ury, script for certain amounts for service in the War of 1812 or in any of Indian wars since 1790 and prior to Mar. 3, 1850, and in Mexican War.

Section 792, R.S. § 2419, related to entry into service after commencement of Mexican War.

Section 793, R.S. § 2420, related to militia, volunteers, and State troops in service between June 18, 1812, and Mar. 22, 1852.

Section 794, R.S. § 2421, prohibited benefits under sections 791 to 793 of this title if the person received, or was entitled to receive, any military land bounty under any Act passed prior to Mar. 22, 1852.

Section 795, R.S. § 2422, added any period of captivity to actual service in computing service, for purposes of sections 791 to 793 of this title.

Section 796, R.S. § 2424, related to rights of widows of persons entitled to benefits.

Section 797, R.S. § 2428, related to widows and children of persons entitled to benefits under section 800 of this title.

Section 798, R.S. § 2429, related to effect of subsequent marriage of widow.

Section 799, R.S. § 2430, related to age of minors within intent of section 797 of this title.

Section 800, R.S. § 2425, related to equalization of bounties at 160 acres.

Section 801, R.S. § 2426, enumerated classes of persons whose right was dependent on length of service.

Section 802, R.S. § 2427, enumerated classes of persons whose right was independent of length of service.

Section 803, R.S. § 2431; act July 3, 1930, ch. 863, § 2, 46 Stat. 1016, related to parol proof of military service.

Section 804, R.S. § 2432; act July 3, 1930, ch. 863, § 2, 46 Stat. 1016, related to admissibility of prior evidence of service for additional allowances.

Section 805, R.S. § 2433, related to allowance for travel time in computing length of service.

Section 806, R.S. § 2434, extended provisions of bounty land laws to Indians.

Section 807, R.S. § 2435; act July 3, 1930, ch. 863, § 2, 46 Stat. 1016, related to evidence of right of pension being admissible to show right to bounty.

Section 808, R.S. § 2438, denied deserters a right to land bounties.

§§ 821 to 835. Repealed. Pub. L. 87–558, § 1, July 27, 1962, 76 Stat. 246

Section 821, R.S. § 2414, related to assignment of warrants and locations.

For savings provisions affecting this section, see Pub. L. 87–558, § 1, July 27, 1962, 76 Stat. 246, set out as a note preceding section 781 of this title.

Section 822, R.S. § 2436, related to effect of certain written instruments affecting title to warrants prior to issuance of warrants.

Section 823, R.S. § 2415, related to location of warrants, and to the payment of any excess value over minimum price.

Section 824, R.S. § 2416, related to entry under warrants for services in Revolutionary War and in War of 1812.

Section 825, R.S. § 2417, related to time for location of warrants for services in Revolutionary War and War of 1812.

Section 826, R.S. § 2437, related to location of warrants free of expense.

Section 827, R.S. § 2423, related to issuance of a patent on return of a warrant.

Section 828, R.S. § 2439, permitted issuance of a patent notwithstanding loss of a warrant.

Section 829, R.S. § 2441, related to assignment of a lost warrant.

Section 830, R.S. § 2440, related to loss of or failure to issue a certificate of honorable discharge.

Section 831, R.S. § 2443, related to mode of issuing patents to heirs of soldiers entitled to warrants.

Section 832, R.S. § 2444; act July 3, 1930, ch. 863, § 1, 46 Stat. 1016, related to death of claimant after establishing right to a warrant but prior to its issuance.

For savings provisions affecting this section, see Pub. L. 87–558, § 1, July 27, 1962, 76 Stat. 246, set out as a note preceding section 781 of this title.

Section 833, R.S. § 2445, related to right of legal representatives to file proofs for warrants.

Section 834, R.S. § 2446, related to relocation of warrants in case of error.

Section 835, R.S. § 457, related to issuance and recording of warrants.

§ 841. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862

Section, act May 21, 1872, ch. 178, 17 Stat. 137, related to offense and punishment of claim agent, attorney or other person for withholding military land bounty warrant. See section 290 of Title 18, Crimes and Criminal Procedure.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 1, 1948, see section 20 of act June 25, 1948.

§§ 842 to 844. Repealed. June 17, 1957, Pub. L. 85–56, title XXII, § 2202(1), 71 Stat. 162

Section 842, R.S. § 4785; acts July 4, 1884, ch. 181, § 3, 23 Stat. 99; July 3, 1930, ch. 863, § 2, 46 Stat. 1016, related to compensation of agent or attorney for services in prosecuting claim for bounty land.

Section 843, R.S. § 5485, related to punishment of agents or attorneys who contract for, demand, or receive greater compensation than $25 provided for in section 842 of this title.

Section 844, R.S. § 4786; acts July 4, 1884, ch. 181, § 4, 23 Stat. 99; July 3, 1930, ch. 863, § 2, 46 Stat. 1016, related to filing of fee agreement and limitation on fee of agent or attorney concerning bounty land claim.

Sections 842, 843 and 844 were based on provisions of R.S. §§ 4785, 5485, and 4786, respectively, which related to bounty lands. Provisions of R.S. §§ 4785, 5485, and 4786 which related to pensions were previously classified to sections 111, 112 and 114 of former Title 38, Pensions, Bonuses, and Veterans' Relief, and were repealed by Pub. L. 85–56, title XXII, § 2202(1), June 17, 1957, 71 Stat. 162.

