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United States Department of Agriculture,

U. S. FOREST SERVICE.

HENRY S. GRAVES, Forester.

PURCHASE OF LAND UNDER THE WEEKS LAW IN THE SOUTHERN APPALACHIAN AND WHITE MOUNTAINS.

GENERAL INFORMATION.

The act of Congress approved March 1, 1911 (36 Stat., 961), created a National Forest Reservation Commission and authorizes the acquisition of lands on the watersheds of navigable streams for the purpose of conserving their navigability. The Secretary of Agriculture is authorized and directed to examine, locate, and recommend to the Commission for purchase such lands as in his judgment may be necessary to the regulation of the flow of navigable streams, and he is authorized to purchase, in the name of the United States, such lands as have been approved for purchase by the National Forest Reservation Commission at the price or prices fixed by said Commission. The full text of the law is to be found on page 11.

The primary purpose of this law is to secure the maintenance of a perpetual growth of forest on the watersheds of navigable streams where such growth will materially aid in preventing floods, in improving low waters, in preventing erosion of steep slopes and the silting up of the river channels, and thereby improve the conditions for navigation.

While the improvement of the flow of navigable streams is the fundamental purpose, other benefits incidental in character but nevertheless important will be kept in view. Among these are (1) protection against disastrous erosion of the soil on mountain slopes and against the destruction of the soil and soil cover by forest fires; (2) preservation of water powers, since, like navigation, they depend for their value upon the evenness of stream flow; (3) preservation of the purity and regularity of flow of the mountain streams, with a view to their use for the water supply of towns and cities; (4) continuance of a timber supply to meet the

needs of the industries of the country; (5) preservation of the beauty and attractiveness of the uplands for the recreation and pleasure of the people.

Aside from its application to the watersheds of navigable streams, the law is not restricted to particular regions, except

Restrictions. that lands may be purchased only in the States whose legislatures have consented to the acquisition of such lands by the United States for the purpose of preserving the navigability of streams. The States which have passed such legislation and in which purchases are now contemplated are: Maine, New Hampshire, Maryland, Virginia, West Virginia, North Carolina, Tennessee, South Carolina, and Georgia.

The sources of the navigable streams which have their origin in the Rocky Mountains or the mountains nearer the Pacific coast are already to a large extent protected by National Forests. The Adirondack and Catskill Mountains are protected by the State of New York. The Appalachian Mountains, including the White Mountains, are for the most part without such protection. Because of their altitude, steepness, and lack of protection they are in a class by themselves in their need for the action authorized under this law, and the first lands to be examined for purchase will therefore be in this region.

The area needing protection in the Appalachians is very large. It is larger than can be purchased with the funds appropriated under this law, and larger than the area which should be acquired, because the region can undoubtedly be fully protected and put on a substantial basis of timber production without the ownership of the entire area by the Federal Government. Fortunately conditions within the region generally indicate with sufficient clearness what lands the Government should acquire. Much difference exists in the character of the lands in different parts of the region. Mountains are higher, slopes steeper, rainfall heavier, and the soil more easily washed in some sections than in others.

In a number of localities where such conditions prevail with marked intensity, purchase areas have been designated. These areas are described on pages 6 to 10 of this circular. Examinations of lands with a view to purchase will at present be made only within them.

The areas which have been so designated contain from 80,000 acres to 700,000 acres each. It is not expected in any case that all the lands within an area will be acquired. Many small bodies of land more valuable for agriculture or for other purposes than for timber growing are included. These will not be purchased. Furthermore,

not all the mountainous nonagricultural land will be required to carry out the present plans of the Government. But while it is not necessary to acquire all of any area in each case where purchase is to be made at all, a compact body of sufficient size to justify the employment of men for protection and administration must be secured. Where only small and isolated tracts can be obtained it will not be advisable to undertake purchases. Purchases will not be undertaken unless it appears that at least 15,000 or 20,000 acres can be obtained.

Lands of the following classes will be considered for purchase when they lie within a designated area: (1) Timbered lands, including both land and timber; or the land, with the timber reserved to the owner under rules of cutting to be agreed upon at the time of sale; (2) cut-over or culled lands; (3) brush or burned land not bearing merchantable timber in quantity, but covered with a growth of brush which is useful for watershed protection, and burned land, whether covered with young timber growth or not; (4) abandoned farm land, whether remaining cleared or partially covered by timber growth. Good agricultural lands will not be considered.

