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INSTRUCTIONS AND LAWS

FOR THE

PURCHASE OF LAND

FROM THE

STATE OF NEVADA.


DATED MARCH 5th, 1873.

Carson City:

CHARLES A. V. PUTNAM, STATE PRINTER.

1873.



 The Second Payment on this Land will not become due until one year after the date of contract. A copy of which will be furnished you or your Attorney, from the Land Office.

You can make full payment at any time after this

date

INSTRUCTIONS AND LA.

in the full payment

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FOR THE

PURCHASE OF LAND

FROM THE

*Nevada. Surveyor general and
" state land register,*
STATE OF NEVADA.

DATED MARCH 5th, 1873.

Carson City:

CHARLES A. V. PUTNAM, STATE PRINTER.

1873.

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INSTRUCTIONS.

OFFICE OF STATE LAND REGISTER,

CARSON CITY, NEVADA, March 5, 1873.

No application to purchase land from the State of Nevada can be received until after the land desired is surveyed by the United States authorities.

The form of application, with instructions, can be had by applying at this office.

There are three modes of purchasing, viz ;

1st. By making full payment at the time of application.

2d. By the surrender of Land Warrants which have already been issued by the State.

3d. Agricultural or grazing lands can be bought by paying one-fifth of the whole amount at the time of application, and the balance in nine equal annual installments, with interest at the rate of ten per centum per annum, payable annually upon all deferred installments.

Timbered lands must be purchased by the 1st and 2d methods.

All lands within this State, which have been surveyed by the United States authorities, are subject to selection by the State any time after the Township Plat of such Survey has been filed in the United States District

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The period of three months ; and six months after such
 been approved to the State, they are subject to sale to the first
 The attention of actual settlers is called to this fact, as it is
 important that they take the proper steps to prevent their lands being
 sold to others. By describing the land as designated on the plats of the
 United States Survey, persons can at any time ascertain if it has been
 applied for by other parties.

In case the applicant has made a settlement upon, occupied or is in
 possession of land, a sworn statement of the character and cost of his
 improvements, date when he first occupied or possessed the land and how
 long continued and all other facts connected with his settlement or
 possession, should be sent to this office to be filed with the application to
 purchase.

JOHN DAY,
 Land Register.

The following table exhibits the cost of land upon the full payment plan.

40 Acres.	80 Acres.	120 Acres.	160 Acres.	200 Acres.	240 Acres	280 Acres.	320 Acres.
At \$1 25 per acre (more than 20 miles from C. P. R. R.)							
\$52	\$102	\$152	\$202	\$254	\$304	\$354	\$404
At \$2 50 per acre (less than 20 miles from C. P. R. R.)							
\$104	\$204	\$304	\$404	\$508	\$608	\$708	\$808

The following table exhibits the cost of land upon the ten payment plan, with the privilege of making full payment any time after the first has been made.

Payments.	40 Acres.		80 Acres.		120 Acres.		160 Acres.		200 Acres.		240 Acres.		280 Acres.		320 Acres.		Onn-tenth of one acre.	
	\$	cts.	\$	cts.	\$	cts.	\$	cts.	\$	cts.	\$	cts.	\$	cts.	\$	cts.	\$	cts.
1st.....	12	00	22	00	32	00	42	00	54	00	64	00	74	00	84	00	0	03
2nd.....	8	44	16	88	25	32	33	76	42	20	50	64	59	08	67	52	0	03
3rd.....	8	00	16	00	24	00	32	00	40	00	48	00	56	00	64	00	0	03
4th.....	7	56	15	12	22	68	30	24	37	80	45	36	52	92	60	48	0	02
5th.....	7	12	14	24	21	36	28	48	35	60	42	72	49	84	56	96	0	02
6th.....	6	66	13	32	19	98	26	64	33	30	39	96	46	62	53	28	0	02
7th.....	6	22	12	44	18	66	24	88	31	10	37	32	43	54	49	76	0	02
8th.....	5	78	11	56	17	24	23	12	28	90	34	68	40	46	46	24	0	02
9th.....	5	34	10	68	16	02	21	36	26	70	32	04	37	38	42	72	0	02
10th.....	4	88	9	76	14	64	19	52	24	40	29	28	34	16	39	04	0	02

At \$1 25 per acre (more than 20 miles from C. P. R. R.)