CHAPTER 20—RESERVATIONS AND GRANTS TO STATES FOR PUBLIC PURPOSES

Sec.
851. Deficiencies in grants to State by reason of settlements, etc., on designated sections generally.
852. Selections to supply deficiencies of school lands.
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869–3. Authority for transfers; applicability of section 869–2 to prior patents; termination of restrictions.
869–4. Disposition of moneys received from or on account of revested Oregon and California Railroad grant lands or reconveyed Coos Bay Wagon Road grant lands.
869a. Repealed.
870. Grants of land in aid of common or public schools; extension to those mineral in character; effect of leases.
871. Certain grants and laws unaffected.
871a. Repealed.
872. Conveyances to United States in connection with applications for amendment of patented entries or for exchange of land, etc.; withdrawal or rejection of applications; reconveyances.
873. Lands granted for erecting public buildings; purpose of grant.

§ 851. Deficiencies in grants to State by reason of settlements, etc., on designated sections generally

Where settlements with a view to preemption or homestead have been, or shall hereafter be made, before the survey of the lands in the field, which are found to have been made on sections sixteen or thirty-six, those sections shall be subject to the claims of such settlers; and if such sections or either of them have been or shall be granted, reserved, or pledged for the use of schools or colleges in the State in which they lie, other lands of equal acreage are hereby appropriated and granted, and may be selected, in accordance with the provisions of section 852 of this title, by said State, in lieu of such as may be thus taken by preemption or homestead settlers. And other lands of equal acreage are also hereby appropriated and granted and may be selected, in accordance with the provisions of section 852 of this title, by said State where sections sixteen or thirty-six are, before title could pass to the State, included within any Indian, military, or other reservation, or are, before title could pass to the State, otherwise disposed of by the United States: *Provided*, That the selection of any lands under this section in lieu of sections granted or reserved to a State shall be a waiver by the State of its right to the granted or reserved sections. And other lands of equal acreage are also appropriated and granted, and may be selected, in accordance with the provisions of section 852 of this title, by said State to compensate deficiencies for school purposes, where sections sixteen or thirty-six are fractional in quantity, or where one or both are wanting by reason of the township being fractional, or from any natural cause whatever. And it shall be the duty of the Secretary of the Interior, without awaiting the extension of the public surveys, to ascertain and determine, by protraction or otherwise, the number of townships that will be included within such Indian, military, or other reservations, and thereupon the State shall be entitled to select indemnity lands to the extent of section for section in lieu of sections therein which have been or shall be granted, reserved, or pledged; but such selections may not be made within the boundaries of said reservation: *Provided, however*, That nothing in this section contained shall prevent any State from awaiting the extinguishment of any such military, Indian, or other reservation and the restoration of the lands therein embraced to the public domain and then taking the sections sixteen and thirty-six in place therein.

(R.S. § 2275; Feb. 28, 1891, ch. 384, 26 Stat. 796; Pub. L. 85–771, § 1, Aug. 27, 1958, 72 Stat. 928; Pub. L. 89–470, § 1, June 24, 1966, 80 Stat. 220.)

CODIFICATION

R.S. § 2275 derived from acts Feb. 26, 1859, ch. 58, 11 Stat. 385; June 22, 1874, ch. 422, 18 Stat. 202.

AMENDMENTS

1966—Pub. L. 89–470 struck out ''or Territory'' after ''State'' in eight places and substituted ''before title could pass to the State'' for ''prior to survey'' in two places.

1958—Pub. L. 85–771 inserted ''in accordance with the provisions of section 852 of this title'' and ''prior to survey'', wherever appearing; substituted ''That the selection of any lands under this section in lieu of sections granted or reserved to a State or Territory shall be a waiver by the State or Territory of its right to the granted or reserved sections.'' for ''Where any State is entitled to said sections 16 and 36, or where said sections are reserved to any Territory, notwithstanding the same may be mineral land or embraced within a military, Indian, or other reservation, the selection of such lands in lieu thereof by said State or Territory shall be a waiver of its right to said sections.''; substituted ''section for section in lieu of sections therein which have been or shall be granted, reserved, or pledged'' for ''two sections for each of said townships, in lieu of sections 16 and 36 therein''; struck out from last extinguishment proviso ''but nothing in this proviso shall be construed as conferring any right not in this section existing prior to February 28, 1891'', and otherwise amended section generally.

§ 852. Selections to supply deficiencies of school lands

(a) Restrictions

The lands appropriated by section 851 of this title shall be selected from any unappropriated, surveyed or unsurveyed public lands within the State where such losses or deficiencies occur subject to the following restrictions:

(1) No lands mineral in character may be selected by a State except to the extent that the selection is being made as indemnity for mineral lands lost to the State because of appropriation before title could pass to the State;

(2) No lands on a known geologic structure of a producing oil or gas field may be selected except to the extent that the selection is being made as indemnity for lands on such a structure lost to the State because of appropriation before title could pass to the State; and

(3) Land subject to a mineral lease or permit may be selected if none of the land subject to that lease or permit is in a producing or producible status, subject, however, to the re-