

(OFFICIAL.)

LAWS

OF THE UNITED STATES.

PASSED AT THE SECOND SESSION OF THE FORTY-SECOND CONGRESS.

(GENERAL NATURE—No. 92.)

AN ACT to promote the development of the mining resources of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That all valuable mineral deposits in lands belonging to the United States, both surveyed and unsurveyed, are hereby declared to be free and open to exploration and purchase, and the lands in which they are found to occupation and purchase, by citizens of the United States and those who have declared their intention to become such, under regulations prescribed by law, and according to the local customs or rules of miners, in the several mining districts, so far as the same are applicable and not inconsistent with the laws of the United States.

SEC. 1. That mining claims upon veins or lodes of quartz or other rock in place bearing gold, silver, platinum, lead, tin, copper, or other valuable minerals, hereinafter called lodes, shall be governed as to length along the vein or lode by the customs, regulations, and laws of the several mining districts, and as to width, but no location on a mining claim shall be made until the discovery of the vein or lode within the limits of the claim located. No claim shall be located on a vein or lode that crosses the middle of the middle of the vein at the surface, nor shall any claim be located on a vein or lode that crosses the middle of the middle of the vein at the surface, except where adverse rights existing at the passage of this act shall require such location.

SEC. 2. That mining claims upon veins or lodes of quartz or other rock in place bearing gold, silver, platinum, lead, tin, copper, or other valuable minerals, hereinafter called lodes, shall be governed as to length along the vein or lode by the customs, regulations, and laws of the several mining districts, and as to width, but no location on a mining claim shall be made until the discovery of the vein or lode within the limits of the claim located. No claim shall be located on a vein or lode that crosses the middle of the middle of the vein at the surface, nor shall any claim be located on a vein or lode that crosses the middle of the middle of the vein at the surface, except where adverse rights existing at the passage of this act shall require such location.

SEC. 3. That the locators of all mining claims hereafter made, or which shall hereafter be made, on any mineral vein, lode, or ledge, situated on the public domain, their heirs and assigns, where no adverse claim exists at the time of the location, shall comply with the laws of the United States, and with State, territorial, and local regulations, and with the customs, regulations, and laws of the several mining districts, governing the location of mining claims, and with the laws of the United States, and with State, territorial, and local regulations, and with the customs, regulations, and laws of the several mining districts, governing the location of mining claims.

SEC. 4. That the locators of all mining claims hereafter made, or which shall hereafter be made, on any mineral vein, lode, or ledge, situated on the public domain, their heirs and assigns, where no adverse claim exists at the time of the location, shall comply with the laws of the United States, and with State, territorial, and local regulations, and with the customs, regulations, and laws of the several mining districts, governing the location of mining claims, and with the laws of the United States, and with State, territorial, and local regulations, and with the customs, regulations, and laws of the several mining districts, governing the location of mining claims.

SEC. 5. That the locators of all mining claims hereafter made, or which shall hereafter be made, on any mineral vein, lode, or ledge, situated on the public domain, their heirs and assigns, where no adverse claim exists at the time of the location, shall comply with the laws of the United States, and with State, territorial, and local regulations, and with the customs, regulations, and laws of the several mining districts, governing the location of mining claims, and with the laws of the United States, and with State, territorial, and local regulations, and with the customs, regulations, and laws of the several mining districts, governing the location of mining claims.

SEC. 6. That a patent for any land claimed and located for valuable deposits may be obtained in the following manner: Any person, association, or corporation authorized to locate a claim under this act, having claimed and located a piece of land for such purposes, who, or who has, complied with the terms of this act, may file in the proper land office an application for a patent, under oath, showing such compliance, together with a plat and field notes of the claim or claims in common made by or under the direction of the United States surveyor general, showing accurately the boundaries of the claim or claims, which shall be distinctly marked by monuments on the ground, and shall post a copy of such plat, together with a notice of such application, in a newspaper of at least one person who has made the required expenditures, or who has made the required expenditures, or who has made the required expenditures, or who has made the required expenditures.

SEC. 7. That a patent for any land claimed and located for valuable deposits may be obtained in the following manner: Any person, association, or corporation authorized to locate a claim under this act, having claimed and located a piece of land for such purposes, who, or who has, complied with the terms of this act, may file in the proper land office an application for a patent, under oath, showing such compliance, together with a plat and field notes of the claim or claims in common made by or under the direction of the United States surveyor general, showing accurately the boundaries of the claim or claims, which shall be distinctly marked by monuments on the ground, and shall post a copy of such plat, together with a notice of such application, in a newspaper of at least one person who has made the required expenditures, or who has made the required expenditures, or who has made the required expenditures, or who has made the required expenditures.

ing in this act shall be construed to enlarge or affect the rights of either party in regard to any property in controversy at the time of the passage of this act, or to affect the rights of either party in regard to any property in controversy at the time of the passage of this act.