For land less than 20 miles from C. P. R. R. (\$2 50 per acre) the above payments must be doubled.

The Second Payment will not become due until one year after the date of contract. A copy of which will be furnished the Applicant or Attorney, from the Land Office.

AN ACT

TO PROVIDE FOR THE SELECTION AND SALE OF LANDS
THAT HAVE BEEN, OR MAY HEREAFTER BE GRANTED
BY THE UNITED STATES TO THE STATE OF NEVADA.

*The People of the State of Nevada, represented in Senate and
Assembly, do enact as follows:*

SECTION 1. For the purpose of selecting and disposing of the lands that have been, or may hereafter be granted by the United States, to the State of Nevada, including the sixteenth and thirty-sixth sections, and those selected in lieu thereof, in accordance with the terms and conditions of the several grants of land, by the United States to the State of Nevada, a State Land Office is hereby created, of which the Surveyor General shall be, and is hereby made ex-officio Land Register. He shall as such Land Register, be required to give bonds, in the sum of ten thousand dollars, for the faithful performance of his duties; which bonds shall be approved by the Governor, and filed in the office of Secretary of State. The Land Register shall keep his office at the seat of Government, and the same shall be kept open, on all legal days, between the hours of 10 o'clock A. M. and 4 o'clock P. M. for the transaction of business.

SEC. 2. The Register shall procure one copy of each township plat of the public surveys now approved, or that may hereafter be approved, by the proper United States authorities, unless the same shall have been previously obtained; *provided*, that the cost of the same shall not exceed eight dollars each, and shall be made upon drawing paper. He shall keep a record of all applications, and of all lands which have been, or may hereafter be, approved to the State, and of all lands which have been sold by the State, which together with all plats, papers, and documents relating to the business of his office, shall be open to public inspection, during office hours, without fee therefor.

SEC. 3. The Register shall furnish, within a reasonable time, a copy of the plats of townships, within any county to the County Surveyor, of such county, to be used by him in furnishing such information as the

Register may require of him concerning the lands within such townships ; and all lands sold by the State, shall be reported by the Register to the County Surveyor of the county in which such lands are situated, and said Surveyor shall immediately mark the same upon the township plat in his office, in accordance with the instructions of the Register, and said County Surveyor shall keep such plats subject to the inspection of all persons interested in examining the same, on all legal days during office hours. Whenever a County Surveyor shall have knowledge of any tract or tracts of land within his county, subject to selection by the State, and which, for any cause may appear to him to be of special value to the State, he shall report the same to the Register ; describing such location, with reference to the Government surveys, by legal subdivisions, and he shall state fully and definitely in such report his reasons for considering such tract or tracts of special value.

SEC. 4. The minimum price of all lands embraced in this Act, not included within the twenty miles Central Pacific Railroad limits, is hereby fixed at one and one-fourth dollars per acre, in currency ; and the minimum price of all lands, within said twenty miles limit, is hereby fixed at two and one-half dollars per acre, in currency. But the Board of Regents of this State shall have power to fix a higher price per acre upon any of said lands not settled upon or applied for, by individuals prior to the date of such higher price having been fixed.

SEC. 5. All land to which the State has acquired title, except those specified in section seven of this Act, when in the opinion of the Board of Regents it shall be advisable for the interests of the State, shall be advertised by the Register as being subject to sale at the minimum price, unless a higher price shall have been fixed thereupon by said Board, and if a higher price shall have been fixed, then at such higher price. And such notice shall specify that such land may be purchased at the price stated, at any time within six months after the date of such notice ; and if not purchased within such specified time, the Board of Regents may reduce the price ; *provided*, they do not reduce it below minimum price, and the Register thereupon shall readvertise the same at such reduced price.

