Revised Statutes of the United States

ACT OF MAY 10, 1872-(MINING LAW OF 1872)—This title is not an official short title, but merely a popular name. The Act has no official short title. The Mining Law of 1872 consists of the Act of May 10, 1872 (R.S. § 2319 et seq.; 30 U.S.C. 22 et seq.)

[As Amended Through P.L. 103–66, Enacted August 10, 1993]

{Currency: This publication is a compilation of the text of certain sections of the Revised Statutes of the United States. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at https://www.govinfo.gov/app/collection/comps/]

[Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).]

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SEC. 2319. 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.

[30 U.S.C. 22]

SEC. 2320. 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.

[30 U.S.C. 23]
SEC. 2321. 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.

[30 U.S.C. 24]

SEC. 2322. 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.

[30 U.S.C. 26]

SEC. 2323. 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 views 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 rights to all undiscovered veins on the line of such tunnel.

[30 U.S.C. 27]

SEC. 2324. 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
3 Sec. 2324 Revised Statutes of the United States

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, that is granted a waiver under section 10101 of the Omnibus Budget Reconciliation Act of 1993, 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 is 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 required expenditures. Provided, That the period within which the work required to be done annually on all unpatented mineral claims located since May 10, 1872, including such claims in the Territory of Alaska, shall commence at 12 o'clock meridian on the 1st day of September succeeding the date of location of such claim: Provided further, That on all such valid existing claims the annual period ending December 31, 1921, shall continue to 12 o'clock meridian July 1, 1922. [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 purposes 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.] ¹

¹ Bracketed material is from 18 Stat. 315.
Sec. 2325. A patent for any land claimed and located for valuable deposits may be obtained in the following manner: Any person, associated, 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 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 accurately 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 to 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. 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. 2326. 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
the filing his claim, to commence proceedings in a court of com-
petent jurisdiction, to determine the question of the right of posses-
sion, 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 en-
titled 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 re-
quired 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 pat-
ent 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-gen-
eral, whereupon the register shall certify the proceedings and judg-
ment-roll to the Commissioner of the General Land-Office, as in the
preceding case, and patents shall issue to the several parties ac-
cording to their respective rights. Nothing herein contained shall
be construed to prevent the alienation of the title conveyed by a
patent for a mining-claim to any person whatever.

30 U.S.C. 30

SEC. 2327. The description of vein or lode claims upon sur-
veyed lands shall designate the location of the claim 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
claim 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 exec-
cuting subsequent patent surveys, whether upon surveyed or
unsurveyed lands, shall be governed accordingly. The said monu-
ments 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. 2328. Applications for patents for mining-claims under former laws now pending may be prosecuted to a final decision in the General Land-Office; but in such cases where adverse rights are not affected thereby, patents may issue in pursuance of the provisions of this chapter; and all patents for mining-claims upon veins or lodes heretofore issued shall convey all the rights and privileges conferred by this chapter where no adverse rights existed on the tenth day of May, eighteen hundred and seventy-two.

Sec. 2329. 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. 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 pre-emption or homestead claim upon agricultural lands, or authorize the sale of the improvements of any bona-fide settler to any purchaser.

Sec. 2331. 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 sub-divisions of such surveys, and no such location shall include more than twenty acres for each individual claimant; but where placer-claims cannot be conformed to legal subdivisions, survey and plat shall be made as on unsurveyed lands; and where by the segregation of mineral land 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 pre-emption purposes.

Sec. 2332. 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 therefor 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 at-
tached in any way whatever to any mining-claim or property there-
to attached to the issuance of a patent.
[30 U.S.C. 38]

SEC. 2333. 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 pat-
ent 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 min-
eral and other deposits within the boundaries thereof.
[30 U.S.C. 37]

SEC. 2334. The surveyor-general of the United States may ap-
point in each land-district containing mineral lands as many com-
petent surveyors as shall apply for appointment to survey mining-
claims. The expenses of the survey of vein or lode claims, and the
survey and subdivision of placer-claim into smaller quantitites
than one hundred and sixty acres, together with the cost of publica-
tion 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 sur-
veyor 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 news-
paper 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.
[30 U.S.C. 39]

SEC. 2335. All affidavits required to be made under this chap-
ter 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 cannot 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.

[30 U.S.C. 40]

SEC. 2336. 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.

[30 U.S.C. 41]

SEC. 2337. (a) Where non-mineral 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 non-adjacent 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 non-adjacent 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.

(b) Where nonmineral land is needed by the proprietor of a placer claim for mining, milling, processing, beneficiation, or other operations in connection with such claim, and is used or occupied by the proprietor for such purposes, such land may be included in an application for a patent for such claim, and may be patented therewith subject to the same requirements as to survey and notice as are applicable to placers. No location made of such nonmineral land shall exceed five acres and payment for the same shall be made at the rate applicable to placer claims which do not include a vein or lode.

[30 U.S.C. 42]

SEC. 2338. As a condition of sale, in the absence of necessary legislation by Congress, the local legislative 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.

[30 U.S.C. 43]
SEC. 2339. Whenever, by priority of possession, rights to the use of water for mining, agricultural, manufacturing, 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.

