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FROM THE

# GENERAL LAND OFFICE,

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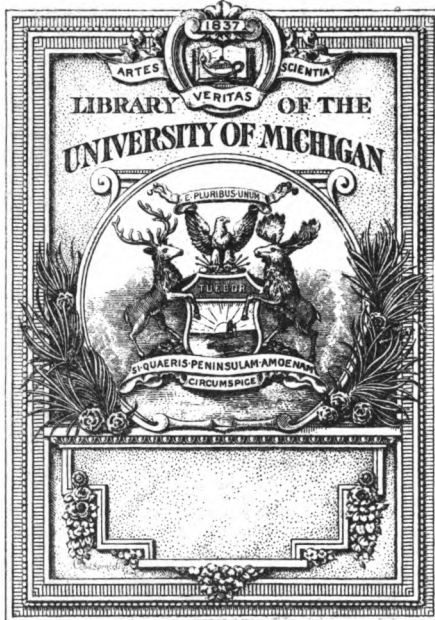
THE INSTRUCTIONS ISSUED UNDER THE ACT OF CONGRESS APPROVED MAY 14,  
1898, ENTITLED "AN ACT EXTENDING THE HOMESTEAD LAWS AND  
PROVIDING FOR RIGHT OF WAY FOR RAILROADS IN THE  
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**Issued June 8, 1898.**

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WASHINGTON:  
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# REGULATIONS CONCERNING HOMESTEADS, RIGHTS OF WAY, TIMBER, ETC., IN ALASKA.

DEPARTMENT OF THE INTERIOR,  
GENERAL LAND OFFICE,  
Washington, D. C., June 8, 1898.

The following instructions, issued under the act of Congress approved May 14, 1898 (Public—No. 95), entitled "An act extending the homestead laws and providing for right of way for railroads in the District of Alaska, and for other purposes," are for the guidance of the local officers in their administration of the law and for the information of those concerned in its provisions.

Section 1 relates to

## HOMESTEAD RIGHTS IN ALASKA,

and provides:

SEC. 1. That the homestead land laws of the United States and the rights incident thereto, including the right to enter surveyed or unsurveyed lands under provisions of law relating to the acquisition of title through soldiers' additional homestead rights, are hereby extended to the District of Alaska, subject to such regulations as may be made by the Secretary of the Interior; and no indemnity, deficiency, or lieu lands pertaining to any land grant whatsoever originating outside of said District of Alaska shall be located within or taken from lands in said District: *Provided*, That no entry shall be allowed extending more than eighty rods along the shore of any navigable water, and along such shore a space of at least eighty rods shall be reserved from entry between all such claims, and that nothing herein contained shall be so construed as to authorize entries to be made, or title to be acquired, to the shore of any navigable waters within said District: *And it is further provided*, That no homestead shall exceed eighty acres in extent.

1. This section may be summarized as—

*First*.—Extending the homestead laws and the rights incident thereto to the District of Alaska;

*Second*.—Extending to such District the right to enter surveyed lands under provisions of law relating to the acquisition of title through soldiers' additional homestead rights;

*Third*.—Granting the right to enter unsurveyed lands in said District under provisions of law relating to the acquisition of title through soldiers' additional homestead rights;



*Fourth.*—Prohibiting the location in said District of any indemnity, deficiency, or lieu lands pertaining to any land grant whatsoever originating outside of said District;

*Fifth.*—Limiting each entry under this section to 80 rods along the shore of any navigable water, and reserving along such shore a space of at least 80 rods between all such claims, and prohibiting the entry or disposal of the shore (meaning land lying between high and low water mark) of any navigable waters within said District; and

*Sixth.*—Limiting each homestead in said District, whether soldiers' additional or otherwise, to 80 acres in extent.

2. Full instructions with reference to the general homestead law and soldiers' additional homestead rights will be found in the general circular of October 30, 1895, and will, so far as applicable, govern the making of entries under this section.

3. Existing homestead laws, while recognizing settlement upon unsurveyed public lands do not authorize the entry or the patenting thereof until the public surveys have been regularly extended over them. This section, however, in terms authorizes the entry of unsurveyed lands in Alaska through the exercise of soldiers' additional homestead rights; but this does not apply to the general homestead right.

4. The act makes no direct provision for the surveying of lands sought to be entered as soldiers' additional homestead claims, and therefore special surveys must be made of such lands in the manner provided for in section 10 of this act, at the expense of the applicant.

5. A claim under this section, which extends to the shore line on any navigable stream, inlet, gulf, bay, or seashore, will be subject to the servitude provided for in that portion of section 10 which reads: "and a roadway sixty feet in width parallel to the shore line as near as may be practicable, shall be reserved for the use of the public as a highway," and the lands subject to such servitude will be computed as a part of the area entered.

6. That part of section 10 relating to the execution of affidavits, testimony, proofs, and other papers, anywhere in the United States before any court, judge, or other officer authorized to administer an oath, applies equally to this section.

Sections 2 to 9, inclusive, relate to

**RIGHT OF WAY FOR RAILROADS, WAGON ROADS, AND TRAMWAYS  
IN THE DISTRICT OF ALASKA.**

These sections provide:

**SEC. 2.** That the right of way through the lands of the United States in the District of Alaska is hereby granted to any railroad company, duly organized under the laws of any State or Territory or by the Congress of the United States, which may hereafter file for record with the Secretary of the Interior a copy of its articles of incorporation, and due proofs of its organization under the same, to the extent of one



hundred feet on each side of the center line of said road; also the right to take from the lands of the United States adjacent to the line of said road, material, earth, stone, and timber necessary for the construction of said railroad; also the right to take for railroad uses, subject to the reservation of all minerals and coal therein, public lands adjacent to said right of way for station buildings, depots, machine shops, side tracks, turn-outs, water stations, and terminals, and other legitimate railroad purposes, not to exceed in amount twenty acres for each station, to the extent of one station for each ten miles of its road, excepting at terminals and junction points, which may include additional forty acres, to be limited on navigable waters to eighty rods on the shore line, and with the right to use such additional ground as may in the opinion of the Secretary of the Interior be necessary where there are heavy cuts or fills: *Provided*, That nothing herein contained shall be so construed as to give to such railroad company, its lessees, grantees, or assigns the ownership or use of minerals, including coal, within the limits of its right of way, or of the lands hereby granted: *Provided further*, That all mining operations prosecuted or undertaken within the limits of such right of way or of the lands hereby granted shall, under rules and regulations to be prescribed by the Secretary of the Interior, be so conducted as not to injure or interfere with the property or operations of the road over its said lands or right of way. And when such railway shall connect with any navigable stream or tide water such company shall have power to construct and maintain necessary piers and wharves for connection with water transportation, subject to the supervision of the Secretary of the Treasury: *Provided*, That nothing in this Act contained shall be construed as impairing in any degree the title of any State that may hereafter be erected out of said District, or any part thereof, to tide lands and beds of any of its navigable waters, or the right of such State to regulate the use thereof, nor the right of the United States to resume possession of such lands, it being declared that all such rights shall continue to be held by the United States in trust for the people of any State or States which may hereafter be erected out of said District. The term "navigable waters," as herein used, shall be held to include all tidal waters up to the line of ordinary high tide and all nontidal waters navigable in fact up to the line of ordinary high water mark. That all charges for the transportation of freight and passengers on railroads in the District of Alaska shall be printed and posted as required by section six of an Act to regulate commerce as amended on March second, eighteen hundred and eighty-nine, and such rates shall be subject to revision and modification by the Secretary of the Interior.