SEC. 6. All applications to purchase land shall be made in writing, to the Land Register, and shall be signed by the applicant, his or her agent, and shall designate, in conformity with the United States survey, the tracts of land applied for, number of acres, price per acre, and amount necessary to purchase such land, and the section of this Act under which the applicant wishes to purchase ; also, residence, postoffice address, and county in which such land is located.

SEC. 7. Upon the application of any person to purchase land, not previously selected by the State, the Land Register shall certify to the State Controller that such person is entitled to apply for the land, describing the same as in the application, which shall accompany said certificate, and such certificate shall state the amount necessary to purchase said land ; the Controller shall thereupon issue his order, directing the State Treasurer to receive from such applicant said amount, placing the same into the State School Fund, and upon such payment being made, the Treasurer shall issue his receipts in duplicate, describing the land applied for, and he shall at the same time enter in his abstract of applications the name or names of the person or persons so applying, number, description of land, date of receipts, and amount paid by the applicant. Upon the return of the application with the Treasurer's receipt to the Land Office,

the Register shall file the same, which shall complete such application. Whenever purchase can be completed, in whole or in part, upon land thus applied for, the Land Register shall certify the same to the Controller and Treasurer each, and shall at once proceed to perfect the sale. Upon thus certifying to the Treasurer, the Register shall surrender the Treasurer's receipt therewith issued on payment made by applicant; the duplicate receipt becoming null and void on the completion of such purchase. Should the Controller, upon the receipt of such certificate, find that any payment had been wrongfully apportioned, he shall issue his order directing the Treasurer to transfer such amount to its proper fund. If, from the non approval of the land to the State or other cause, the contemplated sale cannot be perfected in whole or in part, then upon the demand of the applicant, the Land Register shall certify to the Controller that such applicant is entitled to the amount paid by him or her, from the non approval or other cause, as the case may be, and the Controller shall draw his warrant upon the State School Fund for the amount due such applicant, and the same shall be paid by the Treasurer. The Land Register shall, at the same time, certify in like manner to the State Treasurer of the non approval of such land, returning the receipt filed in his office by such applicant; the duplicate receipt becoming null and void. Upon the application of any person for the purchase of land not previously selected by the State, when such application is accompanied by the Treasurer's receipt, the Land Register shall serve the Surveyor of the county in which such land is situated with a written notice of such application to purchase, and said Surveyor shall post the same conspicuously in his office for the period of sixty days from the date thereof.

SEC. 8. Upon the application of any person or persons for the purchase of land after the State has obtained title thereto, should such person or persons be entitled to purchase, the Land Register shall certify the same to the Controller; said certificate shall be accompanied by such application, as provided in section seven of this Act; whereupon the Controller shall issue his order directing the Treasurer to receive the amount necessary to purchase such land, placing the same in the fund specified in the order. Upon payment being made by applicant, the Treasurer shall issue his receipt for the same, and on return of said application, with the receipt to the State Land Office, the Register shall thereupon file the same and perfect such sale.

SEC. 9. In addition to the mode and manner of sale of the lands belonging to the State the State Register is hereby further empowered to sell and dispose of any agricultural or grazing lands payable in installments as hereinafter specified; that is to say, with any party or parties wishing to purchase lands under the provisions of this section, and who shall have made proper application therefor, and duly established his or her or their right to purchase under the provisions of this Act, the State Register is hereby authorized and required to enter into contract to sell such lands, at such price as the same may be valued for the time being by the proper authority, payable as follows, to wit: One-fifth of the amount to be paid at the time of contract, and the balance in nine equal annual installments, with interest at the rate of ten per centum per annum, payable annually upon all deferred installments; *provided*, the purchaser, his or her heirs or assigns may, at any time prior to the maturity of such contract make full payment. All such contracts shall be entered into in writing with the party or parties so purchasing, in which the conditions shall be distinctly expressed that, upon failure to pay the

principal and interest thereon as stipulated, the said land shall immediately and unconditionally revert to the State and be thereafter subject to sale in the same manner and under the same conditions as though no such prior contract and sale had been made. It shall be the duty of the Register to certify each sale and the terms thereof to the State Treasurer, and the Register shall at the same time certify to the Controller the amount necessary for the first payment and for each succeeding payment until full payment shall have been made; and the Controller, upon the receipt of each such certificate, shall issue his order to the Treasurer as in section seven of this Act; and upon payment being made by the applicant of the amount specified in the order, the Treasurer shall issue his receipts in duplicate, and when full payment shall have been made, patents shall issue to the purchaser, his or her heirs or assigns, as provided for in section thirteen of this Act; *provided*, that no timbered land shall be sold, unless the whole purchase price shall be paid at the time of application.

