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UNITED STATES
DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE

CIRCULARS AND REGULATIONS OF
THE GENERAL LAND OFFICE

WITH REFERENCE TABLES
AND INDEX

COMPILED BY
C. G. FISHER OF THE GENERAL LAND OFFICE

JANUARY, 1930

BUREAU OF LAND MANAGEMENT

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UNITED STATES
GOVERNMENT PRINTING OFFICE
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GENERAL STATEMENT

This publication is a compilation of the circulars and regulations of the General Land Office which are of the greatest importance at the present time. The regulations necessarily must be considered as of the dates under which they were issued, and must be construed in the light of subsequent regulations, decisions, and practice. Regulations which have been amended by subsequent regulations have been noted to show that fact and regulations published in the land decisions have been noted to show the volume and page where they appear.

The regulations have been grouped under appropriate classifications, arranged in alphabetical order, and listed and indexed, as shown in the table of contents on pages III and IV.

To avoid duplication, regulations which have been entirely superseded by later regulations, or which have been entirely or in substance incorporated as parts of later instructions, have been omitted from this publication. In some cases regulations under which rights can not be acquired at the present time are carried for reference purposes in connection with pending applications which were presented at a time when the regulations were effective. Circulars not containing present governing instructions or not of present general value for reference purposes are not included herein.

Acts of Congress and forms have not been reproduced except where they were made essential parts of the original regulations. Where they were carried as parts of the original regulations but have been omitted in this publication, that fact is shown by the words "Acts omitted," or "Forms omitted," or similar notation, immediately following the particular regulations.

FIELD OFFICES OF THE GENERAL LAND OFFICE, DEPARTMENT OF THE INTERIOR

DISTRICT LAND OFFICES

<p><i>Alaska</i>.—Anchorage,¹ Fairbanks,¹ Nome.¹ <i>Arizona</i>.—Phoenix.¹ <i>Arkansas</i>.—Little Rock.¹ <i>California</i>.—Los Angeles,¹ Sacra- mento.¹ <i>Colorado</i>.—Denver,¹ Pueblo.¹ <i>Florida</i>.—Gainesville.¹ <i>Idaho</i>.—Blackfoot, Coeur d'Alene.¹ <i>Minnesota</i>.—Cass Lake. <i>Montana</i>.—Billings,¹ Great Falls.¹ <i>Nebraska</i>.—Alliance.¹</p>	<p><i>Nevada</i>.—Carson City.¹ <i>New Mexico</i>.—Las Cruces,¹ Santa Fe.¹ <i>North Dakota</i>.—Bismarck.¹ <i>Oregon</i>.—Lakeview, Roseburg,¹ The Dalles.¹ <i>South Dakota</i>.—Pierre.¹ <i>Utah</i>.—Salt Lake City.¹ <i>Washington</i>.—Spokane.¹ <i>Wyoming</i>.—Buffalo,¹ Cheyenne,¹ Evanston.¹</p>	
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NOTE.—Entry and other related business for the States not listed above in which there are public lands is transacted through the General Land Office.

OFFICE OF SUPERVISOR OF SURVEYS

Denver, Colo.¹

PUBLIC SURVEY OFFICES

<p><i>Alaska</i>.—Juneau. <i>Arizona and California</i>.—Phoenix;¹ San Francisco, Traders Building, 417 Market Street. <i>Colorado, Nebraska, South Dakota,</i> <i>and Wyoming</i>.—Denver,¹ Cheyenne.¹ <i>Idaho and Washington</i>.—Boise,¹ Olympia.¹</p>	<p><i>Montana</i>.—Helena.¹ <i>Nevada and Utah</i>.—Reno,¹ Salt Lake City.¹ <i>New Mexico</i>.—Santa Fe.¹ <i>Oregon</i>.—Portland, Post Office Building.¹</p>
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NOTE.—The survey and resurvey of the remaining public lands in all States not listed above are grouped in the eastern surveying district, the administrative work being directed from the General Land Office.

OFFICES OF CHIEFS OF FIELD DIVISIONS

<p><i>Alaska</i>.—Anchorage, Alaska.¹ <i>Arizona (except part north of Grand Canyon) and New Mexico</i>.— Santa Fe, N. Mex.¹ <i>Arizona (north of Grand Canyon), Idaho (Blackfoot land district) and Utah</i>.—Salt Lake City, Utah.¹ <i>California and Nevada</i>.—Custom- house Building, San Francisco, Calif.¹</p>	<p><i>Colorado, Kansas, Nebraska, Okla- homa, and Wyoming</i>.—Post Office Building, Denver, Colo.¹ <i>Idaho (Coeur d'Alene land district), Oregon, and Washington</i>.—Post Office Building, Portland, Oreg.¹ <i>Montana, North Dakota, and South Dakota</i>.—Helena, Mont.¹</p>
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NOTE.—The administrative work for States not listed above, in which there are public lands, is directed from the office of the Chief of Field Service, Washington, D. C.

OFFICE OF CHIPPEWA LOGGING SERVICE

Cass Lake, Minn.

¹ Located in Federal buildings.

ALASKA

[Reported, 49 L. D. 207]

CIRCULAR No. 845¹

COMPILATION OF REGULATIONS CONCERNING OIL AND GAS PERMITS AND LEASES UNDER THE ACT OF FEBRUARY 25, 1920, IN ALASKA

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE.

Washington, August 12, 1922.

Registers and Receivers, United States Land Offices in Alaska.

SIRS: Under the authority of the act of Congress approved February 25, 1920 (41 Stat. 437), the following rules and regulations, taken from General Land Office Circular No. 672, entitled "Regulations concerning oil and gas permits and leases * * * authorized by the act of February 25, 1920," as amended to October 29, 1920 (47 L. D. 437), and as since from time to time amended, have been adopted to govern the administration of said act in so far as it applies specially to the Territory of Alaska; and the same renumbered and with incidental verbal modifications are recodified as follows for the information of those concerned:

1. *General provisions under section 13.*—Paragraphs 1 to 9 of Regulations as amended to October 29, 1920, as they appear in Circular No. 672 contain general provisions which govern permits under section 13 of the act. Alterations of paragraphs 7 and 8 to meet changed conditions are indicated below.

Extensions of time.—The provision in section 13 of the act providing for extension of the life of permits granted upon lands in the United States has been superseded by an act approved January 11, 1922 (42 Stat. 356), which provides that the Secretary of the Interior may, if he shall find that any oil or gas permittee has been unable, with the exercise of diligence, to begin drilling operations or to drill wells of the depth and within the time prescribed by section 13 of the act of Congress approved February 25, 1920 (41 Stat. 437), extend the time for beginning such drilling or completing it to the amount specified in the act for such time, not exceeding three years, and upon such conditions as he shall prescribe. Extensions of time may be granted thereunder in proper cases, both in Alaska and the United States, where applications therefor are filed in accordance with the Regulations, Circular No. 801,^a approved March 9, 1922.

When an application for a lease of the one-fourth part of the area affected by a prospecting permit is submitted, supported by the requisite evidence of discovery and production of oil or gas, such application must be accompanied by further application by

¹ Amended by Circular No. 905, p. 923.

^a Circular No. 801 has been superseded by Circular No. 1147. See p. 965.

the permittee, or by an assignee of such permittee, for a lease of the remaining portion of the area described in the permit; or, in the alternative, a relinquishment of the permit and waiver of preference right in respect of such remaining area must be submitted.

2. *Permits in Alaska.*^b—Paragraphs 1 to 9, inclusive, of said Regulations as they appear in said Circular No. 672 will apply to permits in Alaska, under section 13 of the act, with some modifications, viz: .

(a) A person, association, or corporation is authorized to hold five permits at one time in said Territory—only one permit, however, in any one (1) geologic structure of a nonproducing field; but for development purposes (2) assignments to a qualified individual, corporation, or association outside producing oil or gas fields, for not exceeding five permits, whether contiguous or noncontiguous, may be presented for the consideration of the Secretary of the Interior and his approval if he shall find the same to be in the public interest; hence subdivision *c* of section 4 of the Regulations contained in said Circular No. 672 should be modified accordingly in making application for permits for lands in Alaska under section 13 of the act.

(b) The preference right treated under section 5 of the Regulations (Circular No. 672) extends for a period of six months after the erection of monument and posting of notice provided for therein, and the period for marking of the corners is extended to one year after the granting of the permit.

(c)² The time for exploratory work in Alaska is four years, instead of two. The various items necessary in this exploratory work are set forth in the form of permit provided in said Regulations (Circular No. 672), those applying to Alaska being included in parentheses (1). In cases where unsurveyed lands in Alaska are located in fields where compliance with paragraph 4(*d*) of Circular 672 with reference to public survey corners is not possible and conflicts may exist, the extent of which can not then be determined, permits are granted with the following additional conditions:

“7½. This permit is granted upon the express condition that the permittee will adjust any conflict with any prior applicant within six months from date hereof.”

3. *Permits upon lands embraced in nonmineral entries.*—The act of Congress approved March 8, 1922 (42 Stat. 415), provides for the allowance of homesteads on lands in Alaska valuable for coal, oil, or gas, with reservations of such deposits and upon conditions similar to those of the act of July 17, 1914 (38 Stat. 509), relating to lands in the United States, and the provisions of paragraph 11 of said Circular No. 672 will apply to Alaska in cases where entries are patented with a reservation under said act of March 8, 1922.

4. *Preference right of owner of surface.*—Nonmineral claimants upon lands in Alaska are entitled to preference right permits under section 20 of the act wherever the mineral deposits are reserved under the act of March 8, 1922 (42 Stat. 415), under the conditions indicated in paragraph 12 and subsections thereunder of Circular No. 672.

5. *Relief measures—Alaska claims—Conditions for relief under section 22:*

^b See Circulars Nos. 1073, p. 937, and 1129, p. 962.

² See amendment, p. 923.

A. *For permit.*—(a) That claimant must have been an occupant or claimant of the land on February 25, 1920, under a claim initiated under the placer mining laws by claimant or predecessors prior to November 3, 1910, the date of the Executive order withdrawing all public lands in Alaska containing petroleum deposits, including those in national forests.

(b) That claimant must have performed all acts prior to November 3, 1910, under the then existing laws necessary to valid locations except to make discovery.

(c) That claimant (1) prior to November 3, 1910, must have made substantial improvements for the discovery of oil or gas on or for each location, or (2) prior to February 25, 1920, expended not less than \$250 for improvements on or for the benefit of each location.

(d) That claimant must on or before February 25, 1921, or within six months after final denial or withdrawal of application for patent, file a relinquishment to the United States of all right, title, and interest in and to the land. This relinquishment must be in the form of an unconditional quitclaim deed, duly executed and acknowledged, but not recorded, and when filed will be held for such action as the facts and the law in the case warrant and require.

In addition to the above, the conditions outlined in paragraph (e) of section 20 of the Regulations (Circular 672) are applicable to relief in Alaska.

B. *For lease.*—The conditions necessary to obtain a lease under section 22 of the act are identical with those outlined in the paragraphs relating to permits in Alaska together with the following additional conditions:

(a) That claimant or predecessors must have drilled an oil or gas well on the land to discovery.

(b) That claimant must pay for one-eighth of the past production exclusive of that used on the land for production purposes or unavoidably lost.

6. *Relief that may be granted under section 22:*

(a) A claimant qualified under the above conditions relating to permits, upon complying with the conditions of the act and these regulations, will be entitled to prospecting permits under the same terms and conditions as other permits in Alaska provided for in section 13 of the act, substantially in the form prescribed in section 6 of the Regulations (Circular No. 672).

(b) A claimant qualified under the above conditions relating to leases is entitled to a lease substantially in the form prescribed in section 17 of the Regulations (Circular No. 672), the rental and royalty to be fixed by the Secretary of the Interior and specified in the lease, subject to readjustment at the end of each 20-year period of the lease.

(c) A claimant under section 22 of the act shall be entitled to not exceeding five permits or leases in number and not exceeding an aggregate of 1,280 acres in each.

7. *Royalties and rentals on oil and gas leases in Alaska:*

The royalties and rentals payable under oil and gas leases granted in Alaska pursuant to sections 14 and 22 of the act of February 25, 1920, are hereby determined and prescribed as follows:

(a) For leases granted under section 22 of the act, the royalty shall be: (1) For the first five years from and after the date of the

lease no royalty, except in case of leases whereon the producing wells yield an average of 100 barrels or more per well per day for the calendar month, in which event the royalty shall be 5 per cent of all oil produced; (2) for the second period of five years from and after the date of each lease, under section 22 of the act, the royalty upon all leases shall be 5 per cent; (3) for the succeeding 10 years the royalty upon all leases under section 22 of the act shall be 10 per cent of all oil produced.

(b) Upon leases granted in Alaska, under section 14 of the act, the permittee who discovers oil will be entitled to a lease for one-fourth of the area of the permit without payment of royalty for the first five years succeeding the date of the lease and thereafter shall pay a royalty of 5 per cent upon all oil produced. On the remaining lands included within the area of the permit, the permittee will be given a preference right to a lease without payment of royalty for the first five years succeeding the date of the lease, except in the case of leases whereon the producing wells yield an average of 100 barrels or more per well per day for the calendar month, in which event the royalty shall be 5 per cent; for the second five years, the lessee will be required to pay a royalty of 5 per cent upon all oil produced, and for the succeeding 10 years, a royalty of 10 per cent upon all oil produced.

(c) No royalty will be charged in any case upon leases wherein the wells upon the lands average less than 10 barrels per well per day for the calendar month.

(d) No rental upon any oil or gas lease in Alaska will be charged during the first five years succeeding the date of the lease. After the expiration of the first five years succeeding the date of the lease, a rental of 10 cents per acre per annum will be charged on all leases, payable in advance: *Provided*, That the rentals so paid for any one year shall be credited upon the royalties accruing for that year.

(e) The royalties on gas produced, if any, will be fixed and determined in each lease.

(f) The foregoing subsections (a) to (c), inclusive, are applicable to cases where but one permit area in a single field or structure is held by the permittee or lessee. Where one or more additional permits, not exceeding five, are secured by assignment, the rentals and royalties on one of the permits shall be as prescribed in classes *a*, *b*, *c*, and *d* of this paragraph, and upon the remaining areas secured by assignment the rentals and royalties shall be as provided in paragraph 8 of the said regulations approved March 11, 1920, amended October 29, 1920, unless modified in a proper case when such a permit or lease is granted or approved.

8. *Permits for deposits reserved under the act of March 8, 1922 (42 Stat. 415).*—The provisions relative to reserved deposits under the act of July 17, 1914 (38 Stat. 509), indicated on page 34 of Circular No. 672, will be incorporated in permits in Alaska in proper cases without change other than the substitution of “act of March 8, 1922 (42 Stat. 415)” for, “act of July 17, 1914 (38 Stat. 509),” and the bond required will be identical with that indicated on pages 34 and 35 of said Circular No. 672, except for the substitution of the act of March 8, 1922, *supra*, as above indicated.^{2a}

^{2a} The page numbers given are pages in Circular No. 672 as issued in pamphlet form, reproduced on page 896 hereof.