SEC. 3. That any railroad company whose right of way, or whose track or roadbed upon such right of way, passes through any canyon, pass, or defile shall not prevent any other railroad company from the use and occupancy of said canyon, pass, or defile for the purposes of its road, in common with the road first located, or the crossing of other railroads at grade; and the location of such right of way through any canyon, pass, or defile shall not cause the disuse of any tramway, wagon road, or other public highway now located therein, nor prevent the location through the same of any such tramway, wagon road, or highway where such tramway, wagon road, or highway may be necessary for the public accommodation; and where any change in the location of such tramway, wagon road, or highway is necessary to permit the passage of such railroad through any canyon, pass, or defile, said railroad company shall, before entering upon the ground occupied by

such tramway, wagon road, or highway, cause the same to be reconstructed at its own expense in the most favorable location, and in as perfect a manner as the original road or tramway: *Provided*, That such expenses shall be equitably divided between any number of railroad companies occupying and using the same canyon, pass, or defile, and that where the space is limited the United States district court shall require the road first constructed to allow any other railroad or tramway to pass over its track or tracks through such canyon, pass, or defile on such equitable basis as the said court may prescribe; and all shippers shall be entitled to equal accommodations as to the movement of their freight and without discrimination in favor of any person or corporation: *Provided*, That nothing herein shall be construed as depriving Congress of the right to regulate the charges for freight, passengers, and wharfage.

SEC. 4. That where any company, the right of way to which is hereby granted, shall in the course of construction find it necessary to pass over private lands or possessory claims on lands of the United States, condemnation of a right of way across the same may be made in accordance with section three of the Act entitled "An Act to amend an Act entitled 'An Act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes, approved July first, eighteen hundred and sixty-two,'" approved July second, eighteen hundred and sixty-four: *Provided further*, That any such company, by filing with the Secretary of the Interior a preliminary actual survey and plat of its proposed route, shall have the right at any time within one year thereafter, to file the map and profile of definite location provided for in this Act, and such preliminary survey and plat shall, during the said period of one year from the time of filing the same, have the effect to render all the lands on which said preliminary survey and plat shall pass subject to such right of way.

SEC. 5. That any company desiring to secure the benefits of this Act shall, within twelve months after filing the preliminary map of location of its road as hereinbefore prescribed, whether upon surveyed or unsurveyed lands, file with the register of the land office for the district where such land is located a map and profile of at least a twenty-mile section of its road or a profile of its entire road if less than twenty miles, as definitely fixed, and shall thereafter each year definitely locate and file a map of such location as aforesaid of not less than twenty miles additional of its line of road until the entire road has been thus definitely located, and upon approval thereof by the Secretary of the Interior the same shall be noted upon the records of said office, and thereafter all such lands over which such right of way shall pass shall be disposed of subject to such right of way: *Provided*, That if any section of said road shall not be completed within one year after the definite location of said section so approved, or if the map of definite location be not filed within one year as herein required, or if the entire road shall not be completed within four years from the filing of the map of definite location, the rights herein granted shall be forfeited as to any such uncompleted section of said road, and thereupon shall revert to the United States without further action or declaration, the notation of such uncompleted section upon the records of the land office shall be canceled, and the reservations of such lands for the purposes of said right of way, stations, and terminals shall cease and become null and void without further action.

SEC. 6. That the Secretary of the Interior is hereby authorized to issue a permit, by instrument in writing, in conformity with and subject to the restrictions herein contained, unto any responsible person, company, or corporation, for a right of way over the public domain in said District, not to exceed one hundred feet in width, and ground for station and other necessary purposes, not to exceed five acres for each station for each five miles of road, to construct wagon roads and wire rope, aerial, or other tramways, and the privilege of taking all necessary material from the public domain in said District for the construction of said wagon roads or tramways, together with the right, subject to supervision and at rates to be approved by said Secretary, to levy and collect toll or freight and passenger charges on passengers, animals, freight, or vehicles passing over the same for a period not exceeding twenty years, and said Secretary is also authorized to sell to the owner or owners of any such wagon road or tramway, upon the completion thereof, not to exceed twenty acres of public land at each terminus at one dollar and twenty-five cents per acre, such lands when located at or near tide water not to extend more than forty rods in width along the shore line and the title thereto to be upon such expressed conditions as in his judgment may be necessary to protect the public interest, and all minerals, including coal, in such right of way or station grounds shall be reserved to the United States: *Provided*, That such lands may be located concurrently with the line of such road or tramway, and the plat of preliminary survey and the map of definite location shall be filed as in the case of railroads and subject to the same conditions and limitations: *Provided further*, That such rights of way and privileges shall only be enjoyed by or granted to citizens of the United States or companies or corporations organized under the laws of a State or Territory; and such rights and privileges shall be held subject to the right of Congress to alter, amend, repeal, or grant equal rights to others on contiguous or parallel routes. And no right to construct a wagon road on which toll may be collected shall be granted unless it shall first be made to appear to the satisfaction of the Secretary of the Interior that the public convenience requires the construction of such proposed road, and that the expense of making the same available and convenient for public travel will not be less on an average than five hundred dollars per mile: *Provided*, That if the proposed line of road in any case shall be located over any road or trail in common use for public travel, the Secretary of the Interior shall decline to grant such right of way if, in his opinion, the interests of the public would be injuriously affected thereby. Nor shall any right to collect toll upon any wagon road in said District be granted or inure to any person, corporation, or company until it shall be made to appear to the satisfaction of said Secretary that at least an average of five hundred dollars per mile has been actually expended in constructing such road; and all persons are prohibited from collecting or attempting to collect toll over any wagon road in said District, unless such person or the company or person for whom he acts shall at the time and place the collection is made or attempted to be made possess written authority, signed by the Secretary of the Interior, authorizing the collection and specifying the rates of toll: *Provided*, That accurate printed copies of said written authority from the Secretary of the Interior, including toll, freight, and passenger charges thereby approved, shall be kept constantly and conspicuously posted at each station where toll is demanded or collected. And any person, corporation, or company collecting or attempting to collect toll without such written authority from the Secretary of the Interior, or

failing to keep the same posted as herein required, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined for each offense not less than fifty dollars nor more than five hundred dollars, and in default of payment of such fine and costs of prosecution shall be imprisoned in jail not exceeding ninety days, or until such fine and costs of prosecution shall have been paid.

That any person, corporation, or company qualified to construct a wagon road or tramway under the provisions of this act that may heretofore have constructed not less than one mile of road, at a cost of not less than five hundred dollars per mile, or one-half mile of tramway at a cost of not less than five hundred dollars, shall have the prior right to apply for such right of way and for lands at stations and terminals and to obtain the same pursuant to the provisions of this Act over and along the line hitherto constructed or actually being improved by the applicant, including wharves connected therewith. That if any party to whom license has been granted to construct such wagon road or tramway shall, for the period of one year, fail, neglect, or refuse to complete the same, the rights herein granted shall be forfeited as to any such uncompleted section of said wagon road or tramway, and thereupon shall revert to the United States without further action or declaration, the notation of such uncompleted section upon the records of the land office shall be canceled, and the reservations of such lands for the purposes of said right of way shall cease and become null and void without further action. And if such road or tramway shall not be kept in good condition for use, the Secretary of the Interior may prohibit the collection of toll thereon pending the making of necessary repairs.

