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. Any person who has acquired from the United States the coal, oil, or gas deposits in any such land, or the right to mine, drill for, or remove the same, may reenter and occupy so much of the surface thereof incident to the mining and removal of the coal, oil, or gas therefrom, and mine and remove the coal or drill for and remove oil and gas upon payment of the damages caused thereby to the owner thereof, or upon giving a good and sufficient bond or undertaking in an action instituted in any competent court to ascertain and fix said damages: Provided, That the owner under such limited patent shall have the right to mine the coal for use on the land for domestic purposes at any time prior to the disposal by the United States of the coal deposits: Provided further, That nothing in this Act shall be construed as authorizing the exploration upon or entry of any coal deposits withdrawn from such exploration and purchase.

(Mar. 8, 1922, ch. 96, §2, 42 Stat. 416; Pub. L. 85–725, §2, Aug. 23, 1958, 72 Stat. 730; Pub. L. 94–579, title VII, §703(c), Oct. 21, 1976, 90 Stat. 2791.)

REFERENCES IN TEXT

Act of March 8, 1922 and this Act, referred to in text, is act Mar. 8, 1922, ch. 96, 42 Stat. 415, as amended, which is classified to sections 270–11 to 270–13 of this title. The provisions added by the act of Aug. 17, 1961, and amended by the act of Oct. 3, 1962 were classified to section 270–13 of this title. Sections 270–11 and 270–13 of this title were repealed by section 703(a) of Pub. L. 94–579. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 377 of Title 48, Territories and Insular Possessions.

AMENDMENTS

1976—Pub. L. 94–579 substituted provisions relating to disposal by United States of coal, oil, or gas deposits reserved to the United States, applicability of statutory provisions to such disposal, and entry, reentry, etc., on lands for prospecting, mining, and removal of deposits, for provisions relating to patent for land entered under section 270–11 of this title, reservation to the patented land, disposal of reserved coal, oil, or gas deposits, and entry, reentry, etc., on lands for prospecting, mining, and removal of deposits.

1958—Pub. L. 85–725 struck out ''*And provided further*, That nothing herein contained shall be held or construed to authorize the entry or disposition, under section 274 of this title, or under Acts amendatory thereof or supplemental thereto, of withdrawn or classified coal, oil, or gas lands or of lands valuable for coal, oil, or gas''.

EFFECTIVE DATE OF 1976 AMENDMENT

Section 703(c) of Pub. L. 94–579 provided that the amendment made by that section is effective on and after tenth anniversary of date of approval of this Act, Oct. 21, 1976.

SAVINGS PROVISION

Amendment by Pub. L. 94–579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94–579, set out as a note under section 1701 of this title.

### §§ 270–13 to 270–17. Repealed. Pub. L. 94–579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789

Section 270–13, act Mar. 8, 1922, ch. 96, §3, as added Aug. 17, 1961, Pub. L. 87–147, 75 Stat. 384; amended Oct. 3, 1962, Pub. L. 87–742, 76 Stat. 740, authorized sale or other disposition of Alaskan lands containing coal, oil, or gas deposits. Section was formerly classified to section 377a of Title 48, Territories and Insular Possessions.

Section 270–14, act July 8, 1916, ch. 228, §3, formerly §2, 39 Stat. 352, renumbered June 28, 1918, ch. 110, 40 Stat. 633, excepted certain lands in Alaska from homestead entry and settlement. Section was formerly classified to section 378 of Title 48.

Section 270–15, acts Apr. 13, 1926, ch. 121, §1, 44 Stat. 243; Apr. 29, 1950, ch. 134, §3, 64 Stat. 93, related to claims and rectangular system of surveys and departure for local or topographic conditions.

Section 270–16, acts Oct. 28, 1921, ch. 114, §1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; Apr. 13, 1926, ch. 121, §2, 44 Stat. 244; 1946 Reorg. Plan No. 3, §403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, related to additional entries by soldiers.

Section 270–17, act Apr. 13, 1926, ch. 121, §3, 44 Stat. 244, related to disposition of deposit of estimated cost of work incident to survey, and promulgation of rules and regulations.

