

State Placing Liens on Native Townsites

The state has been placing a lien on native allotments and restricted native townsites, BIA Realty Officer William H. Mattice charged Wednesday.

Under the State Land Registration Act, land owners are required to register their land with the state if it is not within the jurisdiction of borough or city governments. If this is not done, the act provides that the state can place a lien on the land, foreclose, and sell it.

Mattice contends that the state is using the act to secure and sell lands obtained by na-

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tives through native allotments. He stated that the action, originating in the Anchorage land office, is "capricious and should not be allowed."

Native allotments are granted on the basis of previous occupancy and prior use of the land. Mattice said that state law is subject to valid existing rights, which would include rights derived from native occupancy. He concludes that the state action is therefore illegal.

"Legally, the land is still held by the federal government, although the native can do anything he wants with it," Mattice said. He also stated that the native's right to the land supercedes state and local restrictions, giving the land a non-taxable status.

He states that legal decisions have declared attempts by state and local governments to tax native allotments to be illegal. Mattice made specific reference to an opinion rendered in the Third District Court for the Territory of Alaska, Third Division, filed against the City of Kodiak on June 22, 1955.

The City of Kodiak had acted

to foreclose tax liens on such restricted lands. The opinion, rendered by U.S. District Judge J.L. McCarrey, Jr., concluded that the city was powerless to tax, foreclose, or sell the lands.