Where a mine has been developed, or where valuable mineral deposits are known to exist, the right to remove such deposits may be reserved to the owner, under conditions to be agreed upon, such conditions to be incorporated in the written instrument of conveyance. Lands, however, will not be recommended for purchase subject to mineral reservations where there is no satisfactory evidence of the presence of minerals of value, notwithstanding the very general custom in many mountain sections of reserving all or a portion of the mineral rights merely on the prospect that something valuable may some time be discovered.

Lands lying within the designated areas can not be recommended for purchase unless examination by the United States Geological Survey shows that their control will promote or protect the navigation of streams on whose watersheds they lie.

Lands proposed at exorbitant prices will not be considered. The holding of land at too high a price in any of the areas will prevent the Government from undertaking purchases within it.

No limitation is put upon the size of tracts to be proposed for sale. Proposals will be received for small as well as for large tracts within the areas designated, but small tracts can only be examined when they lie adjacent to or near large tracts which are being examined, or where the aggregate of all tracts offered for sale is sufficient to justify an examination.

see, pp. 6/9
 SD 426
 A 5
 1913

Classes of land desired.

Mineral reservations.

Lands considered only when offered cheap.

No restriction as to size of tract.

Lands will be purchased only on the basis of an accurate survey by horizontal measurement and at a specified rate per acre. A proposal on the basis of a lump-sum price for the tract can not be considered.

Horizontal survey.

The right of any landowner to deal through an agent is, of course, recognized. The placing of lands in agents' hands, however, is usually unnecessary, since in most cases agents can give no practical assistance, and the Secretary of Agriculture, in making purchases, desires to deal directly with owners wherever practicable, regardless of the size of the tract. *Optioned lands will not be considered.*

Not necessary to sell through an agent.

The lands purchased by the Government under this law are to be included in National Forests. Such Forests will in no way interfere with hunting and fishing within the areas. The laws of the States in which the Forests are located will prevail as at present, and the use of the Forests for all reasonable purposes, including recreation, will be encouraged.

Use of the lands by the public.

In general the procedure in making purchases will be as follows:

(1) The filing of proposal for sale of land by the owner or owners.

(2) Examination and appraisal by the Forest Service. This examination will usually include a careful estimate of whatever timber is standing upon the tract, an estimate of the value of the tract as a whole for the production of timber, and the determination of its importance in regulating the flow of navigable streams.

Procedure in making purchases.

(3) Negotiations with the owner. When an agreement is reached as to price and other conditions of sale the owner will be asked to give an option on the tract for a sufficient period to allow the National Forest Reservation Commission to consider and take action upon it. The owner is also requested to submit an abstract of title. Where an abstract has not previously been prepared, this may, however, be delayed until after approval of purchase by the Commission.

(4) Approval of lands for purchase and the fixing of the price to be paid for them by the National Forest Reservation Commission. Approval for purchase is given only after recommendation has been made by the Secretary of Agriculture on the basis of the field examinations and a tentative agreement as to terms.

(5) Execution of purchase contract.

(6) Examination of title and boundary survey.

(7) Initiation of condemnation proceedings when necessary.

(8) Actual conveyance of the title of the land by the owner to the Government and payment therefor.

It will be noted by reference to section 8 of the Weeks Law (p. 11) that " * * * no payment shall be made for any lands until the title shall be satisfactory to the Attorney General * * *." Under this requirement only legally safe titles can be accepted for purchase. Several classes of titles usually considered merchantable and sufficiently good for ordinary commercial purposes are not considered sufficiently safe within the meaning of this law by the Attorney General, and titles not approved by the Attorney General can only be acquired by the Government through the right of eminent domain. As a general rule condemnation proceedings under this right will be undertaken by the Government only with the assent of the claimants to or the apparent owners of the major title and where an agreement with them as to the value of the lands to be acquired has been reached.