9. *Procedure in relation to agricultural claims in conflict with permits or leases, or subject to preferential rights.*—The procedure indicated in Circular No. 842,^c approved July 31, 1922, with reference to nonmineral entries made with a reservation of the oil and gas to the Government, will be followed where entries are made pursuant to the act of March 8, 1922 (42 Stat. 415).

10. *In general.*—The general regulations as contained in said Circular No. 672, and as since modified or amended, are to be regarded, in so far as they are appropriate and are not modified by any rule or regulation herein, as regulations affecting oil and gas permits and leases in Alaska, under said act of February 25, 1920.

Very respectfully,

WILLIAM SPRY, *Commissioner.*

Approved Aug. 12, 1922.

ALBERT B. FALL, *Secretary.*

[Reported, 51 L. D. 50]

CIRCULAR No. 979^{2b}

NOTATION OF CANCELLATION OF OIL AND GAS PERMITS IN ALASKA

DEPARTMENT OF THE INTERIOR,

GENERAL LAND OFFICE,

Washington, February 12, 1925.

Registers and Receivers, United States Land Offices in Alaska.

GENTLEMEN: Hereafter the cancellation of an oil and gas permit in Alaska will be made effective on a certain date specified by the letter of cancellation, but no application will be allowed for a period of 62 days from and after such date of cancellation.

During this 62-day period applications for permits will be received by the proper local land office and held without action, and during the same period a claim may be initiated by locating, marking and posting on the land as provided by section 13 of the leasing act.

All applications filed during said period shall be treated as having been filed at 9 a. m., on the sixty-third day and will be disposed of by a drawing held publicly by you at 12 m. of said sixty-third day.

The successful applicant will be advised of the result of the drawing, but the application will be held suspended until the expiration of six months from date of drawing when if no application based upon proper marking and posting within the 62 days following cancellation has been presented, you will allow the successful applicant to complete his application and forward it to this office with your report.

If an application based on proper location, marking and posting the land within the 62-day period is presented within six months from the date of such location, marking and posting, the applicant thereunder will have prior right to the land and his application will be allowed and that of the successful applicant at the drawing rejected subject to right of appeal. As between two or more applications, timely filed, based on posting the land during the 62-day

^c Circular No. 842 has been omitted from this publication. The present governing instructions are included in Circular No. 491, under the heading "Homesteads on Coal, Oil, and Gas Lands, p. 216, et seq.

^{2b} See Circulars Nos. 929, p. 926; 939, p. 929; 966, p. 931; and 1084, p. 939.

period, priority of posting will determine priority of right to a permit. Attention is also called to Circular No. 966.

Circular No. 929 is modified so far as it conflicts with the regulations herein.

Very respectfully,

WILLIAM SPRY, *Commissioner.*

Approved February 12, 1925.

E. C. FINNEY, *First Assistant Secretary.*

[Reported, 52 L. D. 262]

AMENDING CIRCULAR 1108, REGULATIONS GOVERNING FUR FARMING IN ALASKA

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, January 30, 1928.

Register and Division Inspector, Anchorage, Alaska; Registers and Receivers, Fairbanks and Nome, Alaska.

GENTLEMEN: Circular No. 1108,^d approved January 22, 1927, is hereby amended by inserting after, "The following rules and regulations will govern the issuance of leases under said act," the following:

Leases under this act may cover an entire island where such island contains an area of not more than 30 square miles, if the inspector reports that such island is subject to lease for fur farming, and that the entire area is needed and can be properly used therefor.

Any islands subject to lease under this act having an area of more than 30 square miles will be treated as mainland, and leases for lands within same shall not be awarded for an area in excess of 640 acres.

Where islands are so close together that animals can cross from one to the other, and the combined area does not exceed 30 square miles, more than one island may be included in a single lease.

Very respectfully,

THOS. C. HAVELL,
Acting Commissioner.

Approved January 30, 1928.

E. C. FINNEY,
First Assistant Secretary.

CIRCULAR NO. 491³

INFORMATION AND REGULATIONS RELATING TO PUBLIC LANDS IN THE TERRITORY OF ALASKA

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., February 24, 1928.

SCOPE OF THIS PUBLICATION

This publication contains the text of the principal public land statutes^c and regulations thereunder which are applicable exclusively

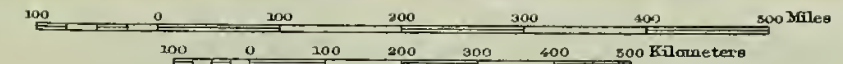
³ Amended by Circulars Nos. 1181, p. 277; 1183, p. 278; 1184, p. 279; 1198, p. 282; and 1203, p. 284. See also instructions of Jan. 30, 1928, p. 190.




^d See footnote 5, p. 201.

^c Acts omitted in this compilation.



176° East from Greenwich 180° West from Greenwich 176°



-  Land District Boundary
-  Land District Office.
-  Public Survey Office.

to Alaska, also a reference to many other laws and regulations which apply to Alaska, and, for convenient reference, the subjects have been arranged in alphabetical order as follows:

Coal lands, contest, ex officio commissioner, forms, fur-farming leases, grazing leases, homesteads, Indians and Eskimos, landing and wharf permits, laws, mineral lands, mission sites, offices, parks and cemeteries, patents, public lands, rights of way, school lands and scrip locations, shore space, soldiers' additional homestead entries, springs and water holes, surveys, timber, town sites, trade and manufacturing sites, water-power lands.

GENERAL PUBLICATIONS

Reference is made in this publication to many circulars which have been issued under the public land statutes of a general nature, which are applicable in the United States, including Alaska. Copies of these pamphlets may be obtained by addressing the Commissioner of the General Land Office, Washington, D. C.

OTHER PUBLICATIONS ON ALASKA

General information regarding the Territory of Alaska.—This pamphlet may be obtained from the Secretary of the Interior, Washington, D. C. It contains a general description of the Territory and a summary of the principal resources. It also contains references to more detailed publications.

Information for prospective settlers in Alaska, Circular No. 1, Alaska Agricultural Experiment Stations.—This circular may be obtained from the Department of Agriculture, Washington, D. C. It is designed to give prospective settlers in Alaska, and particularly homesteaders, information on subjects which will be of more or less vital interest to them. It is designed also to call their attention to many factors in the situation on which they should be informed before settling in a new and comparatively little-known territory.

COAL LANDS

The President of the United States is required by section 2 of the act of October 20, 1914 (38 Stat. 741), to "designate and reserve from use, location, sale, lease, or disposition, not exceeding 5,120 acres of coal-bearing land in the Bering River field, and not exceeding 7,680 acres of coal-bearing land in the Matanuska field," before opening the fields under the provisions of the act. The unreserved coal lands are thereafter to be "divided by the Secretary of the Interior into leasing blocks or tracts of 40 acres each or multiples thereof, and in such form as, in the opinion of the Secretary, will permit the most economical mining of the coal in such blocks, but in no case exceeding 2,560 acres in any one leasing block or tract." The lands having been thus divided into leasing blocks, the Secretary under the act is authorized, then and not before, to offer such blocks or tracts for leasing and award leases thereof through such plan as he may adopt, either by advertisement, competitive bidding, or otherwise.

It is recognized that if the Government were to reserve the total acreage allowed by law and were to select those areas that are believed to be best suited for profitable mining the result might be to prevent effectually coal mining in Alaska until such time as the Government itself might undertake mine development and operation.

The intention of Congress in passing the Alaska coal-leasing law is believed to have been the promotion of the mining of coal in the Territory as early as possible to meet the demands of the Government railroad, the Navy, and Alaskan consumers. The legal provision for Government reservation furnishes a means for safeguarding the public interest in the future, when lack of competition or other exigency may necessitate Government operation. The tracts now selected for reservation in accord with this policy are therefore such as are believed to possess the average rather than the highest value.

The President has therefore designated and reserved from use, location, sale, lease, or disposition the lands described as follows:

Lands reserved in Matanuska field, Seward base and meridian

- (1) T. 19 N., R. 6 E.: N. $\frac{1}{2}$ NE. $\frac{1}{4}$ and N. $\frac{1}{2}$ NW. $\frac{1}{4}$ sec. 4;
NE. $\frac{1}{4}$ NE. $\frac{1}{4}$, W. $\frac{1}{2}$ NE. $\frac{1}{4}$ and NW. $\frac{1}{4}$ sec. 5.
T. 20 N., R. 6 E.: Lot 6 and E. $\frac{1}{2}$ SE. $\frac{1}{4}$ sec. 31;
Lots 4, 5, 6, and 7 and SE. $\frac{1}{4}$ and SW. $\frac{1}{4}$ sec. 32;
Lots 3, 4, 5, and 6, S. $\frac{1}{2}$ SE. $\frac{1}{4}$, SW. $\frac{1}{4}$ sec. 33, containing
1,446.17 acres.
- (2) T. 20 N., R. 5 E.: NE. $\frac{1}{4}$, SE. $\frac{1}{4}$, E. $\frac{1}{2}$ NW. $\frac{1}{4}$ and E. $\frac{1}{2}$ SW. $\frac{1}{4}$ sec. 20;
NW. $\frac{1}{4}$, SW. $\frac{1}{4}$, SE. $\frac{1}{4}$ and S. $\frac{1}{2}$ NE. $\frac{1}{4}$ sec. 21;
SW. $\frac{1}{4}$ and S. $\frac{1}{2}$ NW. $\frac{1}{4}$ sec. 22;
NW. $\frac{1}{4}$ sec. 27;
NE. $\frac{1}{4}$ and NW. $\frac{1}{4}$ sec. 28;
E. $\frac{1}{2}$ NE. $\frac{1}{4}$ and NW. $\frac{1}{4}$ NE. $\frac{1}{4}$ sec. 29, containing
1,880 acres.

Lands reserved in Bering River field, Copper River base and meridian

- (3) T. 16 S., R. 8 E.: Secs. 23 and 24, containing 1,280 acres.
- (4) T. 16 S., R. 8 E.: NE. $\frac{1}{4}$, SE. $\frac{1}{4}$ and SW. $\frac{1}{4}$, sec. 33.
T. 17 S., R. 8 E.: N. $\frac{1}{2}$ NW. $\frac{1}{4}$ sec. 3;
All of sec. 4;
E. $\frac{1}{2}$ NE. $\frac{1}{4}$ and E. $\frac{1}{2}$ SE. $\frac{1}{4}$ sec. 5;
E. $\frac{1}{2}$ NE. $\frac{1}{4}$ sec. 8;
N. $\frac{1}{2}$ NW. $\frac{1}{4}$ sec. 9, containing 1,520 acres.
- (5) T. 17 S., R. 7 E.: Lot 3 and SE. $\frac{1}{4}$ SE. $\frac{1}{4}$ sec. 8;
Lots 1 and 2, SE. $\frac{1}{4}$ NW. $\frac{1}{4}$, SW. $\frac{1}{4}$ and W. $\frac{1}{2}$ NE. $\frac{1}{4}$
sec. 9;
NW. $\frac{1}{4}$ NW. $\frac{1}{4}$ sec. 16;
SE. $\frac{1}{4}$, NE. $\frac{1}{4}$, NW. $\frac{1}{4}$ and W. $\frac{1}{2}$ SW. $\frac{1}{4}$ sec. 17;
NE. $\frac{1}{4}$, SE. $\frac{1}{4}$, SE. $\frac{1}{4}$ NW. $\frac{1}{4}$, E. $\frac{1}{2}$ SW. $\frac{1}{4}$ and lots 3
and 4 sec. 18, containing 1,556.98 acres.

In addition to these tracts, the President, June 18, 1917, designated and reserved, in the Matanuska field, Seward base and meridian, coal leasing block No. 12, as follows:

- T. 20 N., R. 5 E.: S. $\frac{1}{2}$ SE. $\frac{1}{4}$, sec. 24;
NE. $\frac{1}{4}$, sec. 25.
T. 20 N., R. 6 E.: S. $\frac{1}{2}$ SW. $\frac{1}{4}$, sec. 19;
NW. $\frac{1}{4}$, sec. 30, containing 480 acres.

December 5, 1917, the President designated and reserved, in the Matanuska field, Seward base and meridian, coal leasing block No. 7, as amended, as follows:

- T. 19 N., R. 3 E.: E. $\frac{1}{2}$ SE. $\frac{1}{4}$, sec. 8;
S. $\frac{1}{2}$, sec. 9;
SW. $\frac{1}{4}$, sec. 10;
NW. $\frac{1}{4}$, sec. 15;
N. $\frac{1}{2}$ SW. $\frac{1}{4}$, N. $\frac{1}{2}$ SE. $\frac{1}{4}$, sec. 16, containing 1,280 acres

January 26, 1918, the President designated and reserved, in the Nenana field, Fairbanks base and meridian, the following tracts:

- T. 11 S., R. 7 W.: SE. $\frac{1}{4}$ SE. $\frac{1}{4}$, sec. 29;
 All sec. 32.
 T. 12 S., R. 7 W.: S. $\frac{1}{2}$ NW. $\frac{1}{4}$, SW. $\frac{1}{4}$, sec. 4;
 All sec. 5, containing 1,560 acres.

All of the coal land in the remainder of these fields is open to application for lease, and none of this open territory will be withdrawn or reserved while there is any bona fide application for a lease thereon.

LEASING BLOCKS

As noted in the foregoing statement the *unreserved* lands in the coal fields must be divided by the Secretary into leasing "blocks" or "tracts" before he can make a leasing offer. A survey of said lands in accordance with the system of public-land surveys is therefore necessary, as the act requires each leasing block or tract to be described by subdivisions of the survey. To this end such a survey of the Bering River and Matanuska fields has been made and the known coal lands in those fields divided into leasing blocks.

COAL MINING LEASES

By authority of the act of Congress approved October 20, 1914 (38 Stat. 741), the unreserved surveyed coal lands in the Bering River and the Matanuska coal fields, Alaska, have been divided into leasing blocks, or tracts, of 40 acres, or multiples thereof, and leases of such blocks or tracts, with the privilege of mining and disposing of the coal, lignite, and associated minerals therein may be procured from the United States in the following manner:

APPLICATION—MAPS

1. On request addressed to the Commissioner of the General Land Office at Washington, D. C., a blank application (Form 4-031) and lease (Form 4-031a) will be furnished the applicant; also, those who desire may procure from the Superintendent of Documents, Government Printing Office, Washington, D. C., a folio containing photolithographic copies of the approved plats of the topographic and subdivisional township surveys of the Matanuska field (13 townships) for \$1, and of the Bering River field (8 townships) for 75 cents.

QUALIFICATIONS OF APPLICANTS

2. Under this act the qualifications of such lessees are defined as follows:

(a) Any person above the age of 21 who is a citizen of the United States.

(b) Any association of such persons (that is, citizens of the United States over 21 years of age).

(c) Any corporation or municipality organized under the laws of the United States, or of any State or Territory thereof, "Provided, That a majority of the stock of such corporation shall at all times be owned and held by citizens of the United States."

AREA

3. The total area that may be embraced in one lease is fixed at 2,560 acres, which may include one or more contiguous leasing blocks, or tracts, as shown on the map; and no person, association, or corporation is permitted to take or hold any interest as a stockholder or otherwise in more than one lease under this act.

APPLICATION

4. The application blank calls for information as to the name of the applicant, a description of the leasing block or blocks desired, amount of capital proposed as an investment under the lease, time when actual development under the lease will begin, experience in coal mining, and reference as to financial standing.

