

CROSS REFERENCES

Michigan, Minnesota and Wisconsin mineral lands, see section 48 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 24, 29, 33, 37, 38, 39, 40, 42, 46, 47, 48, 102 of this title; title 16 section 460mm-1.

§ 53. Possessory actions for recovery of mining titles or for damages to such title

No possessory action between persons, in any court of the United States, for the recovery of any mining title, or for damages to any such title, shall be affected by the fact that the paramount title to the land in which such mines lie is in the United States; but each case shall be adjudged by the law of possession.

(R.S. §910.)

CODIFICATION

R.S. §910 derived from act Feb. 27, 1865, ch. 64, §9, 13 Stat. 441.

Section was formerly classified to section 690 of Title 28 prior to the general revision and enactment of Title 28, Judiciary and Judicial Procedure, by act June 25, 1948, ch. 646, §1, 62 Stat. 869.

CROSS REFERENCES

Civil actions for just compensation by holders of mining claims within National Park System mining areas, see section 1910 of Title 16, Conservation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 16 section 460mm-1.

§ 54. Liability for damages to stock raising and homestead entries by mining activities

Notwithstanding the provisions of any Act of Congress to the contrary, any person who on and after June 21, 1949 prospect for, mines, or removes by strip or open pit mining methods, any minerals from any land included in a stock raising or other homestead entry or patent, and who had been liable under such an existing Act only for damages caused thereby to the crops or improvements of the entryman or patentee, shall also be liable for any damage that may be caused to the value of the land for grazing by such prospecting for, mining, or removal of minerals. Nothing in this section shall be considered to impair any vested right in existence on June 21, 1949.

(June 21, 1949, ch. 232, §5, 63 Stat. 215.)

SIMILAR PROVISIONS

Provisions similar to this section were contained in act June 17, 1949, ch. 221, §2, 63 Stat. 201.

CROSS REFERENCES

Damage to natural and historical landmarks within National Park System, procedures for determination and enforcement of abatement of activities, see section 1908 of Title 16, Conservation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 16 section 460mm-1.

CHAPTER 3—LANDS CONTAINING COAL, OIL, GAS, SALTS, ASPHALTIC MATERIALS, SODIUM, SULPHUR, AND BUILDING STONE

SUBCHAPTER I—COAL LAND ENTRIES IN GENERAL

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| 72. | Preference right of coal mine entry; acreage limitation. |
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| 74. | Number of coal land entries; other entries upon noncompliance with conditions. |
| 75. | Conflicting claims upon coal lands; rules and regulations. |
| 76. | Reservation of rights upon coal lands; sale of certain mining lands. |
| 77. | Alabama coal lands; agricultural entry. |

SUBCHAPTER II—COAL LAND ENTRIES UNDER NONMINERAL LAND LAWS WITH RESERVATION OF COAL TO UNITED STATES

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| 81. | Rights of entrymen of lands subsequently classified as coal lands; disposal of coal deposits. |
| 82. | New or supplemental patents, in case of lands subsequently classified as noncoal. |
| 83. | Homestead or desert-land and other entries. |
| 84. | Applications for entry. |
| 85. | Patents for lands, with reservation of coal; disposal of coal deposits. |
| 86. | Disposition of lands in Indian reservations with reservation of coal; examination and appraisal of lands. |
| 87. | Statements in application; patents. |
| 88. | Disposition of coal by United States. |
| 89. | Disposition of proceeds. |
| 90. | Selection of coal lands by States; sale in isolated or disconnected tracts. |

SUBCHAPTER III—PETROLEUM, OTHER MINERAL OIL, OR GAS LAND ENTRIES UNDER MINING LAWS

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| 101. | Omitted. |
| 102. | Assessment work on contiguous oil lands, located as claims, of same owner. |
| 103. | Patents for oil or gas lands not denied because of transfer before discovery of oil or gas; acreage limitation; nonapplication to withdraw lands. |
| 104. | Agreements with applicants for patents as to disposition of oil or gas, or proceeds thereof, pending determination of title; Navy Petroleum Fund. |

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

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| 111 to 113. | Repealed. |
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SUBCHAPTER V—AGRICULTURAL ENTRY OF LANDS WITHDRAWN OR CLASSIFIED AS CONTAINING PHOSPHATE, NITRATE, POTASH, OIL, GAS, ASPHALTIC MINERALS, SODIUM, OR SULPHUR

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| 121. | Agricultural entry or purchase of lands withdrawn or classified as containing phosphate, nitrate, potash, oil, or gas; reservations to United States; application. |
| 122. | Patents; reservation in the United States of reserved deposits; acquisition of right to remove deposits; application for entry to disprove classification. |
| 123. | Persons locating lands subsequently withdrawn or classified; patents to. |
| 124. | Agricultural entry or purchase of lands withdrawn or classified as containing sodium or sulphur. |

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

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

131. Omitted.

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

141 to 152. Repealed.