EFFECTIVE DATE OF REPEAL

Section 703(a) of Pub. L. 94–579 provided that the repeal made by that section is effective on and after tenth anniversary of date of approval of this Act, Oct. 21, 1976.

SAVINGS PROVISION

Repeal by Pub. L. 94–579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94–579, set out as a note under section 1701 of this title.

## SUBCHAPTER IX—SOLDIERS' AND SAILORS' HOMESTEAD

### §§ 271 to 284. Repealed. Pub. L. 94–579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787

Section 271, R.S. §2304; Mar. 1, 1901, ch. 674, 31 Stat. 847, related to soldiers and sailors entitled to make entry.

Section 272, R.S. §2305; Mar. 1, 1901, ch. 674, 31 Stat. 847; Apr. 6, 1922, ch. 122, §1, 42 Stat. 491, related to deduction of military and naval service from time required to perfect title, and rights of widows and children of veterans.

Section 272a, acts Feb. 25, 1919, ch. 37, 40 Stat. 1161; Dec. 28, 1922, ch. 19, 42 Stat. 1067, related to applicability of sections 271 and 272 of this title to military and naval operations on Mexican border or in World War I.

Section 273, act Apr. 6, 1922, ch. 122, §1, 42 Stat. 491, related to veterans receiving compensation for wounds or disability.

Section 274, R.S. §2306, related to additional entry by veteran.

Section 275, act Mar. 3, 1893, ch. 208, 27 Stat. 593; 1946 Reorg. Plan No. 3, §403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, related to invalidity of additional entries, and commutation.

Section 276, act Aug. 18, 1894, ch. 301, §1, 28 Stat. 397, related to issuance of additional homestead certificates.

Section 277, R.S. §2309, related to additional entry by agent.

Section 278, R.S. §2307; Feb. 25, 1919, ch. 37, 40 Stat. 1161; Sept. 21, 1922, ch. 357, 42 Stat. 990, set forth rights of veteran's widow to make entry, and rights of children upon her death.

Section 279, acts Sept. 27, 1944, ch. 421, §1, 58 Stat. 747; June 25, 1946, ch. 474, 60 Stat. 308; May 31, 1947, ch. 88,

§ 1, 61 Stat. 123; June 18, 1954, ch. 306, § 1(a), (b), 68 Stat. 253, set forth preference rights of entry of World War II or Korean conflict veterans.

Section 280, acts Sept. 27, 1944, ch. 421, § 2, 58 Stat. 748; May 31, 1947, ch. 88, § 2, 61 Stat. 123, related to rights of dependents of World War II or Korean conflict veterans.

Section 281, act Sept. 27, 1944, ch. 421, § 3, 58 Stat. 748, related to death of World War II or Korean conflict veteran as affecting patent rights of minor children.

Section 282, acts Sept. 27, 1944, ch. 421, § 4, 58 Stat. 748; May 31, 1947, ch. 88, § 3, 61 Stat. 124; June 18, 1954, ch. 306, § 1(c), 68 Stat. 254, related to rights of World War II or Korean conflict veteran on revocation of withdrawal order.

Section 283, acts Sept. 27, 1944, ch. 421, § 6, formerly § 5, 58 Stat. 748, renumbered § 6, June 3, 1948, ch. 399, 62 Stat. 305, related to promulgation of rules and regulations respecting preference right of entry of World War II or Korean conflict veteran.

Section 284, act Sept. 27, 1944, ch. 421, § 5, as added June 3, 1948, ch. 399, 62 Stat. 305, defined ''homestead'' for purposes of preference right of entry of World War II or Korean conflict veteran.

EFFECTIVE DATE OF REPEAL

Section 702 of Pub. L. 94–579 provided that the repeal made by that section is effective on and after Oct. 21, 1976, except such effective date to be on and after tenth anniversary of date of approval of this Act, Oct. 21, 1976, insofar as homestead laws apply to public lands in Alaska.

SAVINGS PROVISION

Repeal by Pub. L. 94–579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94–579, set out as a note under section 1701 of this title.