SEC. 10. The holder of any unlocated land warrant of this State, heretofore issued, shall have the right to use the same in payment for lands which he or she may desire to purchase from the State; and any person holding any of said paid warrants for one hundred and sixty acres or less, at the rate of two and one-half dollars per acre, shall be allowed to surrender the same to the State Treasurer, in full payment for double the number of acres expressed therein, of land valued at one and one-fourth dollars per acre, and upon the surrender of such land warrant to the Controller by the Treasurer, properly endorsed, the Controller shall draw his warrant upon the State School Fund, in favor of the State Treasurer, for the amount of said land warrant.

SEC. 11. The State Treasurer shall render to the State Controller a true and correct statement of the amount of Special Deposits on hand made by applicants for the purchase of State lands, and the Controller shall thereupon order the same to be transferred from the Special Deposit Account to the State School Fund. All moneys hereafter paid into the Treasury on land shall be paid in on an order from the Controller, and all moneys refunded to applicants shall be drawn out upon a warrant issued by the Controller upon the Treasurer, as provided in section seven of this Act. All purchases to be completed or amounts to be refunded upon Special Deposit receipts issued by E. Rhoades, defaulting Treasurer, and still outstanding, shall be disposed of in the following manner: Whenever purchase can be completed, in part or in whole, upon land thus applied for the Land Register shall perfect such sale, surrendering to the Controller the Treasurer's receipts issued by said E. Rhoades, with his certificate of the completion of such sale, and the Controller shall receive and file the same in his office as vouchers. The Register shall at the same time also certify such sale to the Treasurer; And whenever, for non approval of the land to the State, or other cause, the contemplated sale cannot be completed, the Land Register shall surrender to the Controller said Special Deposit receipts, with a certificate that said applicant is entitled to the amount paid; and the Controller shall thereupon file such receipts and certificate in his office as vouchers, drawing his warrant upon the proper fund for said amount, and the Treasurer shall pay the same. The Land Register shall, at the same time, certify the non approval in like manner to the Treasurer.

SEC. 12. An occupant or party in possession, shall have a preferred right to purchase not exceeding three hundred and twenty acres of land

at the minimum price, for the period of six months after the date of approval to the State of the lands occupied or possessed by him or her; and when two or more persons, claiming a preferred right by reason of occupancy or possession, apply to purchase the same lands, the Register shall certify such applications to the District Court of the county in which such lands are situated and notify the contesting applicants thereof. The Judge or Court shall then appoint a commissioner in the vicinity of the land so in dispute to take and report to such Court all the testimony of the parties in the case. The contest shall then be tried and determined as ordinary actions in said Court, and when so determined, shall be certified to the Register, who shall proceed thereafter with the successful contestant in the same manner as if he alone had applied in the premises; *provided*, that all costs attending such contest shall be paid by the parties litigant, as the Court or Judge may determine; *and, provided further*, that a preferred right shall be based upon occupancy or possession dating prior to any application to purchase the land having been filed with the Register. When two or more persons, neither claiming a preferred right, apply to purchase the same lands, the first applicant shall be allowed to purchase.

SEC. 13. No person shall be allowed to purchase more than three hundred and twenty acres of land from the State under the provisions of this Act.

