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OFFICE OF STATE GEOLOGIST

*Bulletin No. 18*

MINING LAWS  
FEDERAL AND  
STATE

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CHEYENNE, WYOMING



*Approved June 1, 1921*



WYOMING LABOR JOURNAL, CHESTNEY



1933

# UNITED STATES MINING LAWS

## APPLICABLE TO WYOMING

Chapter 6, Revised Statutes  
and Subsequent Acts.

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Sec. 2318. MINERAL LANDS RESERVED. In all cases lands valuable for minerals shall be reserved from sale, except as otherwise expressly directed by law.

Sec. 2319. MINERAL LANDS OPEN TO PURCHASE BY CITIZENS. 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 2320. LENGTH OF MINING CLAIMS UPON VEINS OR LODES. Mining claims upon veins or lodes of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits, heretofore located, shall be governed as to length along the vein or lode by the customs, regulations, and laws in force at the date of their location. A mining claim located after the tenth day of May, eighteen hundred and seventy-two, whether located by one or more persons, may equal, but shall not exceed, one thousand five hundred feet in length along the vein or lode; but no location of a mining claim shall be made until the discovery of the vein or lode within the limits of the claim located. No claim shall extend more than three hundred feet on each side of the middle of the vein at the surface, nor shall any claim be limited by any mining regulation to less than twenty-five feet on each side of the middle of the vein at the surface, except where adverse rights existing on the tenth day of May, eighteen hundred and seventy-two, render such limitation necessary. The end lines of each claim shall be parallel to each other.

Sec. 2321. PROOF OF CITIZENSHIP. Proof of citizenship, under this chapter, may consist, in the case of an individual, of

his own affidavit thereof; in the case of an association of persons unincorporated, of the affidavit of their authorized agent, made on his own knowledge or upon information and belief; and in the case of a corporation organized under the laws of the United States, or of any State or Territory thereof, by the filing of a certified copy of their charter or certificate of incorporation.

**Sec. 2322. LOCATORS' RIGHTS OF POSSESSION AND ENJOYMENT.** The locators of all mining locations heretofore 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 on the tenth day of May, eighteen hundred and seventy-two, so long as they comply with the laws of the United States, and with State, Territorial, and local regulations not in conflict with the laws of the United States governing their possessory title, shall have the exclusive right of possession and enjoyment of all the surface included within the lines of their locations, and of all veins, lodes, and ledges throughout their entire depth, the top or apex of which lies inside of such surface lines extended downward vertically, although such veins, lodes, or ledges may so far depart from a perpendicular in their course downward as to extend outside the vertical side lines of such surface locations. But their right of possession to such outside parts of such veins or ledges shall be confined to such portions thereof as lie between vertical planes drawn downward as above described, through the end lines of their locations, so continued in their own direction that such planes will intersect such exterior parts of such veins or ledges. And nothing in this section shall authorize the locator or possessor of a vein or lode which extends in its downward course beyond the vertical lines of his claim to enter upon the surface of a claim owned or possessed by another.

**Sec. 2323. OWNERS OF TUNNELS, RIGHTS OF.** Where a tunnel is run for the development of a vein or lode, or for the discovery of mines, the owners of such tunnel shall have the right of possession of all veins or lodes within three thousand feet from the face of such tunnel on the line thereof, not previously known to exist, discovered in such tunnel, to the same extent as if discovered from the surface; and locations on the line of such tunnel of veins or lodes not appearing on the surface, made by other parties after the commencement of the tunnel, and while the same is being prosecuted with reasonable diligence, shall be invalid, but failure to prosecute the work on the tunnel for six months shall be considered as an abandonment of the right to all undiscovered veins on the line of such tunnel.

**Sec. 2324. REGULATIONS MADE BY MINERS.** The miners of each mining district may make regulations not in conflict with the laws of the United States, or with the laws of the State or

Territory in which the district is situated, governing the location, manner of recording, amount of work necessary to hold possession of a mining claim, subject to the following requirements: The location must be distinctly marked on the ground so that its boundaries can be readily traced. All records of mining claims hereafter made shall contain the name or names of the locators, the date of the location, and such a description of the claim or claims located by reference to some natural object or permanent monument as will identify the claim. On each claim located after the tenth day of May, eighteen hundred and seventy-two, and until a patent has been issued therefor, not less than one hundred dollars' worth of labor shall be performed or improvements made during each year. On all claims located prior to the tenth day of May, eighteen hundred and seventy-two, ten dollars' worth of labor shall be performed or improvements made by the tenth day of June, eighteen hundred and seventy-four, and each year thereafter, for each one hundred feet in length along the vein until a patent has been issued therefor; but where such claims are held in common, such expenditure may be made upon any one claim; and upon a failure to comply with these conditions the claim or mine upon which such failure occurred shall be open to relocation in the same manner as if no location of the same had ever been made, provided that the original locators, their heirs, assigns, or legal representatives, have not resumed work upon the claim after failure and before such location. Upon the failure of any one of several co-owners to contribute his proportion of the expenditures required hereby, the co-owners who have performed the labor or made the improvements may, at the expiration of the year, give such delinquent co-owner personal notice in writing or notice by publication in the newspaper published nearest the claim for at least once a week for ninety days, and if at the expiration of ninety days after such notice in writing or by publication such delinquent should fail or refuse to contribute his proportion of the expenditure required by this section his interest in the claim shall become the property of his co-owners who have made the required expenditures.

Sec. 2325. PATENTS FOR MINERAL LANDS, HOW OBTAINED. 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 chapter, having claimed and located a piece of land for such purposes, who has, or have, complied with the terms of this chapter, 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 ac-

curately 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 for a patent, in a conspicuous place on the land embraced in such plat previous to the filing of the application for a patent, and shall file an affidavit of at least two persons that such notice has been duly posted, and shall file a copy of the notice in such land office, and shall thereupon be entitled to a patent for the land, in the manner following: The register of the land office, upon the filing of such application, plat, field notes, notices, and affidavits, shall publish a notice that such application has been made, for the period of sixty days, in a newspaper to be by him designated as published nearest to such claim; and he shall also post such notice in his office for the same period. The claimant at the time of filing this application, or at any time thereafter, within the sixty days of publication, shall file with the register a certificate of the United States surveyor-general that five hundred dollars' worth of labor has been expended or improvements made upon the claim by himself or grantors; that the plat is correct, with such further description by such reference to natural objects or permanent monuments as shall identify the claim, and furnish an accurate description to be incorporated in the patent. At the expiration of the sixty days of publication the claimant shall file his affidavit, showing that the plat and notice have been posted in a conspicuous place on the claim during such period of publication. If no adverse claim shall have been filed with the register and the receiver of the proper land office at the expiration of the sixty days of publication, it shall be assumed that the applicant is entitled to a patent, upon the payment to the proper officer of five dollars per acre, and that no adverse claim exists; and thereafter no objection from third parties to the issuance of a patent shall be heard, except it be shown that the applicant has failed to comply with the terms of this chapter.

Sec. 2326. ADVERSE CLAIM, PROCEEDINGS ON. Where an adverse claim is filed during the period of publication, it shall be upon oath of the person or persons making the same, and shall show the nature, boundaries, and extent of such adverse claim, and all proceedings, except the publication of notice and making and filing of the affidavit thereof, shall be stayed until the controversy shall have been settled or decided by a court of competent jurisdiction, or the adverse claim waived. It shall be the duty of the adverse claimant, within thirty days after filing his claim to commence proceedings in a court of competent jurisdiction, to determine the question of the right of possession, and prosecute the same with reasonable diligence to final judgment; and a failure so to do shall be a waiver of his adverse claim. After such judgment shall have been rendered, the party entitled

to the possession of the claim, or any portion thereof, may, without giving further notice, file a certified copy of the judgment-roll with the register of the land office, together with the certificate of the surveyor-general that the requisite amount of labor has been expended or improvements made thereon, and the description required in other cases, and shall pay to the receiver five dollars per acre for his claim, together with the proper fees, whereupon the whole proceedings and the judgment-roll shall be certified by the register to the Commissioner of the General Land Office, and a patent shall issue thereon for the claim, or such portion thereof as the applicant shall appear, from the decision of the court, to rightly possess. If it appears from the decision of the court that several parties are entitled to separate and different portions of the claim, each party may pay for his portion of the claim with the proper fees, and file the certificate and description by the surveyor-general, whereupon the register shall certify the proceedings and judgment-roll to the Commissioner of the General Land Office, as in the preceding case, and patents shall issue to the several parties according to their respective rights. Nothing herein contained shall be construed to prevent the alienation of a title conveyed by a patent for a mining claim to any person whatever.

Sec. 2327. DESCRIPTION OF MINING VEIN OR LODE CLAIMS—PATENTS TO CONFORM TO OFFICIAL MONUMENTS—MONUMENTS TO GOVERN DESCRIPTIONS. The description of vein or lode claims upon surveyed lands shall designate the location of the claims with reference to the lines of the public survey, but need not conform therewith; but where patents have been or shall be issued for claims upon unsurveyed lands, the surveyors-general, in extending the public survey, shall adjust the same to the boundaries of said patented claims so as in no case to interfere with or change the true location of such claims as they are officially established upon the ground. Where patents have issued for mineral lands, those lands only shall be segregated and shall be deemed to be patented which are bounded by the lines actually marked, defined, and established upon the ground by the monuments of the official survey upon which the patent grant is based, and surveyors-general in executing subsequent patent surveys, whether upon surveyed or unsurveyed lands, shall be governed accordingly. The said monuments shall at all times constitute the highest authority as to what land is patented, and in case of any conflict between the said monuments of such patented claims and the descriptions of said claims in the patents issued therefor the monuments on the ground shall govern, and erroneous or inconsistent descriptions or calls in the patent descriptions shall give way thereto.

Sec. 2329. CONFORMITY OF PLACER CLAIMS TO SURVEYS, LIMIT OF. Claims usually called "placers," including all forms

of deposit, excepting veins of quartz, or other rock in place, shall be subject to entry and patent, under like circumstances and conditions, and upon similar proceedings, as are provided for vein or lode claims; but 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.

Sec. 2330. **SUBDIVISIONS OF TEN-ACRE TRACTS; MAXIMUM OF PLACER LOCATIONS.** Legal subdivisions of forty acres may be subdivided into ten-acre tracts; and 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; but no location of a placer claim, made after the ninth day of July, eighteen hundred and seventy, 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 preemption or homestead claim upon agricultural lands, or authorize the sale of the improvements of any bona fide settler to any purchaser.

Sec. 2331. **CONFORMITY OF PLACER CLAIMS TO SURVEYS, LIMITATION OF CLAIMS.** Where placer claims are upon surveyed lands, and conform to legal subdivisions, no further survey or plat shall be required, and all placer-mining claims located after the tenth day of May, eighteen hundred and seventy-two, shall conform as near as practicable with the United States system of public-land surveys, and the rectangular subdivisions of such surveys, and no such location shall include more than twenty acres for each individual claimant; but where placer claims can not be conformed to legal subdivisions, survey and plat shall be made as on unsurveyed lands; and where by the segregation of mineral lands in any legal subdivision a quantity of agricultural land less than forty acres remains, such fractional portion of agricultural land may be entered by any party qualified by law, for homestead or preemption purposes.

Sec. 2332. **WHAT EVIDENCE OF POSSESSION, &c., TO ESTABLISH A RIGHT TO A PATENT.** Where such person or association, they and their grantors, have held and worked their claims for a period equal to the time prescribed by the statute of limitations for mining claims of the State or Territory where the same may be situated, evidence of such possession and working of the claims for such period shall be sufficient to establish a right to a patent thereto under this chapter, in the absence of any adverse claim; but nothing in this chapter shall be deemed to impair any lien which may have attached in any way whatever to any mining claim or property thereto attached prior to the issuance of a patent.



Sec. 2333. PROCEEDINGS FOR PATENT FOR PLACER CLAIM, &c. Where the same person, association, or corporation is in possession of a placer claim, and also a vein or lode included within the boundaries thereof, application shall be made for a patent for the placer claim, with the statement that it includes such vein or lode, and in such case a patent shall issue for the placer claim, subject to the provisions of this chapter, including such vein or lode, upon the payment of five dollars per acre for such vein or lode claim and twenty-five feet of surface on each side thereof. The remainder of the placer claim or any placer claim not embracing any vein or lode claim shall be paid for at the rate of two dollars and fifty cents per acre, together with all costs of proceedings; and where a vein or lode, such as is described in section twenty-three hundred and twenty, is known to exist within the boundaries of a placer claim, an application for a patent for such placer claim which does not include an application for the vein or lode claim shall be construed as a conclusive declaration that the claimant of the placer claim has no right of possession of the vein or lode claim; but where the existence of a vein or lode in a placer claim is not known, a patent for the placer claim shall convey all valuable mineral and other deposits within the boundaries thereof.

Sec. 2334. SURVEYOR-GENERAL TO APPOINT SURVEYORS OF MINING CLAIMS, &c. The surveyor-general of the United States may appoint in each land district containing mineral lands as many competent surveyors as shall apply for appointment to survey mining claims. The expenses of the survey of vein or lode claims, and the survey and sub-division of placer claims into smaller quantities than one hundred and sixty acres, together with the cost of publication of notices, shall be paid by the applicants, and they shall be at liberty to obtain the same at the most reasonable rates, and they shall also be at liberty to employ any United States deputy surveyor to make the survey. The Commissioner of the General Land Office shall also have power to establish the maximum charges for surveys and publication of notices under this chapter; and, in case of excessive charges for publication, he may designate any newspaper published in a land district where mines are situated for the publication of mining notices in such district, and fix the rates to be charged by such paper; and, to the end that the Commissioner may be fully informed on the subject, each applicant shall file with the register a sworn statement of all charges and fees paid by such applicant for publication and surveys, together with all fees and money paid the register and the receiver of the land office, which statement shall be transmitted, with the other papers in the case, to the Commissioner of the General Land Office.

Sec. 2335. VERIFICATION OF AFFIDAVITS, &c. All affidavits required to be made under this chapter may be verified before any officer 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 have the same force and 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 and proofs may be taken as herein provided on personal notice of at least ten days to the opposing party; or if such party can not 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 that such notice has been given.

Sec. 2336. WHERE VEINS INTERSECT, &c. Where two or more veins intersect or cross each other, priority of title shall govern, and such prior location shall be entitled to all ore or mineral contained within the space of intersection; but the subsequent location shall have the right of way through the space of intersection for the purposes of the convenient working of the mine. And where two or more veins unite, the oldest or prior location shall take the vein below the point of union, including all the space of intersection.

Sec. 2337. PATENTS FOR NONMINERAL LANDS, &c. Where nonmineral land not contiguous to the vein or lode is used or occupied by the proprietor of such vein or lode for mining or milling purposes, such nonadjacent surface ground may be embraced and included in an application for a patent for such vein or lode, and the same may be patented therewith, subject to the same preliminary requirements as to survey and notice as are applicable to veins or lodes; but no location hereafter made of such nonadjacent land shall exceed five acres, and payment for the same must be made at the same rate as fixed by this chapter for the superficies of the lode. The owner of a quartz mill or reduction works, not owning a mine in connection therewith, may also receive a patent for his mill site, as provided in this section.

Sec. 2338. WHAT CONDITIONS OF SALE MAY BE MADE BY LOCAL LEGISLATURE. As a condition of sale, in the absence of necessary legislation by Congress, the local legislature of any State or Territory may provide rules for working mines, involving easements, drainage, and other necessary means to their complete development; and those conditions shall be fully expressed in the patent.

Sec. 2339. VESTED RIGHTS TO USE OF WATER FOR MINING &c.; RIGHT OF WAY FOR CANALS. Whenever, by priority of possession, rights to the use of water for mining, agricultural, manu-

facturing, or other purposes, have vested and accrued, and the same are recognized and acknowledged by the local customs, laws, and the decisions of courts, the possessors and owners of such vested rights shall be maintained and protected in the same; and the right of way for the construction of ditches and canals for the purposes herein specified is acknowledged and confirmed; but whenever any person, in the construction of any ditch or canal, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage.

Sec. 2340. PATENTS, PREEMPTIONS, AND HOMESTEADS SUBJECT TO VESTED AND ACCRUED WATER RIGHTS. All patents granted, or preemption 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 preceding section.

Sec. 2341. MINERAL LANDS IN WHICH NO VALUABLE MINES ARE DISCOVERED OPEN TO HOMESTEADS. Wherever, upon the lands heretofore designated as mineral lands, which have been excluded from survey and sale, there have been homesteads made by citizens of the United States, or persons who have declared their intention to become citizens, which homesteads have been made, improved, and used for agricultural purposes, and upon which there have been no valuable mines of gold, silver, cinnabar, or copper discovered, and which are properly agricultural lands, the settlers or owners of such homesteads shall have a right of preemption thereto, and shall be entitled to purchase the same at the price of one dollar and twenty-five cents per acre, and in quantity not to exceed one hundred and sixty acres; or they may avail themselves of the provisions of chapter five of this Title, relating to "Homesteads."