METHOD OF AWARD

5. The statute under which these proceedings are authorized provides that the Secretary of the Interior may award leases "through advertisement, competitive bidding, or such other methods as he may by general regulation adopt," and the purpose of the applications required herein is to procure such information as will best enable the Secretary to award leases so as to procure the best terms on behalf of the United States and the most effective development of the coal deposits of the Territory.

PUBLICATION

6. All applications will be promptly listed and the proposed terms thereunder will be noted. Thereafter due publication at the expense of the Government for not less than once a week for a period of 30 days will follow in at least two newspapers of general circulation, one of which shall be published in the Territory of Alaska and one in the United States proper, of the applications filed, each to be designated by a number and not by the name of the applicant, the block or blocks applied for, with the announcement that at the expiration of the period of publication the said applications will be taken up and the proposals therein considered, subject to any better terms that may be offered by any other qualified applicant during the period of publication, or by the first applicant.

AWARD OF LEASE

7. All applications for a lease, or proposals in connection therewith, pending at the expiration of the period of publication will be submitted to the Secretary of the Interior in one report, with specific recommendations as to the awards that should be made or denied under the several applications or proposals; and thereafter such action will be taken by the Secretary on the report as may in his discretion seem warranted on the showing made in each case, by which he will obtain the largest investment proportionate to the acreage of the lease, and the earliest actual development of the coal mine on a commercial basis, reserving the right to modify proposed leasing blocks or tracts if the economical mining of the coal will

better be procured thereby, or finally to reject any or all applications if, in his judgment, the interests of the United States so require.

INVESTMENT AND BOND

8. An actual, bona fide expenditure on the land for mine operation, development, or improvement purposes of \$100 for each acre included in the lease is adopted as the minimum basis for granting leases, with the requirement that not less than one-fifth of the required investment shall be expended in development of the mine during the first year and a like amount each year for the four succeeding years, the investment during any one year over such proportionate amount for that year to be credited on the expenditure required for the ensuing year or years. If the investment to be made is fixed at more than \$50,000, the lessee shall furnish a bond with approved corporate surety in the sum of \$10,000, conditioned upon the expenditure of the specified amount of investment and upon compliance with the other terms of the lease. If the investment is fixed at \$50,000 or less, a bond similarly conditioned in the sum of \$5,000 must be furnished. After the required investment has been made the lessee may substitute in lieu of the bond originally furnished a like bond in the sum of \$5,000 conditioned upon compliance with the terms of the lease.

In lieu of corporate surety the applicant may deposit United States bonds of a par value equal to the amount of his bond, pursuant to section 1320 of the act of February 24, 1919 (40 Stat. 1057-1148-49), under Treasury Circular No. 154, of June 30, 1919. When United States bonds are thus submitted, the same shall be accompanied by a bond and power of sale duly executed by the applicant.

ADDITIONAL LEASING BLOCKS

9. Lands found to contain coal but not divided into leasing blocks may be hereafter divided into such blocks, and the lands therein made the subject of a leasing offer, the rights of adjacent lessees to be given due consideration in any award that may be made under such offer.

USE OF TIMBER

10. The use of timber by the lessee, in addition to that taken from the leasehold under the terms of the lease, may be secured by him from other lands not embraced in leasing units in accordance with the regulations that may be prescribed by the Secretary of the Interior under the act of May 14, 1898 (30 Stat. 414), and the acts amendatory thereof, or by arrangement with the Department of Agriculture if from a national forest.⁴

COAL-MINING PERMIT FOR FREE USE OF COAL

The following regulations will govern the issuance of permits for the free use of coal in the unreserved public lands in Alaska, under section 10 of the act of October 20, 1914 (38 Stat. 741), except that

⁴ See p. 256.

the regulations will not apply to coal lands in the Bering or Matanuska coal fields which have been surveyed into leasing blocks or tracts or to fields where mines are being operated under lease:

QUALIFICATIONS

1. Under the terms of the act, expressed in section 3 thereof, only citizens of the United States above the age of 21 years, associations of such citizens, corporations, and municipalities, organized under the laws of the United States or of any State or Territory thereof, provided the majority of the stock of such corporations shall at all times be owned and held by citizens of the United States, are eligible to receive a permit to prospect for and mine coal from the unreserved public lands in Alaska.

WHO MAY MINE COAL FOR SALE

2. All permittees may mine coal for sale except railroads and common carriers, who by the terms of section 3 of the act are restricted to the acquirement of only such an amount of coal as may be required and used for their own consumption.

DURATION OF PERMITS

Permits will be granted for two years, beginning at date of filing, if filed in person or by attorney, or date of mailing, if sent by registered letter, subject to the approval of the Commissioner of the General Land Office, and upon application and satisfactory showing as to the necessity therefor, may be extended by the commissioner for a longer period, subject to such conditions necessary for the protection of the public interest as may be imposed prior to or at the time of the extension. Misrepresentation, carelessness, waste, injury to property, the charge of unreasonable prices for coal, or material violation of such rules and regulations governing operation as shall have been prescribed in advance of the issuance of a permit, will be deemed sufficient cause for revocation.

LIMITATION OF AREA

4. The act limits the area to be covered in any one permit to 10 acres. It is not to be inferred from this, however, that the permits granted thereunder shall necessarily cover that area. The ground covered by a permit must be square in form and should be limited to an area reasonably sufficient to supply the quantity of coal needed.

SCOPE OF PERMIT

5. Permits issued under section 10 of the act of October 20, 1914, grant only a license to prospect for, mine, and remove coal free of charge from the unreserved public coal lands in Alaska, and do not authorize the mining of any other form of mineral deposit, nor the cutting or removal of timber.

HOW TO PROCEED TO OBTAIN A PERMIT

6. The application should be duly executed on Form 4-020, and the same should either be transmitted by registered mail to or filed

in person with the register and receiver of the United States land office of the district in which the land is situated. Prior to the execution of the application the applicant must have gone upon the land, plainly marked the boundaries thereof by substantial monuments, and posted a notice setting forth his intention of mining coal therefrom. The application must contain the statement that these requirements have been complied with and the description of the land as given in the application must correspond with the description as marked on the ground. The permit, if granted, should be recorded with the local mining district recorder, if the land is situated within an organized mining district.

WHEN COAL MAY BE MINED BEFORE ISSUANCE OF A PERMIT

7. In view of the fact that by reason of long distances and limited means of transportation many applicants may be unable to appear in person at the United States land office to file their applications, it has been deemed advisable to allow such applicants the privilege of mining coal as soon as their applications have been duly executed and sent by registered mail to the proper United States land office. Should an application be rejected, upon receipt of notice thereof all privileges under this paragraph terminate and the applicant must cease mining the coal.

ACTION BY REGISTER

8. The register will keep a proper record of all applications received and all actions taken thereon in a book provided for that purpose. If there appear no reason why the application should not be allowed, the register will issue a permit on Form 4-020a. Should any objection appear either as to the qualifications of the applicant or applicants, or in the substance or sufficiency of the application, the register may reject the application or suspend it for correction or supplemental showing under the usual rules of procedure, subject to appeal to the Commissioner of the General Land Office. Upon the issuance of a permit the register will promptly forward to the Commissioner of the General Land Office by special letter the original application and a copy of the permit and transmit copies thereof to the division inspector and to the local representatives of the United States Bureau of Mines for their information.

If application is filed for free permit or for renewal of an existing free permit under section 10 of the act of October 20, 1914, involving land within a field within which there are mines being operated under the leasing provisions of the said act, the register will transmit such application to the Commissioner of the General Land Office without action but with appropriate recommendation, calling special attention to the possibility of its competition with existing Government leases.

THE NENANA FIELD

A complete topographic and subdivisional township survey of the Nenana field is contained in Geological Survey Bulletin 664, copies of which may be procured on application to the Superintendent of Documents, Washington, D. C., for \$1.10.

COAL PROSPECTING PERMITS

As the act of October 20, 1914 (38 Stat. 741), contained no provision for prospecting permits (which are to be distinguished from mining permits), it was amended March 4, 1921 (41 Stat. 1363), by adding to section 3 a proviso authorizing the issuance of prospecting permits.

The following regulations will govern the issuance of permits under the act of March 4, 1921:

CHARACTER OF LANDS

1. Permits may be issued to prospect unclaimed, undeveloped areas in Alaska where prospecting or exploratory work is necessary to determine the existence or workability of the coal deposits.

TO WHOM PERMITS MAY ISSUE

2. Permits may be issued to any person above the age of 21 years who is a citizen of the United States, or to any association of such persons, or to any corporation or municipality organized under the laws of the United States or any State or Territory thereof, provided that a majority of the stock of such corporation shall at all times be owned and held by citizens of the United States.

AREA

3. Permits may be issued for tracts of not exceeding 2,560 acres of contiguous lands in reasonably compact form.

RIGHTS CONFERRED

4. A permit will entitle the permittee to the exclusive right to prospect for coal on the land described therein. In the exercise of this right the permittee shall be authorized to remove from the premises only such coal as may be necessary in order to determine the workability and commercial value of the coal deposits in the land.

APPLICATION FOR PERMIT

5. Applications for permits shall be filed in the proper district land office, and after due notice thereof on the records forwarded to the General Land Office with report of status of the land affected. No specific form of application is required, and no blanks will be furnished, but it should cover in substance the following points:

- (a) Applicant's name and address.
- (b) Proof of citizenship and qualification as to stock ownership if a corporation.
- (c) Description of land for which a permit is desired, by legal subdivisions, if surveyed, and by metes and bounds and such other description as will identify the land if unsurveyed. If unsurveyed, a survey sufficient to identify more fully and segregate the land may be required before permit is granted.

(d) Condition of coal occurrences, so far as determined, description of workings, and outcrops of coal beds, if any, and reason why the land is believed to offer a favorable field for prospecting for coal.

(e) Detailed plan and method of conducting prospecting or exploratory operations on the land, estimated cost of carrying out such proposed prospecting operations, and the diligence with which such operations will be prosecuted.

(f) A brief statement of applicant's experience in coal-mining operations, if any, together with one or more references as to his reputation and business standing.

The application must be under oath of the applicant or his attorney in fact, or, if a corporation, of one of its officers theretofore duly authorized.

(g) After a permit is ready for delivery, the permittee will be notified and allowed 30 days within which to furnish a bond, with approved corporate surety or two qualified individual sureties, in the sum fixed by the Secretary when the permit is granted, but not to exceed \$500, conditioned upon compliance with the terms of the permit and against failure of the permittee to use reasonable precautions to prevent damage to the coal deposits or to leave the premises in a safe condition upon the termination of the permit. With bonds signed by individual sureties, must be filed affidavits of justification by the sureties that each is worth double the sum specified in the undertaking over and above his just debts and liabilities and a certificate by a judge or clerk of a court of record, a United States district attorney, a United States commissioner, or a postmaster, as to the identity, signatures, and financial competency of the sureties. Bond with additional obligations therein will be required where the permit embraces lands entered or patented with the coal reserved under the act of March 8, 1922 (42 Stat. 415).

FORM OF PERMIT

6. On receipt of the application, if found sufficient and the lands subject thereto, a permit will be issued on Form 4-031b, of which the district land office will be advised.

LEASES TO PERMITTEES

7. A qualified permittee who has shown, within the period of the permit, that the land included therein contains coal in commercial quantities will be entitled to a lease for such land, or part thereof as the permittee may desire, upon due application and publication of notice thereof. The application for lease should be filed in the proper district land office before expiration of the period of the permit. An application for lease under this section should describe the land desired and set forth fully and in detail the extent and mode of occurrence of the coal deposits as disclosed by the prospecting work performed under the permit. Such leases will be granted, without competitive bidding, on rents and royalties to be fixed by the Secretary of the Interior, and otherwise substantially in the form of lease provided herein governing coal-land leases in Alaska.

CONTESTS

Contests against entries of public lands in the Territory of Alaska may be initiated by private persons or on the part of the Government in the same manner as such proceedings are begun elsewhere in the United States.

The procedure in such cases will be governed by the Rules of Practice, copies of which may be obtained on application to the Commissioner of the General Land Office. The last revision of the Rules of Practice will be found in volume 51 of Land Decisions, beginning page 547.

Paragraph 4 of the instructions of May 21, 1908 (36 L. D. 433), relating to contests against homestead locations, provides as follows:

Homestead locations of lands in the District (Territory) of Alaska may be contested and canceled upon any ground which would warrant the cancellation of a homestead entry of land elsewhere made under section 2289, R. S.; and contests of this character may be initiated at the proper United States land office by either the Government or any private person, and should be proceeded with in the same manner and given the same effect as contests against homestead entries elsewhere.

Where a final decision has been rendered in a contest proceeding canceling a homestead location, the register will secure the notation of such judgment on the record of the location in the recording office.

EX OFFICIO COMMISSIONER FOR DEPARTMENT OF THE INTERIOR

1. The ex officio commissioner will have authority to coordinate and supervise the work of the several activities of the General Land Office in Alaska.

2. All officers and employees of the General Land Office in Alaska having for consideration any budgetary matter or matter involving the proposed scope and allocation of work to be done in Alaska should take the same up with the said ex officio commissioner, who will transmit the same with appropriate recommendation to this office.

ACTION ON APPLICATIONS, PETITIONS, ETC.

3. All applications, petitions, etc., involving claims in Alaska arising under the public land laws will be presented to and acted upon by the proper register and receiver in Alaska in the future in like manner as heretofore. The register and receiver, however, instead of transmitting the returns of such applications, petitions, etc., semi-monthly to the General Land Office, will forward the returns semi-monthly to the ex officio commissioner, or some one duly authorized to represent him in Alaska, who will examine the papers in each case as soon as possible for possible defects in form, execution, or otherwise, and for possible errors by the register and receiver in their actions or decisions.

If any defect or error is found in any particular case or cases included in the semimonthly returns, and such defects or errors may be cured either by the applicant or the register and receiver, such cases shall be taken from the semimonthly returns and forwarded to the register and receiver with whatever suggestions or instructions the ex officio commissioner or his representative deems proper. A note opposite the serial number or numbers of the cases so forwarded should be made on the schedule of returns, and it, with the balance of the cases to which no objection is found, should be for-

¹ The instructions under this heading are based on Circular No. 1140, not carried in this publication.

warded immediately by the ex officio commissioner or his representative to the Commissioner of the General Land Office.

Should there be any case or cases in which the defect or error can not be cured or corrected, the ex officio commissioner or his representative will make such recommendation as he may deem advisable and transmit the same with the semimonthly returns in which they are listed to the Commissioner of the General Land Office.