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

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

162. Entry of saline lands; limitation.

SUBCHAPTER IX—DISPOSAL OF ALABAMA LANDS
AS AGRICULTURAL LANDS

171. Disposal as agricultural lands.

172. Certain Alabama lands subject to homestead entry.

SUBCHAPTER I—COAL LAND ENTRIES IN
GENERAL

§ 71. Entry of unappropriated or unreserved Federal coal lands; eligibility; application; acreage limitation; price per acre

Every person above the age of twenty-one years, who is a citizen of the United States, or who has declared his intention to become such, or any association of persons severally qualified as above, shall, upon application to the register of the proper land office, have the right to enter, by legal subdivisions, any quantity of vacant coal lands of the United States not otherwise appropriated or reserved by competent authority, not exceeding one hundred and sixty acres to such individual person, or three hundred and twenty acres to such association, upon payment to the register of not less than \$10 per acre for such lands, where the same shall be situated more than fifteen miles from any completed railroad, and not less than \$20 per acre for such lands as shall be within fifteen miles of such road.

(R.S. § 2347; Mar. 3, 1925, ch. 462, 43 Stat. 1145.)

CODIFICATION

R.S. § 2347 derived from act Mar. 3, 1873, ch. 279, § 1, 17 Stat. 607.

AMENDMENTS

1925—Act Mar. 3, 1925, affected words which now read “upon payment to the register of not less than.” Such words originally read “upon payment to the receiver of not less than.” Such act consolidated the offices of receiver and register.

TRANSFER OF FUNCTIONS

Office of register of district land office abolished and all functions of register transferred to Secretary of the Interior, or to officers and agencies of Department of the Interior as Secretary may designate, by Reorg. Plan No. 3 of 1946, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, set out in the Appendix to Title 5, Government Organization and Employees.

See also note set out under section 1 of this title.

INDIAN LANDS EXCEPTED

Commenting on this section and sections 72 to 76 of this title the Department of the Interior says:

“While there may be some Indian lands still subject to coal entry by virtue of the provisions of law opening such lands to entry, the coal land laws generally were superseded by the leasing Act of Feb. 25, 1920, 41 Stat. 437 [section 181 et seq. of this title], and it is at least questionable whether the coal land laws should be carried into the Code.”

CROSS REFERENCES

Agricultural entries on lands withdrawn or classified as coal lands or valuable for coal, see sections 83 to 85 of this title.

Disposition of coal deposits, form and manner, see section 193 of this title.

Leases and prospecting permits, see section 201 et seq. of this title.

State selections of lands withdrawn or classified as coal lands or valuable for coal under grants by Congress, see section 90 of this title.

Submerged lands, mineral rights generally, see section 1301 et seq. of Title 43, Public Lands.

Surface rights of entrymen, protection of, when entry under nonmineral land laws of lands subsequently classified, claimed, or reported as coal lands, see section 81 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 24, 29, 33, 37, 38, 39, 40, 42, 46, 47, 72, 74, 75, 76, 102 of this title.

§ 72. Preference right of coal mine entry; acreage limitation

Any person or association of persons severally qualified, as provided in section 71 of this title, who have opened and improved, or shall open and improve, any coal mine or mines upon the public lands, and shall be in actual possession of the same, shall be entitled to a preference right of entry, under section 71 of this title, of the mines so opened and improved: *Provided*, That when any association of not less than four persons, severally qualified as provided in section 71 of this title, shall have expended not less than \$5,000 in working and improving any such mine or mines, such association may enter not exceeding six hundred and forty acres, including such mining improvements.

(R.S. § 2348.)

CODIFICATION

R.S. § 2348 derived from act Mar. 3, 1873, ch. 279, § 2, 17 Stat. 607.

INDIAN LANDS EXCEPTED

See note set out under section 71 of this title.

CROSS REFERENCES

Disposition of coal deposits, form and manner, see section 193 of this title.

Leases and prospecting permits, see section 201 et seq. of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 24, 29, 33, 37, 38, 39, 40, 42, 46, 47, 73, 74, 75, 76, 102 of this title.

§ 73. Presentation of claims

All claims under section 72 of this title must be presented to the register of the proper land district within sixty days after the date of actual possession and the commencement of improvements on the land, by the filing of a declaratory statement therefor; but when the township plat is not on file at the date of such