Sec. 2342. MINERAL LANDS, HOW SET APART AS AGRICULTURAL LANDS. Upon the survey of the lands described in the preceding section, the Secretary of the Interior may designate and set apart such portions of the same as are clearly agricultural lands, which lands shall thereafter be subject to preemption and sale as other public lands, and be subject to all the laws and regulations applicable to the same.

Sec. 2346. GRANT OF LANDS TO STATES OR CORPORATIONS NOT TO INCLUDE MINERAL LANDS. No act passed at the first session of the Thirty-eighth Congress, granting lands to States or corporations to aid in the construction of roads or for other purposes, or to extend the time of grants made prior to the thirtieth day of January, eighteen hundred and sixty-five, shall be so construed as to embrace mineral lands, which in all cases are reserved exclusively to the United States, unless otherwise specially provided in the act or acts making the grant.

ACTS OF CONGRESS PASSED SUBSEQUENT TO THE  
REVISED STATUTES

**AN ACT** To amend section two thousand three hundred and twenty-four of the Revised Statutes, relating to the development of the mining resources of the United States.

MONEY EXPENDED IN A TUNNEL CONSIDERED AS EXPENDED ON THE LODE. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section two thousand three hundred and twenty-four of the Revised Statutes be, and the same is hereby, amended so that where a person or company has or may run a tunnel for the purpose of developing a lode or lodes, owned by said person or company, the money so expended in said tunnel shall be taken and considered as expended on said lode or lodes, whether located prior to or since the passage of said act; and such person or company shall not be required to perform work on the surface of said lode or lodes in order to hold the same as required by said act.

**AN ACT** Authorizing the Citizens of Colorado, Nevada, and the Territories to fell and remove timber on the public domain for mining and domestic purposes.

CITIZENS OF COLORADO, NEVADA, AND THE TERRITORIES AUTHORIZED TO FELL AND REMOVE TIMBER ON THE PUBLIC DOMAIN FOR MINING AND DOMESTIC PURPOSES. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all citizens of the United States and other persons, bona fide residents of the State of Colorado, or Nevada, or either of the Territories of New Mexico, Arizona, Utah, Wyoming, Dakota, Idaho, or Montana, and all other mineral districts of the United States, shall be, and are hereby authorized and permitted to fell and remove for building, agricultural, mining, or other domestic purposes, any timber or other trees growing or being on the public lands, said lands being mineral, and not subject to entry under existing laws of the United States, except for mineral entry, in either of said States, Territories, or districts of which such citizens or persons may be at the time bona fide residents, subject to such rules and regulations as the Secretary of the Interior may prescribe for the protection of the timber and of the undergrowth growing upon such lands, and for other purposes: *Provided,* The provisions of this act shall not extend to railroad corporations.

Sec. 2. That it shall be the duty of the register and the receiver of any local land office in whose district any mineral land may be situated to ascertain from time to time whether any timber is being cut or used upon any such lands, except for the pur-

poses authorized by this act, within their respective land districts; and, if so, they shall immediately notify the Commissioner of the General Land Office of that fact; and all necessary expenses incurred in making such proper examination shall be paid and allowed such register and receiver in making up their next quarterly accounts.

Sec. 3. Any person or persons who shall violate the provisions of this act, or any rules and regulations in pursuance thereof made by the Secretary of the Interior, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not exceeding five hundred dollars, and to which may be added imprisonment for any term not exceeding six months.

**AN ACT To amend sections twenty-three hundred and twenty-four and twenty-three hundred and twenty-five of the Revised Statutes of the United States concerning mineral lands.**

APPLICATION FOR PATENT MAY BE MADE BY AUTHORIZED AGENT. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section twenty-three hundred and twenty-five of the Revised Statutes of the United States be amended by adding thereto the following words: "*Provided, That where the claimant for a patent is not a resident of or within the land district wherein the vein, lode, ledge, or deposit sought to be patented is located, the application for patent and the affidavits required to be made in this section by the claimant for such patent may be made by his, her, or its authorized agent, where said agent is conversant with the facts sought to be established by said affidavits: And provided, That this section shall apply to all applications now pending for patents to mineral lands.*"

Sec. 2. ON UNPATENTED CLAIMS PERIOD COMMENCES ON JAN. 1 SUCCEEDING DATE OF LOCATION. That section twenty-three hundred and twenty-four of the Revised Statutes of the United States be amended by adding the following words: "*Provided, That the period within which the work required to be done annually on all unpatented mineral claims shall commence on the first day of January succeeding the date of location of such claim, and this section shall apply to all claims located since the tenth day of May, anno Domini eighteen hundred and seventy-two.*"

**AN ACT To amend section twenty-three hundred and twenty-six of the Revised Statutes relating to suits at law affecting the title to mining claims.**

IN ACTION BROUGHT TITLE NOT ESTABLISHED IN EITHER PARTY. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That if, in any action brought pursuant to section twenty-three

hundred and twenty-six of the Revised Statutes, title to the ground in controversy shall not be established by either party, the jury shall so find, and judgment shall be entered according to the verdict. In such case costs shall not be allowed to either party, and the claimant shall not proceed in the land office or be entitled to a patent for the ground in controversy until he shall have perfected his title.

**AN ACT To amend section twenty-three hundred and twenty-six of the Revised Statutes in regard to mineral lands, and for other purposes.**

**ADVERSE CLAIM MAY BE VERIFIED BY AGENT.** *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the adverse claim required by section twenty-three hundred and twenty-six of the Revised Statutes may be verified by the oath of any duly authorized agent or attorney in fact of the adverse claimant cognizant of the facts stated; and the adverse claimant, if residing or at the time being beyond the limits of the district wherein the claim is situated, may make oath to the adverse claim before the clerk of any court of record of the United States or the State or Territory where the adverse claimant may then be, or before any notary public of such State or Territory.

**Sec. 2. AFFIDAVIT OF CITIZENSHIP; BEFORE WHOM MADE.** That applicants for mineral patents, if residing beyond the limits of the district wherein the claim is situated, may make any oath or affidavit required for proof of citizenship before the clerk of any court of record, or before any notary public of any State or Territory.

**AN ACT To repeal the timber-culture laws, and for other purposes.**

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

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**Sec. 16. TOWNSITES ON MINERAL LANDS AUTHORIZED—LANDS ENTERED UNDER THE MINERAL LAWS NOT INCLUDED IN RESTRICTION TO 320 ACRES.** That town-site entries may be made by incorporated towns and cities on the mineral lands of the United States, but no title shall be acquired by such towns or cities to any vein of gold, silver, cinnabar, copper, or lead, or to any valid mining claim or possession held under existing law. When mineral veins are possessed within the limits of an incorporated town or city, and such possession is recognized by local authority or by the laws of the United States, the title to town lots shall be subject to such recognized possession and the necessary use thereof, and when entry has been made or patent issued for such town sites to such incorporated town or city, the possessor of such mineral vein may enter and receive patent for such

mineral vein, and the surface ground appertaining thereto: *Provided*, That no entry shall be made by such mineral-vein claimant for surface ground where the owner or occupier of the surface ground shall have had possession of the same before the inception of the title of the mineral-vein applicant.

Sec. 17. That reservoir sites located or selected and to be located and selected under the provisions of "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and eighty-nine, and for other purposes," and amendments thereto, shall be restricted to and shall contain only so much land as is actually necessary for the construction and maintenance of reservoirs, excluding so far as practicable lands occupied by actual settlers at the date of the location of said reservoirs, and that the provisions of "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-one, and for other purposes," which reads as follows, viz: "No person who shall after the passage of this act enter upon any of the public lands with a view to occupation, entry, or settlement under any of the land laws shall be permitted to acquire title to more than three hundred and twenty acres in the aggregate under all said laws," shall be construed to include in the maximum amount of lands the title to which is permitted to be acquired by one person only agricultural lands and not include lands entered or sought to be entered under mineral land laws.

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**AN ACT** To authorize the entry of lands chiefly valuable for building stone under the placer mining laws.

**ENTRY OF LANDS CHIEFLY VALUABLE FOR BUILDING STONE UNDER THE PLACER-MINING LAWS.** *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That any person authorized to enter lands under the mining laws of the United States may enter lands that are chiefly valuable for building stone under the provisions of the law in relation to placer-mineral claims: *Provided*, That lands reserved for the benefit of the public schools or donated to any State shall not be subject to entry under this act.

**AN ACT** Making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for other purposes.

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All public lands heretofore designated and reserved by the President of the United States under the provisions of the act approved March third, eighteen hundred and ninety-one, the orders for which shall be and remain in full force and effect, un-

suspended and unrevoked, and all public lands that may hereafter be set aside and reserved as public forest reserves under said act, shall be as far as practicable controlled and administered in accordance with the following provisions:

**FOREST RESERVATIONS, WHEN TO BE ESTABLISHED.** No public forest reservation shall be established, except to improve and protect the forest within the reservation, or for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of citizens of the United States; but it is not the purpose or intent of these provisions, or of the act providing for such reservations, to authorize the inclusion therein of lands more valuable for the mineral therein, or for agricultural purposes, than for forest purposes.

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**USE OF TIMBER, ETC., BY SETTLERS, ETC.** The Secretary of the Interior may permit, under regulations to be prescribed by him, the use of timber and stone found upon such reservations, free of charge, by bona fide settlers, miners, residents, and prospectors, for minerals, for firewood, fencing, buildings, mining, prospecting, and other domestic purposes, as may be needed by such persons for such purposes; such timber to be used within the State or Territory, respectively, where such reservations may be located.

**EGRESS AND INGRESS OF SETTLERS WITHIN RESERVATIONS, ETC.** Nothing herein shall be construed as prohibiting the egress or ingress of actual settlers residing within the boundaries of such reservations, or from crossing the same to and from their property or homes; and such wagon roads and other improvements may be constructed thereon as may be necessary to reach their homes and to utilize their property under such rules and regulations as may be prescribed by the Secretary of the Interior. Nor shall anything herein prohibit any person from entering upon such forest reservations for all proper and lawful purposes, including that of prospecting, locating, and developing the mineral resources thereof: *Provided*, That such persons comply with the rules and regulations covering such forest reservations.

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**RESTORATION OF MINERAL OR AGRICULTURAL LANDS TO THE PUBLIC DOMAIN.** Upon the recommendation of the Secretary of the Interior, with the approval of the President, after sixty days' notice thereof, published in two papers of general circulation in the State or Territory wherein any forest reservation is situated, and near the said reservation, any public lands embraced within the limits of any forest reservation which, after due examination by personal inspection of a competent person appointed for that purpose by the Secretary of the Interior, shall be found better



adapted for mining or for agricultural purposes than for forest usage, may be restored to the public domain. And any mineral lands in any forest reservation which have been or which may be shown to be such, and subject to entry under the existing mining laws of the United States and the rules and regulations applying thereto, shall continue to be subject to such location and entry, notwithstanding any provisions herein contained.

**AN ACT Extending the mining laws to saline lands.**

**MINING LAWS EXTENDED TO SALINE LANDS.** *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all unoccupied public lands of the United States containing salt springs, or deposits of salt in any form, and chiefly valuable therefor, are hereby declared to be subject to location and purchase under the provisions of the law relating to placer-mining claims: *Provided,* That the same person shall not locate or enter more than one claim hereunder.

**AN ACT To ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation in the State of Wyoming and to make appropriations for carrying the same into effect.**

\* \* \* \* \*

**Sec. 2. OPENING OF LANDS TO ENTRY. PROCLAMATION.** That the lands ceded to the United States under the said agreement shall be disposed of under the provisions of the homestead, town-site, coal, and mineral land laws of the United States and shall be opened to settlement and entry by proclamation of the President. \* \* \*

\* \* \* \* \*

**TOWN-SITE, COAL, AND MINERAL ENTRIES.** \* \* \* Lands entered under the town-site, coal, and mineral land laws shall be paid for in amount and manner as provided by said laws. Notice of location of all mineral entries shall be filed in the local land office of the district in which the lands covered by the location are situated, and unless entry and payment shall be made within three years from the date of location all rights thereunder shall cease; \* \* \* that all lands, except mineral and coal lands, herein ceded remaining undisposed of at the expiration of five years from the opening of said lands to entry shall be sold to the highest bidder for cash at not less than one dollar per acre under rules and regulations to be prescribed by the Secretary of the Interior. \* \* \*

**AN ACT** Extending the time for final entry of mineral claims within the Shoshone or Wind River Reservation in Wyoming.

**TIME EXTENDED FOR MAKING ENTRY.** *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section two of chapter fourteen hundred and fifty-two of the Statutes of the Fifty-eighth Congress (United States Statutes at Large, volume thirty-three, part one), being "An act to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation, in the State of Wyoming, and to make appropriations to carry the same into effect," be, and the same is hereby, amended so that all claimants and locators of mineral lands within the ceded portion of said reservation shall have five years from the date of location within which to make entry and payment instead of three years, as now provided by the said act.

**AN ACT** To authorize the President of the United States to make withdrawals of public lands in certain cases.

**TEMPORARY WITHDRAWALS BY PRESIDENT FOR POWER SITES, IRRIGATION, ETC., AUTHORIZED.** *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President may, at any time in his discretion, temporarily withdraw from settlement, location, sale, or entry any of the public lands of the United States, including the District of Alaska, and reserve the same for water-power sites, irrigation, classification of lands, or other public purposes to be specified in the orders of withdrawals, and such withdrawals or reservations shall remain in force until revoked by him or by an act of Congress.

**Sec. 2. MINING RIGHTS CONTINUED—EXCEPTIONS—PROVISIONS—RIGHTS OF BONA FIDE OIL OR GAS CLAIMANTS—STATUS OF PRIOR CLAIMS—HOMESTEAD, ETC., SETTLEMENTS EXCEPTED. RESTRICTION ON NEW FOREST RESERVES.** That all lands withdrawn under the provisions of this act shall at all times be open to exploration, discovery, occupation, and purchase, under the mining laws of the United States, so far as the same apply to minerals other than coal, oil, gas, and phosphates: *Provided,* That the rights of any person who, at the date of any order of withdrawal heretofore or hereafter made, is a bona fide occupant or claimant of oil or gas bearing lands, and who, at such date, is in diligent prosecution of work leading to discovery of oil or gas, shall not be affected or impaired by such order, so long as such occupant or claimant shall continue in diligent prosecution of said work: *Provided further,* That this act shall not be construed as a recognition, abridgment, or enlargement of any asserted rights or claims initiated upon any oil or gas bearing lands after any withdrawal of such lands made pri-

or to June twenty-fifth, nineteen hundred and ten: *And provided further*, That there shall be excepted from the force and effect of any withdrawal made under the provisions of this act all lands which are, on the date of such withdrawal, embraced in any lawful homestead or desert-land entry theretofore made, or upon which any valid settlement has been made and is at said date being maintained and perfected pursuant to law; but the terms of this proviso shall not continue to apply to any particular tract of land unless the entryman or settler shall continue to comply with the law under which the entry or settlement was made: *And provided further*, That hereafter no forest reserve shall be created, nor shall any additions be made to one heretofore created within the limits of the States of Oregon, Washington, Idaho, Montana, Colorado, or Wyoming, except by act of Congress.

Sec. 3. REPORT OF WITHDRAWALS TO CONGRESS. That the Secretary of the Interior shall report all such withdrawals to Congress at the beginning of its next regular session after the date of the withdrawals.

**AN ACT** to amend section two of an act to authorize the President of the United States to make withdrawals of public lands in certain cases, approved June twenty-fifth, nineteen hundred and ten.

