

such land district, or land region, as, in his opinion, is necessary for the transaction of the business relating to the public lands in the Territory and to designate or change the location of any land office for such land district or land region. (Oct. 9, 1942, ch. 584, § 6, 56 Stat. 779.)

#### REPEALS

Former section 365, acts Feb. 14, 1902, ch. 17, § 1, 32 Stat. 20; Mar. 2, 1907, ch. 2537, § 1, 34 Stat. 1232, was repealed by section 7 of act Oct. 9, 1942.

#### LAND DISTRICTS AND LAND OFFICES CONTINUED

Provisions of acts Feb. 14, 1902, ch. 17, § 1, 32 Stat. 20; Mar. 2, 1907, ch. 2537, § 1, 34 Stat. 1232, which constituted former section 365 and were repealed by act which enacted this section, read as follows: "There shall be two land districts in Alaska, the boundaries of which shall be designated by the President, to be known as the Nome land district and the Fairbanks land district, with the land offices located, respectively, at Nome, Alaska, and Fairbanks, Alaska, and one other land district and land office, the location of which shall be fixed by the President."

#### §§ 366, 367. Omitted.

#### CODIFICATION

Sections 366, 367, act Oct. 9, 1942, ch. 584, §§ 2—4, 56 Stat. 779, related to registers at land offices at Anchorage, Nome, and Fairbanks, additional registers, and their duties, have been omitted as superseded by 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 60 Stat. 1100, which abolished the office of register and transferred its functions to the Secretary of the Interior or that officer as he may designate. See note set out under section 1 of Title 43, Public Lands.

#### REPEALS

Former sections 366 and 367 were repealed by section 7 of act Oct. 9, 1942, ch. 587, 56 Stat. 780. Section 7 expressly repealed act Mar. 2, 1907, ch. 2537, §§ 2, 3, 34 Stat. 1232, which constituted the basic provisions of former sections 366 and 367. Act Mar. 3, 1925, ch. 462, 43 Stat. 1145, was cited to the credit of former section 366 as affecting the text thereof. Act Mar. 3, 1925, is set out as section 71 of Title 43, Public Lands.

#### ABOLISHMENT OF ANCHORAGE, NOME, AND FAIRBANKS OFFICES

Section 1 of act Oct. 9, 1942, ch. 587, 56 Stat. 779, provided: "That the office of register of the district land office at Anchorage, Alaska, and the office of ex officio register and ex officio receiver of the district land offices at Nome and at Fairbanks, Alaska, are hereby abolished, effective six months after the date of approval of this Act or at such earlier date as the Secretary of the Interior may find that arrangements necessary to carry out the provisions of section 2 of this Act have been completed."

#### INCUMBENT REGISTER AT ANCHORAGE COVERED INTO CLASSIFIED CIVIL SERVICE

Proviso of section 2 of act Oct. 9, 1942, ch. 587, 56 Stat. 779, provided as follows: "The present incumbent of the office of register at Anchorage is hereby covered into the classified civil service, and, subject to civil-service rules, shall be appointed to a position at the Anchorage office and designated to act at that office under the title 'register.'"

#### § 367a. Public land claimant as liable for fees, commissions or purchase money.

No provision of section 365 of this title and section 80 of Title 43, shall relieve any public land claimant from the necessity of making payment of fees, commissions, or purchase money required by law or regulation in connection with an application, selection, location, or lease of public lands in Alaska, and all such payments, when made, shall be covered into the Treasury of the United States. (Oct. 9, 1942, ch. 584, § 5, 56 Stat. 779.)

#### CROSS REFERENCES

Fees and commissions of registers, see section 82 of Title 43, Public Lands.

#### § 368. Compensation of clerks in district land offices.

##### CODIFICATION

Section, act June 5, 1920, ch. 235, § 1, 41 Stat. 908, was limited to the appropriation act of which it was a part.

