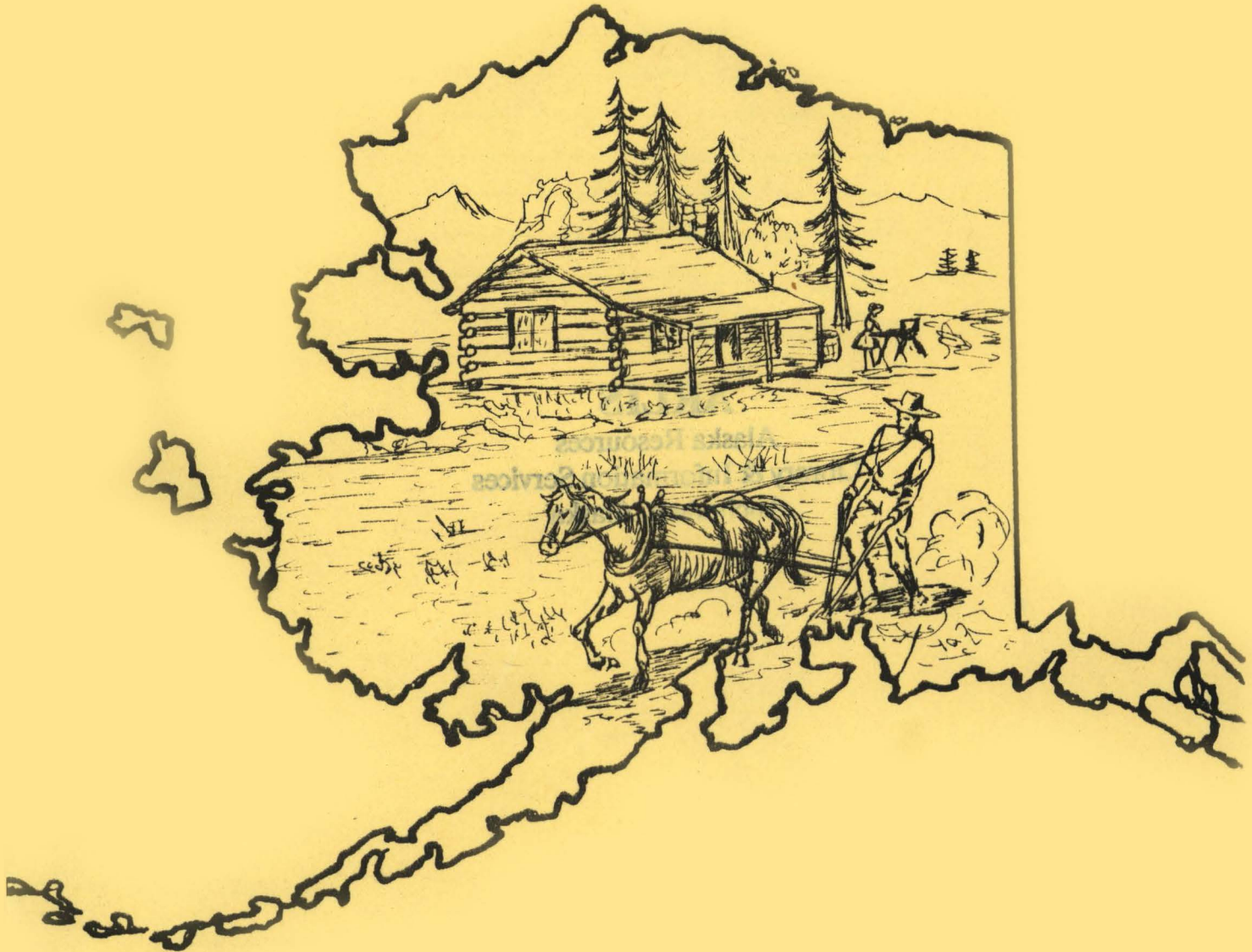


DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

# *HOMESTEADING* *IN* *ALASKA*



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Aug 63

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

FLO No. 78  
Aug 63

Anchorage Land Office  
555 Cordova Street  
Anchorage, Alaska 99501

Fairbanks Land Office  
P.O. Box 1150  
Fairbanks, Alaska 99701

ABOUT HOMESTEADING IN ALASKA - - -

The homestead law is designed as an agricultural settlement law for purposes of farming. Anyone seeking land who does not desire a farm should inquire about the many other laws by which land may be obtained.