WITHDRAWALS FOR SPECIFIED PURPOSES—VOL. 36, P. 847.  
*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section two of the act of Congress approved June twenty-fifth, nineteen hundred and ten (Thirty-sixth Statutes at Large, page eight hundred and forty-seven), be, and the same is hereby amended to read as follows:

“Sec. 2. MINING RIGHTS CONTINUED—PROVISOS—RIGHTS OF BONA FIDE OIL OR GAS CLAIMANTS—STATUS OF PRIOR CLAIMS—HOMESTEAD, ETC., ENTRIES NOT AFFECTED—CREATION OF FOREST RESERVES RESTRICTED—VOL. 34, P. 1271. That all lands withdrawn under the provisions of this act shall at all times be open to exploration, discovery, occupation, and purchase under the mining laws of the United States, so far as the same apply to metalliferous minerals: *Provided*, That the rights of any person who, at the date of any order of withdrawal heretofore or hereafter made, is a bona fide occupant or claimant of oil or gas bearing lands and who, at such date, is in the diligent prosecution of work leading to the discovery of oil or gas, shall not be affected or impaired by such order so long as such occupant or claimant shall continue in diligent prosecution of said work: *Provided further*, That this act shall not be construed as a recognition, abridgment, or enlargement of any asserted rights or claims initiated upon any oil or gas bearing lands after any withdrawal of such lands made prior to June twenty-fifth, nineteen hundred and ten: *And provided further*, That there shall be except-

ed from the force and effect of any withdrawal made under the provisions of this act all lands which are on the date of such withdrawal, embraced in any lawful homestead or desert-land entry theretofore made, or upon which any valid settlement has been made and is at said date being maintained and perfected pursuant to law; but the terms of this proviso shall not continue to apply to any particular tract of land unless the entryman or settler shall continue to comply with the law under which the entry or settlement was made: *And provided further*, That hereafter no forest reserve shall be created, nor shall any additions be made to one heretofore created, within the limits of the States of California, Oregon, Washington, Idaho, Montana, Colorado, or Wyoming, except by act of Congress."

**AN ACT To provide for agricultural entry of lands withdrawn, classified, or reported as containing phosphate, nitrate, potash, oil, gas, or asphaltic minerals.**

ENTRY OF CLASSIFIED NON-METALLIC MINERAL LANDS FOR AGRICULTURE, ETC.—MINING RESERVED—DESERT ENTRIES—PROVISO—CONDITION IN APPLICATION. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That lands withdrawn or classified as phosphate, nitrate, potash, oil, gas, or asphaltic minerals, or which are valuable for those deposits, shall be subject to appropriation, location, selection, entry, or purchase, if otherwise available, under the nonmineral land laws of the United States, whenever such location, selection, entry, or purchase shall be made with a view of obtaining or passing title with a reservation to the United States of the deposits on account of which the lands were withdrawn or classified or reported as valuable, together with the right to prospect for, mine, and remove the same; but no desert entry made under the provisions of this act shall contain more than one hundred and sixty acres: *Provided*, That all applications to locate, select, enter, or purchase under this section shall state that the same are made in accordance with and subject to the provisions and reservations of this act.

Sec. 2. ISSUE OF CONDITIONAL PATENT—BOND FOR PROSPECTING—MINING ENTRIES PERMITTED—PROVISO—APPLICATION TO DISPROVE MINERAL CLASSIFICATION—FOR SUBSEQUENT WITHDRAWALS. That upon satisfactory proof of full compliance with the provisions of the laws under which the location, selection, entry, or purchase is made, the locator, selector, entryman, or purchaser shall be entitled to a patent to the land located, selected, entered, or purchased, which patent shall contain a reservation to the United States of the deposits on account of which the lands so patented were withdrawn or classified or reported as valuable, together with the right to prospect for, mine, and re-

move the same, such deposits to be subject to disposal by the United States only as shall be hereafter expressly directed by law. Any person qualified to acquire the reserved deposits may enter upon said lands with a view of prospecting for the same upon the approval by the Secretary of the Interior of a bond or undertaking to be filed with him as security for the payment of all damages to the crops and improvements on such lands by reason of such prospecting, the measure of any such damage to be fixed by agreement of parties or by a court of competent jurisdiction. Any person who has acquired from the United States the title to or the right to mine and remove the reserved deposits, should the United States dispose of the mineral deposits in lands, may re-enter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining and removal of the minerals therefrom, and mine and remove such minerals, upon payment of damages caused thereby to the owner of the land, or upon giving a good and sufficient bond or undertaking therefor in an action instituted in any competent court to ascertain and fix said damages: *Provided*, That nothing herein contained shall be held to deny or abridge the right to present and have prompt consideration of applications to locate, select, enter, or purchase, under the land laws of the United States, lands which have been withdrawn or classified as phosphate, nitrate, potash, oil, gas, or asphaltic mineral lands, with a view of disproving such classification and securing patent without reservation, nor shall persons who have located, selected, entered, or purchased lands subsequently withdrawn, or classified as valuable for said mineral deposits, be debarred from the privilege of showing, at any time before final entry, purchase, or approval of selection or location, that the lands entered, selected, or located are in fact nonmineral in character.

Sec. 3. CONDITIONAL NONMINERAL PATENTS FOR LANDS SUBSEQUENTLY WITHDRAWN, ETC.—RESERVATION FOR MINING. That any person who has, in good faith, located, selected, entered, or purchased, or any person who shall hereafter locate, select, enter, or purchase, under the nonmineral land laws of the United States, any lands which are subsequently withdrawn, classified, or reported as being valuable for phosphate, nitrate, potash, oil, gas, or asphaltic minerals, may, upon application therefor, and making satisfactory proof of compliance with the laws under which such lands are claimed, receive a patent therefor, which patent shall contain a reservation to the United States of all deposits on account of which the lands were withdrawn, classified, or reported as being valuable, together with the right to prospect for, mine, and remove the same.

## MINERAL LEASING LAW

**AN ACT To promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain.**

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That deposits of coal, phosphate, sodium, oil, oil shale, or gas, and lands containing such deposits owned by the United States, including those in national forests, but excluding lands acquired under the Act known as the Appalachian Forest Act, approved March 1, 1911 (Thirty-sixth Statutes, page 961), and those in national parks, and in lands withdrawn or reserved for military or naval uses or purposes, except as hereinafter provided, shall be subject to disposition in the form and manner provided by this Act to citizens of the United States, or to any association of such persons, or to any corporation organized under the laws of the United States, or of any State or Territory thereof, and in the case of coal, oil, oil shale, or gas, to municipalities: *Provided*, That the United States reserves the right to extract helium from all gas produced from lands permitted, leased, or otherwise granted under the provisions of this Act, under such rules and regulations as shall be prescribed by the Secretary of the Interior: *Provided further*, That in the extraction of helium from gas produced from such lands, it shall be so extracted as to cause no substantial delay in the delivery of gas produced from the well to the purchaser thereof: *And provided further*, That citizens of another country, the laws, customs, or regulations of which, deny similar or like privileges to citizens or corporations of this country, shall not by stock ownership, stock holding, or stock control, own any interest in any lease acquired under the provisions of this Act.

## COAL

Sec. 2. That the Secretary of the Interior is authorized to, and upon the petition of any qualified applicant shall, divide any of the coal lands or the deposits of coal, classified and unclassified, owned by the United States, outside of the Territory of Alaska, into leasing tracts of forty acres each, or multiples thereof, and in such form as, in the opinion of the Secretary of the Interior, will permit the most economical mining of the coal in such tracts, but in no case exceeding two thousand five hundred and sixty acres in any one leasing tract, and thereafter the Secretary of the Interior shall, in his discretion, upon the request of any qualified applicant or on his own motion, from time to time, offer such lands or deposits of coal for leasing, and shall award leases thereon by competitive bidding, or by such other methods

as he may by general regulations adopt, to any qualified applicant: *Provided*, That the Secretary is hereby authorized, in awarding leases for coal lands heretofore improved and occupied or claimed in good faith, to consider and recognize equitable rights of such occupants or claimants: *Provided, further*, That where prospecting or exploratory work is necessary to determine the existence or workability of coal deposits in any unclaimed, undeveloped area, the Secretary of the Interior may issue, to applicants qualified under this Act, prospecting permits for a term of two years, for not exceeding two thousand five hundred and sixty acres; and if within said period of two years thereafter, the permittee shows to the Secretary that the land contains coal in commercial quantities, the permittee shall be entitled to a lease under this Act for all or part of the land in his permit: *And provided further*, That no lease of coal under this Act shall be approved or issued until after notice of the proposed lease, or offering for lease, has been given for thirty days in a newspaper of general circulation in the county in which the lands or deposits are situated: *And provided further*, That no company or corporation operating a common carrier railroad shall be given or hold a permit or lease under the provisions of this Act for any coal deposits except for its own use for railroad purposes; and such limitations of use shall be expressed in all permits and leases issued to such companies or corporations, and no such company or corporation shall receive or hold more than one permit or lease for each two hundred miles of its railroad line within the State in which said property is situated, exclusive of spurs or switches and exclusive of branch lines built to connect the leased coal with the railroad, and also exclusive of parts of the railroad operated mainly by power produced otherwise than by steam: *And provided further*, That nothing herein shall preclude such a railroad of less than two hundred miles in length from securing and holding one permit or lease hereunder.

Sec. 3. That any person, association, or corporation holding a lease of coal lands or coal deposits under this Act may, with the approval of the Secretary of the Interior, upon a finding by him that it will be for the advantage of the lessee and the United States, secure modifications of his or its original lease by including additional coal lands or coal deposits contiguous to those embraced in such lease, but in no event shall the total area embraced in such modified lease exceed in the aggregate two thousand five hundred and sixty acres.

Sec. 4. That upon satisfactory showing by any lessee, to the Secretary of the Interior that all of the workable deposits of coal within a tract covered by his or its lease will be exhausted, worked out, or removed within three years thereafter, the Secretary of the Interior may, within his discretion, lease to such

lessee an additional tract of land or coal deposits, which, including the coal area remaining in the existing lease, shall not exceed two thousand five hundred and sixty acres, through the same procedure and under the same conditions as in case of an original lease.

Sec. 5. That if, in the judgment of the Secretary of the Interior, the public interest will be subserved thereby, lessees holding under lease areas not exceeding the maximum permitted under this Act may consolidate their leases through the surrender of the original leases and the inclusion of such areas in a new lease of not to exceed two thousand five hundred and sixty acres of contiguous lands.

Sec. 6. That where coal or phosphate lands aggregating two thousand five hundred and sixty acres and subject to lease hereunder do not exist as contiguous areas, the Secretary of the Interior is authorized, if, in his opinion the interests of the public and of the lessee will be thereby subserved, to embrace in a single lease noncontiguous tracts which can be operated as a single mine or unit.

Sec. 7. That for the privilege of mining or extracting the coal in the lands covered by the lease the lessee shall pay to the United States such royalties as may be specified in the lease, which shall be fixed in advance of offering the same, and which shall not be less than 5 cents per ton of two thousand pounds, due and payable at the end of each third month succeeding that of the extraction of the coal from the mine, and an annual rental, payable at the date of such lease and annually thereafter, on the lands or coal deposits covered by such lease, at such rate as may be fixed by the Secretary of the Interior prior to offering the same, which shall not be less than 25 cents per acre for the first year thereafter, not less than 50 cents per acre for the second, third, fourth, and fifth years, respectively, and not less than \$1 per acre for each and every year thereafter during the continuance of the lease, except that such rental for any year shall be credited against the royalties as they accrue for that year. Leases shall be for indeterminate periods upon condition of diligent development and continued operation of the mine or mines, except when such operation shall be interrupted by strikes, the elements, or casualties not attributable to the lessee, and upon the further condition that at the end of each twenty-year period succeeding the date of the lease such readjustment of terms and conditions may be made as the Secretary of the Interior may determine, unless otherwise provided by law at the time of the expiration of such periods: *Provided*, That the Secretary of the Interior may, if in his judgment the public interest will be subserved thereby, in lieu of the provision herein contained requiring continuous operation of the mine or mines, provide in the lease for



the payment of an annual advance royalty upon a minimum number of tons of coal, which in no case shall aggregate less than the amount of rentals herein provided for: *Provided further*, That the Secretary of the Interior may permit suspension of operation under such lease for not to exceed six months at any one time when market conditions are such that the lease can not be operated except at a loss.

Sec. 8. That in order to provide for the supply of strictly local domestic needs for fuel, the Secretary of the Interior may, under such rules and regulations as he may prescribe in advance, issue limited licenses or permits to individuals or associations of individuals to prospect for, mine, and take for their use but not for sale, coal from the public lands without payment of royalty for the coal mined or the land occupied, on such conditions not inconsistent with this Act as in his opinion will safeguard the public interests: *Provided*, That this privilege shall not extend to any corporations: *Provided further*, That in the case of municipal corporations the Secretary of the Interior may issue such limited license or permit, for not to exceed three hundred and twenty acres for a municipality of less than one hundred thousand population, and not to exceed one thousand two hundred and eighty acres for a municipality of not less than one hundred thousand and not more than one hundred and fifty thousand population; and not to exceed two thousand five hundred and sixty acres for a municipality of one hundred and fifty thousand population or more, the land to be selected within the State wherein the municipal applicant may be located, upon condition that such municipal corporations will mine the coal therein under proper conditions and dispose of the same without profit to residents of such municipality for household use: *And provided further*, That the acquisition or holding of a lease under the preceding sections of this Act shall be no bar to the holding of such tract or operation of such mine under said limited license.

### PHOSPHATES

Sec. 9. That the Secretary of the Interior is hereby authorized to lease to any applicant qualified under this Act any lands belonging to the United States containing deposits of phosphates, under such restrictions and upon such terms as are herein specified, through advertisement, competitive bidding, or such other methods as the Secretary of the Interior may by general regulation adopt.

Sec. 10. That each lease shall be for not to exceed two thousand five hundred and sixty acres of land to be described by the legal sub-divisions of the public land surveys, if surveyed; if unsurveyed, to be surveyed by the Government at the expense

of the applicant for lease, in accordance with rules and regulations prescribed by the Secretary of the Interior and the lands leased shall be conformed to and taken in accordance with the legal subdivisions of such survey; deposits made to cover expense of surveys shall be deemed appropriated for that purpose; and any excess deposits shall be repaid to the person, association, or corporation making such deposits or their legal representatives: *Provided*, That the land embraced in any one lease shall be in compact form, the length of which shall not exceed two and one-half times its width.

Sec. 11. That for the privilege of mining or extracting the phosphates or phosphate rock covered by the lease the lessee shall pay to the United States such royalties as may be specified in the lease, which shall be fixed by the Secretary of the Interior in advance of offering the same, which shall not be less than 2 per centum of the gross value of the output of phosphates or phosphate rock at the mine, due and payable at the end of each third month succeeding that of the sale or other disposition of the phosphates or phosphate rock, and an annual rental payable at the date of such lease and annually thereafter on the area covered by such lease at such rate as may be fixed by the Secretary of the Interior prior to offering the lease, which shall be not less than 25 cents per acre for the first year thereafter, 50 cents per acre for the second, third, fourth, and fifth years, respectively, and \$1 per acre for each and every year thereafter during the continuance of the lease, except that such rental for any year shall be credited against the royalties as they accrue for that year. Leases shall be for indeterminate periods upon condition of a minimum annual production, except when operation shall be interrupted by strikes, the elements, or casualties not attributable to the lessee, and upon the further condition that at the end of each twenty-year period succeeding the date of the lease such readjustment of terms and conditions shall be made as the Secretary of the Interior shall determine unless otherwise provided by law at the time of the expiration of such periods: *Provided*, That the Secretary of the Interior may permit suspension of operation under such lease for not exceeding twelve months at any one time when market conditions are such that the lease can not be operated except at a loss.

Sec. 12. That any qualified applicant to whom the Secretary of the Interior may grant a lease to develop and extract phosphates, or phosphate rock, under the provisions of this Act shall have the right to use so much of the surface of unappropriated and unentered lands, not exceeding forty acres, as may be determined by the Secretary of the Interior to be necessary for the proper prospecting for or development, extraction, treatment, and removal of such mineral deposits.