[30 U.S.C. 51]

SEC. 2340. All patents granted, or pre-emption or homesteads allowed, shall be subject to any vested and accrued water-rights, or rights to ditches and reservoirs used in connection with such water-rights, as may have been acquired under or recognized by the preceding section.

[30 U.S.C. 52]

SEC. 2341. 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 pre-emption 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. 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 pre-emption and sale as other public lands, and be subject to all the laws and regulations applicable to the same.

SEC. 2343. The President is authorized to establish additional land-districts, and to appoint the necessary officers under existing laws, wherever he may deem the same necessary for the public convenience in executing the provisions of this chapter.

[30 U.S.C. 46]

SEC. 2344. Nothing contained in this chapter shall be construed to impair, in any way, rights or interests in mining property acquired under existing laws; nor to affect the provisions of the act entitled “An act granting to A. Sutro the right of way and other privileges to aid in the construction of a draining and exploring tunnel to the Comstock lode, in the State of Nevada,” approved July twenty-five, eighteen hundred and sixty-six.

[30 U.S.C. 47]
SEC. 2345. The provisions of the preceding sections of this chapter shall not apply to the mineral lands situated in the States of Michigan, Wisconsin, and Minnesota, which are declared free and open to exploration and purchase, according to legal subdivisions, in like manner as before the tenth day of May, eighteen hundred and seventy-two. And any bona-fide entries of such lands within the States named since the tenth day of May, eighteen hundred and seventy-two, may be patented without reference to any of the foregoing provisions of this chapter. Such lands shall be offered for public sale in the same manner, at the same minimum price, and under the same rights of pre-emption as other public lands.

[30 U.S.C. 48]

SEC. 2346. No act passed at the first session of the Thirty-eight 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.

[30 U.S.C. 50]

SEC. 2347. Every person above the age of twenty-one years, who is a citizen of the United States, or who has declared his intention to become such, or any association of persons severally qualified as above, shall, upon application to the register of the proper land-office have the right to enter, by legal subdivisions, any quantity of vacant coal-lands of the United States not otherwise appropriated or reserved by competent authority, not exceeding one hundred and sixty acres to such individual person, or three hundred and twenty acres to such association, upon payment to the receiver of not less than ten dollars per acre for such lands, where the same shall be situated more than fifteen miles from any completed railroad, and not less than twenty dollars per acre for such lands as shall be within fifteen miles of such road.

[30 U.S.C. 71]

SEC. 2348. Any person or association of persons severally qualified, as above provided, who have opened and improved, or shall hereafter open and improve, any coal mine or mines upon the public lands, and shall be in actual possession of the same, shall be entitled to a preference-right of entry, under the preceding section, of the mines so opened and improved: Provided, That when any association of not less than four persons, severally qualified as above provided, shall have expended not less than five thousand dollars in working and improving any such mine or mines, such association may enter not exceeding six hundred and forty acres, including such mining improvements.

[30 U.S.C. 72]

SEC. 2349. All claims under the preceding section must be presented to the register of the proper land-district within sixty days after the date of actual possession and the commencement of improvements on the land, by the filing of a declaratory statement.
therefor; but when the township plat is not on file at the date of
such improvement, filing must be made within sixty days from the
receipt of such plat at the district office; and where the improve-
ments shall have been made prior to the expiration of three months
from the third day of March, eighteen hundred and seventy-three,
sixty days from the expiration of such three months shall be al-
lowed for the filling of a declaratory statement, and no sale under
the provisions of this section shall be allowed until the expiration
of six months from the third day of March, eighteen hundred and
seventy-three.

[30 U.S.C. 73]

SEC. 2350. The three preceding sections shall be held to au-
thorize only one entry by the same person or association of persons;
and no association of persons any member of which shall have
taken the benefit of such sections, either as an individual or as a
member of any other association, shall enter or hold any associa-
tion which shall have taken the benefit of such sections shall enter
or hold any other lands under their provisions; and all persons
claiming under section twenty-three hundred and forty-eight shall
be required to prove their respective rights and pay for the lands
filed upon within one year from the time prescribed for filing their
respective claims; and upon failure to file the proper notice, or to
pay for the land within the required period, the same shall be sub-
ject to entry by any other qualified applicant.

[30 U.S.C. 74]

SEC. 2351. In case of conflicting claims upon coal-lands where
the improvements shall be commenced, after the third day of
March, eighteen hundred and seventy-three, priority of possession
and improvement, followed by proper filing and continued good
faith, shall determine the preference-right to purchase. And also
where improvements have already been made prior to the third day
of March, eighteen hundred and seventy-three, division of the land
claimed may be made by legal subdivisions, to include, as near as
may be, the valuable improvements of the respective parties. The
Commissioner of the General Land-Office is authorized to issue all
needful rules and regulations for carrying into effect the provisions
of this and the four preceding sections.

[30 U.S.C. 75]

SEC. 2352. Nothing in the five preceding sections shall be con-
strued to destroy or impair any rights which may have attached
prior to the third day of March, eighteen hundred and seventy-
three, or to authorize the sale of lands valuable for mines of gold,
silver, or copper.

[30 U.S.C. 76]