LIST OF FORMS APPLICABLE EXCLUSIVELY IN ALASKA

Subject	Form No.
Coal:	
Application for permit for free mining of-----	4-020
Permit authorizing free mining of-----	4-020a
Coal lands:	
Application for mining lease of-----	4-031
Mining lease of-----	4-031a
Mining lease of, bond under-----	4-692
Coal prospecting permit-----	4-031b
Fur farming, lease of lands for-----	4-230
Grazing permit or lease, application for-----	4-469
Grazing lease-----	4-470
Indian or Eskimo:	
Application by, for allotment-----	4-021
Certificate of allotment to-----	4-203
Application by, for deed to town tract-----	4-231
Trustee's deed to, for town tract-----	4-232
Deed of-----	4-232a
Oil and gas prospecting permit-----	4-208c
Timber:	
Application to purchase-----	4-023
Cut, report-----	4-023a
Permission to cut-----	4-023b
Notice of application, for posting on land-----	4-023c
Notice of intention to cut for free use-----	4-023f
Timber, export, sale contract. ^{4a}	
Town lot, in railroad town site:	
Of less than 2 acres, application for-----	4-013
Of 2 acres or more, application for-----	4-015
Memorandum certificate-----	4-013a
Memorandum receipt-----	4-013b

FUR-FARMING LEASES⁵

The following rules and regulations will govern the issuance of fur-farming leases under the act of July 3, 1926 (44 Stat. 821):

APPLICATION FOR LEASE

1. Applications for leases, addressed to the Commissioner of the General Land Office, should be filed in duplicate in the proper district land office. After assignment of a serial number and due notation thereof, one copy should be forwarded to the General Land Office and the other to the division inspector at Anchorage, Alaska. A status report should be furnished with each. No specific form of application is required, and no blanks will be furnished therefor.

^{4a} This form was printed as part of Circular No. 1092. See footnote, p. 262.

⁵ The instructions under this heading are based on Circular No. 1108, not carried in this publication. The forms contained in Circular No. 1108 have not been reproduced herein. See instructions of Jan. 30, 1928, p. 190, and of March 19, 1929, p. 278.

Applications should cover, in substance, the following points, and be under oath:

(a)⁶ Applicant's name and post-office address.

(b) Proof of citizenship of applicant; if an association of individuals, proof of citizenship of each member thereof; and if a corporation, a certified copy of the articles of incorporation must be furnished.

(c) Description of the land for which the lease is desired, by legal subdivision if surveyed, and by metes and bounds if unsurveyed. In order to properly identify unsurveyed lands, if practicable, the metes and bounds description should be connected by course and distance with some corner of the public-land surveys and their position with reference to rivers, creeks, mountains or mountain peaks, towns, islands, or other prominent topographical points or natural objects or monuments should be given.

(d) The approximate acreage if the application is for unsurveyed land.

(e) Two references as to applicant's reputation and business standing.

(f) The kind or kinds of fur-bearing animals to be raised, and, if foxes, whether silver, blue, or white.

(g) The number of fur-bearing animals the applicant expects to have on the leased land within one year from the date of the lease.

(h) A showing that the applicant has a permit to take animals with which to stock the leased land.

(i) A statement as to whether the land is occupied, claimed, or used by natives of Alaska or others; and if so, the nature of the use and occupancy.

PREFERENCE RIGHT

2. Anyone who in good faith is occupying an island or other tract of land for the purpose of raising fur-bearing animals, and who was unable to obtain a permit or lease because of lack of legal authority, shall have a preferred right to file an application for a lease at any time within six months from the date of these regulations. An applicant claiming such preference right must state fully the facts upon which this claim is based.

BEAVER RAISING

3. No lease under this act for the purpose of raising beavers shall be granted on any area already occupied by a beaver colony and no such lease shall be granted on streams or lakes which will interfere with the spawning grounds of salmon.

INVESTIGATION

4. When the copy of the application is received by the division inspector he will cause an investigation to be made and report fully to the Commissioner of the General Land Office as to the improvements, if any, existing on the lands; as to their use and occupancy, and as to the feasibility of granting the lease.

⁶ See amendment, p. 278.

NEWS ITEM

5. Upon the issuance of a lease under this act the register of the United States district land office for the district within which the leased land is situated will furnish the newspaper nearest said land a statement of the issuance of the lease, containing the name of the lessee and a description of the leased land, such statement to be published as an item of news.

RENTAL

6. Every lessee under this act shall pay to the lessor in advance a minimum rental of \$25 per annum on leases for all tracts up to and including 640 acres and a minimum of \$50 annual rental on leases of tracts exceeding 640 acres, and shall pay a maximum rental equal to a royalty of 1 per cent on the gross returns derived from the sale of live animals and pelts, if the amount thereof exceeds the minimum rental mentioned, such yearly rental to be credited against the royalties as they accrue for that year.

CANCELLATION OF LEASE

7. A lease under this act will be subject to cancellation by the Secretary of the Interior for failure of the lessee to comply with any of the conditions enumerated therein or to exercise due diligence in raising the kind or kinds of fur-bearing animals specified in the lease or for the devotion of the leased area primarily to any purpose other than the raising of fur-bearing animals.

A lease will be automatically canceled for failure of the lessee to place on the leased area the number and kind of fur-bearing animals specified in the lease within a period of one year from the date of said lease as follows: When the lease embraces an area not exceeding 640 acres, not less than 2 pairs (two males and 2 females) of such animals shall be placed on the land within the year; 4 pairs on areas between 640 and 3,000 acres; and 6 pairs on areas exceeding 3,000 acres.

FORM OF LEASE

8. Leases under this act will be made on Form 4-230.

GRAZING LEASES ^o

The leasing of lands in Alaska under the act of March 4, 1927 (44 Stat. 1452), for grazing livestock, will be governed by the following regulations:

GRAZING DISTRICTS

1. The Secretary of the Interior is authorized, on application or otherwise, to create grazing districts upon any public lands in Alaska, surveyed or unsurveyed, outside of the Aleutian Islands Reservation, national forests, and other reservations administered by the Secretary of Agriculture and outside of national parks and monuments, and to lease the grazing privileges therein.

^o The instructions under this heading are based on Circular No. 1138, not carried in this publication. The forms contained in Circular No. 1138 have not been reproduced herein. Sections 3 and 4 of the instructions have been amended by Circular No. 1203, p. 284.

(a) Leases will not be granted for areas which embrace the natural grazing grounds or routes of migration of wild animals, such as caribou and moose, it being the policy to retain such areas intact for the benefit of wild life and for the natives to subsist thereon, and to prevent the interbreeding of reindeer with wild animals.

(b) Any grazing district may be enlarged or diminished, for any sufficient reason, subject to existing rights of any lessee.

2. Notice of intention to establish a grazing district will be published once a week for six consecutive weeks in a newspaper of general circulation in the judicial division in which the proposed district is to be established. The notice will describe the boundaries of the proposed district and give the date on which the district will be established. On or prior to the date announced in the published notice, any person may file objections to the proposed action.

APPLICATIONS

3.⁷ After the establishment of a grazing district, applications for leasing the same may be filed, in triplicate, in the proper district land office.

(a) Applications for leases for reindeer grazing areas by natives or associations of natives may be filed through a district superintendent of schools, a supervisor of reindeer, or other responsible official of the Bureau of Education.

(b) After a serial number has been assigned by the register to an application for lease, one copy will be forwarded to the Commissioner of the General Land Office and one to the division inspector at Anchorage, Alaska, each copy to be accompanied by a status report. If the application is for reindeer grazing, a copy should be filed in the office of the district superintendent.

(c) Applications for leases must conform substantially to Form 4-469.

4.⁸ When a copy of an application for lease is received by the division inspector, he will cause an investigation to be made, except where such investigation has already been made by a representative of the Bureau of Education, and report to the Commissioner of the General Land Office as to the livestock to be grazed on the land; as to the improvements, if any, existing thereon; as to their use and occupancy, and as to the feasibility of granting a lease.

(a) Every application for the leasing of a reindeer grazing area, when transmitted by the register of the district land office to the division inspector, will be accompanied by a report or concurrence in a prior report, in duplicate, by an official of the Bureau of Education designated by the Commissioner of Education.

CONDITIONS

5. The Secretary of the Interior may temporarily close portions of a leased area to grazing whenever, because of incorrect handling of the stock, overgrazing, fire, or other cause such action is necessary to restore the range to its normal condition. This temporary closing will not operate to exclude such lands from the boundaries of a lease.

6. The Secretary may prescribe the maximum number of stock which may be grazed on a particular area, this maximum number to

⁷ See amendment, p. 284.

⁸ See amendment, p. 284.

be fixed on the condition of the range and its accessibility to summer and winter feeding, with the right to reduce the maximum number of stock grazed whenever permanent damage to the range is liable to result, and to increase the number whenever it is possible to do so without injury to the range.

7. The Secretary may reduce the leased area if it is excessive for the number of stock owned by the lessee.

8. The Secretary may exclude stock from a specified area whenever it is determined that such area is required for the protection of camping places, sources furnishing drinking water to communities, roads and trails, town sites, mining claims, and for feeding grounds near villages for the use of draft animals or near the slaughtering or shipping points for use of stock to be marketed, and for reasonable native berrying grounds.

DEFINITIONS

9. "Natives," as mentioned in section 6 of the act, is defined as meaning members of the aboriginal races inhabiting Alaska, of whole or mixed blood.

(a) "Other occupants of the range" is defined as meaning persons occupying the range on March 4, 1927, and the area regarded as occupied by this class will be limited in the case of homesteaders or other claimants under public land laws to the area actually used or occupied on that date.

(b) "Settlers" will be regarded as those persons who have established and maintained a bona fide residence within or adjacent to a grazing district either before or after March 4, 1927.

PREFERENCE

10. Preference will not be granted according to the classes listed under section 6 of the act where to do so would oust others who have been grazing the land applied for if it is determined that such other persons should be protected.

11. Any person claiming a preference right to a lease must fully state the facts, by affidavit duly corroborated, on which such claim is made.

CORPORATIONS

12. If an application for a lease is filed in the name of a corporation, the applicant must be prepared to furnish such evidence of the creation of the corporation as the Secretary may require.

DESCRIPTION OF LANDS

13. If the land for which a lease is desired is surveyed, it must be described by legal subdivision. If the land is unsurveyed, it may be shown by a map drawn to appropriate scale, showing the land in relation to rivers, creeks, mountains, mountain peaks, towns, islands, or other prominent topographic features or natural objects, with the approximate latitude and longitude of at least one point on the boundary.

14. Leases will be granted for grazing on a definite area, except where local conditions or the administration of the grazing privileges

makes more practicable a lease based on the number of stock to be grazed.

PAYMENTS

15. Unless otherwise provided, each lessee shall pay to the proper district land office such annual rental, per head or per acre, as may be determined is a fair compensation to be charged for the grazing of livestock on the leased land, the compensation to be fixed with due regard to the general economic value of the grazing privilege. The date for making the annual payment will be specified in the lease.

(a) If the rental is to be paid according to the number of animals grazed, no charge will be made for animals under one year of age at the time of entering on the leased area, provided they are the natural increase of the stock upon which fees are paid.

ASSIGNMENTS

16. Proposed assignments, in whole or in part, of a lease must be submitted to the Secretary for approval, and must be accompanied by the same showing as is required of applicants for a lease.

DRIVEWAYS

17. When it appears necessary for stock to regularly cross any portion of an established grazing district, and undue injury to other interests will not result, suitable driveways may be established. Such driveways will be as short and as easy of passage and access as the character of the country and the protection of other interests will permit. They will be established with care for the interests of lessees using adjoining ranges. Where driveways are reserved along well-defined routes which must be traveled, all grazing on these areas will be prohibited except by stock in transit.

QUARANTINE REGULATIONS

(a) It is absolutely essential that persons driving or transporting stock from one point to another comply with the quarantine regulations prescribed by the Territorial or other proper authorities, and unless they do so the privilege may be denied them. The condition of the stock as to contagious or infectious diseases will be determined by the proper Federal or Territorial authorities.

CROSSING PERMITS

18. Crossing permits will ordinarily not be required when the period for crossing is short, when the stock will be driven along a public highway and will not be grazed upon the leased land, or when such crossing will not interfere with the grazing district administration or other related interests.

(a) Free crossing permits will be issued by the division inspector when good grazing administration or the protection of other related interests do not make the issuance of such permits objectionable. Applicants for crossing privileges must make their applications to the division inspector, or such other officer as he may designate, sufficiently in advance of the date when such privilege is to begin to

enable the proper officer to handle the details of the business and to give such sufficient notice of the proposed drive to the lessee that he will be able to remove his animals from the line of the drive if he so desires. The application must show the number of stock to be driven, the date of starting, and the approximate period required for crossing.

(b) Applications for crossing permits may be made either in person or by letter, and permits may be issued to either the owner or persons in charge of the stock.

(c) If the land to be crossed is uninclosed and the lessee does not desire to waive the right to its exclusive use, the stock must be so handled that the animals will not intrude upon the adjoining grazing areas.

(d) If a shipping point within a grazing district is the only one reasonably accessible to persons grazing stock outside that grazing district, crossing privileges may be allowed under such restrictions as are necessary to protect the interests of the lessee.

FREE GRAZING

19. Any person, including prospectors and miners, may graze, free of charge, not more than 10 animals upon any land included within any grazing district upon applying to the division inspector, in person or by letter, stating the number and kind of stock to be thus grazed and the approximate time such grazing will be continued.

NATIVES OR HALF-BREEDS

20. Any Eskimo or other native or half-breed, or association thereof, may apply for a grazing allotment on unallotted public lands, and the same lease shall be issued to him or them as to other persons, except that no annual rental will be charged for such lease. Such applicant must show by a corroborated statement that the applicant is an Eskimo or other native or half-breed, or an association thereof, and entitled to such lease without charge.

21. When such Eskimo, native, or half-breed grazes his livestock, through cooperative agreement, on an allotment held by other lessees or permittees, any grazing fee charged for said land on the basis of acreage will be reduced in proportion to the relative number of such native-owned livestock to the total number on said allotment.

ADVISORY BOARDS

22. Whenever any livestock association, whose membership includes a majority of the lessees or permittees owning any class of livestock using a range district unit or allotment, shall select a committee, an agreement on the part of which shall be binding on the association, such committee, upon application to the Secretary, may be recognized as an advisory board for the association. Such advisory board shall then be entitled to receive notice of proposed action and have an opportunity to be heard by the local representative of the Secretary in reference to increase or decrease in the number of stock to be allowed for any year, the division of the range between owners, or the adoption of rules to meet local conditions.

(a) When an association represents only a minority of the lessees or permittees owning any class of livestock, but its members own 75 per cent of that class of livestock using the range, its advisory board may be recognized upon petition of a sufficient number of other owners to constitute a majority of all the grazing lessees or permittees affected.

(b) Upon request from, and with the approval of, an officially recognized advisory board the Secretary may adopt special rules to regulate the use and occupancy of the range and to prevent damage to the range areas, under rules to be binding upon and observed by all lessees or permittees grazing stock within the range involved. Such conditions as may be necessary may be imposed upon the handling of permitted stock, the employment of herders to confine the stock to the allotted ranges, the distribution of salt, the enforcement of Territorial livestock laws, and the construction of permanent improvements to protect the range or facilitate the handling of stock.

OTHER CONDITIONS

23. All conditions contained in the prescribed form (4-470) of lease, but not otherwise mentioned in these regulations, will be considered as a part hereof.

HOMESTEADS

1. All unappropriated public lands in Alaska adaptable to any agricultural use are subject to homestead settlement, and, when surveyed, to homestead entry, if they are not mineral or saline in character, are not occupied for the purpose of trade or business and have not been embraced within the limits of any withdrawal, reservation or incorporated town or city.