## OIL AND GAS

Sec. 13. That the Secretary of the Interior is hereby authorized, under such necessary and proper rules and regulations as he may prescribe, to grant to any applicant qualified under this Act a prospecting permit, which shall give the exclusive right, for a period not exceeding two years, to prospect for oil or gas upon not to exceed two thousand five hundred and sixty acres of land wherein such deposits belong to the United States and are not within any known geological structure of a producing oil or gas field upon condition that the permittee shall begin drilling operations within six months from the date of the permit, and shall, within one year from and after the date of permit, drill one or more wells for oil or gas to a depth of not less than five hundred feet each, unless valuable deposits of oil or gas shall be sooner discovered, and shall, within two years from date of the permit, drill for oil or gas to an aggregate depth of not less than two thousand feet unless valuable deposits of oil or gas shall be sooner discovered. The Secretary of the Interior may, if he shall find that the permittee has been unable with the exercise of diligence to test the land in the time granted by the permit, extend any such permit for such time, not exceeding two years, and upon such conditions as he shall prescribe. Whether the lands sought in any such application and permit are surveyed or unsurveyed the applicant shall, prior to filing his application for permit, locate such lands in a reasonably compact form and according to the legal subdivisions of the public land surveys of the land if the land be surveyed; and in an approximately square or rectangular tract if the land be an unsurveyed tract, the length of which shall not exceed two and one-half times its width, and if he shall cause to be erected upon the land for which a permit is sought a monument not less than four feet high, at some conspicuous place thereon, and shall post a notice in writing on or near said monument, stating that an application for permit will be made within thirty days after date of posting said notice, the name of the applicant, the date of the notice, and such a general description of the land to be covered by such permit by reference to courses and distances from such monument and such other natural objects and permanent monuments as will reasonably identify the land, stating the amount thereof in acres, he shall during the period of thirty days following such marking and posting, be entitled to a preference right over others to a permit for the land so identified. The applicant shall, within ninety days after receiving a permit, mark each of the corners of the tract described in the permit upon the ground with substantial monuments, so that the boundaries can be readily traced on the ground, and shall post in a conspicuous place upon the

lands a notice that such permit has been granted and a description of the lands covered thereby: *Provided*, That in the Territory of Alaska prospecting permits not more than five in number may be granted to any qualified applicant for periods not exceeding four years, actual drilling operation shall begin within two years from date of permit, and oil and gas wells shall be drilled to a depth of not less than five hundred feet, unless valuable deposits of oil or gas shall be sooner discovered, within three years from date of the permit and to an aggregate depth of not less than two thousand feet unless valuable deposits of oil or gas shall be sooner discovered, within four years from date of permit: *Provided further*, That in said Territory the applicant shall have a preference right over others to a permit for land identified by temporary monuments and notice posted on or near the same for six months following such marking and posting, and upon receiving a permit he shall mark the corners of the tract described in the permit upon the ground with substantial monuments within one year after receiving such permit.

Sec. 14. That upon establishing to the satisfaction of the Secretary of the Interior that valuable deposits of oil or gas have been discovered within the limits of the land embraced in any permit, the permittee shall be entitled to a lease for one-fourth of the land embraced in the prospecting permit: *Provided*, That the permittee shall be granted a lease for as much as one hundred and sixty acres of said lands, if there be that number of acres within the permit. The area to be selected by the permittee, shall be in compact form and, if surveyed, to be described by the legal subdivisions of the public-land surveys; if unsurveyed, to be surveyed by the Government at the expense of the applicant for lease in accordance with rules and regulations to be prescribed by the Secretary of the Interior and the lands leased shall be conformed to and taken in accordance with the legal subdivisions of such surveys; deposits made to cover expense of surveys shall be deemed appropriated for that purpose, and any excess deposits may be repaid to the person or persons making such deposit or their legal representatives. Such leases shall be for a term of twenty years upon a royalty of 5 per centum in amount or value of the production and the annual payment in advance of a rental of \$1 per acre, the rental paid for any one year to be credited against the royalties as they accrue for that year, with the right of renewal as prescribed in section 17 hereof. The permittee shall also be entitled to a preference right to a lease for the remainder of the land in his prospecting permit at a royalty of not less than 12½ per centum in amount or value of the production, and under such other conditions as are fixed for oil or gas leases in this Act, the royalty to be determined by competitive bidding or fixed by such other method as the Secre-

tary may by regulations prescribe: *Provided*, That the Secretary shall have the right to reject any or all bids.

Sec. 15. That until the permittee shall apply for lease to the one quarter of the permit area heretofore provided for he shall pay to the United States 20 per centum of the gross value of all oil or gas secured by him from the lands embraced within his permit and sold or otherwise disposed of or held by him for sale or other disposition.

Sec. 16. That all permits and leases of lands containing oil or gas, made or issued under the provisions of this Act, shall be subject to the condition that no wells shall be drilled within two hundred feet of any of the outer boundaries of the lands so permitted or leased, unless the adjoining lands have been patented or the title thereto otherwise vested in private owners, and to the further condition that the permittee or lessee will, in conducting his explorations and mining operations, use all reasonable precautions to prevent waste of oil or gas developed in the land, or the entrance of water through wells drilled by him to the oil sands or oil-bearing strata, to the destruction or injury of the oil deposits. Violations of the provisions of this section shall constitute grounds for the forfeiture of the permit or lease, to be enforced through appropriate proceedings in courts of competent jurisdiction.

Sec. 17. That all unappropriated deposits of oil or gas situated within the known geologic structure of a producing oil or gas field and the unentered lands containing the same, not subject to preferential lease, may be leased by the Secretary of the Interior to the highest responsible bidder by competitive bidding under general regulation to qualified applicants in areas not exceeding six hundred and forty acres and in tracts which shall not exceed in length two and one-half times their width, such leases to be conditioned upon the payment by the lessee of such bonus as may be accepted and of such royalty as may be fixed in the lease, which shall not be less than 12½ per centum in amount or value of the production, and the payment in advance of a rental of not less than \$1 per acre per annum thereafter during the continuance of the lease, the rental paid for any one year to be credited against the royalties as they accrue for that year. Leases shall be for a period of twenty years, with the preferential right in the lessee to renew the same for successive periods of ten years upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior, unless otherwise provided by law at the time of the expiration of such periods. Whenever the average daily production of any oil well shall not exceed ten barrels per day, the Secretary of the Interior is authorized to reduce the royalty on future production when in his judgment the wells can not be successfully operated

upon the royalty fixed in the lease. The provisions of this paragraph shall apply to all oil and gas leases made under this Act.

Sec. 18. That upon relinquishment to the United States, filed in the General Land Office within six months after the approval of this Act, of all right, title, and interest claimed and possessed prior to July 3, 1910, and continuously since by the claimant or his predecessor in interest under the preexisting placer mining law to any oil or gas bearing land upon which there has been drilled one or more oil or gas wells to discovery embraced in the Executive order of withdrawal issued September 27, 1909, and not within any naval petroleum reserve, and upon payment as royalty to the United States of an amount equal to the value at the time of production of one-eighth of all the oil or gas already produced except oil or gas used for production purposes on the claim, or unavoidably lost, from such land, the claimant, or his successor, if in possession of such land, undisputed by any other claimant prior to July 1, 1919, shall be entitled to a lease thereon from the United States for a period of twenty years, at a royalty of not less than  $12\frac{1}{2}$  per centum of all the oil or gas produced except oil or gas used for production purposes on the claim, or unavoidably lost: *Provided*, That not more than one-half of the area, but in no case to exceed three thousand two hundred acres, within the geologic oil or gas structure of a producing oil or gas field shall be leased to any one claimant under the provision of this section when the area of such geologic oil structure exceeds six hundred and forty acres. Any claimant or his successor, subject to this limitation, shall, however, have the right to select and receive the lease as in this section provided for that portion of his claim or claims equal to, but not in excess of, said one-half of the area of such geologic oil structure, but not more than three thousand two hundred acres.

All such leases shall be made and the amount of royalty to be paid for oil and gas produced, except oil or gas used for production purposes on the claim, or unavoidably lost, after the execution of such lease shall be fixed by the Secretary of the Interior under appropriate rules and regulations: *Provided, however*, That as to all like claims situate within any naval petroleum reserve the producing wells thereon only shall be leased, together with an area of land sufficient for the operation thereof, upon the terms and payment of royalties for past and future production as herein provided for in the leasing of claims. No wells shall be drilled in the land subject to this provision within six hundred and sixty feet of any such leased well without the consent of the lessee: *Provided, however*, That the President may, in his discretion, lease the remainder or any part of any such claim upon which such wells have been drilled, and in the

event of such leasing said claimant or his successor shall have a preference right to such lease: *And provided further*, That he may permit the drilling of additional wells by the claimant or his successor within the limited area of six hundred and sixty feet theretofore provided for upon such terms and conditions as he may prescribe.

No claimant for a lease who has been guilty of any fraud or who had knowledge or reasonable grounds to know of any fraud, or who has not acted honestly and in good faith, shall be entitled to any of the benefits of this section.

Upon the delivery and acceptance of the lease, as in this section provided, all suits brought by the Government affecting such lands may be settled and adjusted in accordance herewith and all moneys impounded in such suits or under the Act entitled "An Act to amend an Act entitled 'An Act to protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States, or their successors in interest,' approved March 2, 1911," approved August 25, 1914 (Thirty-eighth Statutes at Large, page 708), shall be paid over to the parties entitled thereto. In case of conflicting claimants for leases under this section, the Secretary of the Interior is authorized to grant leases to one or more of them as shall be deemed just. All leases hereunder shall inure to the benefit of the claimant and all persons claiming through or under him by lease, contract, or otherwise, as their interests may appear, subject, however, to the same limitation as to area and acreage as is provided for claimant in this section: *Provided*, That no claimant acquiring any interest in such lands since September 1, 1919, from a claimant on or since said date claiming or holding more than the maximum allowed claimant under this section shall secure a lease thereon or any interest therein, but the inhibition of this proviso shall not apply to an exchange of any interest in such lands made prior to the 1st day of January, 1920, which did not increase or reduce the area or acreage held or claimed in excess of said maximum by either party to the exchange: *Provided further*, That no lease or leases under this section shall be granted, nor shall any interest therein, inure to any person, association, or corporation for a greater aggregate area or acreage than the maximum in this section provided for.

Sec. 18a. That whenever the validity of any gas or petroleum placer claim under preexisting law to land embraced in the Executive order of withdrawal issued September 27, 1909, has been or may hereafter be drawn in question on behalf of the United States in any departmental or judicial proceedings, the President is hereby authorized at any time within twelve months after the approval of this Act to direct the compromise and settlement

of any such controversy upon such terms and conditions as may be agreed upon, to be carried out by an exchange or division of land or division of the proceeds of operation.

Sec. 19. That any person who on October 1, 1919, was a bona fide occupant or claimant of oil or gas lands under a claim initiated while such lands were not withdrawn from oil or gas location and entry, and who had previously performed all acts under then existing laws necessary to valid locations thereof except to make discovery and upon which discovery had not been made prior to the passage of this Act, and who has performed work or expended on or for the benefit of such locations an amount equal in the aggregate of \$250 for each location if application therefor shall be made within six months from the passage of this Act shall be entitled to prospecting permits thereon upon the same terms and conditions, and limitations as to acreage, as other permits provided for in this Act, or where any such person has heretofore made such discovery, he shall be entitled to a lease thereon under such terms as the Secretary of the Interior may prescribe unless otherwise provided for in section 18 hereof: *Provided*, That where such prospecting permit is granted upon land within any known geologic structure of a producing oil or gas field, the royalty to be fixed in any lease thereafter granted thereon or any portion thereof shall be not less than 12½ per centum of all the oil or gas produced except oil or gas used for production purposes on the claim, or unavoidably lost: *Provided, however*, That the provisions of this section shall not apply to lands reserved for the use of the Navy: *Provided, however*, That no claimant for a permit or lease who has been guilty of any fraud or who had knowledge or reasonable grounds to know of any fraud, or who has not acted honestly and in good faith, shall be entitled to any of the benefits of this section.

All permits or leases hereunder shall inure to the benefit of the claimant and all persons claiming through or under him by lease, contract, or otherwise, as their interests may appear.

Sec. 20. In the case of lands bona fide entered as agricultural, and not withdrawn or classified as mineral at the time of entry, but not including lands claimed under any railroad grant, the entryman or patentee, or assigns, where assignment was made prior to January 1, 1918, if the entry has been patented with the mineral right reserved, shall be entitled to a preference right to a permit and to a lease, as herein provided, in case of discovery; and within an area not greater than a township such entryman and patentees, or assigns holding restricted patents may combine their holdings, not to exceed two thousand five hundred and sixty acres for the purpose of making joint application. Leases executed under this section and embracing only lands so entered



shall provide for the payment of a royalty of not less than 12½ per centum as to such areas within the permit as may not be included within the discovery lease to which the permittee is entitled under section 14 hereof.

## OIL SHALE

Sec. 21. That the Secretary of the Interior is hereby authorized to lease to any person or corporation qualified under this Act any deposits of oil shale belonging to the United States and the surface of so much of the public lands containing such deposits, or land adjacent thereto, as may be required for the extraction and reduction of the leased minerals, under such rules and regulations, not inconsistent with this Act, as he may prescribe; that no lease hereunder shall exceed five thousand one hundred and twenty acres of land, to be described by the legal subdivisions of the public-land surveys, or if unsurveyed, to be surveyed by the United States, at the expense of the applicant, in accordance with regulations to be prescribed by the Secretary of the Interior. Leases may be for indeterminate periods, upon such conditions as may be imposed by the Secretary of the Interior, including covenants relative to methods of mining, prevention of waste, and productive development. For the privilege of mining, extracting, and disposing of the oil or other minerals covered by a lease under this section the lessee shall pay to the United States such royalties as shall be specified in the lease and an annual rental, payable at the beginning of each year, at the rate of 50 cents per acre per annum, for the lands included in the lease, the rental paid for any one year to be credited against the royalties accruing for that year; such royalties to be subject to readjustment at the end of each twenty-year period by the Secretary of the Interior: *Provided*, That for the purpose of encouraging the production of petroleum products from shales the Secretary may, in his discretion, waive the payment of any royalty and rental during the first five years of any lease: *Provided*, That any person having a valid claim to such minerals under existing laws on January 1, 1919, shall, upon the relinquishment of such claim, be entitled to a lease under the provisions of this section for such area of the land relinquished as shall not exceed the maximum area authorized by this section to be leased to an individual or corporation: *Provided, however*, That no claimant for a lease who has been guilty of any fraud or who had knowledge or reasonable grounds to know of any fraud, or who has not acted honestly and in good faith, shall be entitled to any of the benefits of this section: *Provided, further*, That not more than one lease shall be granted under this section to any one person, association, or corporation.

## ALASKA OIL PROVISIO

Sec. 22. That any bona fide occupant or claimant of oil or gas bearing lands in the Territory of Alaska, who, or whose predecessors in interest, prior to withdrawal had complied otherwise with the requirements of the mining laws, but had made no discovery of oil or gas in wells and who prior to withdrawal had made substantial improvements for the discovery of oil or gas on or for each location or had prior to the passage of this Act expended not less than \$250 in improvements on or for each location shall be entitled, upon relinquishment or surrender to the United States within one year from the date of this Act, or within six months after final denial or withdrawal of application for patent, to a prospecting permit or permits, lease or leases, under this Act covering such lands, not exceeding five permits or leases in number and not exceeding an aggregate of one thousand two hundred and eighty acres in each: *Provided*, That leases in Alaska under this Act whether as a result of prospecting permits or otherwise shall be upon such rental and royalties as shall be fixed by the Secretary of the Interior and specified in the lease, and be subject to readjustment at the end of each twenty-year period of the lease: *Provided further*, That for the purpose of encouraging the production of petroleum products in Alaska the Secretary may, in his discretion, waive the payment of any rental or royalty not exceeding the first five years of any lease.

No claimant for a lease who has been guilty of any fraud or who had knowledge or reasonable grounds to know of any fraud, or who has not acted honestly and in good faith, shall be entitled to any of the benefits of this section.

## SODIUM

Sec. 24. That the Secretary of the Interior is hereby authorized and directed, under such rules and regulations as he may prescribe, to grant to any qualified applicant a prospecting permit which shall give the exclusive right to prospect for chlorides, sulphates, carbonates, borates, silicates, or nitrates of sodium dissolved in and soluble in water, and accumulated by concentration, in lands belonging to the United States for a period of not exceeding two years: *Provided*, That the area to be included in such a permit shall be not exceeding two thousand five hundred and sixty acres of land in reasonably compact form: *Provided further*, That the provisions of this section shall not apply to lands in San Bernardino County, California.

Sec. 24. That upon showing to the satisfaction of the Secretary of the Interior that valuable deposits of one of the sub-

stances enumerated in section 23 hereof has been discovered by the permittee within the area covered by his permit and that such land is chiefly valuable therefor the permittee shall be entitled to a lease for one-half of the land embraced in the prospecting permit, at a royalty of not less than one-eighth of the amount or value of the production, to be taken and described by legal subdivisions of the public-land surveys, or if the land be not surveyed by survey executed at the cost of the permittee in accordance with the rules and regulations to be prescribed by the Secretary of the Interior. The permittee shall also have the preference right to lease the remainder of the lands embraced within the limits of his permit at a royalty of not less than one-eighth of the amount or value of the production to be fixed by the Secretary of the Interior. Lands known to contain such valuable deposits as are enumerated in section 23 hereof and not covered by permits or leases, except such lands as are situated in said county of San Bernardino, shall be held subject to lease, and may be leased by the Secretary of the Interior through advertisement, competitive bidding, or such other methods as he may by general regulations adopt, and in such areas as he shall fix, not exceeding two thousand five hundred and sixty acres; all leases to be conditioned upon the payment by the lessee of such royalty of not less than one-eighth of the amount or value of the production as may be fixed in the lease, and the payment in advance of a rental of 50 cents per acre for the first calendar year or fraction thereof and \$1 per acre per annum thereafter during the continuance of the lease, the rental paid for any one year to be credited on the royalty for that year. Leases may be for indeterminate periods, subject to readjustment at the end of each twenty-year period, upon such conditions not inconsistent herewith as may be incorporated in each lease or prescribed in general regulation theretofore issued by the Secretary of the Interior, including covenants relative to mining methods, waste, period of preliminary development, and minimum production, and a lessee under this section may be lessee of the remaining lands in his permit.

