

named since the 10th day of May 1872 may be patented without reference to such sections of this title. Such lands shall be offered for public sale in the same manner, and at the same minimum price, as other public lands.

(R.S. §2345; Mar. 3, 1891, ch. 561, §4, 26 Stat. 1097; Feb. 25, 1920, ch. 85, §1, 41 Stat. 437.)

REFERENCES IN TEXT

Sections 21, 22 to 24, 26 to 28, 29, 30, 33 to 47, 51 and 52 of this title and section 661 of title 43, referred to in text, were in the original "the preceding provisions of this chapter", meaning chapter 6 of title 32 of the Revised Statutes, consisting of R.S. §§2318 to 2344.

CODIFICATION

R.S. §2345 derived from act Feb. 18, 1873, ch. 159, 17 Stat. 465.

AMENDMENTS

1920—The exception clause has been inserted at beginning of this section because of act Feb. 25, 1920, which provided that deposits of coal, phosphate, sodium, oil, oil shale, or gas, and lands containing such deposits owned by the United States, shall be subject to disposition in the form and manner provided by this act.

CROSS REFERENCES

Alabama mineral lands excepted, see section 171 of this title.

Alabama public lands reclassified to determine right to reentry as homestead in such State lands reclassified as agricultural, see section 172 of this title.

Kansas and Missouri mineral lands excepted, see section 49 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 24, 29, 33, 37, 38, 39, 40, 42, 46, 47, 102 of this title; title 16 section 460mm-1.

§ 49. Lands in Missouri and Kansas; disposal as agricultural lands

Except as otherwise provided in chapter 3A of this title, within the States of Missouri and Kansas deposits of coal, iron, lead, or other mineral are excluded from the operation of sections 22 to 24, 26 to 28, 29, 30, 33 to 35, 37, 39 to 42, and 47 of this title, and all lands in said States shall be subject to disposal as agricultural lands.

(May 5, 1876, ch. 91, 19 Stat. 52; Feb. 25, 1920, ch. 85, §1, 41 Stat. 437.)

REFERENCES IN TEXT

Sections 22 to 24, 26 to 28, 29, 30, 33 to 35, 37, 39 to 42, and 47 of this title, referred to in text, were in the original "the act entitled 'An act to promote the development of mining resources of the United States' approved May tenth, eighteen hundred and seventy-two", meaning act May 10, 1872, ch. 152, 17 Stat. 91, popularly known as the Mining Act of 1872. That act was incorporated into the Revised Statutes as R.S. §§2319 to 2328, 2331, 2333 to 2337, and 2344, which are classified to sections 22 to 24, 26 to 28, 29, 30, 33 to 35, 37, 39 to 42, and 47 of this title. For complete classification of R.S. §§2319 to 2328, 2331, 2333 to 2337, and 2344 to the Code, see Tables.

AMENDMENTS

1920—The exception clause has been inserted at beginning of this section because of act Feb. 25, 1920, which provided that deposits of coal, phosphate, sodium, oil, oil shale, or gas, and lands containing such deposits owned by the United States, shall be subject to disposition in the form and manner provided by such act.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 16 section 460mm-1.

§ 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, §26, 31 Stat. 329; May 31, 1938, ch. 297, 52 Stat. 588; Aug. 8, 1947, ch. 514, §1,

¹ See References in Text note below.