All unappropriated public lands in Alaska adaptable to agricultural use are subject to homestead settlement or 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.

Selection of land is the most important decision a settler or homestead entryman makes once he has decided to homestead. The land and location determine what crops he may grow, costs of clearing and markets for what he has to sell. Family welfare will be affected by location of schools, neighbors, medical facilities and community services. Time spent in looking over the land, talking with people in the area, consulting the government agencies dealing with agriculture, and getting acquainted with farmers and farming in Alaska can prove profitable. Selecting the land is not simple. It takes a lot of walking and looking. Time is important, both as to season of year, and taking enough time to inspect the land carefully.

The status of lands changes almost daily -- which makes it impossible to provide general maps or lists of available land. The official land records in the Land Office are available for inspection to determine available lands. However, there may be settlement upon the lands which has not been filed for recordation with the Land Office. Both the lands and the land records should be examined to make sure the lands are available for homestead settlement or entry.

Information of record as to whether a particular tract of land is subject to homestead settlement or entry may be obtained from the Land Office of the land district in which the tract is located. The public land records are available to the public between the hours of 10:00 a.m. and 3:00 p.m., Monday through Friday, except holidays, at the address shown above.

Topographic maps may be purchased over the counter from the Geological Survey, Cordova Building, 5th Floor, 6th and Cordova, Anchorage, Alaska, or Geological Survey, 520 Illinois Street, Fairbanks, Alaska.

## QUALIFICATIONS OF A HOMESTEADER

The applicant:

1. Must be 21 years of age or the head of a family.  
A veteran, under 21 years of age, who is entitled to veterans' benefits, is also qualified to make a homestead entry.
2. Must be a citizen of the United States or have legally declared his intention to become a citizen. In the case of the latter, patent will be withheld until the entryman receives his citizenship. In fact, final proof can be made only by citizens of the United States.
3. Must not have perfected homestead entries for a total of more than 160 acres in Alaska. A homestead entry in the other States is no bar against homesteading 160 acres in Alaska.
4. Is not qualified to make a homestead entry, if she's a married woman who is residing with her husband and he is the head of the family and the main support.
5. Must submit, if he is a veteran claiming benefits for military service, evidence clearly showing a discharge from the armed forces or other unit on the basis of service with which he claims benefits, the period of service, and other facts upon which his claim is based. Preferred evidence is a photostatic copy of both sides of the veterans' certificate of discharge, although other duly corroborated evidence will be accepted.

## HOW TO FILE

### 1. SURVEYED LAND:

- A. Where claim is initiated by settlement on surveyed lands, the settler, in order to protect his rights, must file a notice of the settlement for recordation (Form 4-1154), or application to make homestead entry (Form 4-007), in the Land Office for the district in which the land is located within 90 days after settlement. If a notice of settlement is filed (Form 4-1154), an application to enter (Form 4-007) should be filed within 3 months after settlement upon the surveyed lands. Otherwise, the preference right of entry may be lost.