Sec. 25. That in addition to areas of such mineral land which may be included in any such prospecting permits or leases, the Secretary of the Interior, in his discretion, may grant to a permittee or lessee of lands containing sodium deposits, and subject to the payment of an annual rental of not less than 25 cents per acre, the exclusive right to use, during the life of the permit or lease, a tract of unoccupied nonmineral public land, not exceeding forty acres in area, for camp sites, refining works, and other purposes connected with and necessary to the proper development and use of the deposits covered by the permit or lease.

## GENERAL PROVISIONS APPLICABLE TO COAL, PHOSPHATE, SODIUM, OIL, OIL SHALE, AND GAS LEASES

Sec. 26. That the Secretary of the Interior shall reserve and may exercise the authority to cancel any prospecting permit upon failure by the permittee to exercise due diligence in the prosecution of his prospecting work in accordance with the terms and conditions stated in the permit, and shall insert in every such permit issued under the provisions of this Act appropriate provisions for its cancellation by him.

Sec. 27. That no person, association, or corporation, except as herein provided, shall take or hold more than one coal, phosphate, or sodium lease during the life of such lease in any one State; no person, association, or corporation shall take or hold, at one time, more than three oil or gas leases granted hereunder in any one State, and not more than one lease within the geologic structure of the same producing oil or gas field; no corporation shall hold any interest as a stockholder of another corporation in more than such number of leases; and no person or corporation shall take or hold any interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease under the provisions hereof, which, together with the area embraced in any direct holding of a lease under this Act, or which, together with any other interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease under the provisions hereof, for any kind of mineral leased hereunder, exceeds in the aggregate an amount equivalent to the maximum number of acres of the respective kinds of minerals allowed to any one lessee under this Act. Any interests held in violation of this Act shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in the United States district court for the district in which the property, or some part thereof, is located, except that any ownership or interest forbidden in this Act which may be acquired by descent, will, judgment, or decree may be held for two years and not longer after its acquisition: *Provided*, That nothing herein contained shall be construed to limit sections 18, 18a, 19, and 22 or to prevent any number of lessees under the provisions of this Act from combining their several interests so far as may be necessary for the purposes of constructing and carrying on the business of a refinery, or of establishing and constructing as a common carrier a pipe line or lines of railroads to be operated and used by them jointly in the transportation of oil from their several wells, or from the wells of other lessees under this Act, or the transportation of coal: *Provided further*, That any combination for such purpose or purposes

shall be subject to the approval of the Secretary of the Interior on application to him for permission to form the same: *And provided further*, That if any of the lands or deposits leased under the provisions of this Act shall be subleased, trusteeed, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever, so that they form part of, or are in anywise controlled by any combination in the form of an unlawful trust, with consent of lessee, or form the subject of any contract or conspiracy in restraint of trade in the mining or selling of coal, phosphate, oil, oil shale, gas, or sodium entered into by the lessee, or any agreement or understanding, written, verbal, or otherwise to which such lessee shall be a party, of which his or its output is to be or become the subject, to control the price or prices thereof or of any holding of such lands by any individual, partnership, association, corporation, or control, in excess of the amounts of lands provided in this Act, the lease thereof shall be forfeited by appropriate court proceedings.

Sec. 28. That rights of way through the public lands, including the forest reserves, of the United States are hereby granted for pipeline purposes for the transportation of oil or natural gas to any applicant possessing the qualifications provided in section 1 of this Act, to the extent of the ground occupied by the said pipe line and twenty-five feet on each side of the same under such regulations as to survey, location, application, and use as may be prescribed by the Secretary of the Interior and upon the express condition that such pipe lines shall be constructed, operated, and maintained as common carriers: *Provided*, That the Government shall in express terms reserve and shall provide in every lease of oil lands hereunder that the lessee, assignee, or beneficiary, if owner, or operator or owner of a controlling interest in any pipe line or of any company operating the same which may be operated accessible to the oil derived from lands under such lease, shall at reasonable rates and without discrimination accept and convey the oil of the Government or of any citizen or company not the owner of any pipe line, operating a lease or purchasing gas or oil under the provisions of this Act: *Provided further*, That no right of way shall hereafter be granted over said lands for the transportation of oil or natural gas except under and subject to the provisions, limitations, and conditions of this section. Failure to comply with the provisions of this section or the regulations prescribed by the Secretary of the Interior shall be ground for forfeiture of the grant by the United States district court for the district in which the property, or some part thereof, is located in an appropriate proceeding.

Sec. 29. That any permit, lease, occupation, or use permitted under this Act shall reserve to the Secretary of the Interior the right to permit upon such terms as he may determine to be just, for joint or several use, such easements or rights of way, including easements in tunnels upon, through, or in the lands leased, occupied, or used as may be necessary or appropriate to the working of the same, or of other lands containing the deposits described in this Act, and the treatment and shipment of the products thereof by or under authority of the Government, its lessees, or permittees, and for other public purposes: *Provided*, That said Secretary, in his discretion, in making any lease under this Act, may reserve to the United States the right to lease, sell, or otherwise dispose of the surface of the lands embraced within such lease under existing law or laws hereafter enacted, in so far as said surface is not necessary for use of the lessee in extracting and removing the deposits therein: *Provided further*, That if such reservation is made it shall be so determined before the offering of such lease: *And provided further*, That the said Secretary, during the life of the lease, is authorized to issue such permits for easements herein provided to be reserved.

Sec. 30. That no lease issued under the authority of this Act shall be assigned or sublet, except with the consent of the Secretary of the Interior. The lessee may, in the discretion of the Secretary of the Interior, be permitted at any time to make written relinquishment of all rights under such a lease, and upon acceptance thereof be thereby relieved of all future obligations under said lease, and may with like consent surrender any legal subdivision of the area included within the lease. Each lease shall contain provisions for the purpose of insuring the exercise of reasonable diligence, skill, and care in the operation of said property; a provision that such rules for the safety and welfare of the miners and for the prevention of undue waste as may be prescribed by said Secretary shall be observed, including a restriction of the workday to not exceeding eight hours in any one day for underground workers except in cases of emergency; provisions prohibiting the employment of any boy under the age of sixteen or the employment of any girl or woman, without regard to age, in any mine below the surface; provisions securing the workmen complete freedom of purchase; provision requiring the payment of wages at least twice a month in lawful money of the United States, and providing proper rules and regulations to insure the fair and just weighing or measurement of the coal mined by each miner, and such other provisions as he may deem necessary to insure the sale of the production of such leased lands to the United States and to the public at reasonable prices, for the protection of the interests of the United States, for the prevention of monopoly, and for the safeguarding of the

public welfare: *Provided*, That none of such provisions shall be in conflict with the laws of the State in which the leased property is situated.

Sec. 31. That any lease issued under the provisions of this Act may be forfeited and canceled by an appropriate proceeding in the United States district court for the district in which the property, or some part thereof, is located whenever the lessee fails to comply with any of the provisions of this Act, of the lease, or of the general regulations promulgated under this Act and in force at the date of the lease; and the lease may provide for resort to appropriate methods for the settlement of disputes or for remedies for breach of specified conditions thereof.

Sec. 32. That the Secretary of the Interior is authorized to prescribe necessary and proper rules and regulations and to do any and all things necessary to carry out and accomplish the purposes of this Act, also to fix and determine the boundary lines of any structure, or oil or gas field, for the purposes of this Act: *Provided*, That nothing in this Act shall be construed or held to affect the rights of the States or other local authority to exercise any rights which they may have, including the right to levy and collect taxes upon improvements, output of mines, or other rights, property, or assets of any lessee of the United States.

Sec. 33. That all statements, representations, or reports required by the Secretary of the Interior under this Act, shall be upon oath, unless otherwise specified by him, and in such form and upon such blanks as the Secretary of the Interior may require.

Sec. 34. That the provisions of this Act shall also apply to all deposits of coal, phosphate, sodium, oil, oil shale, or gas in the lands of the United States, which lands may have been or may be disposed of under laws reserving to the United States such deposits, with the right to prospect for, mine, and remove the same, subject to such conditions as are or may hereafter be provided by such laws reserving such deposits.

Sec. 35. That 10 per centum of all money received from sales, bonuses, royalties, and rentals under the provisions of this Act, excepting those from Alaska, shall be paid into the Treasury of the United States and credited to miscellaneous receipts; for past production 70 per centum, and for future production 52½ per centum of the amounts derived from such bonuses, royalties, and rentals shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the Act of Congress, known as the Reclamation Act, approved June 17, 1902, and for past production 20 per centum, and for future production 37½ per centum of the amounts derived from such bonuses, royalties, and rentals shall be paid by the Secretary of the Treas-

ury after the expiration of each fiscal year to the State within the boundaries of which the leased lands or deposits are or were located, said moneys to be used by such State or subdivisions thereof for the construction and maintenance of public roads or for the support of public schools or other public educational institutions, as the legislature of the State may direct: *Provided*, That all moneys which may accrue to the United States under the provisions of this Act from lands within the naval petroleum reserves shall be deposited in the Treasury as "Miscellaneous receipts."

Sec. 36. That all royalty accruing to the United States under any oil or gas lease or permit under this Act on demand of the Secretary of the Interior shall be paid in oil or gas.

Upon granting any oil or gas lease under this Act, and from time to time thereafter during said lease, the Secretary of the Interior shall, except whenever in his judgment it is desirable to retain the same for the use of the United States, offer for sale for such period as he may determine, upon notice and advertisement on sealed bids or at public auction, all royalty oil and gas accruing or reserved to the United States under such lease. Such advertisement and sale shall reserve to the Secretary of the Interior the right to reject all bids whenever within his judgment the interest of the United States demands; and in cases where no satisfactory bid is received or where the accepted bidder fails to complete the purchase, or where the Secretary of the Interior shall determine that it is unwise in the public interest to accept the offer of the highest bidder, the Secretary of the Interior, within his discretion, may readvertise such royalty for sale, or sell at private sale at not less than the market price for such period, or accept the value thereof from the lessee: *Provided, however*, That pending the making of a permanent contract for the sale of any royalty, oil or gas as herein provided, the Secretary of the Interior may sell the current product at private sale, at not less than the market price: *And provided further*, That any royalty, oil, or gas may be sold at not less than the market price at private sale to any department or agency of the United States.

Sec. 37. That the deposits of coal, phosphate, sodium, oil, oil shale, and gas, herein referred to, in lands valuable for such minerals, including lands and deposits described in the joint resolution entitled "Joint resolution authorizing the Secretary of the Interior to permit the continuation of coal mining operations on certain lands in Wyoming," approved August 1, 1912 (Thirty-seventh Statutes at Large, page 1346), shall be subject to disposition only in the form and manner provided in this Act, except as to valid claims existent at date of passage of this Act and thereafter maintained in compliance with the laws under



which initiated, which claims may be perfected under such laws, including discovery.

Sec. 38. That, until otherwise provided, the Secretary of the Interior shall be authorized to prescribe fees and commissions to be paid registers and receivers of United States land offices on account of business transacted under the provisions of this Act.

Approved, February 25, 1920.





# MINING LAWS

## OF THE STATE OF WYOMING

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From the Compiled Statutes of 1920 and Session Laws of 1921.

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### COMPILED STATUTES OF 1920.

#### CHAPTER 22

#### STATE GEOLOGIST

Sec. 224. DUTIES OF STATE GEOLOGIST. It shall be the duty of the state geologist to make examinations and reports on any state or school lands when so requested by the state land board or the state school land board and to make a written report concerning the geology of any lands in which the state of Wyoming is or may hereafter become interested, and on such other matters as the respective state boards having to do with state lands or state school lands may desire information upon. Such reports as provided for in this section shall be in writing and filed with the commissioner of public lands. He shall be charged with the duty of enforcing all the laws of the state of Wyoming relating to the oil industry. It shall be his further duty to perform such other acts as are provided by the laws of the state of Wyoming relating to the oil and mineral deposits, (other than coal deposits).

#### CHAPTER 179.

#### MINES—TAXATION

Sec. 2906. RETURN FOR ASSESSMENT. The gross product of all mines and mining claims from which gold, silver and other precious metals, soda, saline, coal, petroleum, or other crude or mineral oil, or natural gas, or other valuable deposits is, or may hereafter be produced, while the same are being worked or operated, but not while the same are simply in the course of development, shall be returned by the owner, owners, lessee, or operator thereof for assessment for taxation, assessed for taxation, and taxed in the manner provided for in this chapter, and such tax shall be in addition to any tax which may be assessed upon the surface improvements of such mines or mining claims, and in

lieu of taxes upon the land of such claims while the same are being worked or operated.

Sec. 2907. **SWORN STATEMENT.** The owner, owners, lessee or operator of mines or mining claims from which gold, silver, and other precious metals, soda, saline, coal, petroleum, or other crude or mineral oil, or natural gas, or other valuable deposits, is produced, but not while the same are simply in the course of development, shall, not later than the second Monday in January in each and every year, file with the state board of equalization a sworn assessment schedule statement setting forth the gross product in tons, gallons, or thousands of cubic feet, as the case may be, of such mine or mineral claim during the calendar year expiring immediately preceding the first day of January of the then current year. If the return aforesaid be not received by the second Monday in January, as herein provided for, or if received and the state board of equalization shall believe that the return is not full, complete and correct, it shall be the duty of said board to proceed to obtain the facts and information aforesaid in any manner that may appear most likely to secure the same.

Sec. 2908. **VALUATION—FIXED BY BOARD.** The state board of equalization shall at least ten days before the date fixed for making assessments, classify and prescribe and fix the valuation, each year, for the assessment of the gross product, in tons, gallons, or thousands of cubic feet, as the case may be, of all mines or mining claims for which gold, silver, or other precious minerals, soda, saline, coal, petroleum, or other crude or mineral oil, or natural gas, or other valuable deposit is produced.

Sec. 2909. **AUDITOR'S CERTIFICATE.** On or before ten days prior to the day fixed for beginning assessments, or as soon thereafter as the state board of equalization shall have made and determined the valuation and assessment of said property, the state auditor shall certify to the assessor of the county where such property is situated, the valuation and assessment on such property by said board so fixed, and the assessors shall enter such valuation and assessment upon the lists of taxable property in the assessment rolls of the county.

Sec. 2910. **PENALTY FOR FALSE REPRESENTATION.** Any person who shall knowingly make any false or fraudulent representation in said statement shall be deemed guilty of perjury.

Sec. 2911. **PENALTY FOR FAILURE TO RETURN.** Any owner, owners, lessee or operator of any mine or mining claim who shall fail, neglect or refuse to make the assessment schedule statement provided for in this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding five thousand dollars or imprisoned in the county jail not exceeding six months.

## CHAPTER 225

## STORAGE OF EXPLOSIVES

Sec. 3650. WHERE EXPLOSIVES SHALL BE STORED. It shall be unlawful for any person or company to store any gunpowder or any other explosive material at a less distance than one thousand feet from any house or habitation, when more than fifty pounds are stored at the same place; but it shall be unlawful to place or keep any powder or other explosive material, in any house or building occupied as a residence, or in any outbuilding pertaining thereto.

Sec. 3651. POWDER MAGAZINE—HOW CONSTRUCTED. Hereafter, any powder magazine that may be built, shall be so constructed as to provide and maintain the storage room thereof, entirely below the natural surface of the ground adjacent; and it shall be unlawful to store such powder or explosives in any other than such storage rooms.

Sec. 3652. PENALTIES—NUISANCE. Any one violating the provisions of Sec. 3650 shall be on conviction, fined in any sum not exceeding one hundred dollars for each and every offense, and may be imprisoned not exceeding thirty days, or both fined and imprisoned, in the discretion of the court having jurisdiction. Any violation of the provisions of the preceding section shall be a public nuisance, and shall be abated at the suit of any person, in any court of competent jurisdiction.

Sec. 3653. SALE OF EXPLOSIVES. All nitro-glycerine, powder or other high explosives sold in the state of Wyoming shall be properly marked with the date of manufacture on each stick of powder, and no nitro-glycerine, powder or other high explosives shall be sold after twelve months from date of manufacture.