SETTLEMENT ON UNSURVEYED LAND

2. A settlement claim on unsurveyed land must be rectangular in form, not more than 1 mile in length, located by lines running north and south, according to the true meridian, the four corners being marked by permanent monuments, unless a departure from such restrictions is authorized by the act of April 13, 1926 (44 Stat. 243). The said act permits a departure from the restrictions mentioned where by reason of local or topographic conditions it is not feasible or economical to include in rectangular form with cardinal boundaries the lands desired. Under the conditions recited in the law as justifying such departure, it will be sufficient that the claims shall be compact and approximately rectangular in form and where a departure from cardinal courses in the direction of boundary lines is necessary in order to include the lands desired there will be no restriction as to the amount of such departure. The modification of former practice in the matter of form and direction of boundaries is not to be construed, however, as authorizing the lines of the claims to be unduly extended in any such manner as will be productive of long narrow strips of land departing materially from the compactness of the tract as a whole.

NOTICE OF SETTLEMENT

3. In addition to marking the claim by permanent monuments at each corner, the settler, in order to protect his claim, must post a notice of the location on the land and must, within 90 days after the settlement, file a copy of the notice for record with the commissioner of the recording district in which the land is situated. The location notice should contain the name of the settler, the date of the settlement, and such description of the land claimed by reference to some natural object or permanent monument as will serve to identify it.

SETTLEMENT ON SURVEYED LANDS

4. Settlement on any part of a surveyed quarter section subject to homestead entry gives the right to enter all of that quarter section; but if a settler desires to initiate a claim to surveyed tracts which form a part of more than one technical quarter, he should define his claim by placing some improvements on each of the smallest subdivisions claimed. As to such claims no posting or recording of a location notice is required, but an application for entry must be filed at the United States land office within three months after the date of settlement in order to preserve the preference right of entry as against subsequent settlers.

PRESCRIBED FORM OF APPLICATION

5. Application to make homestead entry for lands in Alaska should be presented on Form 4-007, the form prescribed for homestead entries under section 2289, United States Revised Statutes.

AFFIDAVITS WHICH SHOULD ACCOMPANY APPLICATION ON PRESCRIBED FORM

6. Each application on the prescribed form should be accompanied by a corroborated affidavit showing:

(1) That the land applied for does not extend more than 160 rods along the shore of any navigable water or that the restriction as to length of claim has been waived and that the land is not within a distance of 80 rods along any such water from any location theretofore made with soldiers' additional rights or as a trade and manufacturing site, homestead, Indian or Eskimo allotment, or school indemnity selection. This showing, however, is not required where a petition for restoration is filed, as permitted in paragraph 2, under the heading "Shore Space Restrictions and Reservations."⁹

(2) That the land is not within an area which is reserved because of springs or water holes thereon. All facts relative to medicinal or other springs or water holes must be stated as set forth in paragraph 3 under the heading "Springs and Water Holes."¹⁰

OFFICERS AUTHORIZED TO ADMINISTER OATHS IN HOMESTEAD CASES
IN ALASKA

7. An application to enter lands in Alaska may be sworn to before the register or the receiver or the acting register of the district in

⁹ See p. 246.

¹⁰ See p. 253.

which the land lies or before any court, judge, or other officer in Alaska, or in the United States outside of Alaska, authorized by law to administer an oath. Except as to officers of the district land office, the official character of any officer not using a seal must be certified to under seal by the clerk of the court having record of his appointment and qualifications.

DESCRIPTION OF LANDS IN APPLICATION

8. A homestead application must describe the lands desired according to legal subdivisions as shown by the plat of survey, and, excepting that it must thus conform and that the lands must be contiguous, there is no restriction as to the shape of the tract which may be entered. Where a settlement was made and a location notice posted and filed for record before the extension of the surveys, the application should make reference thereto; it should be stated also to what extent the land applied for is different from that covered by the notice; and the settler may not abandon all of the subdivisions covered by the location unless a showing is made which would justify amendment of his claim.

AREA SUBJECT TO APPROPRIATION

9. A homestead settlement or entry in Alaska is restricted to 160 acres, except in the case of a settlement made before July 8, 1916, or an entry based thereon, which may include as much as 320 acres, provided notice of the settlement was filed for record in the recording district in which the land is situated within 90 days after the settlement was made and the settlement was duly maintained until the filing of the application for entry and provided the applicant has not exhausted his homestead right in whole or in part in the United States.

LIMITATION OF ACREAGE

10. The act of August 30, 1890 (26 Stat. 391), provides that no person who shall, after the passage of the act, enter upon any of the public lands with a view to occupation, entry, or settlement under any of the public land laws shall be permitted to acquire title to more than 320 acres in the aggregate, under all of said laws. A former homestead entry outside of Alaska is not counted as a part of this acreage in connection with a homestead entry of 160 acres in Alaska. The fact that one may have acquired title to 160 acres under the homestead laws, or other agricultural public land laws, outside of Alaska, since August 30, 1890, does not disqualify him from entering 320 acres under the homestead laws in Alaska, based on settlement made prior to July 8, 1916.

QUALIFICATIONS REQUIRED

11. Any person who is qualified to make an ordinary homestead entry in the United States under section 2289, United States Revised Statutes, is qualified to make homestead entry in Alaska, and a former homestead entry outside of Alaska does not bar the claimant's right to make entry in that Territory for not exceeding 160 acres.

SECOND ENTRIES

12. No showing is required of an applicant for 160 acres in the Territory as to a former homestead entry outside of the Territory, but if the applicant has made homestead entry or filed a location notice of a settlement in the Territory and failed to perfect title to the land, he must, in connection with another application to make homestead entry in the Territory, make the showing required by the act of September 5, 1914 (38 Stat. 712), explained in Circular No. 354 (43 L. D. 408).

ADDITIONAL ENTRIES

13. Any person otherwise qualified who has made final proof on an entry for less than 160 acres may make an additional entry for contiguous land under the act of April 28, 1904 (33 Stat. 527), or for noncontiguous land under the act of March 2, 1889 (25 Stat. 854), for such area as when added to the area previously entered will not exceed 160 acres. The requirements in connection with such entries are set forth in Circular No. 541. An additional entry under the act of April 28, 1904, is not subject to commutation.

APPLICABLE LAWS

14. All homestead claims in Alaska must be perfected under and in accordance with the provisions of the three-year homestead law of June 6, 1912 (37 Stat. 123), and regulations thereunder, contained in Circular No. 541, except claims initiated prior to its passage, which may be perfected under either the three-year or the five-year law.

ESTABLISHMENT OF RESIDENCE

15. Residence must be established upon the claim within six months after the date of the entry or the recording of the location notice, as the case may be; but an extension of not more than six months may be allowed, upon application duly filed, in which the entryman shows by his own affidavit, and that of two witnesses, that residence could not be established within the first six months, for climatic reasons, or on account of sickness, or other unavoidable cause.

LEAVE OF ABSENCE

16. A leave of absence for one year or less may be granted by the district officers to a homesteader who has established actual residence on the land, where failure or destruction of crops, sickness, or other unavoidable casualty has prevented him from supporting himself and those dependent upon him by cultivation of the land.

RESIDENCE AND CULTIVATION REQUIRED—PERMISSIBLE ABSENCES

17. A homestead entryman must show residence upon his claim for at least three years; however, he is entitled to absent himself during each year for not more than two periods making up an aggregate of five months, giving written notice to the district land office of the time of leaving the homestead and returning thereto.

There must be shown also cultivation of one-sixteenth of the area of the claim during the second year of the entry and of one-eighth

during the third year and until the submission of proof, unless the requirements in this respect be reduced upon application duly filed. The law provides also that the entryman must have a habitable house upon the land at the time proof is submitted.

TRANSFERS BEFORE PROOF

18. In Alaska, as in the United States, a forfeiture of the claim results from a transfer of any part of the land or of any interest therein before the submission of the proof, with certain exceptions specified by law. In the Territory transfers for church, cemetery, or school purposes to the extent of 5 acres and for railroad rights of way across the land having an extreme width of 200 feet are permitted.

COMMUTATION OF ENTRIES

19. To the extent of not more than 160 acres an entry may be "commuted"; that is, the claimant may show 14 months' residence upon the land and cultivation of one-sixteenth of the area commuted and pay \$1.25 per acre therefor, cash certificate thereupon issuing, followed by patent in the usual manner. In such cases, the homesteader is entitled to a five months' absence in each year, but can not have credit as residence for such period, actual presence on the land for 14 months being required. However, an additional entry under the act of April 28, 1904 (33 Stat. 527), or a national forest homestead under the act of June 11, 1906 (34 Stat. 233), is not subject to commutation.

SURVEY WITHOUT EXPENSE TO SETTLER

20. The land included in a settlement claim may be surveyed without expense to the settler provided he has sufficiently complied with the law in the matter of residence, cultivation, and improvements to submit three-year proof.

Petition for survey should be filed in duplicate in the proper district land office, describing the land settled upon by approximate latitude and longitude and otherwise with as much certainty as possible without actual survey. The petition should show the date when the settlement was made, the dates from which and to which the settler has resided upon the land, the number of acres cultivated each year and the results of the cultivation, and the character and value of the improvements on the land. The petition should also show that the land does not extend more than 160 rods along the shore of any navigable water or that the 160-rod inhibition has been waived; also that the land is not within a distance of 80 rods along any navigable water from any location theretofore made with soldiers' additional or lieu selection rights, or as a trade and manufacturing site, homestead or Indian allotment, or that the land has been restored from reservation. The petition should be sworn to by the applicant and it should be corroborated by the affidavits of two persons having knowledge of the facts.

The register and receiver will assign a current serial number to the petition and will transmit the original copy thereof to the General Land Office, and if they find the showing satisfactory, if no shore-space question is involved, and in the absence of other objec-

tion they will send the duplicate copy of the petition to the cadastral engineer in charge of the public survey office, who, not later than the next succeeding surveying season will issue instructions for the survey of the land without expense to the applicant.

If deemed advisable the cadastral engineer in charge will direct the survey of the land under the rectangular system instead of the survey of the particular claim by metes and bounds.

If a shore space question is involved, the request for survey should be accompanied by a petition, in duplicate, for the waiver of the restriction as to length of claim or for the restoration of the land from reservation, or both.¹¹ In such case the register and receiver will send the original of both petitions to the General Land Office and the duplicate of both petitions to the division inspector. The latter will report whether or not there is objection to the waiver or restoration requested or to the making of the survey. The report will be made to the General Land Office, as in other cases, but the division inspector will send a copy of the report to the public survey office at Juneau, Alaska, together with the duplicate of the petition for survey and of the petition for waiver or restoration. If a favorable report is made the survey may be proceeded with in the public survey office in like manner as though the land had been restored; but the survey will not be accepted by the General Land Office and an application to enter based thereon will not be entertained unless and until the land is actually restored. In the case of an unfavorable report by the division inspector, action on the petition for survey will be suspended until final action has been had on the petition for restoration.

SURVEY AT EXPENSE OF SETTLER

21. A settler who wishes to secure earlier action in the matter of survey, or one who wishes to submit commutation proof, may have a survey made at his own expense by a deputy surveyor appointed by the United States supervisor of surveys.

APPLICATION TO ENTER LAND INCLUDED IN SPECIAL SURVEY

22. After a special survey has been made, application to enter should be made as in the case of other settlements on surveyed lands.

SUBMISSION OF PROOF

23. Proof may be submitted without previous notice of intention by publication, but it should not be submitted in advance of a special survey.

Whenever the claimant is ready to submit proof, he may appear, with two witnesses having knowledge of the facts, before either the register and receiver of the district in which the land is situated or before any other officer authorized to administer oaths in homestead cases¹² and submit proof of his residence, cultivation, and improvements on the land. The proof testimony must be filed in the district land office.

¹¹ See p. 246.

¹² See p. 209, par. 7.

FEES AND COMMISSIONS

24. The same payments as fees and commissions are required in connection with homestead entries and proofs in Alaska as must be made in connection with ordinary homestead entries in the State of Oregon. The amounts are set forth in Circular No. 541.

PUBLICATION AND POSTING

25.¹³ The register and receiver, upon receipt of the application to enter and the proof testimony, will carefully examine same, and if they find same satisfactory and if the required payments have been made, they will allow the application and will issue and transmit to the entryman notice for publication reading as follows:

Final proof testimony on homestead entry — embracing — has been submitted by —, entryman, and his witnesses, —, residing at —, and —, residing at —, and is now in the files of the district land office at —, Alaska, and if no protest is filed in the district land office at — on or before —, said final proof will be accepted and final certificate issued.

The register will send a copy of the proof notice to the division inspector for report.

Where a special survey has been made, the proof notice must give the survey number and also the metes and bounds description of the land, and it must be published at the expense of the applicant for a period of 60 days in a newspaper designated by the register as being one of general circulation nearest the land. If the paper be published daily, there must be 60 insertions of the notice; if daily except Sunday, 52 insertions; if semiweekly, 18 insertions; and if weekly, 9 insertions. Moreover, for 60 consecutive days during the period of publication the entryman must keep a copy of the plat,¹⁴ and of his notice of having made proof, posted in a conspicuous place on the land.

Where the public system of surveys has been extended over the land, and the claimant has an entry allowed in conformity therewith, publication of notice will be required for a period of 30 days only. If this be in a daily paper, the publication must be inserted in 30 consecutive issues; if daily except Sunday, in 26; if semiweekly, in 9; and, if weekly, in 5 consecutive issues. No posting on the land will be required.^b

The register must cause a copy of the notice to be posted in his office during the entire period of publication.

ADVERSE CLAIM

26. In conformity with provision contained in section 10 of the act of May 14, 1898 (30 Stat. 413), during the period of posting and publication or within 30 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 the application is pending, under oath, an adverse claim setting forth the nature and extent thereof, and such adverse claimant shall, within 60 days after the

¹³ See amendment, p. 277.

¹⁴ See p. 255, par. 9(e).

^b See instructions of Oct. 19, 1929, p. 1149.

filing of such adverse claim, begin action to quiet title, in a court of competent jurisdiction in 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.

Where such adverse claim is filed action on the application will be suspended until final adjudication of the rights of the parties in the court or until it has been shown that the adverse claimant did not commence an action in the court within the time allowed.

Any protest which may be filed which does not show that the protestant intends to commence an action to quiet title, as stated, and any contest which may be filed will be disposed of by the register and receiver in accordance with the Rules of Practice (51 L. D. 547).¹⁵

PROOF OF PUBLICATION AND POSTING

27. The proof of publication must consist of the affidavit of the publisher or foreman of the designated newspaper, or some other employee authorized to act for the publisher, 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 a supplement. Proof of posting on the claim must consist of the affidavits of the applicant and one witness who of their own knowledge know that the plat of survey and proof notice were posted as required and remained so posted during the required period. The register must certify to the posting of the notice in a conspicuous place in his office during the period of publication.

ISSUANCE OF CERTIFICATE

28. Upon the expiration of the period allowed for the filing of adverse claims, if all necessary proofs and payments have been made, and in the absence of objection then appearing, the register will issue final or cash certificate as may be proper.

NATIONAL FOREST HOMESTEADS

The act of June 11, 1906 (34 Stat. 233), providing for homestead entries of agricultural lands within national forests applies to such lands in Alaska. Circular No. 263 (49 L. D. 9) has been issued under this act.