In case the lands desired are to be acquired through the right of eminent domain the general procedure is for the Government, through the Department of Justice, to institute condemnation proceedings for its acquirement in the Federal court of the district in which such land is situated. Commissioners are appointed by the court to appraise the value of the land and upon rendition by them to the court of report and award, and the issuance by the court of an order for payment of awards, the United States deposits into the registry of the court the amount of commissioners' awards, which amount, upon confirmation of the report and awards, is distributed by order and under the supervision of the court. An appeal from the award of the commissioners is generally available to the claimant, and such appeals are heard before a Federal court.

The time required for condemnation proceedings varies, dependent on the size of the tract under condemnation, the number of parties in interest, and the rapidity with which the appraisal by commissioners and confirmation by the court can be had. It is probable that from six months to a year will be required. The cost of the procedure is borne by the United States, the owners of the lands being required to incur only such expense as may be necessary to establish their interests in the lands and their right to consideration in the distribution of the award.

PROPOSALS INVITED.

The areas roughly designated in the following descriptions are those within which proposals are at present invited. Lands chiefly valuable for agriculture are not desired, and where such lands occur within the areas described they will not be recommended for purchase, unless they occur in such small scattered areas that their exclusion would be impracticable. A blank form and an official envelope to be used in making proposals of land may be had on application to the Forester,

Forest Service, Washington, D. C. The blank should be accurately and fully filled out and mailed, securely sealed, in the envelope. If possible a map showing the boundaries and location of the tract should be submitted with the proposal.

PURCHASE AREAS.

WHITE MOUNTAIN AREA, NEW HAMPSHIRE AND MAINE.

Lands in New Hampshire situated in Coos County, on the Carter-Moriah Range of Mountains in the townships of Shelburne and Gorham, on the Presidential Range in the townships of Gorham and Randolph, on Cherry Mountain and the Dartmouth Range in the township of Carroll, in the Low and Burbank Grant, Thompson and Meserve Purchase, Bean Purchase, Martin Location, Green Grant, Pinkham Grant, Bean Grant, Crawford Purchase, Chandler Purchase, Cutts Grant, Sargent Purchase, and Hadley Purchase; lands in Grafton County on the Franconia Range of Mountains, the Little River Mountains, and the Rosebrook Mountains in the township of Bethlehem, the Franconia Range of Mountains in the townships of Franconia and Easton, on Mount Moosilauke, Mount Kineo, and Mount Carr, in the township of Warren, on Mount Carr in the townships of Wentworth and Rumney, and Black Hill and Mount Kineo in the township of Ellsworth; lands above an altitude of 1,000 feet in the township of Woodstock; lands east of the Pemigewasset River in the township of Thornton; and lands in the townships of Benton, Waterville, Lincoln, and Livermore; lands in Carroll County, above an elevation of 1,000 feet in the townships of Chatham, Jackson, Bartlett, and Albany, and on the Sandwich Range of Mountains in the township of Sandwich; and lands in Maine situated in Oxford County in Batcheldors Grant.

ANDROSCOGGIN AREA, NEW HAMPSHIRE AND MAINE.

Lands in New Hampshire situated in Coos County, including the northern portion of the town of Shelburne, the northeastern portion of the town of Gorham, the southeastern portion of Berlin, the entire town of Success, the northeastern portion of Milan, and the southeastern portion of the town of Cambridge; lands in Maine situated in Oxford County, including the northern portion of the town of Gilead, all of the town of Riley with the exception of the farming lands in the northeastern portion, lands on Black Mountain, Sunday River, White Cap and Great Ledge in the town of Newry, the southern portion of the town of Grafton, the southern portion of Andover West Surplus, and lands on Long Mountain and adjacent slopes in the town of Andover.

KILKENNY AREA, NEW HAMPSHIRE.

Lands in New Hampshire situated in Coos County, including the northern portion of the town of Randolph, the northeastern portion of the town of Jefferson, all of the town of Kilkenny, a small part of the eastern portion of the town of Lancaster, that portion of the town of Stark lying south of the upper Ammonoosuc River and the Grand Trunk Railway, the western portion of the town of Milan, the western half of the town of Berlin, and the northwestern part of the town of Gorham.

YOUGHIOGHENY AREA, MARYLAND.