##### HOMESTEADS

#### § 371. Homestead laws extended to Alaska; locations on navigable waters; entries on unsurveyed lands.

All the provisions of the homestead laws of the United States not in conflict with the provisions of this section, and all rights incident thereto, are extended to the Territory of Alaska, subject to such regulations as may be made by the Secretary of the Interior; and no indemnity, deficiency, or lieu land selections pertaining to any land grant outside of Alaska shall be made, and no land scrip or land warrant of any kind whatsoever shall be located within or exercised upon any lands in said Territory except as provided by law; and provided further that no more than one hundred and sixty acres shall be entered in any single body by such scrip, lieu selection, or soldier's additional homestead right; and provided further that no commutation privileges shall be allowed in excess of one hundred and sixty acres included in any homestead entry under the provisions hereof: *Provided*, That no entry shall be allowed extending more than one hundred and sixty rods along the shore of any navigable water, and that nothing herein contained shall be so construed as to authorize entries to be made or title to be acquired to the shore of any navigable waters within Alaska; and no patent shall issue hereunder until all the requirements of sections 164, 171, and 272 of Title 43 have been fully complied with as to residence, improvements, cultivation, and proof except as to commuted lands as herein provided. If any of the land so settled upon, or to be settled upon, is unsurveyed, then the land settled upon, or to be settled upon, must be located in a rectangular form, not more than one mile in length, and located by north and south lines run according to the true meridian; the location so made shall be marked upon the ground by permanent monuments at each of the four corners of the said location, so that the boundaries of the same may be readily and easily traced; that within ninety days from the date of settlement on surveyed or unsurveyed lands a notice shall be filed by or on behalf of the settler for record in the United States land office for the district in which the land is situated. Said notice shall contain the name of the settler and the date of the settlement, and such a description of the land settled upon, if surveyed, by legal subdivisions, section, township, and range, or, if unsurveyed, by reference to some natural object or permanent monument and by a statement if desired, of the approximate latitude and longitude determined from a map of Alaska, as will identify the land; and if after the expiration of the period of three years, or at such date as the settler may desire to commute, the public surveys of the United States have not been extended over the land located, a patent shall nevertheless issue for the land included within the boundaries of said location as thus recorded, upon proof to be submitted to the manager of the proper land office that the settler is a citizen of the United States, and upon the further proof required

by section 164 of Title 43, and under the procedure in the obtaining of patents to the unsurveyed lands of the United States, as provided for by section 359 of this title, and under such rules and regulations as shall be prescribed by the Secretary of the Interior as hereinbefore provided without the payment of any purchase price or other charges, except the ordinary office fees and commissions, and except one dollar and twenty-five cents per acre on the land commuted: *And provided always*, That no title shall be obtained hereunder to any of the mineral or coal lands of Alaska. The right of any homestead settler to transfer any portion of the land so settled upon, as provided by section 174 of Title 43, shall be restricted and limited within the Territory of Alaska as follows: For church, cemetery, or school purposes to five acres, and for the right of railroads across such homestead to one hundred feet in width on either side of the center line of said railroad; and all contracts by the settler made before his receipt of patent from the Government, for the conveyance of the land homesteaded by him or her, except as herein provided, shall be held null and void. (May 14, 1898, ch. 299, § 1, 30 Stat. 409; Mar. 3, 1903, ch. 1002, 32 Stat. 1028; Aug. 24, 1912, ch. 387, § 1, 37 Stat. 512; 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; Apr. 29, 1950, ch. 137, § 1, 64 Stat. 94; Aug. 3, 1955, ch. 496, § 1, 69 Stat. 444.)

## REFERENCES IN TEXT

Homestead laws, referred to in the text, are classified to chapter 7 of Title 43, Public Lands.

## AMENDMENTS

1955—Act Aug. 3, 1955, amended section to eliminate provisions which prohibited location of scrip, selection or right along shore waters within 80 rods of any lands, and which reserved from entry a space of 80 rods along the shore.

1950—Act Apr. 29, 1950, amended section to extend its provisions to cover unsurveyed lands as well as surveyed lands, and to require recordation in the district land office for the land district in which the land is located.

## CHANGE OF NAME

Acts Oct. 28, 1921, and Mar. 3, 1925, consolidated the offices of register and receiver and provided for a single officer to be known as register.

## SAVINGS CLAUSE

Protection of interests of permitted users of reserved lands, see section 5 of act Aug. 3, 1955, set out as a note under section 462 of this title.

## TRANSFER OF FUNCTIONS

Functions of registers were transferred to that officer as the Secretary of the Interior may designate by 1946 Reorg. Plan No. 3, and regulations thereunder. See note under section 1 of Title 43.

## RESTORATION OF LANDS FROM RESERVATION

Lands restored from reservation as subject to the public lands law of Alaska, see section 4 of act Aug. 3, 1955, set out as a note under section 462 of this title.

## CROSS REFERENCES

Homestead allotments to native Indians, Aleuts, or Eskimos, see section 357 of this title.

