

GENERAL PROVISIONS. "Includes" and "including."

(b) The terms "includes" and "including" when used in a definition contained in this Act shall not be deemed to exclude other things otherwise within the meaning of the term defined.

Separability clause.

SEC. 802. SEPARABILITY CLAUSE.

If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provisions to other persons or circumstances, shall not be affected thereby.

Effective date.

SEC. 803. EFFECTIVE DATE OF ACT.

Except as otherwise provided, this Act shall take effect upon its enactment.

Approved, May 10, 1934, 11.40 a.m.

[CHAPTER 278.]

AN ACT

To limit the operation of statutes of limitations in certain cases.

May 10, 1934. [S. 2460.] [Public, No. 217.]

Statute of limitations. Return of new indictment after period prescribed by, has expired.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever an indictment is found defective or insufficient for any cause, after the period prescribed by the applicable statute of limitations has expired, a new indictment may be returned at any time during the next succeeding term of court following such finding, during which a grand jury thereof shall be in session.

If period will expire before end of next regular term.

SEC. 2. Whenever an indictment is found defective or insufficient for any cause, before the period prescribed by the applicable statute of limitations has expired, and such period will expire before the end of the next regular term of the court to which such indictment was returned, a new indictment may be returned not later than the end of the next succeeding term of such court, regular or special, following the term at which such indictment was found defective or insufficient, during which a grand jury thereof shall be in session.

Defense of statute not to prevail against new indictment.

SEC. 3. In the event of reindictment under the provisions of this Act the defense of the statute of limitations shall not prevail against the new indictment, any provision of law to the contrary notwithstanding.

Not applicable when statute has run.

SEC. 4. The provisions of this Act shall not apply to any indictment against which the statute of limitations has run at the date of approval hereof.

Approved, May 10, 1934.

[CHAPTER 279.]

AN ACT

To authorize the addition of certain lands to the Ochoco National Forest, Oregon.

May 11, 1934. [S. 285.] [Public, No. 218.]

Ochoco National Forest, Ore. Lands added to.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following described public lands are hereby included in and made a part of the Ochoco National Forest, Oregon, subject to all the laws and regulations applicable to national forests, but such inclusion shall not affect any entry or vested rights acquired under the public land laws prior to the passage of this Act: The west half southeast quarter, and the southwest quarter section 7; the southwest quarter northeast quarter, the northwest quarter northwest quarter, the south

Prior rights not affected.

Description of added area.

half northwest quarter, the north half southwest quarter, the southeast quarter southwest quarter, the north half southeast quarter, and the southwest quarter southeast quarter section 17; the north half northeast quarter, the southwest quarter northeast quarter, the west half southeast quarter, and the west half section 18; and all of section 19; all in township 13 south, range 24 east, Willamette meridian.

Approved, May 11, 1934.

[CHAPTER 280.]

AN ACT

To amend the United States mining laws applicable to the Mount Hood National Forest within the State of Oregon.

May 11, 1934.  
[S. 1506.]  
[Public, No. 219.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, hereafter mining locations made under the United States mining laws upon lands within the Mount Hood National Forest in the State of Oregon shall confer on the locator the right to occupy and use so much of the surface of the land covered by the location as may be reasonably necessary to carry on prospecting and mining, including the taking of mineral deposits and timber required by or in the mining operations, and no permit shall be required or charge made for such use or occupancy: *Provided, however,* That the cutting and removal of timber, except where clearing is necessary in connection with mining operations or to provide space for buildings or structures used in connection with mining operations, shall be conducted in accordance with the rules for timber cutting on adjoining national-forest land, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining or prospecting shall be allowed except under the national-forest rules and regulations, nor shall the locator prevent or obstruct other occupancy of the surface or use of surface resources under authority of national-forest regulations, or permits issued thereunder, if such occupancy or use is not in conflict with mineral development.

Mount Hood National Forest, Ore.  
Mining locations;  
rights of locator.

No permit required.  
*Proviso.*  
Cutting and removal  
of timber.

Sec. 2. That hereafter all patents issued under the United States mining laws affecting lands within the Mount Hood National Forest within the State of Oregon shall convey title to the mineral deposits within the claim, together with the right to cut and remove so much of the timber therefrom as may be needed in extracting and removing the mineral deposits, if the timber is cut under sound principles of forest management as defined by the national-forest rules and regulations, but each patent shall reserve to the United States all title in or to the surface of the lands and products thereof, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining or prospecting shall be allowed except under the rules and regulations of the Forest Service.

Patents to convey  
title to mineral deposits.

Timber removal.

Surface rights reserved.

Sec. 3. That valid mining claims within the Mount Hood National Forest in the State of Oregon existing on the date of enactment of this Act, and thereafter maintained in compliance with the law under which they were initiated and the laws of the State of Oregon, may be perfected under this Act, or under the law under which they were initiated, as the claimant may desire.

Perfecting existing  
mining claims.

Approved, May 11, 1934.