- (1) Settlement on any part of a surveyed quarter-section subject to homestead entry gives the settler the right to enter all of the quarter-section; but if a settler desires to initiate a claim to surveyed tracts which form part of more than one technical quarter-section, he should define the claim by placing some improvements on each of the smallest subdivisions claimed.
  - (2) A notice of settlement claim must be accompanied by a remittance of \$10.00 which will be applied as a service charge for recording the notice.
- B. Where the claim is initiated by the presentation of an application to enter, it should be filed on Form 4-007. It is suggested, for legibility, that the application be typed or written clearly in ink. All questions should be answered. The instructions to applicant on the reverse side of the application should be read carefully before the application is filled out.
- C. An application to enter must be accompanied by a non-refundable service charge of \$25.00, without regard to the amount of acreage.
- (1) When the application is filed, it is assigned a serial number. This number should be referred to when calling at the office or writing about your application. A check of the records is made to determine whether the land is available for homesteading, and a Geological Survey report requested as to the mineral character of the land.
  - (2) If the land is available and is not found to be mineral in character, the entry may be allowed. However, if it is determined by the Geological Survey that the land applied for is valuable or prospectively valuable for coal, oil or gas, the entry may be allowed, but the patent, when issued, will be impressed with a reservation of such minerals to the United States. If, at any time prior to issuance of patent, it is determined that the lands or a portion thereof are valuable for a mineral or minerals, other than coal, oil or gas, the entry will be canceled or the claim invalidated as to the area so classified.

2. UNSURVEYED LAND:

- A. Notice of location of settlement or occupancy claim in Alaska (Form 4-1154) is filed in duplicate in the Land Office within 90 days after you have initiated a homestead settlement claim by actual settlement or occupancy of the land as described below. A \$10.00 filing fee must accompany the location notice.
- B. Settlement is initiated through the personal acts of the settler placing improvements upon the land and/or establishing residence thereon. A person making settlement on unsurveyed land is required by law, in order to fully protect his rights, to do two things within 90 days after date of settlement. He must: (1) file a notice of the settlement in the Land Office, and (2) post a copy on the land. Unless a notice of the claim is filed within 90 days after date of settlement, no credit can be given for residence and cultivation prior to the filing of notice. When filing the notice of location, it is extremely important to give the date on which settlement or occupancy was made. The mere filing of a location notice without actual appropriation of the land is not sufficient to hold the land against valid appropriation of another settler. Settlement or occupancy requires the staking of the land and placing improvements on and using the land, followed within a reasonable time by further acts of settlement and improvement. The term "settlement" has been further defined as "comprehensive acts done on the land by way of establishing or preparing to establish an actual residence, going thereon, and with reasonable diligence, arranging to occupy it as a home to the exclusion of one elsewhere." A settler must proceed faithfully and honestly to comply with all the requirements of the homestead law and in accordance with the statutory time periods stated therein.
- C. An important reference date on a homestead location notice is the date of filing in the Land Office. However, prior to the filing of the location notice there must have been some appropriation or settlement of the land.
- D. Metes and Bounds Description: Unsurveyed land must be described by metes and bounds. The all-important point of beginning must be described accurately in relation to a survey monument where possible, or to natural features

such as a mouth of a creek or stream, river junctions, mountain peaks, or other prominent points or natural objects appearing on the map of Alaska. Mileposts, towns, bridges or road junctions are generally not good in that they often change, but they may be utilized as a supplement to the description. A metes and bounds description consists of a definite starting point and continues with directions and distances around the tract back to the point of beginning. An example of a good metes and bounds description is as follows:

"Located on the West shore of Lake Louise beginning at Corner No. 1, a 4x4 spruce post located on the shore at the mouth of a small creek at Latitude  $62^{\circ}20'30''$  North and Longitude  $146^{\circ}38'30''$  West, thence 660 feet West to Corner No. 2 marked by a blazed tree, thence 330 feet South to Corner No. 3, a white painted stake three feet high marked "3", thence approximately 660 feet East to Corner No. 4, a pile of stones located on the shore of the lake, thence 330 feet North along the shoreline of the lake to Corner No. 1, the point of beginning, containing approximately five acres."

(Caution: A compass points to the magnetic north pole which, in Alaska, lies to the east of the true north pole. This difference between true north and magnetic north is referred to as declination. A Geological Survey map shows the amount of declination which varies from  $20^{\circ}$  to  $30^{\circ}$  in most parts of Alaska. Declination must be taken into account before laying out a homestead with a compass because a  $1^{\circ}$  error grows to 92 feet at the end of a mile.)