National-forest entries may be made only after the lands desired have been listed by the Secretary of Agriculture as agricultural in character and after a declaration by the Secretary of the Interior that the listed lands are subject to settlement and entry.

Information as to the boundaries of the forests, the method of applying for listing, etc., may be obtained by addressing the Forester, Washington, D. C., or the United States district forester at Juneau, Alaska.

Homestead entries in national forests are limited in area to 160 acres and are subject to the general homestead laws and regulations,

¹⁵ See p. 199.

except that no commutation is allowed. Application should be made on Form 4-007, as in other cases.

In the matter of form of entry and direction of boundaries, homestead settlements and entries in national forests in Alaska are subject to the same conditions and provisions as are applicable to other homestead claims in Alaska;¹⁶ otherwise, the regulations governing the survey of homestead entries in national forests, contained in Circular No. 235 (42 L. D. 124), are applicable.

No showing as to shore space,¹⁷ or as to springs or water holes,¹⁸ is required in connection with homestead entries in national forests in Alaska.

HOMESTEADS ON COAL, OIL, AND GAS LANDS

Provision for homestead entries on coal, oil, and gas lands in the Territory of Alaska, with a reservation of the mineral deposits, was made by the act of March 8, 1922 (42 Stat. 415), and entries thereunder will be governed by the following instructions:

SCOPE OF ACT

1. The act provides that upon the unreserved, unwithdrawn public lands in the Territory of Alaska homestead claims may be initiated by actual settlers on public lands which are known to contain workable coal, oil, or gas deposits, or which may be, in fact, valuable for the coal, oil, or gas contained therein. Thus, by the class last named, provision is made for cases in which land is not at the date of the initiation of the claim thereto actually known to contain workable coal, oil, or gas deposits, but in which it becomes known, during the interval between the initiation of the claim and its completion, that the land is, in fact, valuable for the coal, oil, or gas contained therein.

It also provides that homestead claims so initiated may be perfected under the appropriate public land laws and that, upon satisfactory proof of full compliance with these laws, the claimant shall be entitled to patent to the lands entered by him, which patent shall contain a reservation to the United States of all the coal, oil, or gas in the land patented, together with the right to prospect for, mine, and remove the same.

The act constitutes, therefore, an extension to the Territory of Alaska of the principles of the surface homestead acts already in force in the public-land States, namely, the acts of March 3, 1909 (35 Stat. 844), June 22, 1910 (36 Stat. 583), and July 17, 1914 (38 Stat. 509).

HOMESTEAD APPLICATIONS

2. Applications to make homestead entry for land embraced in a coal, oil, or gas prospecting permit or coal lease should be suspended and forwarded to the General Land Office for consideration and instructions, but if for lands embraced in an oil or gas lease, should be rejected, subject to appeal.

Applications to make homestead entry for land classified as or known to be valuable for coal, oil, or gas must have written, stamped, or printed upon their face the following:

¹⁶ See p. 208, par. 2.

¹⁷ See p. 244.

¹⁸ See p. 252.

Application made in accordance with and subject to the provisions and reservations of the act of March 8, 1922 (42 Stat. 415).

Like notations will be made by registers upon the face of the notices of allowance issued on applications filed under this act. If, prior to the date of the filing of the homestead application, the land was embraced in a prospecting permit or coal lease, the notice of allowance should contain substantially the following:

The records of this office show that (*here insert the name of permittee or coal lessee*) has been granted a prospecting permit (*or coal lease, as the case may be*) affecting the (*here insert description of land*), and has the right to occupy so much of the surface thereof as may be required for all purposes reasonably incident to prospecting for and the removal of the coal (*or drilling for and the extraction of the oil and gas, as the case may be*), without liability to the homestead entryman for resulting damages to his crops and improvements.

FINAL CERTIFICATES AND PATENTS

3. Final certificates issued to homestead claimants under this act will contain the following provision, which the register will cause to be written or stamped thereon:

Patent will contain provisions, reservations, conditions, and limitations of the act of March 8, 1922 (42 Stat. 415).

There will be incorporated in patents issued to homestead claimants under this act the following:

Excepting and reserving, however, to the United States all the (deposit on account of which the lands are withdrawn, classified, or reported to be valuable—coal or oil and gas, as the case may be) in the lands so patented, and to it or persons authorized by it, the right to prospect for, mine, and remove such deposits from the same upon compliance with the conditions and subject to the provisions and limitations of the act of March 8, 1922 (42 Stat. 415).

NOTATIONS OF RECORDS

4. Upon the acceptance by you of any filing under this act, you will make appropriate notation on your records to show that the filing was made under the provisions of the act. You will make a similar notation on the margin of the township plat, if any, giving the description of the land in which the deposits have been reserved.

SOLDIERS' ADDITIONAL HOMESTEADS

5. The final proviso to the act excludes all the lands in Alaska withdrawn, classified, or valuable for coal, oil, or gas, from entry or disposition by means of the location of rights under section 2306, Revised Statutes, commonly known as soldiers' additional homestead entries.

DISPOSAL OF MINERAL DEPOSITS

6. Section 2 of the act provides that, upon satisfactory proof of full compliance with the provisions of the laws under which entry was made and with the provisions of the act itself, the homestead claimant shall be entitled to a patent to the land entered by him, which patent shall contain a reservation to the United States of all the coal, oil, and gas in the land so patented, together with the right to prospect for, mine, and remove the same; and that the coal, oil, and gas deposits so reserved shall be subject to disposal by the

United States in accordance with the provisions of the laws applicable to coal, oil, or gas deposits, or coal, oil, or gas lands in Alaska, in force at the time of such disposal. It also provides that any person qualified to acquire coal, oil, or gas deposits, or the right to mine and remove the coal, or to drill for and remove the oil or gas, under the laws of the United States shall have the right at all times to enter upon the lands as provided by this act for the purpose of prospecting for coal, oil, or gas upon the approval, by the Secretary of the Interior, of a bond or undertaking to be filed with him as security for the payment of all the damages to the crops and improvements on such lands by reason of such prospecting; and that any person who has acquired from the United States coal, oil, or gas deposits in any such land or the right to mine, drill for, or remove the same, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining and removal of the coal, oil, or gas therefrom, and mine and remove the coal or drill for and remove the oil or gas upon payment of the damages caused thereby to the owner thereof, or upon giving a good and sufficient bond or undertaking, in an action instituted in any competent court to ascertain and fix the said damages,

There is no provision under the law for prospecting prior to the actual issuance of a permit therefor.

PERMITTEES' BONDS

7. Provision is made by the act of March 4, 1921 (41 Stat. 1363), for coal prospecting permits in Alaska, and by the act of February 25, 1920 (41 Stat. 437), for oil prospecting permits. In order lawfully to mine, remove, or drill for the coal, oil, or gas affected by this act, the permittee must file a waiver from, or a consent of the homestead claimant, or there must be presented to and be approved by the Secretary of the Interior a bond or undertaking for the payment of all damages to the crops and improvements on the lands prospected caused by the prospecting.

FORM OF PERMITTEE'S BOND

8. There must be filed with such bond or undertaking evidence of service of a copy thereof upon the homestead claimant. The bond must be executed by the prospector as principal with two competent individual sureties, or a corporate surety which has complied with the provisions of the act of August 13, 1894 (28 Stat. 279), as amended by the act of March 23, 1910 (36 Stat. 241), in the sum of \$1,000. Except in the case of a bond given by a qualified corporate surety there must be filed therewith affidavits of justification by the sureties and a certificate by a judge or clerk of a court of record, a United States district attorney, a United States commissioner, or a postmaster as to the identity, signatures, and financial competency of the sureties.

This bond or undertaking may be filed as a matter of expedition at the time of the filing by the mineral claimant of his application for a permit or the filing may be deferred until formal notice of the necessity therefor shall be received from the General Land Office. For forms of bonds which should be utilized see 50 L. D. 129 to 131, inclusive.

LESSEES' BONDS

9. There is no provision for the presentation to this office of bonds executed to or for homestead claimants by lessees or by persons who have acquired from the United States coal, oil, or gas deposits or the right to mine, drill for, or remove the same. In such cases bonds are to be arranged for in an action instituted in any competent court to ascertain and fix the damages suffered.

HOMESTEAD CLAIMANT'S LIMITED RIGHT TO MAKE USE OF THE COAL DEPOSITS

10. The homestead claimant under this act may, at any time prior to the disposal by the United States of the coal deposits on his claim, make use of them for his domestic purposes and this may be done without the filing of any application therefor. This privilege does not, however, authorize the mining of the coal deposits for the purpose of barter or sale.

ALLOTMENTS TO INDIANS AND ESKIMOS

1. The proceeding to secure an allotment under the act of May 17, 1906 (34 Stat. 197), will be initiated by a written application to the register and receiver, signed by the applicant and describing the location and extent of the tract applied for, and, if unsurveyed, by as accurate a description as possible by metes and bounds, and natural objects, and its position with reference to rivers, creeks, mountains or mountain peaks, towns, or other prominent topographical points of natural objects or monuments, giving the distances and directions as accurately as possible, especially with reference to any well-known trail to a town or mining camp, or to a river or mountain appearing on the map of Alaska. Notice of the application should be posted upon the land, describing the tract applied for, in the terms employed in the application, and a copy of such notice should accompany the application. If the applicant is unable to write his name, it is desired that his thumb print to the application be obtained, in preference to his signature by mark, his thumb print to be witnessed by two persons. Allotments will not be made on tracts reserved by the United States as shore spaces under the act of March 3, 1903 (32 Stat. 1028),¹⁹ or within national forests, unless founded on actual occupancy prior to the establishment of the forest, or unless the Secretary of Agriculture certifies that the application is allowable under section 31 of the act of June 25, 1910 (36 Stat. 855, 863), and provided the applicant shows occupancy, residence, or improvements required by said section. The application if filed under said section 31 should be made on form 5-149, and should contain a reference to the act of May 17, 1906.

Reserved shore spaces eliminated under the provisions of the act of June 5, 1920 (41 Stat. 1059), may, in the discretion of the Secretary of the Interior, be allotted under the terms of said act of May 17, 1906, and these regulations, and the terms and provisions of said act of June 5, 1920, and instructions thereunder.

¹⁹ See p. 244.

AFFIDAVITS

2. The applicant must also file his or her affidavit of qualification under the statute, and if claiming under the preference-right clause, the date of the beginning of his occupancy must be given, and its continuous nature stated. This must be corroborated by an affidavit of two witnesses, who may be Indians or Eskimos.

3. A nonmineral affidavit must also be filed by the applicant, sworn to only on personal knowledge and not on information and belief.

4. The affidavits may be sworn to before the proper register or receiver, or any officer authorized to administer oaths and having a seal.

MARRIED WOMAN

5. If the application is made by a woman, she must state in her affidavit whether she is single or married, and if married must show what constitutes her the head of a family, as it is only in exceptional cases that a married woman is entitled to an allotment under this act.

ACTION ON APPLICATION

6. The register and receiver will receive and suspend applications for allotments filed under this act, number such applications in accordance with the circular of August 9, 1918 (46 L. D. 513), and note the same on the schedules forwarded at the end of the month, as required by said circular, giving in the "Remarks" column the date of transmittal to the division inspector. Where the application is found by the district land officers to be complete in all respects, as hereinbefore required, is not rejected by them for any reason, and is received, noted, and suspended by them to await completion of the hereinafter-mentioned proceedings, it operates as a segregation of the land. All claims for land presented to the register and receiver subsequent to the filing of such an application which conflict in whole or in part with such application for the land therein described shall be rejected.

PAPERS—FEES

7. The register and receiver will assist applicants in the preparation of their papers, as far as practicable, and, as the act makes no provision for any fees for filing, will make no charge in any of these cases.

REFERENCE TO DIVISION INSPECTOR

8. The application for allotment and all papers filed in connection therewith will, when such application is found satisfactory to the register and receiver, be referred by them to the division inspector.

REPORT FROM DISTRICT SUPERINTENDENT, BUREAU OF EDUCATION

9. Upon receipt of the record from the district land office, the division inspector will call on the district superintendent of the United States Bureau of Education for the district in which the proposed allotment is situated for a report covering such information as he may have in regard to the allotment, and particularly covering the following points:

(a) The location of the land, if necessary, to furnish a more accurate description than given in the application.

(b) The special value of the tract, either for agricultural uses or fishing grounds.

(c) What, if any, residence has been maintained on the tract by the applicant.

(d) The value and character of all improvements thereon.

(e) The fitness of the land as a permanent home for the allottee.

(f) The competency of the applicant to manage his own affairs.

(g) The presence or absence of any adverse claims and, if any such claims exist, a description thereof.

(h) The proximity of the claim applied for to other claims under said act of May 17, 1906.

(i) Such other information as may serve to aid in determining whether the application should be allowed, either in whole or in part, together with his recommendation as to the proper action in the premises.

APPLICATION FOR SURVEYED LAND TO BE ALLOWED

10. Upon receipt of favorable reports from the division inspector and district superintendent covering allotment applications hereafter filed, embracing lands covered by the public survey, the register and receiver may, all else being regular, and no valid objections thereto being apparent, allow the same, notice of which, by special letter, reading substantially as follows:

Your application under the act of May 17, 1906 (34 Stat. 197); No. _____, for _____, has been placed of record in this office and forwarded to the General Land Office.

This action segregates the land from the public domain, and no other application can be allowed therefor or settlement rights attach during the life of this application;

should be given to the applicant. Immediately upon the issuance of said notice copy thereof, appropriately marked, should be forwarded to each, the district superintendent, and the Commissioner of the General Land Office.

APPLICATION FOR UNSURVEYED LAND—LAND TO BE MARKED—LISTING DESCRIPTION TO BE FURNISHED BY INSPECTOR

11. Upon the receipt of the report of the district superintendent, in case of an application for unsurveyed land, the division inspector will, if in his judgment the report is sufficient, furnish or cause to be furnished by an inspector, as soon as may be convenient, and with as little expense to the Government as possible, and except in the matter of furnishing and installing the listing description monuments, without expense to the applicant, a listing description of the tract applied for. As basis for this listing description the land should be marked with substantial corners, properly installed and witnessed, uniformly marked and, except as provided for in paragraph 12 hereof, corner No. 1 thereof tied to the nearest location or mineral monument or corner of the public-land survey or other official patented survey if within a reasonable distance.

One of the aforesaid corners, preferably corner post No. 1, may be tied to the official survey of an approved allotment which has been properly tied to some established survey monument or corner of the public-land survey.

Except for the protection of preference rights acquired by actual occupancy, the land applied for must be taken by the applicant in rectangular form, and the lines must follow the true cardinal points as nearly as they may be determined, unless departure from such restrictions is authorized by the act of April 13, 1926 (44 Stat. 243),²⁰ and except in cases of preference rights acquired by actual occupancy, no application under said act will be favorably considered which embraces tracts of land situate upon both sides of a salmon stream or navigable or meanderable body of water. The land must be nonmineral in character, and no claim whatever may include in excess of 160 acres of such land.