That all mortgages executed by any company acquiring a right of way under this Act, upon any portion of its road that may be constructed in said District of Alaska, shall be recorded with the Secretary of the Interior, and the record thereof shall be notice of their execution, and shall be a lien upon all the rights and property of said company as therein expressed, and such mortgage shall also be recorded in the office of the secretary of the District of Alaska and in the office of the secretary of the State or Territory wherein such company is organized: *Provided*, That all lawful claims of laborers, contractors, subcontractors, or material men, for labor performed or material furnished in the construction of the railroad, tramway, or wagon road shall be a first lien thereon and take precedence of any mortgage or other lien.

SEC. 7. That this act shall not apply to any lands within the limits of any military, park, Indian, or other reservation unless such right of way shall be provided for by act of Congress.

SEC. 8. That Congress hereby reserves the right at any time to alter, amend, or repeal this act or any part thereof; and the right of way herein and hereby authorized shall not be assigned or transferred in any form whatever prior to the construction and completion of at least one fourth of the proposed mileage of such railroad, wagon road, or tramway, as indicated by the map of definite location, except by mortgages or other liens that may be given or secured thereon to aid in the construction thereof: *Provided*, That where within ninety days after the approval of this act, proof is made to the satisfaction of the Secretary of the Interior that actual surveys, evidenced by designated monuments, were made, and the line of a railroad, wagon road, or tramway located thereby, or that actual construction was commenced on the line of any railroad, wagon road, or tramway, prior to January twenty-first, eighteen hundred and ninety-eight, the rights to inure hereunder shall,

if the terms of this act are complied with as to such railroad, wagon road, or tramway, relate back to the date when such survey or construction was commenced; and in all conflicts relative to the right of way or other privilege of this act the person, company, or corporation having been first in time in actual survey or construction, as the case may be, shall be deemed first in right.

**SEC. 9.** That the map and profile of definite location of such railroad, wagon road, or tramway, to be filed as hereinbefore provided, shall, when the line passes over surveyed lands, indicate the location of the road by reference to section or other established survey corners, and where such line passes over unsurveyed lands the location thereon shall be indicated by courses and distances and by references to natural objects and permanent monuments in such manner that the location of the road may be readily determined by reference to descriptions given in connection with said profile map.

7. The grant made by these sections does not convey an estate in fee in the lands used for right of way or lands used for station and terminal facilities. The grant is merely of a right of use for the necessary and legitimate purposes of the roads, the fee remaining in the United States, except as to lands authorized to be sold under section 6 by the Secretary of the Interior, "upon such expressed conditions as in his judgment may be necessary to protect the public interests." The nature of these conditions will depend upon the public necessities and will be governed by the particular circumstances of each case.

8. All persons entering public lands, to part of which a right of way has attached, take the same subject to such right of way, the latter being computed as a part of the area of the tract entered.

9. Whenever any right of way shall pass over private land or possessory claims on lands of the United States, condemnation of the right of way across the same may be made in accordance with the provisions of section 4.

#### INCORPORATED COMPANIES.

10. Any incorporated company desiring to obtain the benefits of these sections is required to file the following papers and maps:

*First.* A copy of its articles of incorporation duly certified to by the proper officer of the company under its corporate seal, or by the secretary of the State or Territory where organized.

*Second.* A copy of the State or Territorial law under which the company was organized, with the certificate of the governor or secretary of the State or Territory that the same is the existing law.

*Third.* When said law directs that the articles of association or other papers connected with the organization be filed with any State or Territorial officer, the certificate of such officer that the same have been filed according to law, with the date of the filing thereof.

No forms are prescribed for the above portion of the proofs required, as each case must be governed to some extent by the laws of the State or Territory.

*Fourth.* The official statement, under seal of the proper officer, that the organization has been completed; that the company is fully authorized to proceed with the construction of the road according to the existing law of the State or Territory where organized. (Form 1, Appendix.)

*Fifth.* An affidavit by the president, under the seal of the company, showing the names and designations of its officers at the date of the filing of the proofs. (Form 2, Appendix.)

*Sixth.* If certified copies of the existing laws regarding such corporations, and of new laws as passed from time to time, be forwarded to this office by the governor or secretary of any State or Territory, a company organized in such State or Territory may file, in lieu of the requirements of the second subdivision of this paragraph, a certificate of the governor or secretary of the State or Territory that no change has been made since a given date, not later than that of the laws last forwarded.

*Seventh.* Maps, field notes, and other papers as hereinafter required.

#### INDIVIDUALS OR ASSOCIATIONS OF INDIVIDUALS.

11. Individuals or associations of individuals making applications for a permit, under section 6, for tramways or wagon roads, are required to file evidence of citizenship. In the case of associations, an affidavit must be filed by the principal officer thereof giving a list of the members, and stating that the list includes all the members. Evidence of citizenship must be furnished for each member of the association. Individuals and associations will also be required to file the maps, field notes, and other papers hereinafter required.

12. All maps and plats must be drawn on tracing linen, in duplicate, and must be strictly conformable to the field notes of the survey thereof, wherever such surveys have been made. The word profile as used in the act is understood to intend a map of alignment. No profile of grades will be required.

13. The maps should show any other road crossed or with which connection is made, and whenever possible the station number on the survey thereof at the point of intersection. All such intersecting roads must be represented in ink of a different color from that used for the line for which the applicant asks right of way. Field notes of the surveys should be written along the line on the map. If the map should be too much crowded to be easily read, then duplicate field notes should be filed separate from the map, and in such form that they may be folded for filing. In such case it will be necessary to place on the map only a sufficient number of station numbers to make it convenient to follow the field notes on the map. Station numbers should also be given on the map in all cases where changes of numbering occur and where known lines of survey, public or otherwise, are crossed, with distance to the nearest permanent monument or other mark on such line. The map must also show the lines of reference of initial, terminal, and intermediate points, with their courses and distances.

14. Typewritten field notes, with clear carbon copies, are preferred, as they expedite the examination of applications. All monuments and other marks with which connections are made should be fully described, so that they may be easily found. The field notes must be so complete that the line may be retraced on the ground. On account of the conditions existing in Alaska, surveys based wholly on the magnetic needle will not be accepted. In that case a true meridian should be established, as accurately as possible, at the initial point. It should be permanently marked and fully described. The survey should be based thereon and checked by a meridian similarly fixed at the terminal point and, when the line is a long one, by intermediate meridians at proper intervals. On account of the rapid convergence of the meridians in these latitudes, such intermediate meridians should be established at such intervals as to avoid large discrepancies in bearings. It will probably be found preferable to run by transit deflections from a permanently established line, with frequent and readily recoverable reference lines permanently marked; and in such surveys occasional true bearings should be stated, at least approximately. On all lines of railroad the 10-mile sections should be indicated and numbered, and on maps of tramways and wagon roads the 5-mile sections shall likewise be indicated and numbered.