Homesteading of narrow strips of land along streams, water courses, or other natural objects is not permitted. (A claim will normally not be approved if it is more than four times as long as it is wide.) The approximate description of the land, by section, township and range as it will appear when surveyed must be furnished; or if this cannot be done, a statement must be filed setting forth a valid reason why such a description cannot be given. Where it is not possible to tie the point of beginning to a survey monument, the latitude and longitude must be given with as great accuracy as possible. A free hand sketch showing the point of beginning and the outline of the tract claimed is helpful, and often it is advisable to obtain a Geological Survey topographic map of the area and draw in the claim and submit this with the location notice. If necessary, ask the Land Office for further information regarding marking and describing unsurveyed lands. A good land description helps protect your homestead from settlement by others.

## HOW TO PROVE UP (REQUIREMENTS)

1. RESIDENCE: The homestead law contemplates that the homestead will be the person's home. Therefore, residence is defined as "a home to the exclusion of a home elsewhere."
- A. Establishment of Residence: Residence must be established on the land within 6 months from date of the Notice of Allowance, or filing of the location notice as the case may be. However, an extension of 6 months may be approved when the filing of an application containing a witnessed statement that residence could not be established within the first 6 months because of climatic reasons, sickness or other unavoidable cause, and a \$5.00 service fee, is submitted to the Land Office. The entry year will still be based on the date of the notice of allowance, or the date the location notice was filed, regardless of whether or not a request for an extension of time to establish residence is approved.
- B. Maintenance of Residence: The settler or entryman is required to maintain his residence on the homestead each year during the first, second and third "residence years." The first residence year begins on the date actual residence is established on the land and normally does not coincide with the entry years or calendar years. During each residence year, a settler or entryman is entitled by law to absent himself from the land for not more than two periods, aggregating as much as five months. However, two absences in different residence years must be separated by a substantial period of residence on the land, if they together total more than five months. An application is not required for such absences, but the settler or entryman must file notice in the Land Office of the time of his leaving and the time of his returning to the land.
- C. Residence Requirements for Veterans: Certain veterans may apply their service toward the residence requirement.
  - (1) Veterans of World War II and the Korean Conflict may apply their service credit as follows (43 CFR, Part 181): 1/

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1/ In the computation of the required periods of homestead residence, there has been excluded the five months' of absence

Number of months of service credit	Number of months of residence required during the first 3 years after entry		
	1 year	A second year	A third year
19 or more	7	0	0
18	7	1	0
17	7	2	0
16	7	3	0
15	7	4	0
14	7	5	0
13	7	6	0
7 to 12	7	7	0
6	7	7	1
5	7	7	2
4	7	7	3
3	7	7	4
*less than 90 days	7	7	7

\*Veterans with less than 90 days service during the statutory period will receive no service credit except that credit is granted for the equivalent of two years' service, regardless of the actual length of service (1) if the veteran was discharged because of wounds received or disability incurred in line of duty during the statutory period, or (2) after regular discharge, was furnished hospitalization or awarded compensation by the Government on account of such wounds received or disability incurred during the statutory period, or (3) died as a result of wounds received or disability incurred in line of duty during such period. The above military credit is accorded to both men and women providing the woman is eligible to homestead.

(Note: "statutory period" is defined as that period of time commencing on or after September 16, 1940, and prior to the termination of the Korean Conflict.)

- (2) Veterans of World War I are also entitled to the same credit, except that credit is granted for the whole term of enlistment, regardless of actual length of service if the veteran was discharged because of wounds received or disability incurred in the line of duty or who subsequent to discharge was awarded compensation for such wounds or disability or who died during the term of enlistment.

each year which may be taken by giving notice as required by 43 CFR 65.17.