Lands in Maryland situated in Garrett County on the main watershed of the Youghiogheny River between the towns of Oakland and Friendsville, west of Hooppole Ridge and Negro Mountain.

POTOMAC AREA, VIRGINIA AND WEST VIRGINIA.

Lands in Virginia situated in Frederick County, south of Duck Run and west of Star Tannery and Gravel Spring; in Shenandoah County, west of Fetzer Gap, Columbia Furnace, Liberty Furnace, and Orkney Springs; lands in West Virginia situated in Hardy County, east of Lost River and south of Wardensville and along the Great North Mountain to the county line between Hardy and Hampshire Counties; in Hampshire County, on the Great North Mountain south of the road from Star Tannery, Va., to Capon Springs, W. Va.

SHENANDOAH AREA, VIRGINIA AND WEST VIRGINIA.

Lands in Virginia situated in Rockingham County, south of Dovesville and west of Fulks Run, Little Mountain, and Rawley Springs; in Augusta County, west of Sangerville, Stribling Springs, and Calf Pasture River; in Rockbridge County, west of the Calf Pasture River and north of Mill Mountain; in Bath County east of the Cow Pasture River; in Highland County, east of Cow Pasture River and Shaws Fork; lands in West Virginia situated in Pendleton County, east of Brushy Run and the South Fork of the Potomac.

MONONGAHELA AREA, WEST VIRGINIA.

Lands in West Virginia situated in Preston County and included in the Cheat River watershed south of Rowlesburg; in Tucker County; in Randolph County east of Mingo Flat, Huttonsville, Beverly, Elkins, and New Interest; in northern Pocahontas County on the upper watershed of Shavers Fork of Cheat River.

MASSANUTTEN AREA, VIRGINIA.

Lands in Virginia situated in Rockingham, Shenandoah, Warren, and Page Counties, between the North and South Forks of Shenandoah River, comprising in general Massanutten Mountain north of McGaheysville post office and south of Waterlick post office.

NATURAL BRIDGE AREA, VIRGINIA.

Lands in Virginia situated in northern Bedford County on the Blue Ridge and outlying mountains; in Botetourt County east of Buchanan and south of the James River; in Rockbridge County south of the James River.

WHITE TOP AREA, TENNESSEE AND VIRGINIA.

Lands in Tennessee situated in Sullivan, Johnson, and Carter Counties; and lands in Virginia situated in Washington, Smyth, Grayson, and Wythe Counties, and comprising the main ranges of the Iron and Holston Mountains.

YADKIN AREA, NORTH CAROLINA.

Lands in North Carolina situated in Wilkes, Caldwell, and Watauga Counties, on streams flowing into the Yadkin River from the north, and lying west of the post offices of Elkville, Readybranch, Purlear, Mulberry, and Halls Mills.

MOUNT MITCHELL AREA, NORTH CAROLINA.

Lands in North Carolina situated in Buncombe County on the Great Craggy Mountains; in Yancey County on the Black Mountains and South Toe River watershed south of the post office of Micaville; in McDowell County north of the main branch of the Catawba River and west of the road from Tom Creek to Gillespie Gap; and in southwestern Mitchell County south of Brush Creek and west of Mica post office.

SMOKY MOUNTAIN AREA, NORTH CAROLINA AND TENNESSEE.

Lands in North Carolina situated in Haywood County north and west of Jonathan Creek and west of Pigeon River below the mouth of Jonathan Creek; in Swain County north of the Little Tennessee and Tuckasee Rivers; lands in Tennessee situated in Coker County south of Denny Mountain and the Big Pigeon River; in Sevier County south of Chestnut Ridge, Cove Mountain, Wear Cove, and Chilhowee Mountain; and in Blount County south and east of Chilhowee Mountain and Abram Creek.

PISGAH AREA, NORTH CAROLINA.

Lands in North Carolina situated in Jackson County north of Little Hogback Mountain, Laurel Mountain, Sheep Cliff, and Shortoff Mountain, and east of Buck Knob, East Laport post office, and Carver Mountain, and south of the Asheville & Murphy Branch of the Southern Railroad; in Haywood County south of Pinnacle Knob, Snaggy Ridge, and the post offices of Three Forks, Cecil, Retreat, and Cruso; in Buncombe County south of Dunsmore post office and

Stony Knob; in Henderson County west of Seniard Mountain and Buck Knob; and in Transylvania County north of the Hendersonville & Lake Toxaway Branch of the Southern Railroad and Lake Toxaway.