## SUBCHAPTER X—STOCK-RAISING HOMESTEAD

### §§ 291 to 298. Repealed. Pub. L. 94–579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787

Section 291, acts Dec. 29, 1916, ch. 9, § 1, 39 Stat. 862; Feb. 28, 1931, ch. 328, 46 Stat. 1454; June 9, 1933, ch. 53, 48 Stat. 119, related to entry on unappropriated, unreserved lands, and lands excepted from entry.

Section 292, acts Dec. 29, 1916, ch. 9, § 2, 39 Stat. 862; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; June 6, 1924, ch. 274, 43 Stat. 469; 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, related to designation of lands subject to entry, and application thereof.

Section 293, acts Dec. 29, 1916, ch. 9, § 3, 39 Stat. 863; Oct. 25, 1918, ch. 195, 40 Stat. 1016, related to persons entitled to make entries and effect of entries.

Section 294, acts Dec. 29, 1916, ch. 9, § 4, 39 Stat. 863; Sept. 29, 1919, ch. 63, 41 Stat. 287, related to additional entries and amount of entry.

Section 295, acts Dec. 29, 1916, ch. 9, § 5, 39 Stat. 863; Sept. 29, 1919, ch. 63, 41 Stat. 287, related to persons entitled to make additional entries.

Section 296, act Dec. 29, 1916, ch. 9, § 6, 39 Stat. 863, related to heads of families, etc., and relinquishment or reconveyance of land.

Section 297, act Dec. 29, 1916, ch. 9, § 7, 39 Stat. 864, related to applicability of commutation provisions to entries.

Section 298, act Dec. 29, 1916, ch. 9, § 8, 39 Stat. 864, set forth provisions relating to additional entries and preferential rights.

EFFECTIVE DATE OF REPEAL

Section 702 of Pub. L. 94–579 provided that the repeal made by that section is effective on and after Oct. 21, 1976, except such effective date to be on and after tenth anniversary of date of approval of this Act, Oct. 21, 1976, insofar as homestead laws apply to public lands in Alaska.

SAVINGS PROVISION

Repeal by Pub. L. 94–579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94–579, set out as a note under section 1701 of this title.

### § 299. Reservation of coal and mineral rights

#### (a) General provisions

All entries made and patents issued under the provisions of this subchapter shall be subject to and contain a reservation to the United States of all the coal and other minerals in the lands so entered and patented, together with the right to prospect for, mine, and remove the same. The coal and other mineral deposits in such lands shall be subject to disposal by the United States in accordance with the provisions of the coal and mineral land laws in force at the time of such disposal. Any person qualified to locate and enter the coal or other mineral deposits, or having the right to mine and remove the same under the laws of the United States, shall have the right at all times to enter upon the lands entered or patented, as provided by this subchapter, for the purpose of prospecting for coal or other mineral therein, provided he shall not injure, damage, or destroy the permanent improvements of the entryman or patentee, and shall be liable to and shall compensate the entryman or patentee for all damages to the crops on such lands by reason of such prospecting. Any person who has acquired from the United States the coal or other mineral deposits in any such land, or the right to mine and remove the same, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining or removal of the coal or other minerals, first, upon securing the written consent or waiver of the homestead entryman or patentee; second, upon payment of the damages to crops or other tangible improvements to the owner thereof, where agreement may be had as to the amount thereof; or, third, in lieu of either of the foregoing provisions, upon the execution of a good and sufficient bond or undertaking to the United States for the use and benefit of the entryman or owner of the land, to secure the payment of such damages to the crops or tangible improvements of the entryman or owner, as may be determined and fixed in an action brought upon the bond or undertaking in a court of competent jurisdiction against the principal and sureties thereon, such bond or undertaking to be in form and in accordance with rules and regulations prescribed by the Secretary of the Interior and to be filed with and approved by the officer designated by the Secretary of the Interior of the local land office of the district wherein the land is situate, subject to appeal to the Secretary of the Interior or such officer as he may designate: *Provided*, That all patents issued for the coal or other mineral deposits herein reserved shall contain appropriate notations declaring them to be subject to the provisions of this subchapter with reference to the disposition, occupancy, and use of the land as permitted to an entryman under this subchapter.