

§ 49a. Mining laws of United States extended to Alaska; exploration and mining for precious metals; regulations; conflict of laws; permits; dumping tailings; pumping from sea; reservation of roadway; title to land below line of high tide or high-water mark; transfer of title to future State

The laws of the United States relating to mining claims, mineral locations, and rights incident thereto are extended to the Territory of Alaska: *Provided*, That, subject only to the laws enacted by Congress for the protection and preservation of the navigable waters of the United States, and to the laws for the protection of fish and game, and subject also to such general rules and regulations as the Secretary of the Interior may prescribe for the preservation of order and the prevention of injury to the fish and game, all land below the line of ordinary high tide on tidal waters and all land below the line of ordinary high-water mark on nontidal water navigable in fact, within the jurisdiction of the United States, shall be subject to exploration and mining for gold and other precious metals, and in the Chilkat River, and its tributaries, within two and three-tenths miles of United States survey numbered 991 for all metals, by citizens of the United States, or persons who have legally declared their intentions to become such, under such reasonable rules and regulations as the miners in organized mining districts may have heretofore made or may hereafter make governing the temporary possession thereof for exploration and mining purposes until otherwise provided by law: *Provided further*, That the rules and regulations established by the miners shall not be in conflict with the mining laws of the United States; and no exclusive permit shall be granted by the Secretary of the Interior authorizing any person or persons, corporation, or company to excavate or mine under any of said waters, and if such exclusive permit has been granted it is revoked and declared null and void. The rules and regulations prescribed by the Secretary of the Interior under this section shall not, however, deprive miners on the beach of the right given to dump tailings into or pump from the sea opposite their claims, except where such dumping would actually obstruct navigation or impair the fish and game, and the reservation of a roadway sixty feet wide under section 687a-2¹ of title 43, shall not apply to mineral lands or town sites. No person shall acquire by virtue of this section any title to any land below the line of ordinary high tide or the line of ordinary high-water mark, as the case may be, of the waters described in this section. Any rights or privileges acquired hereunder with respect to mining operations in land, title to which is transferred to a future State upon its admission to the Union and which is situated within its boundaries, shall be terminable by such State, and the said mining operations shall be subject to the laws of such State.

(June 6, 1900, ch. 786, title I, §26, 31 Stat. 329; May 31, 1938, ch. 297, 52 Stat. 588; Aug. 8, 1947, ch. 514, §1, 61 Stat. 916; Pub. L. 85-662, Aug. 14, 1958, 72 Stat. 615.)

¹ See References in Text note below.

Editorial Notes

REFERENCES IN TEXT

Section 687a-2 of title 43, referred to in text, was repealed by Pub. L. 94-579, title VII, §§703(a), 704(a), Oct. 21, 1976, 90 Stat. 2789, 2792.

CODIFICATION

Section was formerly classified to section 381 of Title 48, Territories and Insular Possessions.

AMENDMENTS

1958—Pub. L. 85-662 substituted “fish and game” for “fisheries” in three places, and inserted provisions permitting mining for all metals in Chilkat River, and its tributaries, within two and three-tenths miles of United States survey numbered 991.

1947—Act Aug. 8, 1947, permitted exploration for and mining of gold and other precious metals in beds of navigable streams.

1938—Act May 31, 1938, extended waters subject to exploration and mining for gold to include all water on shores, bays, and inlets of Alaska, and substituted Secretary of the Interior for Secretary of War, among other changes.

Statutory Notes and Related Subsidiaries

NON-IMPAIRMENT OF VALID CLAIMS AND RIGHTS

Act Aug. 8, 1947, ch. 514, §2, 61 Stat. 916, provided: “Nothing in this Act [amending this section] shall be deemed to affect or impair any valid claims, rights or privileges, including possessory claims under the first proviso of section 8 of the Act of May 17, 1884 (23 Stat. 26) [25 U.S.C. 280a], arising under any other provision of law.”

Executive Documents

ADMISSION OF ALASKA AS STATE

Admission of Alaska into the Union was accomplished Jan. 3, 1959, on issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, as required by sections 1 and 8(c) of Pub. L. 85-508, July 7, 1958, 72 Stat. 339, set out as notes preceding section 21 of Title 48, Territories and Insular Possessions.

§ 49b. Mining laws relating to placer claims extended to Alaska

The general mining laws of the United States so far as they are applicable to placer-mining claims, as prior to May 4, 1934, extended to the Territory of Alaska, are declared to be in full force and effect in said Territory: *Provided*, That nothing herein shall be held to change or affect the rights acquired by locators or owners of placer-mining claims prior to May 4, 1934, located in said Territory under act August 1, 1912 (37 Stat. 242, 243) and amendatory act March 3, 1925 (43 Stat. 1118).

(May 4, 1934, ch. 211, §2, 48 Stat. 663.)