15. The maps, field notes, and accompanying papers should be filed in the local land office for the district where the proposed right of way is located.

16. Connections should be made with other surveys, public or private, whenever possible; also with mineral monuments and other known and established marks. When a sufficient number of such points are not available to make such connections at least every 6 miles, the surveyor must make connection with natural objects or permanent monuments.

17. Along the line of survey, at least once in every mile, permanent and easily recoverable monuments or marks must be set and connected therewith, in such positions that the construction of the road will not interfere with them. The locations thereof must be indicated on the maps. All reference points must be fully described in the field notes, so that they may be relocated, and the exact point used for reference indicated.

18. The termini of a line of road should be fixed by reference of course and distance to a permanent monument or other definite mark. The initial point of the survey or station, terminal and junction grounds should be similarly referred. The maps, field notes, engineer's affidavit, and applicant's certificate (Forms 3 and 4, Appendix), should each show these connections.

19. The engineer's affidavit and applicant's certificate must be written on the map, and must both designate by termini (as in the preceding paragraph) and length in miles and decimals, the line of route for which right of way application is made (see Forms 3 and 4, Appendix). Station, terminal, or junction grounds must be described by initial point

(as in the preceding paragraph) and area in acres (see Forms 7 and 8, Appendix), when they are located on surveyed land, and the smallest legal subdivision in which they are located should be stated. No changes or additions are allowable in the substance of any forms, except when the essential facts differ from those assumed therein. When the applicant is an individual the word "applicant" should be used instead of "company," and such other changes made as are necessary on this account.

20. Where additional width is desired for railroad right of way on account of heavy cuts or fills, the additional right of way desired should be stated, the reason therefor fully shown, the limits of the additional right of way exactly designated, and any other information furnished that may be necessary to enable the Secretary of the Interior to consider the case before giving it his approval.

21. The preliminary map authorized by the proviso of section 4 will not be required to comply so strictly with the foregoing instructions as maps of definite location, but it is to be observed that they must be based upon an actual survey, and that the more fully they comply with these regulations the better they will serve their object, which is to indicate the lands to be crossed by the final line and to preserve the company's prior right until the approval of its maps of definite location. Unless the preliminary map and field notes are such that the line of survey can be retraced from them on the ground, they will be valueless for the purpose of preserving the company's rights. The preliminary map and field notes should be in duplicate, and should be filed in the local land office, in order that proper notations may be made on the records as notice to intending settlers and subsequent applicants for the right of way.

22. The scale of maps showing the line of route should be 2,000 feet to an inch. The maps may, however, be drawn to a larger scale when necessary; but the scale must not be so greatly increased as to make the map inconveniently large for handling. In most cases, by furnishing separate field notes, an increase of scale can be avoided. Plats of station, terminal, and junction grounds, etc., should be drawn on a scale of 400 feet to an inch, and must be filed separately from the line of route. Such plats should show enough of the line of route to indicate the position of the tract with reference thereto.

23. Plats of station, terminal, and junction grounds must be prepared in accordance with the directions for maps of lines of route. Whenever they are located on or near navigable waters the shore line must be shown, and also the boundaries of any other railroad grounds or other claims located on or near navigable waters within a distance of 80 rods from any point of the tract applied for.

24. All applications for permits made under section 6 of this act should state whether it is proposed to collect toll on the proposed wagon road or tramway; and, in case of wagon roads, the application



must be accompanied by satisfactory evidence, corroborated by affidavit, tending to show that the public convenience requires the construction of the proposed road, and that the expense of making the same available and convenient for public travel will not be less, on an average, than \$500 per mile. In all cases, if the proposed line of road shall be located over any road or trail in common use for public travel, a satisfactory statement, corroborated by affidavit, must be submitted with the application, showing that the interests of the public will not be injuriously affected thereby.

25. When maps are filed, the local officers will make such pencil notations on their records as will indicate the location of the proposed right of way as nearly as possible. They should note that the application is pending, giving the date of filing and name of applicant. They must also indorse on each map and other paper the date of filing, over their written signature, transmitting them promptly to the General Land Office.

26. Upon the approval of a map of definite location or station plat by the Secretary of the Interior, the duplicate copy will be sent to the local officers, who will make such notations of the approval on their records, in ink, as will indicate the location of the right of way as accurately as possible.

27. When the road is constructed, an affidavit of the engineer and certificate of the applicant (Forms 5 and 6, Appendix) should be filed in the local land office in duplicate, for transmission to the General Land Office. In case of deviations from the map previously approved, whether before or after construction, there must be filed new maps and field notes in full, as herein provided, bearing proper forms, changed to agree with the facts in the case; and the location must be described in the forms as the *amended* survey and the *amended* definite location. In such cases the applicant must file a relinquishment, under seal, of all rights under the former approval as to the portions amended; said relinquishment to take effect when the map of amended definite location is approved by the Secretary of the Interior.

28. Unless the proper evidence of construction is filed within the time prescribed by the act for the construction of each section of the road, appropriate steps will be taken looking to the cancellation of the approval of the right of way and the notations thereof on the records.

#### CHARGES FOR TRANSPORTATION OF PASSENGERS AND FREIGHT.

29. A printed copy of all charges for the transportation of freight and passengers on right-of-way railroads in Alaska shall be forwarded to the Commissioner of the General Land Office for submission to the Secretary of the Interior for his consideration and approval.

In the case of a wagon road or tramway built under permit issued under section 6 of this act, upon which it is proposed to collect toll, a

printed schedule of the rates for freight and passengers should also be filed with the Commissioner of the General Land Office for submission to the Secretary of the Interior for his consideration and approval at least sixty days before the road is to be opened to traffic, in order to allow a sufficient time for consideration, inasmuch as by section 6 it is made a misdemeanor to collect toll without written authority from the Secretary of the Interior. In the case of a wagon road satisfactory evidence, corroborated by affidavit, must be submitted with said schedule, showing that at least an average of \$500 per mile has been actually expended in constructing such road. These schedules must be submitted in duplicate, one copy of which, bearing the approval of the Secretary of the Interior, will be returned to the applicant if found satisfactory. Said schedules shall be plainly printed in large type.

