witnesses' fees

Witnesses shall have the right to receive their fee for one day's attendance and mileage in advance. The fees and mileage of witnesses shall be the same as that provided by law in the district courts of the United States in the district in which such land offices are situated; and the witness shall be entitled to receive his fee for attendance in advance from day to day during the hearing.

(Jan. 31, 1903, ch. 344, § 2, 32 Stat. 790.)

§ 104. Disobedience to subpoena

Any person willfully neglecting or refusing obedience to such subpoena, or neglecting or refusing to appear and testify when subpoenaed, his fees having been paid if demanded, shall be deemed guilty of a misdemeanor, for which he shall be punished by indictment in the district court of the United States or in the district courts of the Territories exercising the jurisdiction of district courts of the United States. The punishment for such offense, upon conviction, shall be a fine of not more than $200, or imprisonment not to exceed ninety days, or both, at the discretion of the court: *Provided*, That if such witness has been prevented from obeying such subpoena without fault upon his part he shall not be punished under the provisions of this section.

(Jan. 31, 1903, ch. 344, § 3, 32 Stat. 790; Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167.)

CODIFICATION

Act Mar. 3, 1911, conferred the powers and duties of the former circuit courts upon the district courts.

§ 105. Depositions of witnesses residing outside county

Whenever the witness resides outside the county in which the hearing occurs any party to the proceeding may take the testimony of such witness in the county of such witness's residence in the form of depositions by giving ten days' written notice of the time and place of taking such depositions to the opposite party or parties. The depositions may be taken before any United States magistrate judge, notary public, judge, or clerk of a court of record. Subpoenas for witnesses before the officer taking depositions may issue from the office of the officer designated by the Secretary of the Interior or may be issued by the officer taking the depositions, and disobedience thereof, as defined in section 104 of this title, shall also be punished; and the witness shall receive the same fees and mileage and be subject to the same penalties in all respects as in case of violation of a subpoena to appear before the officer designated by the Secretary of the Interior and subject to the same limitations. The fees of the officer taking the depositions shall be the same as those allowed in the State or Territorial courts, and shall be paid by the party taking the deposition, and an itemized account of the fees shall be made by the officer taking the depositions and attached to the depositions.

(Jan. 31, 1903, ch. 344, § 4, 32 Stat. 790; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100; Pub. L. 90–578, title IV, § 402(b)(2), Oct. 17, 1968, 82 Stat. 1118; Pub. L. 101–650, title III, § 321, Dec. 1, 1990, 104 Stat. 5117.)

CODIFICATION

The original text of this section referred to both registers and receivers, but reference to the latter was omitted in view of the abolition of such office under acts Mar. 3, 1925, and Oct. 28, 1921, which provided for the consolidation of the two offices under a register only. See, also, Transfer of Functions note below.

CHANGE OF NAME

"United States magistrate judge" substituted in text for "United States magistrate" pursuant to section 321 of Pub. L. 101–650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure. Previously, "United States magistrate" substituted for "United States commissioner" pursuant to Pub. L. 90–578. See chapter 43 (§ 631 et seq.) of Title 28.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

Words "officer designated by the Secretary of the Interior" substituted for "register" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note set out under section 1 of this title.

§ 106. Continuing taking of depositions in behalf of opposite party

Whenever the taking of any depositions taken in pursuance of section 105 of this title is concluded the opposite party may proceed at once at his own expense to take depositions in his own behalf, at the same time and place and before the same officer: *Provided*, That he shall, before taking of the depositions in the first instance is entered upon, give notice to the opposing party, or any agent or attorney representing him in the taking of said depositions of his intention to do so.

(Jan. 31, 1903, ch. 344, § 5, 32 Stat. 791.)

§ 107. Penalty for false information

If any person applies to any officer designated by the Secretary of the Interior to enter any land whatever, and the officer knowingly and falsely informs the person so applying that the same has already been entered, and refuses to permit the person so applying to enter the same, such officer shall be liable therefor, to the person so applying, for $5 for each acre of land which the person so applying offered to enter, to be recovered by action of debt in any court of record having jurisdiction of the amount.

(R.S. § 2247; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

CODIFICATION

R.S. § 2247 derived from act July 4, 1836, ch. 352, § 13, 5 Stat. 112.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

References to "register" changed to "officer designated by the Secretary of the Interior" and "officer" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note set out under section 1 of this title.

CHAPTER 5—LAND DISTRICTS

Sec.
121. Discontinuance of land offices by President.
122. Discontinuance of land offices by Secretary of the Interior.
123. Continuance of land offices when required by public convenience.
123a. Continuation of existing land districts and offices in Alaska; change of district boundaries, or discontinuance of districts; designation and location of land offices.
124. Consolidation of land offices.
125. Annexation of discontinued district to adjacent district.
126. Change of location of land offices.
127. Change of boundaries of land districts.
128. Division or change of boundaries; continuance of business of original district.
129. Office rent and clerk hire for consolidated land offices.
130. Entry of public lands in States where no land offices exist.

§ 121. Discontinuance of land offices by President

Upon the recommendation of the Secretary of the Interior, the President may order the dis-