SEC. 12. That all land-claims required to be made under this act, or the act of which it is amendatory, may be verified by any other person authorized to administer oaths within the land district where the claims may be situated, and all testimony and proofs may be taken before any such officer, and when duly certified by the officer taking the same, shall be received and have the same effect as if taken before the register and receiver of the land-office. In cases of contest as to the mineral or agricultural character of land, the testimony of the party claiming the right of location, or of the personal notice of at least ten days to the opposing party; or if said party cannot be found, then by publication of at least once a week for thirty days in a newspaper, to be designated by the register of the land-office as published nearest to the location of such land; and the register shall require proof of such notice as herein provided.

SEC. 13. That where two or more veins intersect or cross each other, priority of title shall be determined by the date when the claim was first located, and the claimant shall be entitled to all ore or mineral contained within the space of intersection: Provided, however, that the subsequent locator shall have the right of way through said space of intersection for the purposes of the convenient working of the said mine: And provided also, that where two or more veins intersect, the claimant shall take the vein below the point of union, including all the space of intersection.

SEC. 14. That where no mineral land is located, and the register is not occupied by the proprietor of such vein or lode for mining or milling purposes, such non-adjacent land shall be subject to the same preliminary requirements as if the vein or lode is located thereon, and the same may be patented thereunder, subject to the same preliminary requirements as if the vein or lode is located thereon, and the same may be patented thereunder, subject to the same preliminary requirements as if the vein or lode is located thereon.

SEC. 15. That all acts and parts of acts in violation of the provisions of this act, or of any State or Territory of the United States, by the filing of a certified copy of their charter or certificate of incorporation, or of any other document, shall be construed to prevent the alienation of the title conveyed by a patent for a mining claim to any person.

SEC. 16. That the description of vein or lode claims, upon surveyed lands, shall designate the location of the claim with reference to the lines of the public surveys, but need not conform therewith; but where a patent shall be issued as aforesaid for claims upon unsurveyed lands, the surveyor general, in conducting the surveys, shall adjust the same to the boundaries of such patented claim, according to the description thereof, and in no case to interfere with or change the location of any such patented claim.

SEC. 17. That sections one, two, three, four and five of this act, entitled "An act to amend the right of way to ditch and canal owners over the public lands, and for other purposes," approved July twenty-sixth, eighteen hundred and sixty-six, shall be repealed, but such repeal shall not affect existing rights. Applications for patents for mining claims now pending may be prosecuted in the land office in the same manner as if the act herein contained shall be construed to prevent the alienation of the title conveyed by a patent for a mining claim to any person.

SEC. 18. That the act entitled "An act to amend the right of way to ditch and canal owners over the public lands, and for other purposes," approved July twenty-sixth, eighteen hundred and sixty-six, shall be repealed, but such repeal shall not affect existing rights. Applications for patents for mining claims now pending may be prosecuted in the land office in the same manner as if the act herein contained shall be construed to prevent the alienation of the title conveyed by a patent for a mining claim to any person.

SEC. 19. That the act entitled "An act to amend the right of way to ditch and canal owners over the public lands, and for other purposes," approved July twenty-sixth, eighteen hundred and sixty-six, shall be repealed, but such repeal shall not affect existing rights. Applications for patents for mining claims now pending may be prosecuted in the land office in the same manner as if the act herein contained shall be construed to prevent the alienation of the title conveyed by a patent for a mining claim to any person.

SEC. 20. That the act entitled "An act to amend the right of way to ditch and canal owners over the public lands, and for other purposes," approved July twenty-sixth, eighteen hundred and sixty-six, shall be repealed, but such repeal shall not affect existing rights. Applications for patents for mining claims now pending may be prosecuted in the land office in the same manner as if the act herein contained shall be construed to prevent the alienation of the title conveyed by a patent for a mining claim to any person.

SEC. 21. That the act entitled "An act to amend the right of way to ditch and canal owners over the public lands, and for other purposes," approved July twenty-sixth, eighteen hundred and sixty-six, shall be repealed, but such repeal shall not affect existing rights. Applications for patents for mining claims now pending may be prosecuted in the land office in the same manner as if the act herein contained shall be construed to prevent the alienation of the title conveyed by a patent for a mining claim to any person.