Section 10 relates to

**ENTRIES FOR TRADE, MANUFACTURE, OR OTHER PRODUCTIVE  
INDUSTRY, IN THE DISTRICT OF ALASKA,**

and provides—

**SEC. 10.** That any citizen of the United States twenty-one years of age, or any association of such citizens, or any corporation incorporated under the laws of the United States or of any State or Territory now authorized by law to hold lands in the Territories, hereafter in the possession of and occupying public lands in the District of Alaska in good faith for the purposes of trade, manufacture, or other productive industry, may each purchase one claim only not exceeding eighty acres of such land for any one person, association, or corporation, at two dollars and fifty cents per acre, upon submission of proof that said area embraces improvements of the claimant and is needed in the prosecution of such trade, manufacture, or other productive industry, such tract of land not to include mineral or coal lands, and ingress and egress shall be reserved to the public on the waters of all streams, whether navigable or otherwise: *Provided*, That no entry shall be allowed under this Act on lands abutting on navigable water of more than eighty rods: *Provided further*, That there shall be reserved by the United States a space of eighty rods in width between tracts sold or entered under the provisions of this Act on lands abutting on any navigable stream, inlet, gulf, bay, or seashore, and that the Secretary of the Interior may grant the use of such reserved lands abutting on the water front to any citizen or association of citizens, or to any corporation incorporated under the laws of the United States or under the laws of any State or Territory, for landings, and wharves, with the provision that the public shall have access to and proper use of such wharves, and landings, at reasonable rates of toll to be prescribed by said Secretary, and a roadway sixty feet in width, parallel to the shore line as near as may be practicable, shall be reserved for the use of the public as a highway: *Provided further*, That in case more than one person, association, or corporation shall claim the same tract of land, the person, association, or corporation having the prior claim, by reason of actual possession and continued occupation in good faith, shall be entitled to purchase the same, but where several persons are or may be so possessed of parts of the tract applied for the same shall be awarded to them according to their respective interests: *Provided further*, That

all claims substantially square in form and lawfully initiated, prior to January twenty-first, eighteen hundred and ninety eight, by survey or otherwise, under sections twelve and thirteen of the Act approved March third, eighteen hundred and ninety-one (Twenty-sixth Statutes at Large, chapter five hundred and sixty-one), may be perfected and patented upon compliance with the provisions of said Act, but subject to the requirements and provisions of this Act, except as to area, but in no case shall such entry extend along the water front for more than one hundred and sixty rods: *And provided further*, That the Secretary of the Interior shall reserve for the use of the natives of Alaska suitable tracts of land along the water front of any stream, inlet, bay, or sea-shore for landing places for canoes and other craft used by such natives: *Provided*, That the Annette, Pribilof Islands, and the islands leased or occupied for the propagation of foxes be excepted from the operation of this Act.

That all affidavits, testimony, proofs, and other papers provided for by this Act and by said Act of March third, eighteen hundred and ninety-one, or by any departmental or Executive regulation thereunder, by depositions or otherwise, under commission from the register and receiver of the land office, which may have been or may hereafter be taken and sworn to anywhere in the United States, before any court, judge, or other officer authorized by law to administer an oath, shall be admitted in evidence as if taken before the register and receiver of the proper local land office. And thereafter such proof, together with a certified copy of the field notes and plat of the survey of the claim, shall be filed in the office of the surveyor-general of the District of Alaska, and if such survey and plat shall be approved by him, certified copies thereof, together with the claimant's application to purchase, shall be filed in the United States land office in the land district in which the claim is situated, whereupon, at the expense of the claimant, the register of such land office shall cause notice of such application to be published for at least sixty days in a newspaper of general circulation published nearest the claim within the District of Alaska, and the applicant shall at the time of filing such field notes, plat, and application to purchase in the land office, as aforesaid, cause a copy of such plat, together with the application to purchase, to be posted upon the claim, and such plat and application shall be kept posted in a conspicuous place on such claim continuously for at least sixty days, and during such period of posting and publication or within thirty days thereafter any person, corporation, or association, having or asserting any adverse interest in, or claim to, the tract of land or any part thereof sought to be purchased, may file in the land office where such application is pending, under oath, an adverse claim setting forth the nature and extent thereof, and such adverse claimant shall, within sixty days after the filing of such adverse claim, begin action to quiet title in a court of competent jurisdiction within the District of Alaska, and thereafter no patent shall issue for such claim until the final adjudication of the rights of the parties, and such patent shall then be issued in conformity with the final decree of the court.

30. A somewhat similar right of purchase was granted by sections 12 and 13 of the act of March 3, 1891, and the section now under consideration gives recognition to claims lawfully initiated under that act prior to January 21, 1898, and provides for perfecting and patenting them upon compliance with the provisions of that act, but subject to

the requirements and provisions of this act, except as to area, and also subject to a limitation of 160 rods in extent along a water front.

31. The provisions of section 10 of this act being largely in conflict with sections 12 and 13 of the act of March 3, 1891, and it being apparent that section 10 of this act was intended to fully cover with new legislation the field theretofore occupied by sections 12 and 13 of the former act, it follows that section 10 of this act must be treated as repealing those sections, subject only to the saving clause respecting claims initiated thereunder before January 21, 1898.

32. Under the law of 1891 the record claim was initiated by an application made to the surveyor-general for a survey of the tract occupied and used. An estimate was prepared by said officer of the cost of such survey, and upon deposit of that amount the survey was ordered to be made by a deputy surveyor, and was required to be approved by the surveyor-general and the Commissioner of the General Land Office before purchase could be allowed. Under the present law, as in the case of mining claims, the claimant, at his own expense, can procure the making of the survey without first making application to the surveyor-general, but the survey when made is to be submitted to and approved by the surveyor-general.

33. The statute does not directly state by whom the survey is to be made, but to insure official responsibility for the work, and the better to protect the interests of all concerned, the surveys must be made by deputy surveyors, who will be appointed in sufficient number by the surveyor-general on satisfactory showing of their fitness, and who will each be required to enter into a bond in the penal sum of \$5,000 for the faithful execution, according to law and instructions, of all surveys made in pursuance of his appointment as deputy surveyor. Upon appointment the deputy must take the oath of office required by section 2223, Revised Statutes.

34. Upon completion of the survey the deputy should certify to the field notes and plat, which must then be filed with the surveyor-general, together with proof, which may consist of affidavits duly corroborated by two witnesses, showing:

*First.*—The actual use and occupancy of the land applied for for the purposes of trade, manufacturing, or other productive industry; that it embraces the applicant's improvements and is needed in the prosecution of the enterprise.

*Second.*—The date when the land was first so occupied.

*Third.*—The character and value of improvements thereon, and the nature of the trade, business or productive industry conducted thereon.

*Fourth.*—That the tract applied for does not include mineral or coal lands, and is essentially nonmineral in character.

*Fifth.*—That no portion of said land is occupied or reserved for any purpose by the United States, or occupied or claimed by any natives of Alaska, or occupied as a town site or missionary station, or reserved

from sale, and that the tract does not include improvements made by or in possession of another person, association, or corporation.

*Sixth.*—If the land abuts on any navigable stream, inlet, gulf, bay, or seashore, that it is not within 80 rods of any tract sold or entered under the provisions of this act. Lands patented or to which a right to patent had fully accrued under the act of March 3, 1891, are not “tracts sold or entered under the provisions of this act” within the meaning of this provision.

In the completion under this act of entries initiated prior to January 21, 1898, under the act of March 3, 1891, this showing will not be required.

The deputy surveyor in certifying each survey abutting upon navigable waters must state the name and location of every claim within 80 rods of the claim surveyed.

*Seventh.*—If the application is made for the benefit of an individual, he must prove his citizenship and age.

*Eighth.*—If the application is made for the benefit of an association it must so appear, and the citizenship and age of each member thereof be shown.

*Ninth.*—If the application is made for the benefit of a corporation, the incorporation must be established by the certificate of the secretary of the State or Territory or other officer having custody of the record of incorporation, and it must be further shown that such corporation is authorized by the law under which it is incorporated to hold lands in the Territories.