NANTAHALA AREA, NORTH, CAROLINA, TENNESSEE, AND GEORGIA.

Lands in North Carolina situated in Swain County west of Little Tennessee River; in Macon County on the Nantahala Mountains and the watershed of the Nantahala River; in Clay County on Valley River Mountains, Tusquitee Mountain, Vineyard Mountain, and Chunky Gal Mountain; in Cherokee County on Valley River Mountains, Snowbird Mountains, and Unaka Mountains; in Graham County south of the Little Tennessee River; lands in Tennessee situated in Monroe County south and east of Salt Spring Mountain and Sassafras Mountain, and on the watershed of Tellico River above the mouth of Wild Cat Creek; lands in Georgia situated in Rabun County on the watershed of Betty Creek.

BOONE AREA, NORTH CAROLINA.

Lands in North Carolina situated in McDowell County, on the watershed of the North Fork of the Catawba River north of Bald Mountain and Bald Knob and east of the road from Tom Creek to Gillespie Gap; in Mitchell County between Brushy and Rose Creeks, and north of the post office of Saginaw and east of Sugar Mountain; in Burke County, on the watershed of Linville River, Table Rock Creek, Steel Creek, and Upper Creek from the Mitchell County line south to the foothills; in Watauga County, on the watershed of the Watauga River from Hanging Rock to the Yonahlassee Road; in Caldwell County, on the watershed of Johns River west of the road from Lenoir to Blowing Rock and north of the road from Patterson to Joy.

UNAKA AREA, TENNESSEE AND NORTH CAROLINA.

Lands in Tennessee situated in Carter County, on the watershed of the Watauga River west of Elk Creek, and on the watershed of Doe River south of Valley Forge; in Unicoi County, on the watershed of the Nolichucky River; in Washington County, on the watershed of the Nolichucky River, from the foothills of the mountains to the Unicoi County line; in Greene County, on the watershed of the Nolichucky and French Broad Rivers, from the foothills to the North Carolina-Tennessee State line and south of Hayesville and Cove Creek; lands in North Carolina situated in Madison County on the watershed of the French Broad River west of the road from Stackhouse to Allen Stand, north of Big Laurel Creek from Big Laurel to Windy Gap; in

Yancey County, on the watershed of the Toe River north and west from Bald Creek and Cane River; in Mitchell County, on the watershed of Toe River north of the road from Hunt Dale to Glen Ayre.

CHEROKEE AREA, TENNESSEE.

Lands in Tennessee situated in Monroe County, comprising Star Mountain, Cotaska Mountain, and Tellico Mountain; in McMinn County on the west slope of Starr Mountain; in Polk County, east of Wetmore, Benton, Parkesville, and Conesauga and west of the Louisville & Nashville Railroad between Copperhill and Hiwassee Station.

SAVANNAH AREA, GEORGIA, SOUTH CAROLINA, AND NORTH CAROLINA.

Lands in Georgia situated in Rabun County on the watershed of the Chattooga River, lying east of Dillard and Screamer Mountain, south of Rainy Mountain, and east of Tallulah Falls, and lands on the watershed of Little Tennessee River on the headwaters of Mud and Mill Creeks; lands in South Carolina situated in Oconee County on the watersheds of the Chattooga and Chauga Rivers, including Chattooga Ridge, Pine Mountain, Longnose Mountain, Rich Mountain, and Poor Mountain, and lying west of Tomassee Knob and south of Persimmon Mountain; in Pickens County on the watershed of Keowee River, north of the mouth of Toxaway River, and west of Horse Mountain, Rocky Mountain, and Indian Camp Mountain; lands in North Carolina situated in Transylvania County, on the Savannah River watershed; in Jackson County, on the watersheds of Horsepasture and Chattooga Rivers; in Macon County, on the watershed of the Cullasagee River east of Cullasagee, and on the watershed of Little Tennessee River east of Otto.

GEORGIA AREA, GEORGIA AND NORTH CAROLINA.

