

specific legislative protection from the time of "Sewards Folly". Commencing with the Treaty of Cession, 15 Stat. 539, 542 (1867), and continuing through the Statehood Act, Congress consistently has respected "the possessory rights of the Indians of Alaska in the land actually occupied and used by them." Federal Indian Law, pp. 951-960 (G.P.O. 1958).

For example, section 8 of the Act of May 17, 1884, 23 Stat. 24, 26, the first statute applying federal land law to Alaska, provided:

"That the Indians . . . shall not be disturbed in the possession of any lands actually in their use or occupation or now claimed by them but the terms under which such persons may acquire title to such lands is reserved for future legislation by Congress."

The United States Court of Appeals for the Ninth Circuit held in Heckman v. Sutton, 119 Fed. 83, 89 (1902), that this statute established possessory rights which would ground a suit against encroachment by third parties, stating that:

"Congress saw proper to protect by its act of 1884 the possession and use by these Indians and other persons of any and all lands in Alaska against intrusion by third persons, and so far has never deemed it wise to otherwise provide."

See also Acts of March 3, 1891 (26 Stat. 1095) and May 14, 1898 (30 Stat. 409).

Similarly, Section 27 of the Act of June 6, 1900, 31 Stat. 321, 330, which established a civil government for Alaska,