35. All affidavits may be made before the register or receiver of the land office in the district in which the land is situated, or anywhere in the United States before any court judge or other officer authorized by law to administer an oath.

36. If the survey is approved by the surveyor-general, certified copies of the field notes and plat, together with the original proof filed by applicant to establish his claim, must be filed in the local land office with his application to purchase. Thereupon, at the expense of the claimant (who must furnish the agreement of the publisher to hold the applicant for patent alone responsible for charges of publication), the register of such local land office shall cause notice of the application to purchase to be published for a period of at least sixty days in a paper of established character and general circulation, to be by him designated as being the newspaper published nearest the land. Whether published in a weekly, semiweekly, or daily newspaper, the notice must appear in each and every issue of the paper for a period of sixty days, excluding the day of the first publication in computing the period of sixty days; the applicant must also, during the period of publication, cause a copy of the plat, duly authenticated, together with a copy of the application to purchase, to be posted in a conspicuous place upon the claim for at least sixty days. The register shall cause

a copy of the application to purchase to be posted in his office during the period of publication.

37. During the period of posting and publication, or within thirty days thereafter, any person, corporation, or association having or asserting an adverse interest in or claim to the tract of land, or any part thereof, sought to be purchased, may file in the land office where such application is pending, under oath, an adverse claim, setting forth the nature and extent thereof; and such adverse claimant shall, within sixty days after the filing of such adverse claim, begin action to quiet title in a court of competent jurisdiction within the district of Alaska; in which event no further action will be taken in the local office upon the application to purchase until the final adjudication of the rights of the parties in the court.

38. If at the expiration of the period prescribed therefor no adverse claim is filed and no other sufficient objection appears to the proposed purchase, cash certificate will issue for the land in the name of the applicant upon his furnishing proof of publication and posting of the notice as required and making due payment for the land. This proof shall consist of the affidavit of the publisher or foreman of the newspaper employed that the notice (a copy of which must be attached to the affidavit) was published for the required period in the regular and entire issue of every number of the paper during the period of publication, in the newspaper proper and not in the supplement. Proof of posting on the claim will consist of the affidavits of the applicant and two witnesses, who of their own knowledge know that the plat of survey and application to purchase were posted as required and remained so posted during the required period. The register should certify to the posting of the notice in a conspicuous place in his office during the period of publication.

39. A failure to make due payment for the land for a period of three months after the final adjudication of the rights of the parties by the court or after the period for filing an adverse claim shall have expired, without any such claim being filed, will be deemed an abandonment of the application to purchase.

40. Upon a proper showing, duly corroborated, that any claim does not conform to the requirement of the law, a hearing will be ordered in the premises.

41. A roadway 60 feet in width, parallel to the shore line as near as may be practicable, is reserved for the use of the public as a highway. "Shore line" here means high-water line. This reservation occurs in the proviso relating to the reservation between claims abutting on navigable waters; but since it is its purpose to reserve a roadway for public use as a highway along the shore line of navigable waters, it is held to relate to the lands entered or purchased under this act, as well as to the reserved lands; otherwise it would serve little or no purpose. This reservation will not, however, prevent the location and survey of a claim

up to the shore line, for in such case the claim will be subject to this servitude and the area in the highway will be computed as a part of the area entered and purchased.

42. It is not deemed advisable at this time to prescribe any fixed form of application for the use of any of the reserved lands between claims entered or purchased under this act, excepting that—

(1) The citizenship of the applicants or association of applicants must be shown, and in the case of a corporation the same showing must be made as is required by paragraph under section two, granting right of way for railroads.

(2) The location of the landings or wharves must be accurately described on a map or diagram with reference to claims on either side.

(3) The use of such lands is limited to landings and wharves, and all rates of toll to be paid by the public must be submitted for approval by the Secretary of the Interior.

Section 11 relates to—

#### THE TIMBER ON PUBLIC LANDS IN THE DISTRICT OF ALASKA,

and provides:

SEC. 11. That the Secretary of the Interior, under such rules and regulations as he may prescribe, may cause to be appraised the timber or any part thereof upon public lands in the District of Alaska, and may from time to time sell so much thereof as he may deem proper for not less than the appraised value thereof, in such quantities to each purchaser as he shall prescribe, to be used in the District of Alaska, but not for export therefrom. And such sales shall at all times be limited to actual necessities for consumption in the District from year to year, and payments for such timber shall be made to the receiver of public moneys of the local land office of the land district in which said timber may be sold, under such rules and regulations as the Secretary of the Interior may prescribe, and the moneys arising therefrom shall be accounted for by the receiver of such land office to the Commissioner of the General Land Office in a separate account, and shall be covered into the Treasury. The Secretary of the Interior may permit, under regulations to be prescribed by him, the use of timber found upon the public lands in said District of Alaska by actual settlers, residents, individual miners, and prospectors for minerals, for firewood, fencing, buildings, mining, prospecting, and for domestic purposes, as may actually be needed by such persons for such purposes.

43. While sales of timber are optional, and the Secretary of the Interior may exercise his discretion at all times as to the necessity or advisability of any sale, petitions from responsible persons for the sale of timber in particular localities will be received by this Department for consideration.

Such petitions must describe the land upon which the timber stands, as definitely as possible by natural landmarks; the character of the country, whether rough, steep, or mountainous, agricultural or mineral, or valuable chiefly for its forest growth; and state whether or not

the removal of the timber would injuriously affect the public interests. If any of the timber is dead, estimate the quantity in feet, board measure, with the value, and state whether killed by fire or other cause. Of the live timber, state the different kinds and estimate the quantity of each kind in trees per acre. Estimate the average diameter of each kind of timber, and estimate the number of trees of each kind per acre above the average diameter. State the number of trees of each kind it is desired to have offered for sale, with an estimate of the number of feet, board measure, therein, and an estimate of the value of the timber as it stands.

44. Before any sale is authorized the timber will be examined and appraised. Notice thereof will be given by publication by the Commissioner of the General Land Office.

45. The time and place of filing bids and other information for a correct understanding of the terms of each sale will be given by published notices or otherwise. Timber is not to be sold for less than the appraised value. The Commissioner of the General Land Office must approve all sales, and he may make allotment of quantity to any bidder or bidders if he deems proper. The right is also reserved to reject any or all bids. A reasonable cash deposit, to accompany each bid, will be required.

46. Within thirty days after notice to a bidder of an award of timber to him payment must be made in full to the receiver for the timber so awarded; or equal payments therefor may be made in thirty, sixty, and ninety days from date of such notice, at the option of the purchaser. The purchaser must have in hand the receipt of the receiver for each payment before he will be allowed to cut, remove, or otherwise dispose of the timber covered by that payment. The timber must all be cut and removed within one year from the date of payment therefor; failing to so do, the purchaser will forfeit his right to the timber left standing or unremoved and to his purchase money: *Provided*, That the limit of one year herein named may be extended by the Commissioner of the General Land Office, in his discretion, upon good and sufficient reasons being shown.