- D. Reduction in Residence Requirement: The Manager of the Land Office is authorized to grant a reduction in yearly residence requirements to homesteaders who make proper showing in their application that the climatic conditions made residence on the homestead for 7 months in each year a hardship. In such cases, a reduction in the terms of residence to 6 months in each year over a period of 4 years, or to 5 months in each year over a period of 5 years can be allowed. If you wish to avail yourself of this provision, you must file, in the Land Office, an application corroborated by 2 witnesses setting forth the climatic conditions which render it a hardship for you to reside on the land for 7 months a year and stating whether you wish the requirements to be fixed at 6 months' residence for 4 years, or 5 months' residence for 5 years. The statement of claimant and the witnesses must be submitted during the first year, accompanied by a \$5.00 service charge.
- E. Leave of Absence: After establishment of residence, and under certain conditions, a leave of absence may be granted for a year or less. This type of leave is used where failure or destruction of crops, sickness or other unavoidable casualty has prevented the homesteader from supporting himself by cultivation of the land. A \$5.00 service charge is required. The period during which a homesteader is absent pursuant to duly granted leave cannot be counted in his favor.

## 2. CULTIVATION:

- A. Since the homestead law is designed for agricultural settlement, it requires cultivation of the land before patent. 43 CFR 65.17(b) defines cultivation as, "consisting of breaking of the soil, planting or seeding and tillage for a crop other than native grasses, must include such acts and be done in such manner as to be reasonably calculated to produce profitable results."

Webster's New World Dictionary defines the following:

Tillage - To prepare land for the raising of crops, as by plowing, fertilizing, discing, etc.

Cultivate - To prepare and use land for growing crops; tillage. To break up the surface soil in order to destroy weeds, prevent

crusting and preserve moisture (prepare seed bed). To grow from seeds, bulbs, shoots, etc.

In the case of the United States vs. Niemeyer, 94 Fed. 147, 150 (D.C. Arkansas 1899), cutting of trees was not sufficient as to the law contemplated by cultivation of the land, "plowing it and preparing it for crops, or the raising of something that grows from the ground besides grass." In the case of Schooley vs. Heirs of Varnum, 33 L.D. 45 (1904), a mere pretense of cultivation does not satisfy the requirements of the homestead law and the proof which fails to show bonafide compliance with the law in the matter of cultivation must be rejected. Ingelev J. Glomset, 36 L.D. 225 (1902); Claude E. Crumb, 62 I.D. 99 (1955).

It has been held by the Department that "a proof showing clearing, disking and seeding frozen land during mid-winter is to be rejected as failing to show on its face bonafide cultivation, as disking and seeding can be done satisfactorily only during the proper season." (The cultivatable season in most parts of Alaska is generally considered to run from mid-May to mid-September.)

Some further important items:

- (1) Roots and stumps of cut trees must be removed in order for the area to be considered cleared and ready for cultivation.
- (2) Berm piles and windrows cannot be counted as cleared and cultivated acreage.
- (3) After clearing, the seedbed must be prepared by breaking the ground with a plow, heavy disk or some other appropriate machine. "Walking" heavy tracked equipment across the land while churning the tracks will generally not break the ground sufficiently to prepare a seedbed.

- B. The normal requirement for all homesteaders sets the following minimum amount: first entry year no cultivation required; second entry year, 1/16th of the total area

required; third entry year, 1/8th of the total area required, and fourth and fifth years, if final proof is not submitted before this time, the 1/8th minimum must be kept in cultivation. The "entry year" is fixed from the date the notice of allowance is issued, or the date the notice of location is filed in the Land Office, as the case may be.

C. Cultivation Requirements for Veterans: Veterans of World War II and the Korean Conflict may apply their service credit as follows (43 CFR, Part 181): 2/

Year after date of entry during which proof is filed <sup>1</sup>	Portion of entry required to be cultivated				
	First year	Second year	Third year	Fourth year	Fifth year
First <sup>2</sup> -----	1/8	-----	-----	-----	-----
Second <sup>3</sup> -----	-----	1/8	-----	-----	-----
Third-----	-----	1/16	1/8	-----	-----
Fourth-----	-----	1/16	1/8	1/8	-----
Fifth-----	-----	1/16	1/8	1/8	1/8

<sup>1</sup>This table assumes that final homestead proof is filed promptly after completion of the cultivation requirements listed in the above table. The homestead law requires cultivation until final proof. If the homesteader delays submission of final homestead proof beyond the period of residence required, therefore, he must perform the necessary cultivation during each annual cultivable season elapsing or reached before the submission of proof, except for those years to which his service credit is applied.