12. Where the above referred to corner post is not tied to a corner of the public survey, but is tied to a location or mineral monument or one of the official surveys referred to in paragraph 11 hereof, the inspector's returns should contain a description of the location or mineral monument to which the corner, preferably corner No. 1, of the involved land is tied, by giving its latitude and longitude, and its position with reference to rivers, creeks, mountains or mountain peaks, towns, or other permanent topographical points or natural objects or monuments, giving the distances and directions as accurately as possible, especially with reference to any well-known trail to a town or mining camp, or to a river or mountain appearing upon the map of Alaska, which description shall appear in the aforesaid returns.

Where the corner post, preferably No. 1, is tied to one of the official surveys mentioned in paragraph 11 hereof the location of such post corner with relation to the other monuments of the involved land and the relation of such post to the mineral monument to which the same is tied should be given, together with the other data enumerated in this paragraph concerning the description and position of the mineral monument.

The description of such monuments should be obtained from the public-survey office and appear in a paragraph of the returns separate from the description of the courses and distances herein authorized to be furnished by the inspector.

In case the land is situated beyond a reasonable distance from a corner of the public survey or location or mineral monument or other survey mentioned in paragraph 11 hereof the location of the land with reference to known rivers, creeks, mountains, towns, trails, mining camps, or other permanent topographic features or natural objects or permanent monuments may be and should be shown in the inspector's above-mentioned work and in his returns and be depicted on the map of the section of Alaska in which the allotment is situated, which should accompany his said returns.

FACTS TO BE REPORTED ON BY INSPECTOR—SKETCH REQUIRED

13. The inspector will, after the service aforesaid shall have been performed by him, make report thereof to the division inspector.

This report in sextuplicate should be typewritten, cover all the field work done as basis for the foregoing listing description, and contain such a description of the involved land and report of the

²⁰ See p. 208, par. 2.

work done in connection with obtaining the listing description as will enable the Government and all parties interested to ascertain readily the location of said land from said report, even though all visible marks or other physical evidence of the boundaries may have been entirely obliterated. The report should be accompanied by a sketch, signed and dated by the inspector depicting the boundaries of the land and the position of same with relation to well-known natural and other objects, the location and description of which should be fully and accurately stated in the inspector's returns.

The returns and sketch or diagram above referred to should each bear the same date of approval.

DISPOSITION OF COPIES OF INSPECTOR'S REPORT

14. Immediately upon receipt of the above report and diagram from the inspector the division inspector will, if he approves the same, transmit three copies thereof to the register and receiver within whose land district the premises are situated and one copy thereof to the public survey office.

NOTATION OF LISTING DESCRIPTION IN PUBLIC SURVEY OFFICE—OTHER PROCEEDINGS

15. The cadastral engineer in charge of the public survey office will upon receipt of the report and sketch note same in a book to be kept for such purpose and, where practicable, note the location of the land on the district sheets of his office in pencil until such time as an official survey thereof shall be ordered or final disposition is made of the allotment adverse to the applicant. Information concerning the status of the allotment application may be obtained by the public survey office from the proper district land officers. The division inspector is also directed in those cases where he approves the returns aforesaid made by the inspector to amend over his signature the allotment application to conform with the description of the land referred to in said returns as furnished by the inspector's report and forward said application thus amended and conformed to the General Land Office properly indorsed so as to show the changes in description therein and the date when made. The original report or returns made by the inspector should be forwarded by the division inspector to the General Land Office at the same time the allotment application amended and conformed as hereinbefore directed is forwarded. He will retain in his files the remaining carbon copy of said returns. The report of the district superintendent, approved by the division inspector in cases where the same meets with his approval, should also be transmitted to the General Land Office at the same time the amended application is forwarded as hereinbefore directed, together with such suggestions as to the application as may seem to him appropriate.

NOTATION OF LISTING DESCRIPTION IN DISTRICT LAND OFFICE

16. The register and receiver, as soon as they shall have received the aforesaid copies of diagrams and report from the division inspector will appropriately note their records so as to show the location, as shown by the listing description aforesaid, of the lands applied for.

APPLICATION FOR UNSURVEYED LAND WITH LISTING DESCRIPTION TO BE ALLOWED

17. Upon making the notations required by paragraph 16 hereof so as to further conform the application to the description thus furnished by the division inspector the register and receiver will relieve the application from suspension and place the same, as thus amended, of record, all else being regular, immediately reporting to the General Land Office by special letter their action in the premises and the date thereof. Notice of the above action of the district land officers should also be given, in writing, to the applicant and to the district superintendent of the United States Bureau of Education for the district in which the land thus applied for is situated, and each should be furnished with a copy of the returns or listing description, including diagram, furnished to the register and receiver by the division inspector as aforesaid. The copy of the inspector's report furnished the register and receiver by the division inspector should be retained by them until the application is finally disposed of, whereupon same should be forwarded by special letter to the General Land Office, with appropriate remarks.

EFFECT OF ALLOWANCE BY REGISTER AND RECEIVER

18. The removal of the suspension aforesaid, amendment of the application in the manner and particulars heretofore and hereinafter referred to, and placing of applications of record do not necessarily mean that the applications for allotment will be approved. The indicated action simply further segregates and continues to segregate the land from subsequent conflicting applications therefor until the Secretary of the Interior, in his discretion, decides either to approve or disapprove the application or applications for allotment.

ADJUSTMENT TO PUBLIC SURVEY

19. Except in cases of surveys already made and approved pursuant to prior regulations and authorizations, and which are free from objections, and also, except in special cases, where special instructions for the survey of the unsurveyed land applied for are issued, it shall be the duty of the register and receiver, upon the filing of the township plat in their office and upon ascertaining, where necessary, from the public survey office whether its records disclose any allotment applications within the township (and provided the allotment application still stands of record in their office), to notify the applicant and the said superintendent thereof, each by registered letter, and to require the adjustment of the claim to the public survey within 90 days.

In default of action by the parties notified, the register and receiver will promptly, and as accurately as the records will permit, adjust the claim to the public-land survey and report their action to the General Land Office.

The said adjustment shall embrace such subdivisions and parts of subdivisions as shall include all of the applicant's improvements and possessions, if possible.

APPROVAL OF APPLICATION ADJUSTED TO PUBLIC SURVEY

20. If the Commissioner of the General Land Office, upon the entire record submitted, shall find the application meritorious, in whole or in part, he will, not earlier than five years from and after the date when the said application shall have been adjusted to the public-land survey, unless otherwise directed, submit the same to the Secretary of the Interior for his approval. In special cases, however, and without being specially directed so to do, the Commissioner may, if upon the entire record submitted he shall find the application meritorious, in whole or in part, submit the same to the Secretary of the Interior for his approval as aforesaid; and if so approved, special instructions for the survey thereof will then issue in accordance with the terms of the approval. Where such special cases are taken up, considered, submitted, and approved, and special instructions for their survey are issued in accordance with the terms of the approval, such cases or allotments shall be subject to the same requirements as to methods of survey, cardinal courses, and permanent markings of boundaries, except for the protection of preference rights acquired by actual occupancy, as land surveyed under United States laws in Alaska in general, in accordance with the instructions governing lands thus surveyed.

APPROVAL OF APPLICATIONS MADE IN CONFORMITY WITH PUBLIC SURVEYS

21. Allotment applications embracing lands covered by the public survey and allowed by the district land officers will also not be submitted to the Secretary of the Interior for his approval earlier than five years from the date of their allowance by the register and receiver as aforesaid, and not then until the hereinbefore referred to reports shall have first been made to the Commissioner of the General Land Office.

RECORD OF APPROVED ALLOTMENTS—CERTIFICATE TO ALLOTTEE

22. A schedule of all approved allotments shall be kept of record in the General Land Office; and, as the act makes no provisions for a patent, a certificate will issue showing the approval of the allotment (and the survey thereof, if surveyed) for delivery to the allottee.

DISPOSITION OF REPORT OF DISTRICT SUPERINTENDENT, BUREAU OF EDUCATION

23. If the report hereinbefore mentioned of the district superintendent to the division inspector does not fully cover all the facts, the division inspector will either return it to the district superintendent for further information or direct an investigation by an inspector of his office, as in his judgment may be deemed best; and, moreover, whether he approves or disapproves the recommendations made in the report of the district superintendent, he will transmit same to the Commissioner of the General Land Office with such suggestions as to the application as may seem to him appropriate.

APPLICATIONS AFFECTED

24. These regulations apply to all Indian allotment applications filed on or after September 8, 1923, and to all such applications filed prior to that date, which on that date had not been officially surveyed or approved by the department and which were not then in condition to be recommended for approval.

RESERVATIONS FOR INDIANS AND ESKIMOS

While there is no specific statute relating to the subject, yet the inherent power conferred upon the Secretary of the Interior by section 441, Revised Statutes, to supervise the public business relating to the Indians includes the supervision over reservations in the Territory of Alaska created in the interest of the natives and the authority to lease lands therein for their benefit. Opinion of the solicitor, May 18, 1923 (49 L. D. 592).

DISPOSAL OF LANDS

The tide or other lands in Alaska occupied or reserved for the Indians or natives can not be disposed of by them under existing law, but the power rests with Congress, with or without their consent, to provide for the ultimate disposal of these lands. Opinion of the solicitor, March 12, 1924 (50 L. D. 315).

LANDING AND WHARF PERMITS ON RESERVED SHORE SPACES

Section 10 of the act of May 14, 1898 (30 Stat. 409), the text of which is printed under the heading "Trade and Manufacturing Sites,"²¹ authorizes the Secretary of the Interior to grant the use of reserved shore space 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 landings and wharves at reasonable rates of toll to be prescribed by the Secretary of the Interior.

APPLICATION

1. Applications for landing and wharf privileges must be under oath, and should be addressed to the Secretary of the Interior and filed in the proper district land office for transmission to the General Land Office by special letter.

Applications should describe the tracts desired by words and by a preliminary diagram showing their position in connection with adjoining surveys and water front and by courses and distances where not defined by prior surveys. There should be filed diagrams and specifications of the proposed wharves and landings, showing their position in connection with the roadway used by vessels, the width of the channel, and the various soundings. Maps and such other papers as may be necessary to fully show the situation must be furnished. All buildings proposed to be erected should be shown

²¹ The text of the section of the act referred to has not been included in this publication.

on the diagram accompanying the application, and there should be indicated their use and whether they are for public or private purposes.

In an application by an individual or association, the citizenship of the individual and of the members of the association must be shown.

In case of a corporation a certified copy of the articles of incorporation and evidence of organization must be furnished in the same manner as is required where corporations apply for rights of way for railroad purposes.

USE OF LAND—TOLLS

2. The use of such land is limited to landings and wharves, and all rates of toll to be paid by the public must be submitted for approval of the Secretary of the Interior. The application should be accompanied by a proposed schedule of public toll charges; and if such charges are found to be reasonable, the schedule will be approved, subject, however, to revision as the public interests may thereafter require.

SURVEY—ISSUANCE OF PERMIT

3. If the application be allowed, the cadastral engineer in charge of the public survey office will instruct a United States surveyor to execute a survey and set permanent monuments to delineate the boundaries of the tract, and a permit will be issued granting the applicant the use of the land sought for landings and wharves, subject to the provisions and conditions prescribed by the statute, which permit will be revocable at the discretion of the Secretary of the Interior. The erection of wharves and piers in any port, roadstead, haven, harbor, canal, navigable river, or other water of the United States, outside of established harbor lines, or where no harbor lines have been established, must be in conformity with plans recommended by the Chief of Engineers and authorized by the Secretary of War; consequently such applications will be submitted to the War Department for approval, or such other action as that department may deem proper, before final action is taken in this department.

JURISDICTION IN NATIONAL FORESTS

4. Reserved spaces between claims upon navigable waters within existing national forests in Alaska are subject to the jurisdiction of the Secretary of Agriculture, pursuant to the act of February 1, 1905 (33 Stat. 628), and permits for the use of such spaces for landings and wharves must be obtained through that department.

PUBLIC LAND LAWS APPLICABLE IN ALASKA

The act of May 17, 1884 (23 Stat. 24), providing for a civil government for Alaska, in section 8, extended to Alaska "the laws of the United States relating to mining claims, and the rights incident thereto," but provided that "nothing contained in this act shall be construed to put in force in said district the general land laws of the United States." Similar provision is contained in sections 26

and 27 of the act of June 6, 1900 (31 Stat. 321), which also made provision for a civil government for Alaska.

However, in section 3 of the act of August 24, 1912 (37 Stat. 512), it was provided that "the Constitution of the United States, and all the laws thereof which are not locally inapplicable, shall have the same force and effect within the said Territory as elsewhere in the United States."

In an opinion dated June 29, 1915 (30 Op. Atty. Gen. 387), the Attorney General had occasion to consider the effect of the act of August 24, 1912, in respect to extending certain public-land statutes to Alaska,²² and, in this connection, he stated: "The express exception of the public land laws, found in the earlier organic acts, is here omitted; *all* the laws of the United States are to operate in Alaska save only such as may be locally inapplicable."

It follows, therefore, that whether or not any particular public land statute is applicable in the Territory depends on whether or not it may operate therein consistently with special legislation and with local conditions.

This publication contains the text of the principal public land statutes and the regulations thereunder, which relate exclusively to the Territory, and reference is made to other public land laws and regulations of a general character, which have been held applicable in the Territory.

The question whether any particular public land statute not referred to in this publication is or is not applicable in the Territory will be given consideration in each case as it arises.

MINERAL LANDS

1. The laws of the United States relating to mining claims were extended to Alaska by section 8 of the act of May 17, 1884 (23 Stat. 24), and sections 15, 16, and 26 of the act of June 6, 1900 (31 Stat. 321), again, in terms, extended the mining laws of the United States and all rights incident thereto, to the Territory, with certain further provisions with respect to the acquisition of claims thereunder. Instructions under the general mining laws are contained in Circular No. 430 (49 L. D. 15).

PLACER CLAIMS

2. The law in respect to placer claims in Alaska was modified and amended by the act of August 1, 1912 (37 Stat. 242), and section 4 of that act was amended by the act of March 3, 1925 (43 Stat. 1118).

The said act of August 1, 1912, applies exclusively to placer-mining claims located in Alaska on or after August 1, 1912. It does not in any manner relate to lode-mining claims, or placer-mining claims located prior to said date. The terms of the act lay strict limitations and conditions with respect to the placer locations made upon or after said date.

Section 1 of the act provides that no association placer claim shall be located after August 1, 1912, in excess of 40 acres. This limita-

²² See p. 241.

tion is positive, whatever may be the number of persons associated together or whatever the local district rules or regulations may permit.

Said section further provides that on every placer-mining claim located in Alaska after the passage of the act, and until patent therefor has been issued, not less than \$100 worth of labor must be performed or improvements made during each year, including the year of location, for each and every 20 acres or excess fraction thereof included in the claim. This means that the first annual expenditure on such a placer-mining location must be accomplished for and during the year in which the claim is located, instead of during the year succeeding that in which the location is made. Moreover, the amount of annual expenditure is dependent upon the size of the claim, it being required that at least \$100 must be expended for each 20 acres or excess fraction thereof embraced in the location.

By section 2 it is provided that no person, as attorney or agent for another, may locate any placer-mining claim unless duly authorized by a power of attorney properly acknowledged and recorded in some recorder's office within the judicial division where the location is made. Furthermore, an authorized agent or attorney can act in making locations of placer-mining claims for only two individual principals or one associate principal during any calendar month, and during that period may not lawfully locate more than two claims for any one principal, either individual or association. No placer claim can lawfully be located except in compliance with and under the limitations of the act.

