

third section of the act entitled "An act making appropriations for the service of the Post Office Department during the fiscal year ending the thirtieth of June, eighteen hundred and sixty-two," approved March second, eighteen hundred and sixty-one.

1861, ch. 73, § 3.
Ante, p. 205.

APPROVED, May 26, 1862.

CHAP. LXXXVI. — *An Act to reduce the Expenses of the Survey and Sale of the Public Lands in the United States.* May 30, 1862.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That contracts for the survey of the public lands shall not become binding upon the United States until approved by the Commissioner of the General Land Office, except in such cases as said Commissioner shall otherwise specially order.

Contracts for surveys of public lands not to be binding until, &c.

SEC. 2. *And be it further enacted,* That the printed manual of instructions relating to the public surveys, prepared at the General Land Office, and bearing date February twenty-second, eighteen hundred and fifty-five, the instructions of the Commissioner of the General Land Office, and the special instructions of the surveyor general, when not in conflict with said printed manual, or the instructions of said Commissioner, shall be taken and deemed to be a part of every contract for surveying the public lands of the United States.

Certain instructions to be deemed part of contract.

SEC. 3. *And be it further enacted,* That the Commissioner of the General Land Office shall have power, and it shall be his duty, to fix the prices per mile for public surveys, which shall in no case exceed the maximum established by law; and that, under instructions to be prepared by said Commissioner, an accurate account shall be kept by each surveyor general of the cost of surveying and platting private land claims, to be reported to the General Land Office, with the map of such claim, and that patents shall not issue for any such private claim until the cost of survey and platting shall have been paid into the Treasury of the United States by the claimant.

Prices of surveys to be established.

Accounts to be kept.

Patents not to issue until, &c.

SEC. 4. *And be it further enacted,* That from and after the first day of July next, and upon the recommendation of the Commissioner of the General Land Office, approved by the Secretary of the Interior, the President may order that the Territories of Utah and Colorado shall constitute one surveying district, the duties of surveyor general in said district to be performed by the surveyor general of Colorado; and the surveying district of Nevada shall be united to that of California, the duties of the surveyor general of the former to be transferred to the surveyor general of California; and the transfer of the effects and archives of the offices to be made under the instructions of the Commissioner of the General Land Office.

Utah and Colorado to make one surveying district.

Surveyor general.

District of Nevada to be united to that of California.

Surveyor general, &c.

SEC. 5. *And be it further enacted,* That upon the recommendation of the Commissioner of the General Land Office, approved by the Secretary of the Interior, the President may order the discontinuance of any land office, and the transfer of its business and archives to any other land office within the same State or Territory.

Discontinuance of land offices.

SEC. 6. *And be it further enacted,* That from and after the first day of July next the compensation of registers and receivers in all the land offices in the United States shall be an annual salary of five hundred dollars to each, with the fees and commissions now prescribed by law, and, to be paid by claimants, an additional fee in donation cases of five dollars for each final certificate for one hundred and sixty acres, ten dollars for three hundred and twenty acres, and fifteen dollars for six hundred and forty acres; to be accounted for in the same manner as fees and commissions in warrant and preëmption locations, with limitations as to maximum of salary prescribed by existing laws, and in accordance with such instructions as shall be given by the Commissioner of the General [Land] Office.

Pay of registers and receivers.

Settlements upon unsurveyed lands.

California.

Declaratory statement.

Mineral lands exempted.

Surveyor general of New Mexico to act as register and receiver.

So in other districts.

Salaries of surveyors general of California, Oregon, Washington, Utah, Nevada.

Settlers in townships may have a survey thereof when, &c.

Proviso.

SEC. 7. *And be it further enacted,* That in regard to settlements which by existing laws are authorized in certain States and Territories upon unsurveyed lands, which privilege is hereby extended to California, the preëmption claimant shall be, and is hereby, in all cases, required, from and after the first day of September, eighteen hundred and sixty-two, to file his declaratory statement within three months from the date of the receipt at the district land office of the approved plat of the township embracing such preëmption settlement: *Provided,* The provisions of this section shall not be held to authorize preëmption and settlement of mineral lands, which are hereby exempted from the provisions of this act.

SEC. 8. *And be it further enacted,* That from and after the first day of July next, and until otherwise ordered by the President, the duties of the register and receiver of New Mexico shall be transferred to and devolve upon the surveyor general of that Territory, and it shall and may be lawful for the President, in like manner, to transfer the duties of register and receiver in any district to the surveyor general where the public interest may require such transfer.

SEC. 9. *And be it further enacted,* That from and after the first day of July next the salary of the surveyor general of California shall not exceed three thousand dollars per annum, and [the] salaries of the surveyor general of Oregon and Washington shall not exceed two thousand five hundred dollars each per annum, and should the surveying districts of Utah and Nevada be hereafter established by order of the President, each as an independent district, the salaries of the surveyor general shall not exceed three thousand dollars each for said districts.

SEC. 10. *And be it further enacted,* That when the settlers in any township or townships, not mineral or reserved by Government, shall desire a survey made of the same, under the authority of the surveyor general of the United States, and shall file an application therefor in writing, and deposit in a proper United States depository, to the credit of the United States, a sum sufficient to pay for such survey, together with all expenses incident thereto, without cost or claim for indemnity on the United States, it shall and may be lawful for said surveyor general, under such instructions as may be given him by the Commissioner of the General Land Office, and in accordance with existing laws and instructions, to survey such township or townships, and make return thereof to the general and proper local land office: *Provided,* The townships so proposed to be surveyed are within the range of the regular progress of the public surveys embraced by existing standard lines or bases for the township and sub-divisional surveys.

APPROVED, May 30, 1862.

June 2, 1862.

CHAP. XC. — *An Act for the Survey of Grants or Claims of Land.*

Survey of certain land grants or claims, when to be made.

Limit to power of surveying officers.

Effect of want of survey or patent.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all claims or grants of land in any of the States or Territories of the United States, derived from any foreign country or Government, shall be surveyed under the direction of the proper officers of the Government of the United States upon the application of the parties claiming or owning the same, and at their expense, which shall be paid or secured to the satisfaction of the Secretary of the Interior before the work shall be performed; but nothing in the law requiring the executive officers to survey land claimed or granted under any laws of the United States shall be construed either to authorize such officers to pass upon the validity of the titles granted by or under such laws, or to give any greater effect to the surveys made by them than to make such surveys *primâ facie* evidence of the true location of the land claimed or granted, nor shall any such grant be