<sup>2</sup>Applicable only to persons entitled to credit for 19 months or more of service.

<sup>3</sup>Applicable only to persons entitled to credit for 7 months or more of service.

D. There are 3 exceptions to the regular cultivation requirement.

- (1) If a World War I veteran (with 19 months or more of creditable military service) completes his required residence during the first entry year, and promptly

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2/ A person entitled to benefits under the regulations of this part may receive a reduction in the area to be cultivated under the homestead regulations (Part 166 of this chapter) in the same manner and under the same conditions required of other applicants.

files final proof, cultivation is not required.

- (2) Commutation Proof: Persons filing commutation final proof are required to show substantially continuous residence upon the land for at least 14 months following the date of establishment of residence. If a commutation proof is filed before the end of the second "entry" year, cultivation of only 1/16 of the area must be shown. However, if commutation proof is delayed until the third entry year, cultivation of 1/8 of the area during the third entry year must be shown. (For necessary fees refer to B. under "Final Proof".)
- (3) The requirement as to cultivation may be reduced if the land entered is so hilly or rough, the soil so alkaline, compact, sandy or swampy, or the precipitation or moisture so light as not to make cultivation practicable. However, this condition must not have been apparent at the time the land was first taken up. No reduction in area of cultivation will be permitted on account of expense in removing the standing timber from the land. Application for reduction in cultivation must be accompanied by a \$5.00 filing fee.

A reduction may also be allowed if the entryman, after making entry and establishing residence, has met with misfortune which renders him reasonably unable to cultivate the prescribed area. In this case, an application for reduction is not filed, but notice of the misfortune and of its nature must be submitted to the Manager of the Land Office, within 60 days after its occurrence; upon satisfactory proof regarding the misfortune at the time of submitting final proof a reduction during the period of disability following the misfortune may be permitted.

### 3. HABITABLE HOUSE:

Habitable house means a dwelling suitable for year-round occupancy. The homestead law requires that a habitable house be on the land at the time of filing final proof. There are no specific requirements as to size or materials.

#### FINAL PROOF:

Upon completion of requirements as to residence, cultivation and habitable house, the applicant is ready to make final proof, which consists of the testimony of claimant and testimony of each of two witnesses.

- A. Final Proof must be filed before expiration of the 5 year statutory life on both surveyed and unsurveyed land (using Form 4-369 and 369a). If allowance of the entry was issued prior to September 24, 1962, testimony fees of \$1.80 plus commissions in the amount of \$1.50 for 0-40 acres, \$3.00 for 41-80 acres, \$4.50 for 81-120 acres, and \$6.00 for 121-160 acres, must accompany the final proof. If allowance of the entry was issued on or after September 24, 1962, the final proof must be accompanied by a nonrefundable service charge of \$25.00, without regard to the amount of acreage (see Circular 2085). And where the final proof is made before the Manager of the Land Office, or the acting Manager, the claimant must, in addition, pay to the Government the costs of reducing the testimony to writing.
- B. Commutation Proof is also filed on Forms 4-369 and 369a. If filing a commuted proof for an entry allowed prior to September 24, 1962, it need only be accompanied by the purchase price of \$1.25 per acre plus the testimony fee of \$1.80. If the entry for which the proof is being filed was allowed on or after September 24, 1962, the proof must be accompanied by a nonrefundable service charge of \$25.00, plus the purchase price of \$1.25 per acre, and where the proof is made before the Manager of the Land Office, or the acting Manager, the claimant must in addition pay to the Government the costs of reducing the testimony to writing.
- C. All final proofs must be made under oath.
- D. Final proof papers for unsurveyed lands must be accompanied by a Homestead Entry Application, Form 4-007, and a non-refundable service charge of \$25.00.