47. Notice must be given by the purchaser to the Commissioner of the General Land Office of the proposed date of cutting and removal of the timber, so that, if practicable, an official may be designated to supervise such cutting and removal. Upon application of purchasers, permits to erect temporary sawmills for the purpose of cutting or manufacturing timber purchased under this act may be granted by the Commissioner of the General Land Office, if not incompatible with the public interests.

48. No timber taken from the public lands and sold as above prescribed may be exported from the District of Alaska.

49. Special instructions will be issued for the guidance of officials designated to examine and appraise timber, to supervise its cutting



and removal, and for carrying out other requirements connected therewith.

50. Actual settlers, residents, individual miners, and prospectors for minerals may procure, free of charge, from unoccupied unreserved public lands in Alaska, for firewood, fencing, buildings, mining, prospecting, and for domestic purposes, so much timber as may be actually needed by such persons, for individual use, to an extent not exceeding, in stumpage valuation, \$100 in any one year. It is not necessary to secure permission from the Department to take timber from public lands as allowed in this paragraph. The exercise of such privilege is, however, subject at all times to supervision by the Department, with a view to restriction or prohibition if deemed necessary. The uses specified in this paragraph constitute the only purposes for which timber may be taken, free of charge, from public lands in Alaska.

51. In cases arising under the preceding paragraph in which the parties needing the timber are not in a position to procure it from the public lands themselves, it is allowable for them to secure the cutting, removing, sawing, or other manufacture of the timber through the medium of others, agreeing with the parties thus acting as their *agents direct* in taking or otherwise handling the timber that they shall be paid a reasonable amount to cover their time and labor expended and all legitimate expenses incurred in connection therewith *exclusive of any charge for the timber itself*.

52. Section 2461, United States Revised Statutes, is in force in the District of Alaska, and its provisions may be enforced against any person or persons who cut or remove, or cause or procure to be cut or removed, or aid or assist or are employed in cutting or removing, any timber from public lands therein, except as allowed by law.

Section 12 authorizes the establishment of—

#### LAND DISTRICTS WITHIN THE DISTRICT OF ALASKA,

and provides:

SEC. 12. That the President is authorized and empowered, in his discretion, by Executive order from time to time to establish or discontinue land districts in the District of Alaska, and to define, modify or change the boundaries thereof, and designate or change the location of any land office therein; and he is also authorized and empowered to appoint, by and with the advice and consent of the Senate, a register for each land district he may establish and a receiver of public moneys therefor; and the register and receiver appointed for such district shall, during their respective terms of office, reside at the place designated for the land office. That the registers and receivers of public moneys in the land districts of Alaska shall each receive an annual salary of one thousand five hundred dollars and the fees provided by law for like officers in the State of Oregon, not to exceed, including such salary and fees, a total annual compensation of three thousand dollars for each of said officers.

Districts have been established with land offices at Sitka, Nulato, and Circle.

Section 13 accords certain—

**MINING RIGHTS WITHIN THE DISTRICT OF ALASKA TO NATIVE-BORN CITIZENS OF THE DOMINION OF CANADA,**

and provides:

**SEC. 13.** That native-born citizens of the Dominion of Canada shall be accorded in said District of Alaska the same mining rights and privileges accorded to citizens of the United States in British Columbia and the Northwest Territory by the laws of the Dominion of Canada or the local laws, rules, and regulations; but no greater rights shall be thus accorded than citizens of the United States or persons who have declared their intention to become such may enjoy in said District of Alaska; and the Secretary of the Interior shall from time to time promulgate and enforce rules and regulations to carry this provision into effect.

53. By the laws of the Dominion of Canada citizens of the United States are, with all other persons over 18 years of age, permitted to lease mineral lands in British Columbia and the Northwest Territory upon the payment of a certain royalty to the general government, but the laws of that Dominion do not authorize the purchase of mineral lands in British Columbia or the Northwest Territory.

54. The existing laws of the United States do not make any provision for the leasing of mineral lands in Alaska either to citizens of the United States or to others, but they do provide for and authorize the purchase of such lands in Alaska by our own citizens.

55. Since this section accords to native-born citizens of Canada "the same mining rights and privileges" accorded to citizens of the United States in British Columbia and the Northwest Territory by the laws of the Dominion of Canada, and since under the laws of the Dominion of Canada the only mining rights and privileges accorded to citizens of the United States are those of leasing mineral lands upon the payment of a stated royalty, and since the laws of the United States do not accord to its own citizens the right or privilege of leasing mineral lands in Alaska, and since this section also provides that "no greater rights shall be thus accorded" to citizens of the Dominion of Canada "than citizens of the United States or persons who have declared their intention to become such may enjoy in such District of Alaska," it results that for the time being this section is inoperative.

The concluding section, fourteen, refers to matters under the jurisdiction of the Treasury Department, as to which nothing need be said in this connection. It reads as follows:

**SEC. 14.** That under rules and regulations to be prescribed by the Secretary of the Treasury, the privilege of entering goods, wares, and merchandise in bond or of placing them in bonded warehouses at any of the ports in the District of Alaska, and of withdrawing the same for

exportation to any place in British Columbia or the Northwest Territory without payment of duty, is hereby granted to the Government of the Dominion of Canada and its citizens or citizens of the United States and to persons who have declared their intention to become such whenever and so long as it shall appear to the satisfaction of the President of the United States, who shall ascertain and declare the fact by proclamation, that corresponding privileges have been and are being granted by the Government of the Dominion of Canada in respect of goods, wares, and merchandise passing through the territory of the Dominion of Canada to any point in the District of Alaska from any point in said District.

BINGER HERMANN,  
*Commissioner.*

DEPARTMENT OF THE INTERIOR, June 8, 1898.

Approved:

C. N. BLISS,  
*Secretary.*

## APPENDIX.

### FORMS FOR DUE PROOFS AND VERIFICATION OF MAPS OF RIGHT OF WAY FOR RAILROADS, TRAMWAYS, WAGON ROADS, ETC.

#### FORM 1.

I, \_\_\_\_\_, secretary (or president) of the \_\_\_\_\_ company, do hereby certify that the organization of said company has been completed; that the company is fully authorized to proceed with construction according to the existing laws of the State (or Territory) of \_\_\_\_\_; and that the copy of the articles of association (or incorporation) of the company filed in the Department of the Interior is a true and correct copy of the same.

In witness whereof I have hereunto set my name and the corporate seal of the company.

[SEAL OF COMPANY.]

\_\_\_\_\_ of the \_\_\_\_\_ Company.

#### FORM 2.

STATE OF \_\_\_\_\_,  
County of \_\_\_\_\_, ss:

\_\_\_\_\_ being duly sworn, says that he is the president of the \_\_\_\_\_ company, and that the following is a true list of the officers of the said company, with the full name and official designation of each, to wit: (Here insert the full name and official designation of each officer.)

[SEAL OF COMPANY.]

\_\_\_\_\_ President of Company.

Sworn and subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_, 189—.

[SEAL.]

\_\_\_\_\_ Notary Public.