Modifications of restrictions on location of homestead entries imposed by this section, see section 372 of this title.

## § 371a. Filing of notice of location; time limit.

Any person who at April 29, 1950, is maintaining a settlement claim on surveyed or unsurveyed public

land in Alaska shall file notice of the location of his settlement claim in the United States land office for the district in which the land is situated, (a) within ninety days from April 29, 1950, if notice of the location has not heretofore been filed in the recording district in which the land is situated, or (b) within two years from April 29, 1950, if notice of the location has heretofore been filed in such recording district. (Apr. 29, 1950, ch. 137, § 2, 64 Stat. 95.)

## § 371b. Same; effect of failure to file.

Unless notice of a settlement claim is filed in the proper district land office within the time prescribed by sections 371 and 371a of this title, the claimant, in making homestead proof or submitting a showing of residence, cultivation and improvements as a basis for a free survey, shall not be given credit for such residence and cultivation as may have taken place prior to the filing of (a) a notice of the claim in the proper district land office, (b) a petition for survey, or (c) an application for homestead entry, whichever is the earlier. (Apr. 29, 1950, ch. 137, § 3, 64 Stat. 95.)

## § 371c. Final or commutation homestead proof on unsurveyed land as basis for free survey; time limit.

A homestead settler on unsurveyed public lands shall make final or commutation homestead proof within five years from the date of the filing of notice of the settlement claim in the district land office, as a basis for a free survey under section 375 of this title in accordance with regulations of the Secretary of the Interior. (Apr. 29, 1950, ch. 137, § 4, 64 Stat. 95; July 11, 1956, ch. 571, § 2, 70 Stat. 529.)

## AMENDMENTS

1956—Act July 11, 1956, amended section by substituting the words "final or commutation homestead proof" for the words "proof of residence, cultivation, and improvements", and eliminated the words "and thereafter shall submit final or commutation proof" preceding the words "In accordance with regulations of the Secretary of the Interior."

## § 372. Modification of restrictions on location of homestead entries.

The provisions of section 371 of this title, extending the homestead laws to Alaska, insofar as they provide that no entry shall be allowed extending more than one hundred and sixty rods along the shore of any navigable water, shall not apply to lands classified and listed by the Secretary of Agriculture for entry under sections 506—508 and 509 of Title 16, and the Secretary of the Interior may upon application to enter or otherwise in his discretion waive the restriction that no entry shall be allowed extending more than one hundred and sixty rods along the shore of any navigable water as to such lands as he shall determine are not necessary for harborage uses and purposes. (June 5, 1920, ch. 265, 41 Stat. 1059; Aug. 3, 1955, ch. 496, § 3, 69 Stat. 444.)

## REFERENCES IN TEXT

Homestead laws, referred to in the text, are classified to chapter 7 of Title 43, Public Lands.

## AMENDMENTS

1955—Act Aug. 3, 1955, amended section to eliminate provisions which reserved from sale and entry a space of at least 80 rods in width between tracts sold or entered along the shore of any navigable water, and authorized the Secretary to restore shore-space reserves.

## SAVINGS CLAUSE

Protection of interests of permitted users of reserved lands, see section 5 of act Aug. 3, 1955, set out as a note under section 462 of this title.

## RESTORATION OF LANDS FROM RESERVATION

Lands restored from reservation as subject to the public lands law of Alaska, see section 4 of act Aug. 3, 1955, set out as a note under section 462 of this title.

## § 373. Amount of homestead entries.

Every person who was qualified under laws existing July 8, 1916, to make homestead entry of the public lands of the United States who has settled upon or who shall hereafter settle upon any of the public lands of the United States situated in Alaska, whether surveyed or unsurveyed, with the intention of claiming the same under the homestead laws, shall, subject to the provisions and limitations of section 371 of this title, be entitled to enter one hundred and sixty acres or a less quantity of unappropriated public land in Alaska, and no more: *Provided*, That nothing herein contained shall be construed to limit or curtail the area of any homestead claim lawfully initiated prior to July 8, 1916. (July 8, 1916, ch. 228, § 1, 39 Stat. 352; June 28, 1918, ch. 110, 40 Stat. 632.)

## REFERENCES IN TEXT

Homestead laws, referred to in the text, are classified to chapter 7 of Title 43, Public Lands.