#### PUBLICATION: POSTING AND SURVEY

Notice for publication is issued after the filing of the claimant's final proof if the land has been surveyed. If the lands are unsurveyed at the time the claimant's final proof is

received, the lands must be surveyed before the entry can be allowed and notice of publication issued. The necessary papers for publication are mailed to the entryman, with instructions to take or send them to the designated newspaper. The publication period for rectangularly surveyed land is 5 weeks and on special surveys it is 9 weeks. In the case of special surveys only, a copy of the notice and plat must be posted on the land during the period of publication. Upon completion of the publication, the entryman is responsible for filing the publisher's affidavit of publication with the Land Office. If all is in order and if no protests are received within 30 days from date of publication, final certificate is forwarded to the Washington Office for patent. Patents cannot be issued until the land is surveyed and the plat filed in the Land Office. Upon receipt of the patent, the Land Office then mails the patent to the homesteader. The patentee can then have it recorded at the local District Recorder's Office. This is for the protection of the patentee under State law.

There is no further dealing with the Land Office with regard to registration, taxes, etc., after receipt of patent.

#### ADDITIONAL ENTRIES

##### 1. CONTIGUOUS LAND:

Section 2 of the act of April 28, 1904 (33 Stat. 527; 43 U.S.C. 213), as amended, authorizes any person who has previously entered less than 160 acres of land under the homestead law, who has not perfected the entry, or, if proof has been made, who still owns and occupies the land, to enter other and additional land lying contiguous to the original entry which, with the land first entered, will not in the aggregate exceed 160 acres. Applicants for an additional entry under this act must file their application on Form 4-018, accompanied by a \$25.00 nonrefundable service charge.

Before final proof may be submitted, the entryman must cultivate an amount equal to one-eighth of the area of the additional entry for at least one year after the additional entry is made and must maintain this cultivation until the submission of proof. This cultivation may be performed on the original entry, on the additional entry, or both, but must be in addition to that required and relied upon in making proof on the original entry. Residence must be made on the original entry and not, repeat not, on the additional entry.

Final proof for an additional entry under this act may be submitted only at the time of final proof for the original entry, or subsequent thereto, but must be submitted within the five (5) year statutory life. Commutation proof cannot be filed for entries under this act.

2. CONTIGUOUS OR NONCONTIGUOUS LAND:

Section 6 of the act of March 2, 1889 (25 Stat. 854; 43 U.S.C. 214), authorizes any qualified person who has previously filed final proof for a homestead entry of less than 160 acres to enter so much additional land, either contiguous or noncontiguous, to the land originally entered, as when combined with the acreage of the original entry will not exceed 160 acres. Applicants under this act are not required to show that they still own or occupy the original entry. The entryman is required to comply with the residence and cultivation requirements of the ordinary homestead law and must have a habitable house on the land before submission of final proof.

CONTESTS

Any homestead entry or settlement claim may be contested if the entryman or settler is failing to comply with the requirements of the homestead law. A contest may be initiated by either the government or a private party.

- A. A private contest may be initiated by any person who claims title to or an interest in land adverse to any other person claiming title to or interest in such land or who seeks to acquire a preference right pursuant to the act of May 14, 1880, as amended (43 U.S.C. 185). He may initiate proceedings to have the claim of title or interest adverse to his claim invalidated for any reasons not shown by the records of the Bureau of Land Management. (See regulations contained in 43 CFR, Part 221.51-.66).
- B. Any person, desiring to initiate a private contest, must file a complaint in the Land Office having jurisdiction over the land involved. Each complaint must be accompanied by a filing fee of \$10.00 and a deposit of \$20.00 toward reporter's fees.