Sec. 3654. STORAGE AND HANDLING. Explosives must be stored in a magazine provided for that purpose alone; said magazine to be placed far enough from the open cutting or working shaft, tunnel or incline to insure the same remaining intact, in the event, the entire stock of explosives in said magazine be exploded, that all explosives in excess of the amount required for a shift's work be kept in said magazine; that no powder or other explosive be stored in underground workings where men are employed; that each mine shall provide and employ a suitable device for thawing or warming powder and keep the same in condition for use, that oils or other combustible substances shall not be kept or stored in the same magazine with explosives.

Sec. 3655. INFLAMMABLE MATERIALS. Oils and other inflammable materials shall be stored or kept in a building erected for that purpose, and at a safe distance from the main buildings,

and at a safe distance from the powder magazine, and their removal from said building for use shall be in such quantities as are necessary to meet the requirements of a day, only.

Sec. 3656. USE OF EXPLOSIVES. No person shall, whether working for himself or in the employ of any person, company, or corporation, while loading or changing a hole with nitro-glycerine, powder or other explosives, use or employ any steel or iron tamping bar; nor shall any mine manager, superintendent, foreman or shift boss, or other person having the management or direction of mine labor, allow or permit the use of such steel, iron or other metal tamping bar by employees under his management or direction, unless such bar be tipped with at least six inches of copper or be tipped with wood, and when needles are used, they shall be made of copper only. All holes shall be tamped with clay or other incombustible material, and when incombustible material cannot be obtained by the employee in the vicinity of his working places, then it shall be the duty of the employer to furnish such material for tamping at some accessible point near such employee's working places. All holes must be tamped solid from the explosive deposit to the collar of the hole.

Sec. 3657. INSPECTOR'S DUTIES. The inspector of mines shall have authority to regulate and limit the amount of nitro powder stored or kept in general supply stores in mining camps or mining towns, other than coal mining camps or coal mining towns, where there is no municipal law governing the same, and shall have authority to enforce the provisions of this chapter and to prosecute any violation thereof, as is hereinafter provided. And each of the state inspectors of coal mines, acting within their respective districts, shall have authority to regulate and limit the amount of nitro powder stored or kept in general supply stores in coal mining camps or coal mining towns, where there is no municipal law governing the same, and to enforce the provisions of this chapter by prosecuting violations thereof, as is hereinafter provided.

Sec. 3658. PENALTY. Any person or persons violating any of the provisions of the five preceding sections, shall be liable to a fine of not less than ten dollars or not more than one hundred dollars for each violation.

## CHAPTER 265

### LODE AND PLACER CLAIMS

Sec. 4377. ORGANIZATION OF MINING DISTRICT. In any mining district or in mining field of discovery of veins, leads, lodes or ledges, or of gold placers, petroleum fields, soluble salt deposits, or of any mineral lands whatever, or of any lands that are, or may be hereafter, opened to location under the laws govern-

ing mineral deposits, the miners may meet and organize and elect a recorder and make regulations, not in conflict with the laws of the United States or with the laws of this state governing the location, manner of recording and amount of annual work necessary to hold possession of a mining claim within the district, subject to the following requirements:

1. That any five miners having locations, or owning in part or in whole, claims within the proposed district shall give notice by at least three written or printed or partially written and partially printed notices, posted in prominent places within the proposed district of a meeting called by them for organizing such district at a date at least ten days subsequent to the posting of such notices.

2. That the meeting thus called shall be attended by at least ten persons, all having locations, or owning, in part or in whole, claims within the proposed district.

3. That the recorder elected for such an organized district, shall hold his office until his successor is elected and qualified according to law. Such recorder is required to give bonds with at least two sureties, to the people of Wyoming, in the penal sum of not less than one thousand dollars for the faithful performance of his duties, and for the turning over of all books, papers, records, etc., of his office, to his duly elected and qualified successor, which bond shall be approved by the judge of the district court and filed in the office of the county clerk and ex-officio register of deeds. The recorder of such a mining district may appoint a deputy for whose official acts he shall be responsible.

4. That no district need be organized if the majority at the meeting as hereinbefore provided so desire, but when a district is once organized, it cannot be subdivided except in accordance with the local laws of the district, enacted at the regular or special meetings, or by action of the legislature of this state. In case of the abandonment of any district for any cause whatever, it shall be the duty of the district recorder, as soon as practicable thereafter, to deposit all records and other papers pertaining to his office in the office of the county clerk and ex-officio register of deeds of the county in which such district is located.

5. Each mining district may regulate the fees to be charged by the local recorder for recording location certificates, affidavits of labor, and all other instruments to be filed in the said recorder's office.

Sec. 4378. COPY OF LAWS AND PROCEEDINGS TO BE FILED. A copy of all laws, and the proceedings of each mining district, shall be filed by the recorder of the district in the office of the county clerk and ex-officio register of deeds of the county in which the district is situated, which shall be taken as evidence in any court having jurisdiction in the matter concerned under

such laws or proceedings; and all such laws and proceedings of any mining district heretofore filed in the county clerk's office of the proper county, and transcripts thereof duly certified, shall have the like effect in evidence. Such copies of laws and proceedings shall be filed in the office of the said county clerk and ex-officio register of deeds by the recorder of each mining district within sixty days after the organization of each new mining district, or within sixty days after new laws were adopted or proceedings had.

Sec. 4379. USE OF WATER. Whenever any person, persons or corporation, shall be engaged in mining or milling in this state, and in the prosecution of such business shall hoist or bring water from mines or natural water courses, such person, persons or corporation shall have the right to use such water in such manner, and direct it into such natural course or gulch as their business interests may require; provided, that such diversion shall not infringe on vested rights. The provisions of this section shall not be construed to apply to new or undeveloped mines, but to those only which shall have been open and require drainage or other direction of water.

Sec. 4380. MINING CLAIMS SUBJECT TO RIGHT OF WAY. All mining claims or property now located, or which may hereafter be located within this state, shall be subject to the right of way of any ditch or flume for mining purposes, or of any tramway, pack-trail or wagon road, whether now in use, or which may hereafter be laid out across any such location, claim or property; provided, always, that such right of way shall not be exercised against any mining location, claim or property duly made and recorded as herein required, and not abandoned prior to the establishment of any such ditch, flume, tramway, pack-trail or wagon road, without the consent of the owner or owners, except in condemnation, as in the case of land taken for public highways. Consent to the location of the easements above enumerated over any mineral claim, location or property, shall be in writing; and provided, further, that any such ditch or flume shall be so constructed that water therefrom shall not injure vested rights by flooding or otherwise.

Sec. 4381. PROTECTION OF SURFACE PROPRIETORS. Where a mining right exists in any case and is separate from the ownership or right of occupancy to the surface, such owner or rightful occupant of the said surface may demand satisfactory security from the miner or miners, and if such security is refused, such owner or occupant of the surface may enjoin the miner or miners from working such mine until such security is given. The order for such injunction shall fix the amount of the bond therefor.



Sec. 4382. **RELOCATION CERTIFICATES.** Whenever it shall be apprehended by the locator, or his assigns, of any mining claims or property heretofore or hereafter located, that his or their original location certificate was defective, erroneous, or that the requirements of the law had not been complied with before the filing thereof, or shall be desirous of changing the surface boundaries of his or their original claim or location, or of taking any part of an overlapping claim or location which has been abandoned, or in case the original certificate was made prior to March 6, 1888, and he or they shall be desirous of securing the benefit of this law, such locator or locators, or his or their assigns, may file an additional location certificate in compliance with and subject to the provisions of this chapter; provided, however, that such relocation shall not infringe upon the rights of others existing at the time of such relocation, and that no such relocation, or other record thereof, shall preclude the claimant or claimants from proving any such title or titles as he or they may have held under any previous location.

Sec. 4383. **LOCATION CERTIFICATES SHALL DESCRIBE BUT ONE CLAIM.** No location certificate shall contain more than one claim or location, whether the location be made by one or more locators, and any location certificate that contains upon its face more than one location claim shall be absolutely void, except as to the first location named and described therein, and in case more than one claim or location is described together so that the first one can not be distinguished from the others, the certificate of location shall be void as an entirety.

Sec. 4384. **OBTAINING UNLAWFUL POSSESSION—PENALTY—EVIDENCE.** In all cases when two or more persons shall, through collusion or otherwise, associate themselves together for the purpose of obtaining possession of any lode, gulch or placer, or other mineral claim or mining property within this state, then in the actual possession of another or others, by force or violence, or threats of violence, or by stealth, and shall proceed to carry out such purpose by making threats to and against the party or parties in possession, or who shall enter upon such lode, gulch, placer or other mineral claim or mining property for the purposes aforesaid, or who shall enter upon or into mineral claim or mining property; or, not being on such mining claim or mineral property, but within hearing of the same, shall make any threats or any use of any language, signs, gestures, intended to intimidate any person or persons in possession or at work on the said claim or claims of mineral property of whatever kind or nature, from continuing such possession or work thereon or therein, every such person or persons so engaging shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in a penal sum not exceeding two hundred and fifty dollars, and be im-

prisoned in the county jail for not less than thirty days nor more than six months. On trial of any person or persons charged with any of the offenses enumerated in this section, the proof of a common purpose of two or more persons to unlawfully secure possession of any mining claim or mineral property within the state, or to intimidate any one in the possession of, or laborers at work on any mining claim or mineral property aforesaid, accompanied or followed by any acts or utterances of such person or persons as herein enumerated, shall be sufficient evidence to convict any one committing such acts, although such parties may not be associated or acting together at the time of the commission of such offenses.

Sec. 4385. DESTROYING MINING PROPERTY—PENALTY. Any person or persons who shall unlawfully cut down, break down, level, demolish, destroy, injure, remove or carry away any sign, notice, post, mark, monument or fence upon or around any shaft, pit, hole, incline or tunnel, or any building, structure, machinery, implements or other property on any mining claim or mineral property, ground or premises, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined a penal sum of money not less than fifty dollars nor more than one thousand dollars, or be imprisoned for not less than thirty days nor more than one year, or both, in the discretion of the court.

Sec. 4386. MINING SWINDLES—PENALTY. Any person or persons who shall defraud, cheat, swindle or deceive any party or parties in relation to any mine or mining property by "salting," or by placing or causing to be placed in any lode, placer or other mine, any genuine metals or material representing genuine minerals, which are designed to cheat and deceive others, for the purpose of gain, whereby others shall be deceived and injured by such, shall be guilty of a felony, and upon conviction thereof shall be fined in a penal sum of not less than fifty dollars, and not more than five thousand dollars, or imprisoned in the penitentiary for not more than three years, or both, in the discretion of the court.

Sec. 4387. PROTECTION OF LIVE STOCK FROM MINING SHAFTS—PENALTY FOR FAILURE TO PROTECT. Every person, persons, company or corporation, who have already sunk mining shafts, pits, holes, inclines, upon any mining claim, or on any mineral property, ground or premises, or who may hereafter sink such openings aforesaid, shall forthwith secure such shafts and openings against the injury or destruction of live stock running at large upon the public domain, by securely covering such shafts and other openings, as aforesaid, in a manner to render them safe against the possibility of live stock falling into them, or in any manner becoming injured or destroyed thereby; or by forthwith making a strong, secure and ample fence around such shafts

and other openings aforesaid. Any person, persons, corporation or company that shall fail or refuse to fully comply with the provisions of this section shall be guilty of a misdemeanor, and on conviction thereof, shall be liable for any damages sustained by injury or loss of live stock thereby.

Sec. 4388. LENGTH OF LODE CLAIM. The length of any lode mining claim located within Wyoming shall not exceed fifteen hundred feet measured horizontally, along such lode or vein. Nor can the regulations of any mining district limit a locator to less than this length.

Sec. 4389. WIDTH OF LODE CLAIM. The width of any lode claim located within Wyoming shall not exceed three hundred feet on each side of the discovery shaft, the discovery shaft being always equally distant from the side lines of the claims. Nor can any mining district limit the locator to a width of less than one hundred and fifty feet on either side of the discovery shaft.

Sec. 4390. RECORDING MINING CLAIMS—REQUISITES OF CERTIFICATE. A discoverer of any mineral lead, lode, ledge, or vein shall, within sixty days from the date of discovery, cause such claim to be recorded in the office of the county clerk and ex-officio register of deeds of the county within which such claim may exist, by a location certificate which shall contain the following facts:

1. The name of the lode claim.
2. The name or names of the locator or locators.
3. The date of location.
4. The length of the claim along the vein measured each way from the center of the discovery shaft, and the general course of the vein as far as it is known.
5. The amount of surface ground claimed on either side of the center of the discovery shaft or discovery workings.
6. The description of the claim by such designation of natural or fixed object, or if upon ground surveyed by the United States system of land survey, by reference to section or quarter section corners, as shall identify the claim beyond question.

Sec. 4391. IMPERFECT CERTIFICATES—VOID. Any certificate of the location of a lode claim which shall not fully contain all the requirements named in the preceding section, together with such other description as shall identify the lode or claim with reasonable certainty, shall be void.

Sec. 4392. PRE-REQUISITES TO FILING LOCATION CERTIFICATES. Before the filing of a location certificate in the office of the county clerk and ex-officio register of deeds, the discoverer of any lode, vein or fissure shall designate the location thereof as follows:

1. By sinking a shaft upon the discovery lode or fissure to the depth of ten feet from the lowest part of the rim of such shaft at the surface.

2. By posting at the point of discovery, on the surface, a plain sign or notice, containing the name of the lode or claim, the name of the discoverer and locator, and the date of such discovery.

3. By marking the surface boundaries of the claim, which shall be marked by six substantial monuments of stone or posts, hewed or marked on the side or sides, which face is toward the claim, and sunk in the ground, one at each corner, and one at the center of each side line, and when thus marking the boundaries of a claim, if any one or more of such posts or monuments of stone shall fall, by necessity, upon precipitous ground, when the proper placing of it is impracticable or dangerous to life or limb, it shall be lawful to place any such post or monument of stone at the nearest point properly marked to designate its right place; provided, that no right to such lode or claim or its possession or enjoyment, shall be given to any person or persons, unless such person or persons shall discover in said claim mineral bearing rock in place.

Sec. 4393. WHAT OPEN CUT EQUIVALENT TO DISCOVERY SHAFT. Any open cut which shall cut the vein ten feet in length, and with face ten feet in height, or any cross-cut tunnel, or tunnel on the vein ten feet in length which shall cut the vein ten feet below the surface, measured from the bottom of such tunnel, shall hold such lode the same as if a discovery shaft were sunk thereon.

Sec. 4394. TIME GIVEN DISCOVERER TO SINK SHAFT. The discoverer of any mineral lode or vein in this state shall have the period of sixty days from the date of discovering such lode or vein in which to sink a discovery shaft thereon.

Sec. 4395. MINERAL BOUNDARIES DEFINED. The locators of all mining locations heretofore made, or which shall hereafter be made, on any mineral vein, lode or ledge, situated on the public domain, their heirs and assigns, shall have the exclusive right of possession and enjoyment of all the surface included within the lines of their locations, and of all veins, lodes and ledges throughout their entire depth, the top or apex of which lies inside of surface lines extended downward vertically although such veins, lodes, or ledges, may so far depart from a perpendicular in their course downward as to extend outside the vertical side lines of such surface locations. But their right of possession to such outside parts of such veins or ledges shall be confined to such portions thereof as lie between vertical planes drawn downward as above described, through the end lines of their locations, so continued in their own direction that such

planes will intersect such exterior parts of such veins or ledges. And nothing in this section shall authorize a locator or possessor of a vein or lode which extends in its downward course beyond the vertical lines of his claim to enter upon the surface of a claim owned or possessed by another.

Sec. 4396. **RELOCATION OF ABANDONED CLAIMS.** Any abandoned lode, vein or strata claim may be relocated and such relocation shall be perfected by sinking a new discovery shaft and by fixing new boundaries in the same manner as provided for the location of a new claim; or the relocater may sink the original discovery shaft ten feet deeper than it was at the time of its abandonment, and erect new, or adopt the old boundaries, renewing the posts or monuments of stone if removed or destroyed. In either event, a new location stake shall be fixed. The location certificate of an abandoned claim may state that the whole or any part of the new location is located as an abandoned claim.

Sec. 4397. **LOCATION CERTIFICATES—PLACER CLAIMS.** Hereafter the discoverer of any placer claim shall, within ninety days after the date of discovery, cause such claim to be recorded in the office of the county clerk and ex-officio register of deeds of the county within which such claim may exist, by filing therein a location certificate, which shall contain the following:

1. The name of the claim, designating it as a placer claim.
2. The name or names of the locator or locators thereof.
3. The date of location.
4. The number of feet or acres thus claimed.
5. A description of the claim by such designation of natural or fixed objects as shall identify the claim beyond question. Before filing such location certificate, the discoverer shall locate his claim: first, by securely fixing upon such claim a notice in plain painted, printed or written letters, containing the name of the claim, the name of the locator or locators, the date of the discovery and the number of feet or acres claimed; second, by designating the surface boundaries by substantial posts or stone monuments at each corner of the claim.