SEC. 14. It is hereby made the duty of the Register to select as portions of the several grants of land to this State, all lands for which money has been deposited under the provisions of section seven of this Act. And whenever he shall have knowledge of any tract or tracts of land within the State, which for any cause may appear to him to be of special value and subject to location by the State, he may select the same, and if necessary, by and with the advice and consent of the Board of Regents, instruct the County Surveyor of the county wherein such land is situated, to survey such lines and make such examination as may serve to indicate the proper location and true character and quality of such lands, and said County Surveyor shall, without delay, proceed to make such survey or examination and shall report the same to the Register in accordance with such instructions as he may have received; and for such services he shall receive such sum as the Board of Regents may allow, and for the faithful performance of such service said County Surveyor shall be liable upon his official bond.

SEC. 15. The title of the State to any lands sold under the provisions of this act shall be conveyed to the purchaser, or his or her heirs or assigns, by patents free of charge, in such form as the Attorney General and Register shall jointly prescribe, to be prepared by the Register, signed by the Governor, and shall have the Great Seal of the State affixed by the Secretary of the State; and shall be countersigned by the Register, and the Secretary of State and State Register shall keep a record of the patents issued.

SEC. 16. The State Register shall be entitled, as such Register, to a salary of two thousand six hundred dollars per annum, to be paid quarterly; and he is hereby authorized to appoint a deputy, who shall be entitled to a salary of three thousand dollars per annum, to be paid monthly. The Controller of State shall, at the end of each month, draw his warrant upon the State Treasurer in favor of said deputy for the amount of his compensation then due, and the State Treasurer shall pay the same out of any money derived from the sale of lands.

SEC. 17. All funds derived from the sale of lands under this Act, shall be invested in interest bearing bonds of the State, or of the United States, as required by section three of the eleventh article of the Constitution of this State. The proceeds of the sale of lands donated to this State by Act of Congress of July 2nd, 1862, shall be invested by the Board of Regents; and the proceeds of all other lands herein referred to, whenever the sum of five hundred dollars shall have been paid into the State School Fund, shall be invested as directed by law.

SEC. 18. All claims and accounts for services or for expenses authorized by, and necessarily incurred in carrying out any of the provisions of this Act, except the salaries of the Register and his deputy, shall be presented to and audited as other claims by the State Board of Examiners; and when any claim shall be passed and allowed by said Board, they shall apportion the same so payable or chargeable, to the several funds derived from the sale of lands as they shall deem proper, and so much of the funds received from the sale of lands in the several grants as may be necessary for the payment of such audited claims, shall be, and the same is hereby appropriated out of the several funds respectively for the payment of such claims, and the Controller shall draw his warrant accordingly. The Board of Examiners are hereby authorized and directed to allow and direct to be paid such sums to the Receivers of the United States Land Offices for any official services performed by them in relation to the designation of the selected lands upon the books of their respective offices, as they may be justly entitled to receive under the laws of the United States, or the instructions of the proper department at Washington City.

SEC. 19. An Act entitled "An Act to provide for the selection and sale of lands granted by the United States to the State of Nevada," approved April, 2, 1867, and also, an Act entitled "An Act to provide for the selection and sale of lands granted by the United States to the State of Nevada," approved March 4, 1871, and all other Acts and parts of Acts, so far only as in conflict with the provisions of this Act, are hereby repealed; *provided*, that such repeal shall not divest any parties of any rights heretofore acquired under any of said Acts referred to.

Approved March 5, 1873.

AN ACT

TO PROVIDE FOR THE PROTECTION OF TIMBERED LANDS.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be unlawful for any person or corporation to cut down or remove, or cause to be cut down or removed, any wood, timber, or trees, on or from any land in this State, to which land this State, or any person or corporation has or may have an inchoate title, or any title less than fee simple, and the provisions of this Section shall apply to the owner of such inchoate title, or title less than fee simple, the same as to other persons and corporations.

SEC. 2. If any owner of an inchoate title to land in this State, or title to such land less than fee simple, or any other person or corporation, shall violate the provisions of the first Section of this Act, such person or corporation shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in any sum not exceeding five hundred dollars.

SEC. 3. If any person shall cut down or remove any tree, wood, or timber from any land in this State, to which this State has a fee simple title, or an inchoate title by reason of grant from the United States, such person shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine as provided in Section Two of this Act.

