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

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

Sec. 12. And be it further enacted, That claims usually
1 called "placers," including all forms of deposit, excepting
2 veins of quartz, or other rock in place, shall be subject to
3 entry and patent under this act, under like circumstances and
4 conditions, and upon similar proceedings, as are provided for
vein or lode claims: *Provided*, That where the lands have
been previously surveyed by the United States, the entry in its
exterior limits shall conform to the legal subdivisions of the
public lands, no further survey or plat in such case being re-
quired, and the lands may be paid for at the rate of two dollars
and fifty cents per acre: *Provided further*, That legal subdi-
visions of forty acres may be subdivided into ten-acre tracts;
and that two or more persons, or associations of persons,
having contiguous claims, may make joint entry thereof:
*And provided further*, That no location of a placer
claim hereafter made shall exceed one hundred and
sixty acres for any one person, or association of persons;
and nothing in this section contained shall defeat or impair
any bona fide pre-emption or homestead claim, or authorize
the sale of the improvements of any bona fide settler to any
purchaser.

**Sec. 13. And be it further enacted**, That where said
person or association, they and their grantors, shall have held
and worked their said 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, evi-
dence of such possession and working of the claims for such
period shall be sufficient to establish a right to a patent thereto
under this act, in the absence of any adverse claim: *Provided,
however*, That nothing in this act 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. 14. And be it further enacted, That all affidavits
required to be made under this act, or the act of which it is
amendatory, may be verified before any officer authorized to
administer oaths within the land district where the claims
may be situated, 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: Pro-
vided, That in all cases of contest such testimony and proofs
shall only be taken on at least ten days' personal notice to the
opposing parties, when such parties can be found; and if they
cannot be found, then by at least forty days' publication in a
newspaper published nearest to the location of said claims;
and the register of the land office shall require proof that
such notice has been given.

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

Sec. 16. And be it further enacted, That so much of the
act of March third, eighteen hundred and fifty-three, entitled
"An act to provide for the survey of the public lands in Cali-
ifornia, the granting of pre-emption rights, and for other pur-
poses," as provides that none other than township lines shall
be surveyed where the lands are mineral, is hereby repealed,
and the public surveys are hereby extended over all such
lands: Provided, That all subdividing of surveyed lands into
lots less than one hundred and sixty acres may be done by
county and local surveyors at the expense of the claimants.

Sec. 17. And be it further enacted, That none of the
rights conferred by sections five, eight, and nine of the act to
which this act is amendatory, shall be abrogated by this act,
and the same are hereby extended to all public lands affected
by this act; and all patents granted or pre-emption or home-
steads allowed, shall be subject to any vested and accrued
water rights, or rights to ditches and reservoirs used in con-
nection with such water rights as may have been acquired
under or recognized by the ninth section of the act of which
this act is amendatory.

Passed the House of Representatives March 17, 1870.

Attest: EDWARD McPHERSON, Clerk.