SEC. 22. That the act entitled "An act to amend the right of way to ditch and canal owners over the public lands, and for other purposes," approved July twenty-sixth, eighteen hundred and sixty-six, shall be repealed, but such repeal shall not affect existing rights. Applications for patents for mining claims now pending may be prosecuted in the land office in the same manner as if the act herein contained shall be construed to prevent the alienation of the title conveyed by a patent for a mining claim to any person.

SEC. 23. That the act entitled "An act to amend the right of way to ditch and canal owners over the public lands, and for other purposes," approved July twenty-sixth, eighteen hundred and sixty-six, shall be repealed, but such repeal shall not affect existing rights. Applications for patents for mining claims now pending may be prosecuted in the land office in the same manner as if the act herein contained shall be construed to prevent the alienation of the title conveyed by a patent for a mining claim to any person.

SEC. 24. That the act entitled "An act to amend the right of way to ditch and canal owners over the public lands, and for other purposes," approved July twenty-sixth, eighteen hundred and sixty-six, shall be repealed, but such repeal shall not affect existing rights. Applications for patents for mining claims now pending may be prosecuted in the land office in the same manner as if the act herein contained shall be construed to prevent the alienation of the title conveyed by a patent for a mining claim to any person.

SEC. 25. That the act entitled "An act to amend the right of way to ditch and canal owners over the public lands, and for other purposes," approved July twenty-sixth, eighteen hundred and sixty-six, shall be repealed, but such repeal shall not affect existing rights. Applications for patents for mining claims now pending may be prosecuted in the land office in the same manner as if the act herein contained shall be construed to prevent the alienation of the title conveyed by a patent for a mining claim to any person.

SEC. 26. That the act entitled "An act to amend the right of way to ditch and canal owners over the public lands, and for other purposes," approved July twenty-sixth, eighteen hundred and sixty-six, shall be repealed, but such repeal shall not affect existing rights. Applications for patents for mining claims now pending may be prosecuted in the land office in the same manner as if the act herein contained shall be construed to prevent the alienation of the title conveyed by a patent for a mining claim to any person.

SEC. 27. That the act entitled "An act to amend the right of way to ditch and canal owners over the public lands, and for other purposes," approved July twenty-sixth, eighteen hundred and sixty-six, shall be repealed, but such repeal shall not affect existing rights. Applications for patents for mining claims now pending may be prosecuted in the land office in the same manner as if the act herein contained shall be construed to prevent the alienation of the title conveyed by a patent for a mining claim to any person.

SEC. 28. That the act entitled "An act to amend the right of way to ditch and canal owners over the public lands, and for other purposes," approved July twenty-sixth, eighteen hundred and sixty-six, shall be repealed, but such repeal shall not affect existing rights. Applications for patents for mining claims now pending may be prosecuted in the land office in the same manner as if the act herein contained shall be construed to prevent the alienation of the title conveyed by a patent for a mining claim to any person.

SEC. 29. That the act entitled "An act to amend the right of way to ditch and canal owners over the public lands, and for other purposes," approved July twenty-sixth, eighteen hundred and sixty-six, shall be repealed, but such repeal shall not affect existing rights. Applications for patents for mining claims now pending may be prosecuted in the land office in the same manner as if the act herein contained shall be construed to prevent the alienation of the title conveyed by a patent for a mining claim to any person.

SEC. 30. That the act entitled "An act to amend the right of way to ditch and canal owners over the public lands, and for other purposes," approved July twenty-sixth, eighteen hundred and sixty-six, shall be repealed, but such repeal shall not affect existing rights. Applications for patents for mining claims now pending may be prosecuted in the land office in the same manner as if the act herein contained shall be construed to prevent the alienation of the title conveyed by a patent for a mining claim to any person.

For publishing the laws of the first session of the Forty-first Congress in newspapers, two thousand one hundred dollars.

For publishing the laws of the second session of the Forty-first Congress in newspapers, six thousand one hundred and twelve dollars.

For payment of necessary expenses incurred by defending suits against the Secretary of the Treasury, or his agents, and for defending suits against the Secretary of the Treasury, or his agents, and for defending suits against the Secretary of the Treasury, or his agents.

For completion of the building for custom house at Astoria, Oregon, twenty thousand dollars.

For completion of the building for marine hospital at Chicago, Illinois, seventy-seven thousand three hundred and eighty-three dollars and eighty-nine cents.

For completion of the building for custom house at Portland, Maine, ten thousand eight hundred and fifty-one dollars.

For completion of the building for postoffice and court house at Newport in the State of Rhode Island, to be arranged as to afford room for the marine hospital building.

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