In order that the Land Department may be fully advised in the premises, the following requirements must be met with regard to applications for placer-mining claims located in Alaska on or after August 1, 1912:

(a) Where location is made by agent or attorney the power of attorney must be in writing and must be executed and acknowledged in accordance with the laws of the Territory of Alaska or of the State, Territory, or District in which it shall be executed. It must be recorded in the proper recorder's office as prescribed by the act. The application for patent must be accompanied by a certified copy of such power of attorney, which must show the recordation thereof, but it will be sufficient if such certified copy is attached to and made a part of the abstract of title.

(b) One of the principal purposes of the act is to limit the number of placer-mining locations made in Alaska through agents or attorneys. An agent or attorney can not at one time represent more than two individuals or one association under powers of attorney. A duly authorized agent may make two locations for each of two individual principals, or for one association principal, during any calendar month, but he can make no further locations during that month for those or other principals.

The application for patent should accordingly be accompanied by the sworn statement of the agent or attorney setting forth specifically the names of all placer-mining claims, together with the dates of location and names of the locators, which were located or attempted to be located by him under powers of attorney during the calendar month in which the placer claim applied for was located.

(e) By section 3 it is prescribed that no person shall directly locate, or through an agent or attorney cause or procure to be located, for himself, more than two placer-mining claims in any calendar month, provided, however, that one or both of such locations may be included in an association claim.

Whenever a person or an association has participated in the locating of placer-mining claims in Alaska to the extent of two such claims in any calendar month, such person or such association thereby exhausts the right to make placer locations for that month. The application for patent, therefore, for a placer-mining claim located in Alaska on or after August 1, 1912, must contain or be accompanied by a specific statement, under oath, as to each locator who had an interest therein, showing specifically and in detail all placer locations made by him, or in which he was associated, either directly or through any agent or attorney, during the calendar month in which the claim applied for was located. If no locations in excess of those permitted by law were made during such calendar month, a specific statement, under oath, to that effect should be submitted. This showing must be made in addition to that hereinabove required of the agent himself.

Section 4 of the act, as amended, prohibits the patenting of any placer-mining claim located in Alaska after the passage of the act, which contains a greater area than that fixed by law or which is longer than three times its greatest width. The act of March 3, 1925 (43 Stat. 1118), provides that the greatest width of a placer claim in Alaska shall be determined by a transverse line drawn within the lines of the claim and at right angles to its longest side, and that this dimensional restriction shall not apply to any isolated parcel of placer ground which lies between and adjoins patented or validly located claims on all of its sides, and is not over 1,320 feet in length. The cadastral engineer in charge will be careful to observe the above requirements and will not approve any survey of a placer location which does not in area and dimensions conform to the provisions of law.

By section 5 of the act it is declared that any placer-mining claim attempted to be located in violation of the provisions and limitations of the act shall be null and void and the whole area covered by such attempted location may be located by any qualified person the same as if no such prior attempted location had been made. Consequently, any attempted placer location not made in conformity with the act is a nullity, and the land covered thereby is open for and subject to proper location at any time.

It will be observed that the act does not affect the number of claims, lode or placer, and if placer, whether located before or after the passage of the act, which may be included in a single application proceeding.

ANNUAL ASSESSMENT WORK

3. Under the act of March 2, 1907 (34 Stat. 1243), an unpatented mining claim in Alaska becomes forfeited for failure to complete the required assessment work during any assessment period, the act containing no provision for the protection or preservation of such claim through resumption of work.

IDENTIFICATION OF LANDS

4. A statement as to the descriptions which should be incorporated in field notes of survey not tied to a corner of the public survey, and in applications for patent based thereon, is given under the heading "Surveys."²³

PLATS AND FIELD NOTES

5. Copies of the plats and field notes of survey in mining cases will be made and disposed of in accordance with instructions given under the heading "Surveys."^{23a}

RATES FOR NEWSPAPER PUBLICATIONS

6. Section 2334 of the Revised Statutes provides for the appointment of surveyors to survey mining claims, and authorizes the Commissioner of the General Land Office to establish the rates to be charged for surveys and for newspaper publications in mining cases. Under this authority of law, the following rates have been established as the maximum charges for newspaper publications:

The charge for the publication of notice of application for patent in a mining case in all districts shall not exceed the legal rates allowed by the laws of the State for the publication of legal notices wherein the notice is published, and in no case shall the charge exceed \$10 for each 10 lines of space occupied where publication is had in a daily newspaper, and where a weekly newspaper is used as a medium of publication, \$7.50 shall be the maximum charge for the same space. Such charge shall be accepted as full payment for publication in each issue for the newspaper for the entire period required by law.

It is expected that these notices shall not be so abbreviated as to curtail the description essential to a perfect notice, and the said rates are established upon the understanding that the notices are to be set in the usual body type used for legal notices.

Further information relative to publication and a sample of advertisement set up in accordance with Government requirements is given in Circular No. 943 (50 L. D. 556).

ABSTRACT

7. In the Territory of Alaska, the application for patent will be received and filed and the order for publication issued, if the abstract showing full title in the applicant is brought down to a day reasonably near the date of the presentation of the application. A supplemental abstract of title brought down so as to include the date of the filing of the application must be furnished prior to the expiration of the 60-day period of publication.

SPECIAL AFFIDAVIT

8. Each person making application for patent under the mining laws, for lands in Alaska, must furnish a duly corroborated affidavit showing that no portion of the land applied for is occupied or reserved by the United States, so as to prevent its acquisition under

²³ See p. 254, par. 5.

^{23a} See p. 256, par. 10.

said laws; that the land is not occupied or claimed by natives of Alaska; and that the land is unoccupied, unimproved and unappropriated by any person claiming the same other than the applicant.

ADVERSE CLAIM

9. The act of June 7, 1910 (36 Stat. 459) provides that adverse claims may be filed at any time during the 60-day period of publication or within 8 months thereafter. This provision applies to any application where the 60-day period of publication ended with or ends after June 7, 1910, and operates to enlarge by 8 months additional the time within which an adverse claim may be filed. This provision does not apply to any application under which the 60-day period of publication ended with or before June 6, 1910; for if no adverse claim was seasonably filed in such case the statutory assumption that none existed has arisen, upon the expiration of the publication period, in favor of the applicant.

It is also provided by the act that adverse suits may be instituted at any time within 60 days after the filing of adverse claims in the local land office. This provision applies to any adverse claim under which the 30-day period fixed under the former law for commencing the adverse suit was running on or expired with June 7, 1910, and enlarges such time to a period of 60 days, and also to any adverse claim which is seasonably filed on or after June 7, 1910. Such provision has no operation in a case where, under the former law, the 30-day period within which to institute suit on an adverse claim expired with or ended before June 6, 1910, and the 60-day publication period also expired on or before June 6, 1910.

Registers and receivers of United States land offices in Alaska will exercise the greatest care in applying the provisions of the act, and will allow no mineral entry until after the expiration of the full period granted for the filing of adverse claims. For example, on any application under which the publication period ended with or after June 7, 1910, no entry will in any event be allowed until after the expiration of the 8 months' period following the publication period.

OIL AND GAS PERMITS AND LEASES

10. By Executive order dated November 3, 1910, all the public lands and lands in national forests in the Territory of Alaska containing petroleum deposits were withdrawn from settlement, location, sale, or entry, and reserved for classification and in aid of legislation affecting the use and disposal of petroleum lands belonging to the United States.

The disposition of oil and gas deposits in lands owned by the United States in Alaska is governed by the act of February 25, 1920 (41 Stat. 437), known as the mineral leasing act.

In the administration of this act prospecting permits and leases are issued. In Alaska there may be allowed a maximum of five permits of an area of not exceeding 2,560 acres each. "One individual, corporation, or association may locate and obtain but one permit in a geologic structure of a nonproducing field, but for development purposes assignments to a qualified individual, corporation, or association, outside producing oil or gas fields, for not exceeding

five permits in Alaska, whether contiguous or noncontiguous, may be presented for the consideration of the Secretary of the Interior, and his approval, if he shall find same to be in the public interest" (48 L. D. 46).

If it is desired to acquire a preference right to a permit, it is necessary to erect a monument and post notice on the land desired, after which the locator has for six months a preferential right to file an application. Permits, when granted, are for a period of four years.

Upon establishing that valuable oil or gas deposits have been discovered on the land the permittee is entitled to a lease for one-fourth of the area embraced in his permit, or for as much as 160 acres if there be that number of acres in the permit, and a preference right to a lease for the remainder of the land included in the permit. The royalties on leases in Alaska are set forth in Circular No. 672, referred to below.

A distinction is made between lands which are within and which are without the known geologic structure of a producing oil or gas field. Permits, as set forth in the foregoing, are issued for the latter class of lands. Up to the present time there are, with the exception of a small area near Katalla, no producing structures in Alaska, and with this exception and possibly the Yakataga field the boundaries or possible structures of fields have not been ascertained.

Further instructions relative to oil and gas permits and leases under the act of February 25, 1920, and the amendatory act of April 30, 1926 (44 Stat. 373), are given in Circulars Nos. 672 (47 L. D. 437), 845 (49 L. D. 207), 905 (50 L. D. 155), 929 (50 L. D. 387), 979 (51 L. D. 50), and 1073 (51 L. D. 475).

PHOSPHATE AND OIL SHALE LEASES AND SODIUM PERMITS AND LEASES

11. The disposition of deposits of phosphate, oil shale, and sodium in lands owned by the United States in Alaska is also governed by the act of February 25, 1920 (41 Stat. 437).

Instructions governing the issuance of leases for deposits of phosphate and oil shale and of permits and leases for deposits of sodium are contained in Circulars Nos. 696 (47 L. D. 513), 671 (47 L. D. 424), and 699 (47 L. D. 529),²⁴ respectively, as amended by Circular No. 1073 (51 L. D. 475).

POTASSIUM PERMITS AND LEASES

12. The act of February 7, 1927 (44 Stat. 1057), authorizes the exploration for and disposition of deposits of potassium in lands owned by the United States, including Alaska. Instructions under the act are contained in Circular No. 1120.

MISSION SITES

Applications and proofs for mission claims will be governed by regulations contained in Circular No. 491, approved September 8, 1923 (50 L. D. 55).

DISTRICT LAND OFFICES

A district land office is located at Anchorage, in charge of a register, and district land offices are located at Fairbanks and Nome, each

²⁴ Circular No. 699 (47 L. D. 529) has been superseded by Circular No. 1194, p. 976.

in charge of an ex officio register and an ex officio receiver. The land district boundaries are shown on map attached to this publication.²⁵

PUBLIC SURVEY OFFICE

A public survey office is maintained at Juneau, and correspondence relating to local survey matters should be addressed to the cadastral engineer in charge of that office.

OFFICE OF DIVISION INSPECTOR^{25a}

The office of the division inspector for Alaska is situated at Anchorage. Field examinations in the Territory are made under the supervision of that officer.

PARKS AND CEMETERIES

The sale of public lands for parks and cemeteries to incorporated cities and towns is authorized by the act of September 30, 1890 (26 Stat. 502).

The sale of public lands for cemetery purposes to religious or fraternal associations or private corporations authorized to hold real estate for such purposes is authorized by the act of March 1, 1907 (34 Stat. 1052).

Regulations under both acts which are applicable to Alaska are contained in Circular No. 1122 (52 L. D. 106-131).

RESERVATIONS IN PATENTS

All patents for lands in Alaska will reserve a right of way thereon for ditches or canals constructed by the authority of the United States under the act of August 30, 1890 (26 Stat. 371-391), and all patents for lands in the Territory taken up, entered, or located subsequent to the passage of the act of March 12, 1914 (38 Stat. 305), will reserve to the United States a right of way for the construction of railroads, telegraph, and telephone lines.

In addition to the reservations mentioned, other appropriate reservations will be inserted in the patents, if required by the special laws relating to the particular entries or selections.²⁶

PUBLIC LANDS IN ALASKA

The total area of the Territory is about 378,165,760 acres, of which about 30,000,000 acres are reserved. Of the reserved area, 21,391,742 acres are within the boundaries of national forests. Approximately 1,790,199 acres have been surveyed under the rectangular system.

INFORMATION RESPECTING VACANT AND ENTERED LANDS

Where the public surveys have been extended over lands in Alaska township diagrams and plats giving the information specified below may be prepared and sold by the register and receiver of the land

²⁵ The map is inserted between pages 190 and 191.

²⁶ See p. 217, par. 3.

^{25a} The designation of this officer has been changed to Chief of Field Division. See instructions of Sept. 28, 1928, p. 1037.

office for the district in which the land is situated, at the following prices:

For a township diagram showing entered land only-----	\$1. 00
For a township plat showing form of entries, names of claimants, and character of entries-----	2. 00
For a township plat showing form of entries, names of claimants, character of entries, and numbers-----	3. 00
For a township plat showing form of entries, names of claimants, character of entries, numbers, and date of filings or entries, together with topography, etc-----	4. 00

If, because of the pressure of current business relating to the entry of lands, registers are unable to make the plats or diagrams mentioned above, they may refuse to furnish the same and return the fee to the applicant, advising him of their reason for not furnishing the plats requested; that he may make the plats or diagrams himself or have same made by his agent or attorney; and that he may have access to the plats and tract books of the district land office for this purpose, provided such use of the records will not interfere with the orderly dispatch of the public business.

The district officers furnish prospective settlers general advise as to lands in their respective districts. However, personal inspection must be made of the tract to be entered before application is filed, and the settler should exercise great care to satisfy himself as to its character before taking any other step.

RIGHTS OF WAY FOR RAILROADS, WAGON ROADS, AND TRAMWAYS

1. The rights of way for railroads, wagon roads, and tramways in the Territory of Alaska, granted by sections 2 to 9, inclusive, of the act of May 14, 1898 (30 Stat. 409), does not convey an estate in fee in the lands used for such purposes or in the 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. These sections authorize the Secretary of the Interior to approve maps and plats affecting unsurveyed as well as surveyed land, and, while it is not obligatory on the part of grantees to file additional maps and plats after survey of the lands, showing connections with the public surveys, and the smallest legal subdivisions of all lands affected, by so doing the grants and the extent thereof could be properly recorded on the records of the land department and readily determined.

RIGHT OF WAY INCLUDED IN AREA ENTERED

2. 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.

CONDEMNATION OF RIGHT OF WAY

3. Whenever any right of way shall pass over private land or possessory claims on lands of the United States, condemnations of the right of way across the same may be made in accordance with the provisions of section 4 of the said act of May 14, 1898.

INCORPORATED COMPANIES

4. 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.

Fourth. A certificate from the secretary of the Territory of Alaska showing that the company has complied with chapter 23, title 3, act of June 6, 1900 (31 Stat. 528), providing a civil code for the Territory of Alaska.

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.

Fifth. 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, see note, p. 70.)

Sixth. A certificate 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, see note, p. 70.)

Seventh. 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.

Eighth. Maps, field notes, and other papers as hereinafter required.

INDIVIDUALS OR ASSOCIATIONS OF INDIVIDUALS

5. Individuals or associations of individuals making applications for a permits, under section 6 of the act, 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 its members and stating that the list includes all the members. Evidence of citizenship must be furnished for each member