- (1) The complaint shall contain the following information, under oath:
  - (a) The name and address of each party interested, including the age of each heir of any deceased entryman.
  - (b) A legal description of the land involved.
  - (c) A reference, so far as known to the contestant, to any proceedings pending for the acquisition of title to, or an interest in, such land.
  - (d) A statement in clear and concise language of the facts constituting the grounds of contest.
  - (e) A statement of the law under which contestant claims or intends to acquire title to, or an interest in, the land and of the facts showing that he is qualified to do so.
  - (f) A statement that the proceeding is not collusive or speculative but is instituted and will be diligently pursued in good faith.
  - (g) A request that the contestant be allowed to prove his allegations and that the adverse interest be invalidated.
  - (h) The office in which the complaint is filed and the address to which papers shall be sent for service on the contestant.
  - (i) A notice that unless the contestee files an answer to the complaint in such office within 30 days after service of the notice, the allegations of the complaint will be taken as confessed.
- (2) In case of a hearing, each party to the contest will be required to pay the reporter's fees covering the party's direct evidence and cross-examination of other witnesses except that if the ultimate decision is adverse to the contestant, he must in addition pay all the reporter's fees otherwise payable by the contestee.



- (3) Each party shall be required by the Hearings Examiner to make reasonable deposits for reporter's fees from time to time in advance of taking testimony. Such deposits must be sufficient to cover all reporter's fees for which the party may ultimately be liable.
- C. The contestant must serve a copy of the complaint on the entryman or settler not later than 30 days after filing the complaint in the Land Office and must file proof of such service, which can be made either by personal service, or by certified or registered mail, within 30 days after service. The signed return receipt card is proof of service by mail.
- D. If the contestee fails to answer the charges within 30 days of service, specifically meeting and responding to the statement of facts of the complaint, the allegations of the complaint will be taken as admitted by the contestee and the Manager will decide the case without a hearing. If the contestant is awarded a preference right, a nonrefundable cancellation service charge of \$10.00 will be required from the contestant. If an answer to the contest is filed, it is mandatory that a copy of that answer be served either personally or by registered or certified mail on the contestant. The contestee must furnish proof of service of his answer and file that proof of service in the Land Office within the 30 day period.
- E. If an answer is filed, the Manager of the Land Office will determine whether the elements of a private contest appear to have been established and refer the case to a Hearings Examiner. The Hearings Examiner will fix a place and date for the hearing and notify all parties at least 30 days in advance of the date set. This hearing is somewhat like a court trial and is conducted for the purpose of obtaining the facts in the case.

#### SECOND ENTRY

Where a person has made homestead entry or made an allowable homestead application or filed a location notice of settlement and failed to perfect title to the land, he must, in connection

with another application to make homestead entry, make the showing required by the act of September 5, 1914. This act requires the applicant to file an application for second entry and show, to the satisfaction of the Secretary of the Interior, that the prior entry or entries or settlement were made in good faith, were lost, forfeited or abandoned because of matters beyond his control, and that he has not speculated in his right, nor committed a fraud or attempted fraud in connection with such prior entry or entries or settlement. The determination whether or not the second entry is allowed is left to the discretion of the Bureau of Land Management.

#### MISCELLANEOUS

1. Character of Land: As each applicant is required to state that he is well acquainted with the character of the land described in his application, and as all entries are made subject to the rights of prior settlers, the applicant cannot make the statement that he is acquainted with the character of the land, or be sure that the land is not already appropriated by a settler, until after he has actually inspected it. The character and occupancy of public lands cannot be determined in any other way.
2. Information as to whether a particular tract of land is subject to entry may be obtained from the Land Office of the land district in which the tract is located.

We hope that we have answered your questions pertaining to homesteading in the State of Alaska, and will be happy to help you with any specific problems pertaining to your entry.\* (See below.) Please remember that, for the sake of brevity, the statements of homestead requirements herein are general; therefore, any unintentional conflict or omission in this pamphlet does not alter the land laws and regulations. The full regulations are found in 43 CFR 65, 166 and 181.

\*There are special provisions to protect the homesteader and his family, in the case of many unforeseen circumstances, such as death, insanity or judicial restraint of the homesteader, the desertion of his wife by the homesteader, or the induction of the homesteader into military service. Should some such circumstance arise, the Land Office should be promptly advised and a request made for information on the subject.

Title 18 U.S.C. 1001 makes it a crime for any person knowingly and willfully to make to any department or agency of the United States, any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.