Sec. 4398. **ASSESSMENT WORK—CHARACTER AND KIND.** For every placer claim, assessment work, as hereinafter provided, shall be done during each and every calendar year after the first day of January following the date of location. Such assessment work shall consist in manual labor, permanent improvements made on the claim in buildings, roads or ditches made for the benefit of working such claims, or after any manner, so long as the work done accrues to the improvement of the claim, or shows good faith and intention on the part of the owner or owners and their intention to hold possession of said claim.

Sec. 4399. **ASSESSMENT WORK—AMOUNT.** On all placer claims heretofore or hereafter located in this state not less than one hundred dollars worth of assessment work shall be performed during each calendar year from the first day of January after the date of location.

Sec. 4400. **ASSESSMENT WORK UPON CONTIGUOUS CLAIMS.** When two or more placer mining claims lie contiguous and are owned by the same person, persons, company or corporation, the yearly expenditure of labor and improvements required on each of such claims may be made upon any one of such contiguous claims if the owner or owners shall thus prefer.

Sec. 4401. **EFFECT OF FAILURE TO DO ASSESSMENT WORK.** Upon failure of the owners to do or have done the assessment work required within the time above stated, such claim or claims upon which such work has not been completed, shall thereafter be open to re-location on or after the first day of January of any year after such labor or improvements should have been done, in the same manner and on the same terms as if no location thereof had ever been made; provided, that the original locators, their heirs, assigns or legal representatives have not resumed work upon such claim or claims after failure, and before any subsequent location has been made.

Sec. 4402. **AFFIDAVIT OF ASSESSMENT WORK.** Upon completion of the required assessment work for any mining claim, the owner or owners or agent of such owner or owners shall cause to be made by some person cognizant of the facts, an affidavit setting forth that the required amount or work was done, which affidavit shall within sixty days of the completion of the work, be filed for record, and shall thereafter be recorded in the office of the county clerk and ex-officio register of deeds of the county in which the said claim is located.

Sec. 4403. **PATENTS TO PLACER CLAIMS.** When any person, persons or association, they and their grantors, have held and worked their placer claims in conformance with the laws of this state and the regulations of the mining district in which such claim exists, if such be organized, for five successive years after the first day of January succeeding the date of location, then such person, persons or association, they and their grantors, shall be entitled to proceed to obtain a patent for their claims from the United States without performing further work; but where such person, persons or association, they or their grantors, desire to obtain a United States patent before the expiration of five years from the date hereinbefore mentioned, they shall be required to expend at least five hundred dollars' worth of work upon a placer claim.

Sec. 4404. **COAL MINES NOT INCLUDED IN THIS CHAPTER.** Nothing in this chapter shall apply to the working of coal mines.

Sec. 4405. ASSAYS—UNIVERSITY CHARGES. Hereafter the charge for making assays or tests for silver, gold, copper and lead at the University of Wyoming shall be the sum of fifty cents each, and for gold, silver and copper, when all are made on the same sample at the same time, the charge shall be one dollar in full therefor to any resident of the state, and no further nor greater sum shall be charged for making such assay or assays.

## CHAPTER 266.

### INSPECTOR—METALLIFEROUS MINES

Sec. 4406. STATE GEOLOGIST IS. The state geologist shall act ex-officio as inspector of mines until otherwise provided by law, and under this chapter shall have power to make such examination and inquiry as is deemed necessary to ascertain whether the provisions of this chapter are complied with; to examine into, and make inquiry into the condition of any mine, mill or part thereof, and all matters or things connected with or relating to the safety of the persons employed in or about the same; to examine into and make inquiry respecting the condition of the machinery or mechanical device, and if deemed necessary, have same tested; to appear at all coroner's inquest held respecting accidents, and if necessary, call, examine and cross-examine witnesses; to exercise such other powers as are necessary for carrying this chapter into effect.

Sec. 4407. ADMISSION TO MINES. Every owner, agent, manager or lessee of any metalliferous mine or metallurgical plant in this state shall admit the inspector on the exhibition of his badge or certificate of appointment, for the purpose of making examination and inspection provided for in this chapter, whenever the mine is in active operation and render any necessary assistance for such inspection. But said inspection shall not necessarily obstruct the workings of said mine or plant. The refusal of the owner, agent, manager or lessee to admit the inspector to such mine or plant to lawfully inspect the same, shall, upon conviction, be deemed a misdemeanor, and shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00) or be imprisoned not less than one (1) nor more than three (3) months.

Sec. 4408. DANGEROUS MINES—REPORT. The inspector shall exercise a sound discretion in the enforcement of this chapter and if he shall find any matter, thing or practice in or connected with any metalliferous mine or metallurgical plant to be dangerous or defective so as to, in his opinion, threaten or tend to the bodily injury of any person, the inspector shall give notice in

writing thereof to the owner, agent, manager or lessee of such mine or plant, stating in such notice the particulars in which he considers such mine, plant or part thereof, or practice to be dangerous or defective; and he shall order the same to be remedied, a copy of said order shall be filed and become a part of the records of the inspector of mines, and said owner, agent, manager or lessee shall, upon compliance of said order immediately notify the inspector of mines in writing. Upon the refusal or failure of said owner, agent, manager or lessee to report within a reasonable length of time, said owner, agent, manager or lessee shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00) for each and every such refusal or failure.

Sec. 4409. MISREPRESENTATION—PENALTY. Any owner, lessee, manager, superintendent or foreman in charge of any metalliferous mine who shall wilfully misrepresent or withhold facts or information from the inspector regarding the mine, such as length of time timbers have been in place, or making any misrepresentation tending to show safety when the reverse is true, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction, shall be fined in any sum not less than one hundred dollars (\$100.00) nor more than three hundred dollars (\$300.00) for each offense.

Sec. 4410. ACCIDENTS. Any owner, agent, manager or lessee having charge or operating any metalliferous mine or metallurgical plant, whenever loss of life or accident serious enough in character to cause the injured party to stop work for thirty consecutive days and being under the care of a physician and connected with the workings of such mine or metallurgical plant, shall occur, shall give notice immediately and report all the facts thereof to the inspector of mines. The refusal or failure of the said owner, agent, manager or lessee to so report within reasonable time shall be deemed a misdemeanor and shall upon conviction be subject to a fine of not less than fifty dollars and not more than three hundred dollars, or be imprisoned for not less than one and not more than three months. The inspector of mines upon receipt of notice of accident shall investigate and ascertain the cause and make or cause to be made a report which shall be filed in his office for future reference.

Sec. 4411. OPERATION—REPORTS. Any person or persons operating any metalliferous mine or mill and employing five or more men, shall report the same to the inspector of mines and state when work is commenced and when stopped, and mines working continuously shall report on or before December 1, of each year together with the names of the owners and managers or lessee in charge of said work, together with the postoffice address, and name of the claim or claims to be operated, the name



of the county and mining district, together with the number of men employed, directly or indirectly, the same being classified into miners, trammers, timbermen or assorters, millmen, teamsters, etc. The necessary blanks to carry out the provisions of this section shall be furnished upon application by the inspector of mines.

Sec. 4412. SIGNALS. There is hereby established the following code of signals for use in the metalliferous mines of this state, which shall be securely posted in a clear and legible form in the engine room, at the collar of the shaft and at each level or station:

### SIGNALS

1 Bell—Hoist. (See Rule 2).

1 Bell—Stop if in motion.

2 Bells—Lower. (See Rule 2).

3 Bells—Men on, run slow. (See Rule 2).

7 Bells—Accident. Hoist or lower by verbal orders only.

3-2-1 Bells—Ready to shoot. (See Rule 3).

Engineer Signal—Engineer shall, after signal 3-2-1, raise the bucket or cage two feet and lower again, and shall remain at his post until final signal is given and command executed.

### RULES GOVERNING SIGNALS

Rule 1. In giving ordinary signals make strokes on bell at regular intervals. In signals similar to "ready to shoot" 3-2-1 bells each bar (-) must take the same time as one stroke of the bell.

Rule 2. When men are to be hoisted or lowered, give the signal for "men on, run slow," (3 bells). Men must then get on bucket or cage, then give signals to hoist or lower. (1 or 2 bells).

Rule 3. After signal "ready to shoot" (3-2-1 bells) engineer must reply as above. Miners must then give signal "men on" (3 bells) then spit fuse, get on bucket or cage and give signal to hoist.

Rule 4. All timbers, tools, etc., longer than the depth of bucket or placed within a cage, must be securely lashed before being hoisted or lowered.

Rule 5. Signals to meet local demands and not in conflict with above may be added by individual operators, but same must be posted in clear and legible form in connection with above code.

Sec. 4413. POWER OF INSPECTOR. The inspector of mines shall have power to enforce the adoption of this code of signals in all metalliferous mines using hoisting machinery, and all persons giving or causing to be given false signals or riding upon any cage, skip or bucket upon signals that designate to the en-

gineer that no employes are aboard, shall be deemed guilty of a misdemeanor under this chapter.

Sec. 4414. **HOISTING ENGINEER.** No person addicted to the use of intoxicating liquors or under eighteen years of age shall be employed as hoisting engineer.

Sec. 4415. **VISITORS.** Strangers or visitors shall not be allowed underground in any mine unless accompanied by some owner, official, or employe deputized to accompany same. Nothing in this chapter shall apply to coal mines.

## CHAPTER 267.

### BUREAU OF MINING STATISTICS

Sec. 4416. **BUREAU.** The state geologist is hereby authorized to establish a bureau of mining statistics wherein information relative to the mineral industry of Wyoming may be filed for reference and distribution as hereinafter provided.

Sec. 4417. **SWORN STATEMENTS.** Each company or person owning or operating any mining or other enterprise concerned in the mineral industry of Wyoming, may, at their own discretion, file with the state geologist, upon blanks to be furnished on application to the geologist, a sworn statement properly attested by the officers of such company or such owner or operator, giving: The name of company, owner or operator and object of same. Postoffice address of office and mine. Name and addresses of officers of company, owner or operator. Location of property and title. Description of property, number of claims, acreage, etc. Number of shares of stock (if incorporated) and par value. Number of shares of treasury stock. Number of shares of stock sold to date. Amount received from sale of above stock. Amount expended for development work. Amount expended for office expenses, supplies and machinery. Total amount of work done on property. Extent of workings, size of vein or ledge, etc. Estimate of ore in sight. Estimate of work proposed for coming year. Statement of shipments made and value of same. Number of men employed and length of time work was carried on. General statement regarding the property, giving amount, kind and condition of machinery, etc. Other resources of the company, owner or operator.

Sec. 4418. **FILING.** The filing of this statement, or any part thereof, shall be purely optional with each company, owner or operator engaged in any mineral business in Wyoming and each statement so filed shall be in duplicate, one copy to be properly certified to by the state geologist as to time and place of filing

and returned to the company or person making the statement, and the other copy to be filed for reference in the office of state geologist.

Sec. 4419. FALSE STATEMENTS. Whoever wilfully, corruptly and falsely makes any false statement under this chapter with the purpose or intent to deceive, shall be deemed guilty of perjury, and shall be imprisoned in the penitentiary not more than five years, as provided by the laws of Wyoming for perjury.

Sec. 4420. FEES. For the receiving and filing of each statement, the state geologist is hereby authorized to charge the sum of one dollar for each statement so received and filed, and is further authorized to furnish a properly certified copy of any statement filed as above provided to any person desiring the same, upon the payment of one dollar for each copy so furnished, these fees to be collected in advance and covered into the state treasury as provided for the other fees of this office.

Sec. 4421. ANNUAL REPORT. The state geologist shall keep a proper record of all such statements so filed and copies issued, as well as fees received, and report same to the governor, annually, as provided for the other work and fees of his office.

## CHAPTER 268.

### EIGHT-HOUR DAY.

Sec. 4422. WORKING DAY—ALL MINES. The period of employment of working men in all underground mines or workings shall be eight (8) hours per day, except in case of emergency where life or property is in imminent danger.

Sec. 4423. WORKING DAY—REDUCTION WORKS. The period of employment of working men in smelters, stamp mills, sampling works, concentrates and all other institutions for the reduction of ores, and refining ores or metals, shall be eight (8) hours per day, except in cases of emergency where life or property is in imminent danger.

Sec. 4424. PENALTY. Any person or persons, body corporate, agent, manager or employer who shall violate any of the provisions of Sections 4422 or 4423 shall be deemed guilty of a misdemeanor, and upon conviction thereof shall for each offense, be subject to a fine of not less than one hundred dollars or more than five hundred dollars, or by imprisonment in the county jail for a period of not less than one (1) month or more than six (6) months or by both such fine and imprisonment.

## CHAPTER 275.

## CONSERVATION OF NATURAL GAS

Sec. 4500. WASTE. The use, consumption or burning of natural gas taken or drawn from any natural gas well or wells, or borings from which natural gas is produced for the products where such natural gas is burned, consumed or otherwise wasted without the heat therein contained being fully and actually applied and utilized for other manufacturing purposes or domestic purposes is hereby declared to be a wasteful and extravagant use of natural gas and shall be unlawful when such gas well or source of supply is located within ten miles of any incorporated town or industrial plant.

Sec. 4501. UNLAWFUL SALES. No person, firm or corporation, having the possession or control of any natural gas well or wells, except as herein provided, or borings from which natural gas is produced, whether as a contractor, owner, lessee, agent or manager, shall use, sell, or otherwise dispose of natural gas, the product of any such well or wells, or borings for the purpose of manufacturing or producing carbon or other resultant products from the burning or consumption of such natural gas, without the heat therein contained being fully and actually applied and utilized for other manufacturing purposes or domestic purposes.

Sec. 4502. PENALTY. Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars (\$100.00) or more than one thousand dollars (\$1,000.00) for each offense and each and every day in which any person, firm or corporation shall violate any of the provisions of this chapter shall constitute a separate offense hereunder and subject the offender to the penalty hereby provided.

## CHAPTER 315.

## CONDEMNATION

Sec. 4936. PIPE LINE COMPANIES. Whenever any road, ditch, telegraph, telephone or fluming company, or any petroleum or other pipe line company, organized or to be organized, under the provisions of this chapter, or any law of the state, or under the laws of any other state and legally doing business in this state, shall not have acquired by gift or purchase, any land, real estate or claim required for the construction or maintenance of their road, ditch, flume, pipe, telegraph or telephone line, or which may be affected by any operation connected with the con-

struction or maintenance of the same, the said corporation may present to the district judge of the judicial district wherein such lands, real estate or claim shall be, a petition signed by the president, attorney or agent of the same, describing with convenient accuracy and certainty, by map or otherwise, the lands, real estate, or claims so required to be taken or affected as aforesaid, setting forth the name and residence of each owner or other person interested therein as owner, lessee or incumbrancer, as far as known to such president, attorney or agent, or appearing of record, and praying the appointment of three appraisers to ascertain the compensation to be made to such owner and persons interested, for the taking or injuriously affecting such lands, real estate or claims as aforesaid, the said district judge shall have satisfactory evidence that notice of an intended application and the time and place thereof, for the appointment of appraisers between said corporation and the owners and persons interested in such lands, real estate and claims, has been given at least ten days previously, to such owners personally, at their residence or on the premises, or by publication thereof in a newspaper printed in the county in which said lands, real estate or claim shall be, or if no newspaper is published in said county, then by posting three or more notices in some public places in said county, such publications to be allowed only in respect to owners or persons interested, who shall appear by affidavit to have no residence in the county, known to such president, attorney or agent, which notice shall be published for at least thirty days prior to the time fixed for the application as aforesaid. The court or judge may adjourn the proceedings from time to time, shall direct any future notice thereof to be given that may seem proper, shall have proofs and allegations of all parties interested touching the regularity of the proceedings, and shall by an entry in its minutes, appoint three disinterested appraisers as aforesaid, specifying in such entry a time and place for the first meeting of such appraisers. The said appraisers before entering upon the duties of their office shall take an oath to faithfully and impartially discharge their duties as said appraisers, and any one of them may administer oaths to witnesses produced before them; they may issue subpoenas and compel witnesses to attend and testify, and may adjourn and hold meetings for that purpose, and shall give reasonable previous notice to such owners or parties interested. They shall hear the proofs and allegations of the parties and any two of them, after reviewing the premises, shall without fear, favor or partiality, ascertain and certify the compensation proper to be made to said owners or parties interested for the lands, real estate or claims to be taken or affected, as well as all damages accruing to the owners or parties interested, in consequence of the condemnation of the same, taken