## FORM 3.

STATE OF \_\_\_\_\_,  
County of \_\_\_\_\_, ss:

\_\_\_\_\_, being duly sworn, says he is the chief engineer of (or is the person employed to make the survey by) the \_\_\_\_\_ company; that the survey of the said company's line of (railroad, tramway, or wagon road) described as follows: (here describe the line of route as required by paragraph 14), a length of \_\_\_\_\_ miles, was made by him (or under his direction) as chief engineer of (or as surveyor employed by) the company and under its authority, commencing on the \_\_\_\_\_ day of \_\_\_\_\_, 189-, and ending on the \_\_\_\_\_ day of \_\_\_\_\_, 189-; that the survey of the said land is accurately represented on this map and by the accompanying field notes; and that this proposed right of way does not lie within 4 rods of the shore of any navigable waters, except as shown on this map. (In the case of a tramway or wagon road, add the following: The said line of road does not lie upon nor cross any road or trail in common use for public travel except as shown on this map.)

Sworn and subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_, 189-.

[SEAL.]

\_\_\_\_\_  
Notary Public.

## FORM 4.

I, \_\_\_\_\_, do hereby certify that I am president of the \_\_\_\_\_ company; that \_\_\_\_\_, who subscribed the accompanying affidavit, is the chief engineer of (or was employed to make the survey by) the said company; that the survey of the said (railroad, tramway, or wagon road), as accurately represented on this map and by the accompanying field notes, was made under authority of the company; that the company is duly authorized by its articles of incorporation to construct the said (railroad, tramway, or wagon road) upon the location shown upon this map; that the said survey as represented on this map and by said field notes was adopted by resolution of its board of directors on the \_\_\_\_\_ day of \_\_\_\_\_, 189-, as the definite location of the said (railroad, tramway, or wagon road) described as follows: (describe as in Form 3); that this proposed right of way does not lie within 4 rods of the shore of any navigable waters, except as shown on this map; and that this map has been prepared to be filed in order to obtain the benefits of sections 2 to 9, inclusive, of the act of Congress approved May 14, 1898, entitled "An act extending the homestead laws and providing for right of way for railroads in the District of Alaska, and for other purposes." \* I further certify that the said (railroad or tramway) is to be used as a common carrier of freight and passengers.

\_\_\_\_\_  
President of the \_\_\_\_\_ Company.

Attest:

[SEAL OF COMPANY.]

\_\_\_\_\_  
Secretary.

\* The last sentence to be omitted from applications for wagon-road right of way.

## FORM 5.

STATE OF \_\_\_\_\_,  
County of \_\_\_\_\_, ss:

\_\_\_\_\_, being duly sworn, says that he is the chief engineer of (or was employed to construct the railroad, tramway, or wagon road of) the \_\_\_\_\_ company; that said (railroad, tramway, or wagon road) has been constructed under his supervision, as follows: (describe as in paragraph 14) a total length of \_\_\_\_\_ miles; that construction was commenced on the \_\_\_\_\_ day of \_\_\_\_\_, 189—, and completed on the \_\_\_\_\_ day of \_\_\_\_\_, 189—; that the constructed (railroad, tramway, or wagon road) conforms to the map and field notes which received the approval of the Secretary of the Interior on the \_\_\_\_\_ day of \_\_\_\_\_, 189—.

\_\_\_\_\_  
\_\_\_\_\_

Sworn and subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_, 189—.  
[SEAL.]

\_\_\_\_\_  
\_\_\_\_\_  
*Notary Public.*

## FORM 6.

I, \_\_\_\_\_, do hereby certify that I am the president of the \_\_\_\_\_ company; that the (railroad, tramway, or wagon road) described as follows: (describe as in Form 5) was actually constructed as set forth in the accompanying affidavit of \_\_\_\_\_, chief engineer (or the person employed by the company in the premises); that the location of the constructed (railroad, tramway, or wagon road) conforms to the map and field notes approved by the Secretary of the Interior on the \_\_\_\_\_ day of \_\_\_\_\_, 189—; and that the company has in all things complied with the requirements of sections 2 to 9, inclusive, of the act of Congress approved May 14, 1898, entitled "An act extending the homestead laws and providing for right of way for railroads in the District of Alaska, and for other purposes."

\_\_\_\_\_  
\_\_\_\_\_  
*President of the \_\_\_\_\_ Company.*

Attest:  
[SEAL OF COMPANY.]

\_\_\_\_\_  
\_\_\_\_\_  
*Secretary.*

## FORM 7.

STATE OF \_\_\_\_\_,  
County of \_\_\_\_\_ ss:

\_\_\_\_\_, being duly sworn, says he is the chief engineer of (or is the person employed to make the survey by) the \_\_\_\_\_ company; that the survey of the tract described as follows: (here describe as required by paragraph 14) an area of \_\_\_\_\_ acres, and no more, was made by him (or under his direction) as chief engineer of the company (or as surveyor employed by the company), and under its authority, commencing on the \_\_\_\_\_ day of \_\_\_\_\_, 189—, and ending on the \_\_\_\_\_ day of \_\_\_\_\_, 189—; that the survey of the said tract is accurately represented on this plat and by the accompanying field notes; \*(that

\* This clause is to be omitted in applications for terminal or junction grounds.



the company has occupied no other grounds for similar purposes upon public lands within the section of [5 or 10] miles, from the — mile to the — mile, for which this selection is made); that in his belief, the said grounds are actually and to their entire extent required by the company for the necessary uses contemplated by the act of Congress approved May 14, 1898, entitled "An act extending the homestead laws and providing for right of way for railroads in the District of Alaska, and for other purposes;" that the said tract does not lie within 4 rods of the shore of any navigable waters except as shown on this map, and that to the best of my knowledge and belief there is no settlement or other claim along the shore of any navigable waters upon land within 80 rods of any point of this tract except as shown on this map.

Subscribed and sworn to before me this — day of —, 189—.  
 [SEAL.] \_\_\_\_\_,  
*Notary Public.*

## FORM 8.

I, \_\_\_\_\_, do hereby certify that I am president of the \_\_\_\_\_ company; that \_\_\_\_\_, who subscribed the accompanying affidavit, is the chief engineer of (or was employed to make the survey by) the said company; that the survey of the tract described as follows: (here describe as in Form 7) an area of \_\_\_\_\_ acres, and no more, was made by him as chief engineer of (or as surveyor employed to make the survey by) the said company; that the said survey, as accurately represented on this map and by the accompanying field notes, was made under authority of the company; that the said survey, as represented on this map and by said field notes, was adopted by resolution of its board on the — day of —, 189—, as the definite location of said tract for (station, terminal, or junction grounds); \*(that the company has occupied no other grounds for similar purposes upon public lands within the section of [5 or 10] miles, from the — mile to the — mile, for which this selection is made); that, in his belief, the said grounds are actually and to their entire extent required by the company for the necessary uses contemplated by the act of Congress approved May 14, 1898, entitled "An act extending the homestead laws and providing for right of way for railroads in the District of Alaska, and for other purposes;" that the said tract does not lie within 4 rods of the shore of any navigable waters except as shown on this map, and that, to the best of my knowledge and belief, there is no settlement or other claim along the shore of any navigable waters upon land within 80 rods of any point of this tract except as shown on this map.

\_\_\_\_\_,  
*President of the \_\_\_\_\_ Company.*

Attest:  
 [SEAL OF COMPANY.]

\_\_\_\_\_,  
*Secretary.*

\*This clause to be omitted in applications for terminal or junction grounds.







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