## CODIFICATION

Section is comprised of the first part and the proviso of section 1 of act July 8, 1916. The clause preceding the proviso of section 1 of act July 8, 1916, is classified to section 874 of this title.

## AMENDMENTS

1916—Act June 28, 1918, re-enacted section without change.

## § 374. Effect of entry in another State or Territory.

A former homestead entry in any other State or Territory shall not be a bar to a homestead entry in Alaska. (July 8, 1916, ch. 228, § 1, 39 Stat. 352; June 28, 1918, ch. 110, 40 Stat. 632.)

## CODIFICATION

Section is comprised of the clause preceding the proviso of section 1 of act July 8, 1916. The remainder of section 1 of act July 8, 1916, is classified to section 373 of this title.

## AMENDMENTS

1916—Act June 28, 1918, re-enacted section without change.

## § 375. Entry on unsurveyed lands; final proof.

The entryman may, after due compliance with the terms of the homestead laws, file his final homestead proof in accordance with applicable regulations of the Secretary of the Interior regardless of whether or not the system of public surveys has been extended over the land included in a homestead entry. The Secretary of the Interior shall, within one year after the filing of such proof, issue proper instructions for the survey of the land so entered, without expense to the entryman, and if the entryman has complied with the requirements of the homestead law and applicable regulations a patent based on such survey shall be issued. Nothing in this section, however, shall prevent the homesteader from securing earlier action on his entry and proof by a special survey at his own expense, if he so elects. (July 8,

1916, ch. 228, § 2, as added June 28, 1918, ch. 110, 40 Stat. 633, and amended 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; July 11, 1956, ch. 571, § 1, 70 Stat. 528.)

## REFERENCES IN TEXT

Homestead law, referred to in the text, is classified to chapter 7 of Title 43, Public Lands.

## AMENDMENTS

1956—Act July 11, 1956, amended section by eliminating provisions requiring a preliminary showing of proof that residence, cultivation, and improvement requirements have been met by the settler.

## CHANGE OF NAME

Acts Oct. 28, 1921, and Mar. 3, 1925, consolidated the offices of register and receiver and provided for a single officer to be known as register.

## TRANSFER OF FUNCTIONS

Officers of United States Supervisor of Surveys and Registers were abolished and their functions transferred to the Bureau of Land Management by 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F. R. 7876, 60 Stat. 1100. See note under section 1 of Title 43, Public Lands.

Functions of "register" and "Supervisor of Surveys" were transferred to "such officer as the Secretary of the Interior may designate" and "Secretary of the Interior or such officer as he may designate," respectively, on authority of 1946 Reorg. Plan No. 3, and regulations thereunder. See note under section 1 of Title 43, Public Lands.

## § 376. Entry on land containing coal, oil, or gas.

Claims under section 461 of this title, and homestead claims may be initiated by actual settlers on public lands of the United States in Alaska known to contain workable coal, oil, or gas deposits, or that may be valuable for the coal, oil, or gas contained therein, and which are not otherwise reserved or withdrawn, whenever such claim shall be initiated with a view of obtaining or passing title with a reservation to the United States of the coal, oil, or gas in such lands, and of the right to prospect for, mine, and remove the same; and any claimant who has initiated such a claim in good faith on lands containing workable deposits of coal, oil, or gas, or that may be valuable for the coal, oil, or gas contained therein, may perfect the same under the provisions of the laws under which the claim was initiated, but shall receive the limited patent provided for in section 377 of this title: *Provided, however*, That should it be discovered at any time prior to the issuance of a final certificate on any claim initiated for unreserved lands in Alaska that the lands are coal, oil, or gas in character, the patent issued on such entry shall contain the reservation required by said section. (Mar. 8, 1922, ch. 96, § 1, 42 Stat. 415; Aug. 23, 1958, Pub. L. 85-725, § 1, 72 Stat. 730.)

## AMENDMENTS

1958—Pub. L. 85-725 amended section to provide for settlement and entry of public lands in Alaska containing coal, oil, or gas under section 461 of this title and to substitute "claimant who has initiated such a claim" for "settler who has initiated a homestead claim".

## CREDITS; DIVESTMENT OF VESTED RIGHTS

Section 4 of Pub. L. 85-725 provided that: "Any person who heretofore settled or entered on lands made subject to the provision of the Act of March 8, 1922 [this section and section 377 of this title], under the terms of this Act [amending this section and sections 377 and 461 of this title] shall be entitled to credit toward the requirements of the Act under which settlement or entry was made to