Editorial Notes

REFERENCES IN TEXT

Act August 1, 1912 (37 Stat. 242, 243) and amendatory act March 3, 1925 (43 Stat. 1118), referred to in text, were repealed by section 1 of act May 4, 1934. See sections 35 to 37 and 49b of this title.

CODIFICATION

Section was formerly classified to sections 119 and 381a of Title 48, Territories and Insular Possessions.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Act May 4, 1934, ch. 211, § 3, 48 Stat. 663, provided that: "This Act [enacting this section] shall take effect thirty days subsequent to the date of convening of the first regular session of the Alaska Territorial Legislature which is held after the passage of this Act [May 4, 1934]."

Executive Documents

ADMISSION OF ALASKA AS STATE

Admission of Alaska into the Union was accomplished Jan. 3, 1959, on issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, as required by sections 1 and 8(c) of Pub. L. 85-508, July 7, 1958, 72 Stat. 339, set out as notes preceding section 21 of Title 48, Territories and Insular Possessions.

§ 49c. Recording notices of location of Alaskan mining claims

Notices of location of mining claims shall be filed for record within ninety days from the date of the discovery of the claim described in the notice, and all instruments shall be recorded in the recording district in which the property or subject matter affected by the instrument is situated, and where the property or subject matter is not situated in any established recording district the instrument affecting the same shall be recorded in the office of the clerk of the division of the court having supervision over the recording division in which such property or subject matter is situated.

(June 6, 1900, ch. 786, title I, § 15, 31 Stat. 327.)

Editorial Notes

CODIFICATION

Section is comprised of the proviso of section 15 of act June 6, 1900, which was formerly classified to section 382 of Title 48, Territories and Insular Possessions. The remainder of section 15, which was formerly classified to section 119 of Title 48, was omitted from the Code.

§ 49d. Miners' regulations for recording notices in Alaska; certain records legalized

Miners in any organized mining district may make rules and regulations governing the recording of notices of location of mining claims, water rights, flumes and ditches, mill sites and affidavits of labor, not in conflict with this Act or the general laws of the United States; and nothing in this Act shall be construed so as to prevent the miners in any regularly organized mining district not within any recording district established by the court from electing their own mining recorder to act as such until a recorder therefor is appointed by the court: *Provided further*, All records regularly made by the United States commissioner prior to June 6, 1900, at Dyea, Skagway, and the recorder at Douglas City, not in conflict with any records regularly made with the United States commissioner at Juneau, are legalized. And all records made in good faith prior to June 6, 1900, in any regularly organized mining district are made public records.

(June 6, 1900, ch. 786, title I, § 16, 31 Stat. 328.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in text, means act June 6, 1900, ch. 786, 31 Stat. 321, as amended. For complete classification of title I of this act to the Code, see Tables. Title III of this act provided for the Alaska Civil Code.

CODIFICATION

Section is comprised of the two provisos of section 16 of act June 6, 1900, and part of the last sentence of that section, which were formerly classified to section 383 of Title 48, Territories and Insular Possessions. The remainder of section 16 (excluding the last sentence) which was formerly classified to section 120 of Title 48, was omitted from the Code.

§ 49e. Annual labor or improvements on Alaskan mining claims; affidavits; burden of proof; forfeitures; location anew of claims; perjury

During each year and until patent has been issued therefor, at least \$100 worth of labor shall be performed or improvements made on, or for the benefit or development of, in accordance with existing law, each mining claim in Alaska heretofore or hereafter located. And the locator or owner of such claim or some other person having knowledge of the facts may also make and file with the said recorder of the district in which the claims shall be situated an affidavit showing the performance of labor or making of improvements to the amount of \$100 as aforesaid and specifying the character and extent of such work. Such affidavits shall set forth the following: First, the name or number of the mining claims and where situated; second, the number of days' work done and the character and value of the improvements placed thereon; third, the date of the performance of such labor and of making improvements; fourth, at whose instance the work was done or the improvements made; fifth, the actual amount paid for work and improvement, and by whom paid when the same was not done by the owner. Such affidavit shall be prima facie evidence of the performance of such work or making of such improvements, but if such affidavits be not filed within the time fixed by this section the burden of proof shall be upon the claimant to establish the performance of such annual work and improvements. And upon failure of the locator or owner of any such claim to comply with the provisions of this section, as to performance of work and improvements, such claim shall become forfeited and open to location by others as if no location of the same had ever been made. The affidavits required may be made before any officer authorized to administer oaths, and the provisions of sections 1621 and 1622 of title 18, are extended to such affidavits. Said affidavits shall be filed not later than ninety days after the close of the year in which such work is performed.

(Mar. 2, 1907, ch. 2559, § 1, 34 Stat. 1243.)

Editorial Notes

CODIFICATION

"Sections 1621 and 1622 of title 18" substituted in text for "sections fifty-three hundred and ninety-two and fifty-three hundred ninety-three of the Revised Statutes", which had been classified to section 231 and 232 of former Title 18, Criminal Code and Criminal Proce-