SEC. 4. If an issue of fact be joined, as to the title to real estate, in any action under the provisions of this Act, such Action shall thereupon be certified by the Justice of the Peace in whose Court it may be pending, to the District Court of the same county, and therein tried and finally determined, as if the same had been originally commenced therein; *provided*, that nothing in this Act shall be so construed as to affect, or impair, the provisions of an Act entitled "An Act prescribing the mode of maintaining and defending Possessory Actions on Public Lands in this State," approved March ninth, one thousand eight hundred and sixty-

five; *and, provided further*, that nothing in this Act contained shall be so construed as to prevent the cutting and using, by actual settlers, upon such lands as are herein specified, of such wood as may be necessary for domestic uses, or of such timber as may be necessary for making permanent improvements upon such lands.

Approved March 3, 1871.

AN ACT

PRESCRIBING THE MODE OF MAINTAINING AND DEFENDING POSSESSORY ACTION ON PUBLIC LANDS IN THIS STATE.

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The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any person now legally occupying and settled upon, or who may hereafter occupy or settle upon, any of the public lands in this State, for the purpose of cultivating or grazing the same, may commence and maintain any action for interference with, or injuries done to, his or her possession of said land, against any person or persons so interfering with, or injuring, such land or possession; *provided*, that if the lands so occupied and possessed contain mines of any of the precious metals, the possession or claim of the person or persons occupying the same, for the purposes aforesaid, shall not preclude the working of such mines by any person or persons desiring so to do, as fully and unreservedly as they might or could do had no possession or claim been made for grazing or agricultural purposes.

SEC. 2. Every such claim, to entitle the holder to maintain any action as aforesaid, shall not contain more than one hundred and sixty acres, and the same shall be surveyed and marked by metes and bounds, so that the boundaries may be readily traced and the extent of such claim easily known; and no person shall be entitled to maintain any such action for the possession of, or injury to, any claim, unless he or she occupy the same, and shall have complied with the provisions of the third and fourth sections of this Act.

SEC. 3. Any persons claiming any of the public lands in this State shall have the same surveyed by the County Surveyor of the county in which said lands are situated, and shall have the plot of such survey duly certified to by said Surveyor, recorded in the office of the County Recorder, and shall take and subscribe his or her affidavit that he or she has taken no other claim under this Act, and that, to the best of his or

her knowledge and belief, the said lands are not claimed under any existing title.

SEC. 4. Within ninety days after the date of said record, the party recording is hereby required to improve the lands thus recorded to the value of two hundred dollars, by putting such improvements thereon as shall partake of the realty, unless such improvements shall have been made prior to the application for survey and record, according to section third of this Act.

SEC. 5. At any time after the provisions of the second, third, and fourth sections of this Act shall have been complied with, the party so complying shall be permitted to absent himself or herself from such claim, without being required to occupy the same, for a period of not more than twelve months; *provided*, the person so wishing to absent himself or herself shall first pay to the Treasurer of the county in which said claim shall be situated the sum of fifteen dollars, in gold or silver coin, upon which payment the Treasurer shall issue a receipt for the same. At any time within twelve months after the date thereof, such receipt shall be received as *prima facie* evidence of possession in any court having jurisdiction in such cases. Any person absenting himself or herself from said claim for a longer period than sixty days, without first paying the sum provided in this section, shall forever forfeit his or her claim to the lands. One-half of the amount paid to any County Treasurer, under the provisions of this section, shall be paid by said Treasurer into the general fund of such county, and the balance into the State Treasury, whenever making his regular settlements with the State Treasurer. The State Treasurer shall set apart and retain all moneys received from such source as a special fund, which may hereafter be appropriated by law for the maintenance and protection of the insane.

SEC. 6. On the trial of any such causes, the possession or possessory right of the plaintiff, shall be considered as extending to the boundaries embraced in such survey, so as to enable him or her, according to section third of this Act, to have and maintain any action as aforesaid, without being compelled to prove an actual inclosure.

SEC. 7. All lands in this State shall be deemed and regarded as public lands, until the legal title is known to have passed from the Government to private individuals or parties.

