

§ 359. Affidavits; filing, publishing, and posting proofs of claims.

All affidavits, testimony, proofs, and other papers provided for by the provisions of this section and sections 371, 392, 411—419, 421, 423, and 461—466 of this title concerning public lands, or by any departmental or Executive regulation thereunder, by depositions or otherwise, under commission from such officer as the Secretary of the Interior may designate, which may have been or may hereafter be taken and sworn to anywhere in the United States, before any court, judge, or other officer authorized by law to administer an oath, shall be admitted in evidence as if taken before such officer as the Secretary of the Interior may designate. And thereafter such proof, together with a certified copy of the field notes and plat of the survey of the claim, shall be filed in the public survey office at Juneau, and if such survey and plat shall be approved by the Secretary of the Interior or such officer as he may designate, certified copies thereof, together with the claimant's application to purchase, shall be filed in the United States land office in the land district in which the claim is situated, whereupon, at the expense of the claimant, such officer as the Secretary of the Interior may designate of such land office shall cause notice of such application to be published for at least sixty days in a newspaper of general circulation published nearest the claim within Alaska, and the applicant shall at the time of filing such field notes, plat, and application to purchase in the land office, as aforesaid, cause a copy of such plat, together with the application to purchase, to be posted upon the claim, and such plat and application shall be kept posted in a conspicuous place on such claim continuously for at least sixty days, and during such period of posting and publication or within thirty days thereafter any person, corporation, or association, having or asserting any adverse interest in, or claim to, the tract of land or any part thereof sought to be purchased, may file in the land office where such application is pending, under oath, an adverse claim setting forth the nature and extent thereof, and such adverse claimant shall, within sixty days after the filing of such adverse claim, begin action to quiet title in a court of competent jurisdiction within 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. (May 14, 1898, ch. 299, § 10, 30 Stat. 413; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1144; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F. R. 7876, 60 Stat. 1100.)

CODIFICATION

Section is comprised of the last paragraph of section 10 of act May 14, 1898. The remainder of section 10 of act May 14, 1898, is classified to sections 461—466 of this title.

TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of the Interior and all functions of all agencies and employees of that Department were, with two exceptions, transferred to the Secretary of the Interior, with power vested in him to authorize their performance or the performance of any of his functions by any of those officers, agencies, and employees, by 1950 Reorg. Plan No. 3, §§ 1, 2, eff.

May 24, 1950, 16 F.R. 3174, 64 Stat. 1262, set out as a note under section 481 of Title 5, Executive Departments and Government Officers and Employees.

Functions of Supervisor of Surveys and Registers were transferred to the Secretary of the Interior of that officer as he may designate by 1946 Reorg. Plan No. 3. See note under section 1 of Title 48.

Act Mar. 3, 1925, abolished the office of surveyor general and transferred the administration of all activities of surveyors general to the Field Surveying Service under the jurisdiction of the United States Supervisor of Surveys subject to regulations of the Secretary of the Interior.

Act Oct. 28, 1921, authorized the President to consolidate the offices of register and receiver in any district land office and to abolish the office of receiver.

CROSS REFERENCES

Patents to unsurveyed homestead lands in the Territory to be governed by the procedure prescribed in this section, see note under section 371 of this title.

§ 360. Public lands; lease for fur farming; reservations.

The Secretary of the Interior, in order to encourage and promote development of production of furs in the Territory of Alaska, is authorized to lease to corporations organized under the laws of the United States, or of any State or Territory thereof, citizens of the United States, or associations of such citizens, public lands of the United States in the Territory of Alaska suitable for fur farming, in areas not exceeding six hundred and forty acres, and for periods not exceeding ten years, upon such terms and conditions as he may by general regulations prescribe: *Provided*, That where leases are given hereunder for islands or lands within the same, such lease may, in the discretion of the Secretary of the Interior, be for an area not to exceed thirty square miles: *Provided further*, That nothing herein contained shall prevent the prospecting, locating, development, entering, leasing, or patenting of the mineral resources of any lands so leased under laws applicable thereto: *And provided further*, That this section shall not be held nor construed to apply to the Pribilof Islands, declared a special reservation by section 646 of Title 16: *And provided further*, That any permit or lease issued under this section shall reserve to the Secretary of the Interior the right to permit the use and occupation of parts of said leased areas for the taking, preparing, manufacturing, or storing of fish or fish products, or the utilization of the lands for purposes of trade or business, to the extent and in the manner provided by existing laws or laws which may be enacted after July 3, 1926. (July 3, 1926, ch. 745, § 1, 44 Stat. 821.)

REFERENCES IN TEXT

Section 646 of Title 16, referred to in text, was repealed by act Feb. 26, 1944, ch. 65, § 18, 58 Stat. 104, and similar provisions were enacted by section 5 of that act and are classified to section 631f of Title 16, Conservation.

§ 361. Execution of provisions of section 360; authority of Secretary of the Interior.

The Secretary of the Interior is authorized to perform any and all acts, and to make such rules and regulations as may be necessary and proper, for the purpose of carrying the provisions of section 360 of this title into effect, including provisions for the forfeiture of any lease for failure to stock the same with fur-bearing animals within a period of one year from the date of the lease, or in the event of