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IN THE SENATE OF THE UNITED STATES.

JUNE 28, 1870.

Ordered to be printed with amendments of the Senate and with the report of the committee on conference upon the disagreeing votes by the two Houses upon said amendments.

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**AN ACT**

To amend "An act granting the right of way to ditch and canal owners over the public lands, and for other purposes."

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That the act granting the right of way to ditch and canal  
4       owners over the public lands and for other purposes, approved  
5       July twenty-six, eighteen hundred and sixty-six, be, and the  
6       same is hereby, amended by adding thereto the following ad-  
7       ditional sections, numbered twelve, thirteen, fourteen, fifteen,  
8       sixteen, and seventeen respectively, which shall hereafter con-  
9       stitute and form a part of the aforesaid act.

1       SEC. 12. *And be it further enacted,* That claims usually  
2       called "placers," including all forms of deposit, excepting  
3       veins of quartz, or other rock in place, shall be subject to  
4       entry and patent under this act, under like circumstances and  
5       conditions, and upon similar proceedings, as are provided for

6 vein or lode claims: *Provided*, That where the lands have  
7 been previously surveyed by the United States, the entry in its  
8 exterior limits shall conform to the legal subdivisions of the  
9 public lands, no further survey or plat in such case being re-  
10 quired, and the lands may be paid for at the rate of two dollars  
11 and fifty cents per acre: *Provided further*, That legal subdi-  
12 visions of forty acres may be subdivided into ten-acre tracts ;  
13 and that two or more persons, or associations of persons,  
14 having contiguous claims, may make joint entry thereof:  
15 *And provided further*, That no location of a placer  
16 claim hereafter made shall exceed one hundred and  
17 sixty acres for any one person, or association of persons ;  
18 and nothing in this section contained shall defeat or impair  
19 any bona fide pre-emption or homestead claim, or authorize  
20 the sale of the improvements of any bona fide settler to any  
21 purchaser.

1       SEC. 13. *And be it further enacted*, That where said  
2 person or association, they and their grantors, shall have held  
3 and worked their said claims for a period equal to the time  
4 prescribed by the statute of limitations for mining claims of  
5 the State or Territory where the same may be situated, evi-  
6 dence of such possession and working of the claims for such  
7 period shall be sufficient to establish a right to a patent thereto.  
8 under this act, in the absence of any adverse claim: *Provided*,  
9 *however*, That nothing in this act shall be deemed to impair

10 any lien which may have attached in any way whatever to  
11 any mining claim or property thereto attached prior to the  
12 issuance of a patent.

1       SEC. 14. *And be it further enacted,* That all affidavits  
2 required to be made under this act, or the act of which it is  
3 amendatory, may be verified before any officer authorized to  
4 administer oaths within the land district where the claims  
5 may be situated, and all testimony and proofs may be taken  
6 before any such officer, and when duly certified by the officer  
7 taking the same, shall have the same force and effect as if  
8 taken before the register and receiver of the land office: *Pro-*  
9 *vided,* That in all cases of contest such testimony and proofs  
10 shall only be taken on at least ten days' personal notice to the  
11 opposing parties, when such parties can be found; and if they  
12 cannot be found, then by at least forty days' publication in a  
13 newspaper published nearest to the location of said claims;  
14 and the register of the land office shall require proof that  
15 such notice has been given.

1       SEC. 15. *And be it further enacted,* That registers and  
2 receivers shall receive the same fees for services under this  
3 act as are provided by law for like services under other acts  
4 of Congress; and that effect shall be given to the foregoing  
5 act according to such regulations as may be prescribed by the  
6 Commissioner of the General Land Office.

1       SEC. 16. *And be it further enacted,* That so much of the



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