

MINUTE ITEM

3/29/73
SCL

15. ISSUANCE OF SUPPLEMENTAL PATENT, COVERING LOCATION 1916, MARYSVILLE LAND DISTRICT, YUBA COUNTY, IN THE NAME OF CHARLES RUFF - MV 1916.

After consideration of Calendar Item 14 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION AUTHORIZES THE EXECUTIVE OFFICER TO PROCEED WITH ISSUANCE OF A SUPPLEMENTAL PATENT COVERING THE W $\frac{1}{2}$ OF SECTION 36, T. 19 N., R. 6 E., M.D.M., YUBA COUNTY, IN THE NAME OF THE ORIGINAL APPLICANT, CHARLES RUFF, SUBJECT TO A RESERVATION OF ALL MINERALS IN FAVOR OF THE STATE, AS REQUIRED BY THE ACT OF CONGRESS APPROVED JANUARY 25, 1927 (44 STATS., 1026).

Attachment:

Calendar Item 14 (2 pages)

REQUEST FOR ISSUANCE OF SUPPLEMENTAL PATENT,
COVERING LOCATION 1916, MARYSVILLE LAND DISTRICT, YUBA COUNTY,
IN THE NAME OF CHARLES RUFF

On February 7, 1872, Charles Ruff applied to the State Surveyor General, predecessor of the State Lands Commission, to purchase the $W\frac{1}{2}$ of Section 36, T. 19 N., R. 6 E., M.D.M., containing 320 acres in Yuba County. Following surrender of the fully paid Certificate of Purchase, State patent was issued by the Surveyor General to Charles Ruff on March 31, 1874.

At the time of filing of the application, as well as on the date of issuance of patent, the State had no title to the 320 acres for the reason that the United States plat of survey of the township, approved on June 30, 1871, clearly depicted all of said section as being mineral in character. Pursuant to the School Land Grant (Act of March 3, 1853, 10 Stat. 244), title to Sections 16 and 36 did not vest in the State upon survey if the sections were mineral in character.

By Act of Congress approved January 25, 1927, as amended (43 U.S.C.A. 870-873), the several grants to the states of numbered school sections were extended to embrace numbered-school-sections-mineral-in-character with certain exceptions. This grant was "upon the express condition that all sales, grants, deeds, or patents for any of the lands so granted shall hereafter be subject to and contain a reservation to the State of all . . . minerals in the lands so sold, granted, deeded, or patented," and that the mineral deposits in such lands "not heretofore disposed of by the State shall be subject to lease by the State as the State Legislature may direct," the proceeds of such leases to be utilized for the common or public schools. The statute contains a further provision: "That any lands or minerals hereafter disposed of contrary to the provisions of this section shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General of the United States."

In May of 1972, the present claimants, Mr. and Mrs. Cyril R. Readdy, submitted a request for a patent as successors in interest to the $W\frac{1}{2}$ of Section 36, for the purposes of perfecting title to land involved. The facts show that the State has issued a patent on March 31, 1874, covering this land for which it is obvious that title did not pass from the United States to the State until the effective date of the Act of Congress approved January 25, 1927, which provided for the conveyance to the State of school lands mineral in character. The original State patent to Charles Ruff for this land, contained no reservation of minerals as required by the 1927 Act, thereby giving rise to the question as to the validity of the original patent, and as to whether or not a new patent could be issued as of current date reserving minerals in compliance with the 1927 Act.

CALENDAR ITEM NO. 14. (CONTD)

There is an Attorney General's opinion prepared by Paul Joseph in conjunction with Calendar Item 16 of the March 28, 1963, State Lands Commission meeting which covers exactly the same problem presented in this case. The opinion indicates that it would be proper to issue a supplemental State patent to the original applicant, Charles Ruff, without further consideration, for the land involved described as the W $\frac{1}{2}$ of Section 36, T. 19 N., R. 6 E., M.D.M., Yuba County, upon filing of a formal application by the successor-in-interest to the original applicant, accompanied by suitable evidence as to the right of the applicant to receive a patent and the required statutory filing and patent fees. Any patent so issued would be required, pursuant to the provisions of the January 25, 1927, Act of Congress, to contain a reservation of all minerals in favor of the State. An appropriate application for the issuance of a supplemental patent, together with the required fees and the report of title, have been submitted by the present owner of the land involved.

EXHIBIT: A. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE EXECUTIVE OFFICER TO PROCEED WITH ISSUANCE OF A SUPPLEMENTAL PATENT COVERING THE W $\frac{1}{2}$ OF SECTION 36, T. 19 N., R. 6 E., M.D.M., YUBA COUNTY, IN THE NAME OF THE ORIGINAL APPLICANT, CHARLES RUFF, SUBJECT TO A RESERVATION OF ALL MINERALS IN FAVOR OF THE STATE, AS REQUIRED BY THE ACT OF CONGRESS APPROVED JANUARY 25, 1927 (44 STATS., 1026).