1870, July 9 - 16 Stat. 217, Act to Amend "An Act Granting the Right of Way to Ditch and Canal Owners Over the Public Lands"

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THE

Statutes at Large

AND

PROCLAMATIONS

OF THE

UNITED STATES OF AMERICA,

FROM DECEMBER 1869 TO MARCH 1871,

AND

TREATIES AND POSTAL CONVENTIONS

Arranged in Chronological Order and carefully collated with
the Originals at Washington,

WITH

REFERENCES TO THE MATTER OF EACH ACT AND TO THE SUBSEQUENT
ACTS ON THE SAME SUBJECT.

EDITED BY

GEORGE P. SANGER,
COUNSELOR AT LAW.

VOL. XVI.

BOSTON:
LITTLE, BROWN, AND COMPANY.
1871.

16 Stat. 217, 218, July 9, 1870
CHAP. CXXXXY.—An Act to amend "An Act granting the Right of Way to Ditch and Canal Owners over the public Lands, and for other Purposes."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act granting the right of way to ditch and canal owners over the public lands, and for other purposes, approved July twenty-six, eighteen hundred and sixty-six, be, and the same is hereby, amended by adding thereto the following additional sections, numbered twelve, thirteen, fourteen, fifteen, sixteen, and seventeen, respectively, which shall hereafter constitute and form a part of the aforesaid act.

SEC. 12. And be it further enacted, That claims, usually called “placer,” including all forms of deposit, excepting veins of quartz, or other rock in place, shall be subject to entry and patent under this act, under like circumstances and conditions, and upon similar proceedings, as are provided for vein or lode claims: Provided, That where the lands have been previously surveyed by the United States, the entry in its exterior limits shall conform to the legal subdivisions of the public lands, no further survey or plat in such case being required, and the lands may be paid for at the rate of two dollars and fifty cents per acre: Provided, that lands have been surveyed, entry to conform, &c.

Placer claims to be subject to entry and patent.

Price of lands.

SEC. 13. And be it further enacted, That legal subdivisions of forty acres may be subdivided into ten-acre tracts; and that two or more persons, or associations of persons, having contiguous claims of any size, although such claims may be less than ten acres each, may make joint entry thereof: And provided further, That no location of a placer claim, hereafter made, shall exceed one hundred and sixty acres for any one person or association of persons, which location shall conform to the United States surveys; and nothing in this section contained shall defeat or impair any bona fide pre-emption or homestead claim upon agricultural lands, or authorize the sale of the improvements of any bona fide settler to any purchaser.

SEC. 14. And be it further enacted, That all ex parte affidavits required to be made under this act, or the act of which it is amendatory, may be verified before any officer authorized to administer oaths within the land district where the claims may be situated.

Ex parte affidavits.

SEC. 15. And be it further enacted, That registers and receivers shall receive the same fees for services under this act as are provided by law for like services under other acts of Congress; and that effect shall be given to the foregoing act according to such regulations as may be prescribed by the commissioner of the general land office.

SEC. 16. And be it further enacted, That so much of the act of March third, eighteen hundred and fifty-three, entitled “An act to provide for the survey of the public lands in California, the granting of pre-emption

Public surveys extended over mineral lands. Surveyed lands how subdivided into lots, &c.
Waste, &c. lands need not be surveyed. Rights conferred by certain sections of former act extended, &c.

Rights, and for other purposes," as provides that none other than town-ship lines shall be surveyed where the lands are mineral, is hereby repealed. And the public surveys are hereby extended over all such lands: Provided, That all subdividing of surveyed lands into lots less than one hundred and sixty acres may be done by county and local surveyors at the expense of the claimants: And provided further, That nothing herein contained shall require the survey of waste or useless lands.

SEC. 17. And be it further enacted, That none of the rights conferred by sections five, eight, and nine of the act to which this act is amendatory shall be abrogated by this act, and the same are hereby extended to all public lands affected by this act; and all patents granted, or pre-emption or homesteads allowed, shall be subject to any vested and accrued water rights, or rights to ditches and reservoirs used in connection with such water rights, as may have been acquired under or recognized by the ninth section of the act of which this act is amendatory. But nothing in this act shall be construed to repeal, impair, or in any way affect the provisions of the "Act granting to A. Sutro the right of way and other privileges to aid in the construction of a draining and exploring tunnel to the Comstock lode, in the State of Nevada," approved July twenty-fifth, eighteen hundred and sixty-six.

APPROVED, July 9, 1870.

July 9, 1870.

CHAP. CCXXXVI. — An Act to grant the Right of Way for the Alameda Road through certain Lands in California.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the portion of the tract of land situated in the county of Santa Clara, and State of California, lying between the Rancho Potrero de Santa Clara and the Rancho de los Coches, which is occupied by Santa Clara Street, according to the map of the city of San José, and the street intersecting Santa Clara Street, is hereby granted to said city for the purpose of streets. And the parcels of said tract of land lying between said ranchos which are included within the corporate limits of said city, and not occupied as streets, are hereby granted to the respective persons in possession thereof, by themselves or their tenants.

SEC. 2. And be it further enacted, That the right of way through that portion of the tract of land lying between the said ranchos, which is situ-ate without the corporate limits of the said city of San José, is hereby granted to the said county of Santa Clara, for public use, for the highways, roads, and sidewalks running along, upon, or across the said tract of land; and authority is hereby granted to the board of supervisors of said county to regulate and determine the number, position, width, and grade of such highways, roads, and sidewalks.

SEC. 3. And be it further enacted, That the said tract of land in the second section mentioned, subject to the right of way as therein granted, is hereby granted to the several persons, whether natural or artificial, owning the adjoining lands, the parcel hereby granted to each person being the parcel lying between his or its lands and a line running through the middle of said tract of land.

APPROVED, July 9, 1870.

July 11, 1870.

CHAP. CCXXXVII. — An Act making Appropriations for the consular and diplomatic Expenses of the Government for the Year ending June thirty, eighteen hundred and seventy-one, and for other Purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the treasury not otherwise appropriated, for the objects hereinafter expressed, for the fiscal...