Lands in Georgia situated in Rabun County on the watershed of Tallulah River, west of Keener Gap and Tiger Mountain, and north of Pigeon Mountain; in Habersham County, on the watershed of the Sogue River, north of Seed post office and Yellow Mountain; in White County, on the watershed of the Chattahoochie River, north of Grimes Nose and Loudsville post office; in Lumpkin County, on the watershed of the Chestatec River, north of Buzzards Mountain and Cedar Mountain; in Fannin and Gilmer Counties, on the watershed of Toocoa River north of Springer Mountain, east of Doublehead Gap, Stock Hill, Skeenah, and Wilscot, in Union County, on the watershed of the Toocoa and Nottely Rivers, south of Skeenah Gap, Hicks Gap, and Reed Mountain, and east of Blairsville, including Ivylog and Gumlog Mountains; in Towns County, on the watershed

of the Hiwassee River, south of Gumlog, Brasstown Gap, and Osborn, and east of Hunt; lands in North Carolina situated in Clay County, on the watershed of Tallulah River and lands lying south of Shooting Creek.

WEEKS LAW.

Act of March 1, 1911 (36 Stat., 961).

AN ACT To enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of the Congress of the United States is hereby given to each of the several States of the Union to enter into any agreement or compact, not in conflict with any law of the United States, with any other State or States for the purpose of conserving the forests and the water supply of the States entering into such agreement or compact.

SEC. 2. That the sum of two hundred thousand dollars is hereby appropriated and made available until expended, out of any moneys in the National Treasury not otherwise appropriated, to enable the Secretary of Agriculture to cooperate with any State or group of States, when requested to do so, in the protection from fire of the forested watersheds of navigable streams; and the Secretary of Agriculture is hereby authorized, and on such conditions as he deems wise, to stipulate and agree with any State or group of States to cooperate in the organization and maintenance of a system of fire protection on any private or State forest lands within such State or States and situated upon the watershed of a navigable river: *Provided*, That no such stipulation or agreement shall be made with any State which has not provided by law for a system of forest-fire protection: *Provided further*, That in no case shall the amount expended in any State exceed in any fiscal year the amount appropriated by that State for the same purpose during the same fiscal year.

SEC. 3. That there is hereby appropriated, for the fiscal year ending June thirtieth, nineteen hundred and ten, the sum of one million dollars, and for each fiscal year thereafter a sum not to exceed two million dollars for use in the examination, survey, and acquirement of lands located on the headwaters of navigable streams or those which are being or which may be developed for navigable purposes: *Provided*, That the provisions of this section shall expire by limitation on the thirtieth day of June, nineteen hundred and fifteen.

SEC. 4. That a commission, to be known as the National Forest Reservation Commission, consisting of the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, and two members of the Senate, to be selected by the President of the Senate, and two members of the House of Representatives, to be selected by the Speaker, is hereby created and authorized to consider and pass upon such lands as may be recommended for purchase as provided in section six of this Act, and to fix the price or prices at which such lands may be purchased, and no purchases shall be made of any lands until such lands have been duly approved for purchase by said commission: *Provided*, That the members of the commission herein created shall serve as such only during their incumbency in their respective official positions, and any vacancy on the commission shall be filled in the manner as the original appointment.

SEC. 5. That the commission hereby appointed shall, through its president, annually report to Congress, not later than the first Monday in December, the operations and expenditures of the commission, in detail, during the preceding fiscal year.

SEC. 6. That the Secretary of Agriculture is hereby authorized and directed to examine, locate, and recommend for purchase such lands as in his judgment may be

necessary to the regulation of the flow of navigable streams, and to report to the National Forest Reservation Commission the results of such examinations: *Provided*, That before any lands are purchased by the National Forest Reservation Commission said lands shall be examined by the Geological Survey and a report made to the Secretary of Agriculture, showing that the control of such lands will promote or protect the navigation of streams on whose watersheds they lie.

SEC. 7. That the Secretary of Agriculture is hereby authorized to purchase, in the name of the United States, such lands as have been approved for purchase by the National Forest Reservation Commission at the price or prices fixed by said commission; *Provided*, That no deed or other instrument of conveyance shall be accepted or approved by the Secretary of Agriculture under this Act until the legislature of the State in which the land lies shall have consented to the acquisition of such land by the United States for the purpose of preserving the navigability of navigable streams.