SEC. 8. Sections ten and thirteen of an Act passed by the Legislative Assembly of the Territory of Nevada, entitled "An Act to regulate surveys and surveying," approved November twenty-ninth, one thousand eight hundred and sixty-one, and all other Acts or parts of Acts, so far as the same are inconsistent with, or repugnant to, the provisions of this Act, are hereby repealed.

Approved March 9, 1865.

AN ACT

TO ALLOW ANY PERSON OR PERSONS TO DIVERT THE WATERS OF ANY RIVER OR STREAM, AND RUN THE SAME THROUGH ANY DITCH OR FLUME, AND TO PROVIDE FOR THE RIGHT OF WAY THROUGH THE LANDS OF OTHERS.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any person or persons desiring to construct and maintain a ditch or flume, within any one or more of the counties of this State, shall make, sign and acknowledge, before some officer entitled to take acknowledgments of deeds, a certificate, specifying: First—The name by which the ditch or flume shall be known; and, Second—The names of the places which shall constitute the termini of said ditch or flume. Such certificate shall be accompanied with a plat of the proposed ditch or flume, and shall be recorded in the office of the County Recorder of the county or counties within or through which such ditch or flume is proposed to be located; and the record of such certificate and plat shall give constructive notice to all persons of the matters therein contained. The work of constructing such ditch or flume shall be commenced within thirty days of the time of making the certificate above mentioned, and shall be continued with all reasonable dispatch until completed.

SEC. 2. Any person or persons proposing to construct a ditch or flume, under the provisions of this Act, shall have the right to enter upon private lands for the purpose of examining and surveying the same; and where such lands cannot be obtained by the consent of the owner or owners thereof, so much of the same as may be necessary for the construction of said ditch or flume, may be appropriated by said person or persons, after making compensation therefor, as follows: Said person or persons shall select one appraiser, and said owner or owners shall select one, and the two so selected shall select a third, and the three shall appraise the land sought to be appropriated, after having been first sworn, before some officer entitled to administer oaths, to make a true appraisal thereof, according to the best of their knowledge and ability. If

such person or persons shall tender to such owner or owners the appraised value of such lands, they shall be entitled to proceed in the construction of the ditch or flume over the lands so appraised, notwithstanding such tender may be refused; *provided*, that such tender shall always be kept good by such person or persons; *and, provided further*, that an appeal may be taken by either party from the finding of the appraisers to the District Court of the district within which the lands so appraised shall be situated, at any time within ten days after such appraisement.

SEC. 3. Nothing in this Act contained shall be so construed as to interfere with any prior or existing claim or right.

SEC. 4. This Act shall apply, and the rights and privileges herein conferred shall inure, to the benefit of all persons or corporations who have heretofore constructed, and now maintain, ditches, flumes or aqueducts in this State, from whatever source they may have procured water, such persons or corporations being required to make and file the certificate mentioned in section one of this Act, and upon such filing, the party or parties filing the same shall be authorized, from time to time, to extend his or their ditch or flume, and proceed to condemn private property for such ditch or flume, or for any reservoir or reservoirs connected, or to be used in connection, with such ditch or flume, as provided in section second of this Act.

Approved March 3, 1866.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO ALLOW ANY PERSON OR PERSONS TO DIVERT THE WATERS OF ANY RIVER OR STREAM, AND RUN THE SAME THROUGH ANY DITCH OR FLUME, AND TO PROVIDE FOR THE RIGHT OF WAY THROUGH THE LANDS OF OTHERS," Approved March 3, 1866.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section Two of said Act is amended so as to read as follows:

SECTION 2. Any person or persons proposing to construct a ditch or flume, under the provisions of this Act, shall have the right to enter upon private lands for the purpose of examining and surveying the same; and where such lands cannot be obtained by the consent of the owner or owners thereof, so much of the same as may be necessary for the construction of said ditch or flume, may be appropriated by said person or persons, after making compensation therefor as follows: Said person or persons shall select one appraiser, and said owner or owners shall select one, and the two so selected shall select a third. In case the owner or owners shall from any cause fail, for the period of five days, to select an appraiser as hereinbefore provided, then it shall be the duty of the appraiser selected by the person or persons proposing to construct said ditch or flume to select a second appraiser, and the two so selected shall select a third, and in either case the three selected shall within five days after their selection, meet and appraise the lands sought to be appropriated, after having been first duly sworn by some officer entitled to administer oaths, to make a true appraisalment thereof, according to the best of their knowledge and ability. If such person or persons shall tender to such owner or owners the appraised value of such land, they shall be entitled to proceed in the construction of the ditch or flume over the land so appraised, notwithstanding such tender may be refused; *provided*, that such

tender shall always be kept good by such person or persons; *and, provided further*, that an appeal may be taken by either party from the findings of the appraisers to the District Court of the district within which the lands so appraised shall be situated, at any time within ten days after such appraisement.

Approved March 5, 1869.

AN ACT
TO PROVIDE FOR THE LOCATION OF LANDS CONTAINING
SALT.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any person may locate, claim and hold, not exceeding one hundred and sixty acres of the public lands within this State containing salt or saline matter.

SEC. 2. It shall be the duty of any person, or persons, locating salt lands, to have the same surveyed by the County Surveyor of the county in which said lands are located within thirty days from the date of location; and the Surveyor shall, within thirty days from the completion of said survey, make and deliver to the party employing him to make the survey a correct description and plat of the lands thus surveyed, and the same shall be recorded in the office of the County Recorder of said county within thirty days from the delivery thereof by the Surveyor.

SEC. 3. All locations made prior to the passage of this Act upon saline lands are hereby ratified and confirmed to the locators thereof, their heirs and assigns; *provided*, the parties now holding and occupying said lands shall, within sixty days from the passage of this Act, have the same surveyed and recorded as provided in section two of this Act.

SEC. 4. All persons and claiming holding saline lands under the provisions of this Act shall keep and hold actual possession of said lands by occupying the same, and whenever said lands are abandoned for a period longer than sixty days, the same shall be subject to re-location.

SEC. 5. This Act shall take effect, and be in force, from and after its passage.

Approved February 24, 1865.

AN ACT

PROVIDING FOR THE LOCATION AND TAXATION OF BORAX AND SODA MINES, AND CLAIMS.

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows :*

SECTION. 1. The ownership of, or claim to, or possession of, or right of possession to any land in this State, containing, and held for the purpose of obtaining borax or soda, shall be assessed annually for taxation for State and county purposes, at not exceeding five dollars per acre. The annual payment of said taxes, and the compliance with the provisions of an Act entitled "An Act to provide for the location of lands containing salt," approved February 24, 1865, shall be held as a recognition on the part of the State of the validity of said ownership of, or claim to, or possession of, or right of possession to said lands; *provided*, that where borax and soda mines, and claims, are being worked for Borate of Soda, Borate of Lime, Boracic Acid, or Carbonate of Soda, then the net proceeds thereof shall be taxed. In the event that the tax on such net proceeds shall equal or exceed in amount what would be derived from said mines, or claims, taxing them at five dollars per acre as aforesaid, and when the net proceeds are taxed the ownership of, claim to, possession of, or right of possession to, the said lands shall not be taxed.

SEC. 2. Sections Two, Three, Four, Five, Six, Seven, Eight, Nine and Ten of an Act entitled "An Act providing for the taxation of the net proceeds of mines," approved February 28, 1871, shall be and are hereby made applicable as to time and manner of assessing and collecting the revenue derived from the net proceeds of Borax and Soda mines and claims.

SEC. 3. The officers whose duty it is to enforce the provisions of an Act providing for the taxation of the net proceeds of mines, (referred to in section two of this Act,) shall enforce the provisions of this Act, so far as it relates to the taxation of the net proceeds of Borax and Soda mines and claims, and shall receive the same compensation as provided in said Act.

SEC. 4. The State Controller is hereby authorized and directed to prepare and furnish the necessary blanks and instructions to carry this Act into effect.

Approved March 7, 1873.