or injuriously affected as aforesaid, making such deduction or allowance for the real benefits or advantages which such owners or parties interested may derive from the construction of said road, ditch, flume, pipe, telegraph or telephone line. They, or a majority of them, shall make, subscribe and file with the register of deeds of the county in which such real estate or lands shall lie, a certificate of their said ascertainment and assessment, in which such lands, real estate or claims, shall be described with convenient certainty and accuracy. The district judge, upon such certificate and due proof, that such compensation and separate sums, if any be certified have been paid to the parties entitled to same, or have been deposited to the credit of such parties in the county treasury, or other place for that purpose approved by the court, shall make and cause to be entered in the minutes a rule, describing such lands, real estate or claims in manner aforesaid, such ascertainment of compensation, with the mode of making it, and each payment or deposit of the compensation as aforesaid, a certified copy of which shall be recorded and indexed in the office of the register of deeds of the proper county, in like manner and with like effect as if it were a deed of conveyance from the said owners and parties interested, to the said corporation. Upon the entry of such rule, the said corporation shall become seized in fee, or shall have the exclusive right, title and possession of all such lands, real estate or claims described in said rule as required to be taken as aforesaid, during the continuance of the corporation, and may take possession of and hold, and use the same for the purposes of the said road, ditch, flume, pipe, telegraph or telephone line, and shall thereupon be discharged from all claims for any damage by reason of any matter specified in such petition, certificate or rule of said district judge. If at any time, after an attempted or actual ascertainment of compensation under this chapter, or any purchase by or donation to, said corporation, of lands or claims, for purchases aforesaid, it shall appear that the title acquired thereby to all or any part of said lands for the use of said corporation, or if said assessment shall fail or be deemed defective, the said corporation may proceed and perfect such title by procuring an ascertainment of in, or lien upon said lands and by making payment thereof in the manner hereinafter provided, as near as may be and at any stage of such new proceedings, or of any proceedings under this chapter, the district judge may, by rule in that behalf made, authorize the said corporation, if already in possession, and if not in possession, to take possession of, and use said premises, during the pendency and until the final conclusion of such proceedings, and may stay all actions and proceedings against such corporation, on account thereof; provided, such corporation shall pay a sufficient sum into

the court or give approved security to pay the compensation in that behalf when ascertained, and in every case where possession shall be so authorized, it shall be lawful for the owners to conduct the proceedings to a conclusion if the same shall be delayed by the company. The said appraisers shall receive five dollars per day, as compensation for each day actually employed, such compensation to be taxed and allowed by the district judge. If any appraiser so appointed shall die, be unable or fail to serve, the court may appoint another in his place, on reasonable notice of the application to be approved by the district judge.

## CHAPTER 316.

### CONDEMNATION—IRRIGATION, ETC., CO.'S

Sec. 4938. (As amended by Chapter 75, Wyoming Session Laws, 1921). EXERCISE OF RIGHT OF EMINENT DOMAIN. Every person, association of persons, company or corporation (the word "corporation" including municipal corporations wherever appearing in this chapter), organized or hereafter organized under the laws of this state or under the laws of any other state and doing business in this state who shall in the course of their business require a way of necessity for reservoirs, drains, flumes, ditches, canals, electric power transmission lines, railroad trackage, sidings, spur tracks or tramways, on or across the lands of others for agricultural, mining, milling, domestic, electric power transmission, municipal or sanitary purposes or for the transportation of coal from any coal mine to any line of railroad, shall have power and are authorized to enter upon any lands for the purpose of examining and making surveys for reservoirs, drains, flumes, ditches, canals, electric power transmission lines, or any branch or branches thereof, or for railroad trackage, sidings, spur tracks or tramways or for the purpose of changing any part of the original lines of any reservoir, drain, flume, ditch, canal, electric power transmission lines, railroad trackage, sidings, spur tracks or tramways belonging to the corporation or person applying for such right of way already constructed or owned by such person, association of persons, company or corporation seeking to exercise the powers herein, to take hold and appropriate so much real property as may be necessary for the location, construction, and convenient maintenance and use of such reservoir, drain, ditch, flume, canal, electric power transmission lines, trackage, siding, spur track or tramway, or any branch or branches thereof, or for the re-location of the whole or any part thereof, or any line to which such person, association of persons, company or corporation may desire to change or to

enlarge any such reservoir, drain, flume, ditch, canal, electric power transmission line, trackage, siding, spur track or tramway owned by any such person, association of persons, company or corporation; to enlarge any ditch, flume, drain or canal used for the conveyance of water, for the purpose of conveying additional waters through the same; to take and appropriate material for the construction and repair of any such reservoir, drain, flume, ditch, canal, electric power transmission line, railroad trackage, siding, spur track or tramway; to take, hold and appropriate a right of way over any such lands or adjacent lands sufficient to enable such persons, associations of persons, companies or corporations, to construct, repair, use and maintain any such reservoir, drain, flume, ditch, canal, electric power transmission line, railroad trackage, siding, spur track or tramway upon the line of the location or relocation thereof; provided, that the land so held, taken, and appropriated otherwise than by the consent of the owner shall not exceed one hundred feet in width on each side of the outer sides or marginal lines of any such reservoir, drain, ditch, canal, flume, electric power transmission line, railroad trackage, siding, spur track or tramway unless a greater width is necessary for excavation, embankment or depository for waste earth, and in no case shall the area taken exceed the actual necessities of the work constructed; and, provided further, that no appropriation of private property for the use of any such person, association of persons, company or corporation shall be made until compensation therefor be made to the owner or owners thereof and, provided also, that the words "private property", as used in this act shall be understood to include any advantage which the previous construction of any such reservoir, drain, flume, ditches, trackage, or any necessary part or parts thereof being the property of others, may be to any such person, association of persons, company or corporation and that the value of such advantage may have due consideration in such condemnation proceedings, and, provided further, that whenever any person, association of persons, company or corporation, in any condemnation proceedings hereunder, shall claim only a surface right of way over any lands sought to be condemned and shall waive all claim to all, or any part of, the underlying minerals, then, and in that case no award of damages shall be made on account of such underlying minerals but such award shall take into account only the actual rights and property claimed and appropriated.



## CHAPTER 323.

## PRIVATE CORPORATIONS—GENERAL

Sec. 5075. CONSTRUCTION OF ROADS BY MINING COMPANIES. Any corporation or association of persons organized under this chapter, now or hereafter engaged in mining gold or silver bearing quartz rock, coal, lead, iron, copper, or other materials, may construct or operate a railroad, tramway road or wagon road from their said mine or mines, to any point or points desired by them, and shall have the exclusive right of way to the line of their road over the unoccupied public domain for the space not exceeding one hundred feet on either side thereof, and also, the exclusive possession at the termini of their said road, and at such intermediate points as may be required, for depots, buildings, turntables, watertanks, machine shops and other necessary appurtenances of a railroad, and said corporation or association of persons may file a survey or diagram of such line of road with the land claimed by them on either side thereof, and also the land claimed at the termini aforesaid, with the secretary of state, and it shall not be lawful for any person or persons to construct any road or erect any buildings or otherwise interfere with the possession of the land so indicated in the survey or diagram filed as aforesaid, and a certified copy of such survey under the seal of the state shall be received in evidence in all courts of law or equity within the state.

## CHAPTER 341.

## RAILROAD CORPORATIONS

Sec. 5371. RIGHT OF WAY OVER STATE LANDS. Any railroad corporation shall be authorized to pass over, occupy and enjoy any of the lands granted to this state for schools, university, agricultural, normal school, insane asylum, deaf, dumb and blind asylums, poor farm, miner's hospital, charitable, penal, reform and educational purposes, and all other lands of this state; provided, that no more than one hundred feet in width from the center of the roadway survey of such corporation on each side, of the central line of said roadway shall be taken for roadway, and not to exceed twenty acres to conform to the subdivisions of the government survey, in any one tract, for each section of twelve miles of such railroad, shall be taken for station, depot grounds, machine shops, turnouts, side tracks, ware houses, and other appurtenances to a railroad; and that any railroad corporation that has surveyed or shall hereafter survey, or locate

a line of its road, immediately after platting a survey of its line, and of the selection of depot grounds under this chapter, and filing such plat, duly certified by the chief engineer, or president of such corporation, of the fact of such survey, and selection for depot grounds, duly acknowledged, with the secretary of state, and with the county clerk of the county in which such land is situated, to operate as a vested right in such corporation, from two years from the date of filing the same, shall be authorized to enter upon said lands so surveyed and selected, and construct thereon all necessary railroad track, turntables, round houses or other appurtenances, deemed necessary for railroad purposes of such corporation, and so soon as such railroad shall be constructed over such land so surveyed and selected, and in case of depot grounds and appurtenances, the erection of a station thereon, on proof of such fact to the satisfaction of the land commissioners, and upon paying the sum of ten dollars per acre for said lands for depot, station and work shop grounds and all grounds herein contemplated, except two hundred feet of trackway, the governor shall, by letters patent, under the great seal of the state, attested by the secretary of state, grant and convey in fee simple, to the corporation constructing such railroad, its successors and assigns, the lands selected for depot and workshop grounds, and granting to said corporation, its successors and assigns, forever, the right to use, cross and recross and occupy for the purposes aforesaid, the lands and right of way, included in the two hundred feet of trackway, included in the plat and certificate so filed with the secretary of state as aforesaid, and no subsequent grant from the state to any other person or corporation, of any tract of land, including such right of way, and selection for depot grounds so platted, and the plat thereof filed as aforesaid, though not excepted in such grant, shall divest said railroad corporation of their rights in the same under this chapter; provided, further, that the damages accruing to any occupant or owner, or other person who may reside, or have improvements on said land, previous to the filing of said surveyed plat, shall be determined and paid by such railroad company, as in the cases of damages for taking lands of private persons; and provided, further, that any railroad company whose right of way acquired under the provision of this section over land of this state, or whose track or roadbed upon such right of way so acquired, passes through any canyon, pass or defile shall not prevent any other railroad company from the use and occupancy of said canyon, pass or defile for the purposes of its road, in common with the road first located, or the crossing of other railroads at grade; and the location of such right of way so acquired through any canyon, pass or defile shall not cause the disuse of any wagon road, or other public highway now located

therein, nor prevent the location through the same of any such wagon road, or highway, where such wagon road, or highway may be necessary for the public accommodation; and where any change in the location of such wagon road, or highway is necessary to permit the passage of such railroad through any canyon, pass or defile said railroad company shall, before entering upon the ground occupied by such wagon road, or highway, cause the same to be reconstructed at its own expense in the most favorable location, and in as perfect a manner as the original road or highway; provided, that such expenses shall be equitably divided between any number of railroad companies occupying and using the same canyon, pass or defile, and that where the space is limited the district court of the county where such canyon, pass or defile is situate, shall require the road first constructed to allow any other railroad to pass over and use its track or tracks through such canyon, pass or defile on such equitable basis as the said court may prescribe; and provided, further, that in all cases where such right of way is located or sought to be located over any land of this state, which has been subjected to or used by the state for a particular public purpose, or for the benefit or use of the public (as for parks, building sites and surrounding grounds, experiment farms and stations and such like purposes), the board having control, charge and supervision of such land shall have the right to require any railroad company seeking to acquire such right of way across such land to locate the same on or along such route or line as, in the opinion of the board, will inflict the least injury to the state, due regard being had to the feasibility of the route, and in all cases where in the opinion of the board the location of more than one right of way across the land in this proviso mentioned will be injurious to the purpose or use to which the state has subjected such land, the board shall have the right and authority to require the company first making application, for right of way across such land, to file its consent to the use of its tracks and roadbed across such land by other companies desiring to construct a railroad across the same, upon such equitable basis as may be agreed on or determined, and the district court of the county in which such land is situate shall have jurisdiction in cases where the parties are unable to agree upon such basis to determine and fix the same, such consent so filed shall be recorded at length in the office of the secretary of state; and provided, further, that in all cases where the right of way is located across lands devoted to a public purpose, as in the next preceding proviso mentioned, the company shall before beginning the construction of its road, and before taking possession of such right of way, pay into the treasury of this state such sum as may be agreed upon between the railroad company and the board having control of said land,

for the damage which will be sustained by the state by reason of the taking of such right of way and the construction of such road across said land; provided, that if the said company and said board cannot agree as to the amount of such damage, the same may be determined by the district court of the county in which such land is situate, and said court shall have jurisdiction to determine the amount thereof on application of either the said company or said board.

Sec. 5372. LANDS HERETOFORE TAKEN MAY BE ACQUIRED. Any railroad company which may have prior to January ninth, A. D. 1891, taken any of the lands of this state for right of way and depot grounds shall, upon filing a plat and survey thereof, with the secretary of state, and payment for depot grounds as provided in the preceding section, be entitled to a conveyance by letters patent, by the governor, conveying in fee the lands for depot grounds, and granting forever to such railroad company, its successors and assigns, the right to take, use, occupy and enjoy for its railroad purposes, the lands so taken for right of way, for tracks and roadways; provided, that in addition to the filing of such survey and plat, proof, to the satisfaction of the land commissioners, shall be made of the construction of such railroad across the land, and the erection of a station on the lands claimed for depot grounds.

Sec. 5373. (As amended by Chapter 115, Wyoming Session Laws, 1921, Right of Way for Pipe Lines). APPLICABLE TO OIL AND GAS COMPANIES. The last two preceding sections shall also apply to all gas and petroleum oil corporations, companies and individuals, for the right of way ten feet wide, through the school and other lands, over which the state has control, for the purpose of carrying gas or oil through pipes, also land for pump stations, tanks, and other buildings, necessary to conduct the oil or gas product of the wells of Wyoming.

## CHAPTER 459.

### CHEATS AND SWINDLERS.

Sec. 7311. USING FALSE WEIGHTS. If any person shall knowingly have, keep, or use any false or fraudulent scales or weights for weighing gold or gold dust, or any other article or commodity, every person so offending shall be fined not more than five hundred dollars, or imprisoned in the county jail not more than six months.

Sec. 7312. CHEATING IN EXTRACTING GOLD. The owner, manager or agent of any species of quartz mill, arasta mill, furnace or cupel, employed in extracting gold from quartz, pyrites,

or other minerals, who shall neglect or refuse to account for, or pay over and deliver all the proceeds thereof to the owner of such quartz, pyrites or other minerals, excepting such portion of said proceeds as he is entitled to in return for his services, shall be fined not more than one thousand dollars, or be imprisoned in the penitentiary for a term of one year.

## SESSION LAWS OF WYOMING, 1921.

### DRILLING AND OPERATION OF OIL AND GAS WELLS

#### CHAPTER 157.

Section 1. RULES AND REGULATIONS. For the purpose of conserving the natural resources of the state and to prevent waste thereof through negligent methods of operation, the state geologist shall prescribe and enforce rules and regulations governing the drilling, casing, and abandonment of oil and gas wells and the waste of oil and gas therefrom upon all lands in the state of Wyoming excepting public lands subject to the Act of Congress approved February 25, 1920, (Public 146). The rules and regulations so prescribed shall be those from time to time adopted by the Bureau of Mines or by the Secretary of the Interior of the United States pursuant to said Act of Congress, governing methods of operations of operators upon lands embraced within permits or leases issued under the provisions of said Act of Congress, and it shall be the duty of all persons and corporations drilling or operating oil or gas wells upon patented or state land to comply with the said rules and regulations, to file with the state geologist all logs of wells and other reports required thereby, and to case, control and plug all wells as therein prescribed.

Sec. 2. APPOINTMENT OF INSPECTORS. To enable him to carry out the duties imposed upon him by this act and to enforce the rules and regulations so prescribed, the state geologist shall appoint with the approval of the Governor two inspectors who shall be petroleum engineers or practical drillers with not less than three years' field experience, and who shall receive a salary of two hundred and fifty dollars per month and their actual traveling expenses. The state geologist may from time to time delegate his authority to supervise the abandonment of wells or the extinguishment of fire to an inspector of the Bureau of Mines or to the field superintendent of any company or operator operating in the same field, who shall receive no compensation, but no such appointment of a special representative shall be made without the consent of the owner of the well.

Sec. 3. REPORTS SHALL BE CONFIDENTIAL. All well-logs and reports filed with the state geologist by any operator shall be confidential and shall be disclosed to no person without the written authority of the operator; provided, that said logs and reports may be offered in evidence, if relevant, in any prosecution under this act.

Sec. 4. VIOLATION. Any person or corporation violating the provisions of this act or rules and regulations prescribed pursuant hereto or the lawful orders of the state geologist or his inspector under said rules and regulations shall upon conviction be fined not more than five hundred dollars or imprisoned not more than six months.

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