SEC. 8. That the Secretary of Agriculture may do all things necessary to secure the safe title in the United States to the lands to be acquired under this Act, but no payment shall be made for any such lands until the title shall be satisfactory to the Attorney-General and shall be vested in the United States.

SEC. 9. That such acquisition may in any case be conditioned upon the exception and reservation to the owner from whom title passes to the United States of the minerals and of the merchantable timber, or either or any part of them, within or upon such lands at the date of the conveyance, but in every case such exception and reservation and the time within which such timber shall be removed and the rules and regulations under which the cutting and removal of such timber and the mining and removal of such minerals shall be done shall be expressed in the written instrument of conveyance, and thereafter the mining, cutting, and removal of the minerals and timber so excepted and reserved shall be done only under and in obedience to the rules and regulations so expressed.

SEC. 10. That inasmuch as small areas of land chiefly valuable for agriculture may of necessity or by inadvertence be included in tracts acquired under this Act, the Secretary of Agriculture may, in his discretion, and he is hereby authorized, upon application or otherwise, to examine and ascertain the location and extent of such areas as in his opinion may be occupied for agricultural purposes without injury to the forests or to stream flow and which are not needed for public purposes, and may list and describe the same by metes and bounds, or otherwise, and offer them for sale as homesteads at their true value, to be fixed by him, to actual settlers, in tracts not exceeding eighty acres in area, under such joint rules and regulations as the Secretary of Agriculture and the Secretary of the Interior may prescribe; and in case of such sale the jurisdiction over the lands sold shall, ipso facto, revert to the State in which the lands sold lie. And no right, title, interest, or claim in or to any lands acquired under this Act, or the waters thereon, or the products, resources, or use thereof after such lands shall have been so acquired, shall be initiated or perfected, except as in this section provided.

SEC. 11. That, subject to the provisions of the last preceding section, the lands acquired under this Act shall be permanently reserved, held, and administered as national forest lands under the provisions of section twenty-four of the Act approved March third, eighteen hundred and ninety-one (volume twenty-six, Statutes at Large, page eleven hundred and three), and Acts supplemental to and amendatory thereof. And the Secretary of Agriculture may from time to time divide the lands acquired under this Act into such specific national forests and so designate the same as he may deem best for administrative purposes.

SEC. 12. That the jurisdiction, both civil and criminal, over persons upon the lands acquired under this act shall not be affected or changed by their permanent reservation and administration as national forest lands, except so far as the punish-

ment of offenses against the United States is concerned, the intent and meaning of this section being that the State wherein such land is situated shall not, by reason of such reservation and administration, lose its jurisdiction nor the inhabitants thereof their rights and privileges as citizens or be absolved from their duties as citizens of the State.

Sec. 13. That five per centum of all moneys received during any fiscal year from each national forest into which the lands acquired under this act may from time to time be divided shall be paid, at the end of such year, by the Secretary of the Treasury to the State in which such national forest is situated, to be expended as the State legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which such national forest is situated: *Provided*, That when any national forest is in more than one State or county the distributive share to each from the proceeds of such forest shall be proportional to its area therein: *Provided further*, That there shall not be paid to any State for any county an amount equal to more than forty per centum of the total income of such county from all other sources.

Sec. 14. That a sum sufficient to pay the necessary expenses of the commission and its members, not to exceed an annual expenditure of twenty-five thousand dollars, is hereby appropriated out of any money in the Treasury not otherwise appropriated. Said appropriation shall be immediately available, and shall be paid out on the audit and order of the president of the said commission, which audit and order shall be conclusive and binding upon all departments as to the correctness of the accounts of said commission.

Approved, March 1, 1911.

Amendment of August 10, 1912 (37 Stat., 300).

And in order to carry out the purposes mentioned in section three of the Act of March first, nineteen hundred and eleven, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," there is hereby appropriated and made available until expended so much of the maximum sums mentioned in said section for the fiscal years nineteen hundred and twelve to nineteen hundred and fifteen, inclusive, as shall remain unexpended at the close of each of said fiscal years.



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