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[PUBLIC—No. 69—63D CONGRESS.] (38 Stat 305)
[S. 48.]

An Act To authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby empowered, authorized, and directed to adopt and use a name by which to designate the railroad or railroads and properties to be located, owned, acquired, or operated under the authority of this Act; to employ such officers, agents, or agencies, in his discretion, as may be necessary to enable him to carry out the purposes of this Act; to authorize and require such officers, agents, or agencies to perform any or all of the duties imposed upon him by the terms of this Act; to detail and require any officer or officers in the Engineer Corps in the Army or Navy to perform service under this Act; to fix the compensation of all officers, agents, or employees appointed or designated by him; to designate and cause to be located a route or routes for a line or lines of railroad in the Territory of Alaska not to exceed in the aggregate one thousand miles, to be so located as to connect one or more of the open Pacific Ocean harbors on the southern coast of Alaska with the navigable waters in the interior of Alaska, and with a coal field or fields so as best to aid in the development of the agricultural and mineral or other resources of Alaska, and the settlement of the public lands therein, and so as to provide transportation of coal for the Army and Navy, transportation of troops, arms, munitions of war, the mails, and for other governmental and public uses, and for the transportation of passengers and property; to construct and build a railroad or railroads along such route or routes as he may so designate and locate, with the necessary branch lines, feeders, sidings, switches, and spurs; to purchase or otherwise acquire all real and personal property necessary to carry out the purposes of this Act; to exercise the power of eminent domain in acquiring property for such use, which use is hereby declared to be a public use, by condemnation in the courts of Alaska in accordance with the laws now or hereafter in force there; to acquire rights of way, terminal grounds, and all other rights; to purchase or otherwise acquire all necessary equipment for the construction and operation of such railroad or railroads; to build or otherwise acquire docks, wharves, terminal facilities, and all structures needed for the equipment and operation of such railroad or railroads; to fix, change, or modify rates for the transportation of passengers and property, which rates shall be equal and uniform, but no free transportation or passes shall be permitted except that the provisions of the interstate commerce laws relating to the transportation of employees and their families shall be in force as to the lines constructed under this Act; to receive compensation for the transportation of passengers and property, and to perform generally all the usual duties of a common carrier by railroad; to make and establish rules and regulations for the

142

control and operation of said railroad or railroads; in his discretion, to lease the said railroad or railroads, or any portion thereof, including telegraph and telephone lines, after completion under such terms as he may deem proper, but no lease shall be for a longer period than twenty years, or in the event of failure to lease, to operate the same until the further action of Congress: *Provided*, That if said railroad or railroads, including telegraph and telephone lines, are leased under the authority herein given, then and in that event they shall be operated under the jurisdiction and control of the provisions of the interstate commerce laws; to purchase, condemn, or otherwise acquire upon such terms as he may deem proper any other line or lines of railroad in Alaska which may be necessary to complete the construction of the line or lines of railroad designated or located by him: *Provided*, That the price to be paid in case of purchase shall in no case exceed the actual physical value of the railroad; to make contracts or agreements with any railroad or steamship company or vessel owner for joint transportation of passengers or property over the road or roads herein provided for, and such railroad or steamship line or by such vessel, and to make such other contracts as may be necessary to carry out any of the purposes of this Act; to utilize in carrying on the work herein provided for any and all machinery, equipment, instruments, material, and other property of any sort whatsoever used or acquired in connection with the construction of the Panama Canal, so far and as rapidly as the same is no longer needed at Panama, and the Isthmian Canal Commission is hereby authorized to deliver said property to such officers or persons as the President may designate, and to take credit therefor at such percentage of its original cost as the President may approve, but this amount shall not be charged against the fund provided for in this Act.

The authority herein granted shall include the power to construct, maintain, and operate telegraph and telephone lines so far as they may be necessary or convenient in the construction and operation of the railroad or railroads as herein authorized and they shall perform generally all the usual duties of telegraph and telephone lines for hire.

That it is the intent and purpose of Congress through this Act to authorize and empower the President of the United States, and he is hereby fully authorized and empowered, through such officers, agents, or agencies as he may appoint or employ, to do all necessary acts and things in addition to those specially authorized in this Act to enable him to accomplish the purposes and objects of this Act.

The President is hereby authorized to withdraw, locate, and dispose of, under such rules and regulations as he may prescribe, such area or areas of the public domain along the line or lines of such proposed railroad or railroads for town-site purposes as he may from time to time designate.

Terminal and station grounds and rights of way through the lands of the United States in the Territory of Alaska are hereby granted for the construction of railroads, telegraph and telephone lines authorized by this Act, and in all patents for lands hereafter taken up, entered or located in the Territory of Alaska there shall be expressed that there is reserved to the United States a right of way for the construction of railroads, telegraph and telephone lines

to the extent of one hundred feet on either side of the center line of any such road and twenty-five feet on either side of the center line of any such telegraph or telephone lines, and the President may, in such manner as he deems advisable, make reservation of such lands as are or may be useful for furnishing materials for construction and for stations, terminals, docks, and for such other purposes in connection with the construction and operation of such railroad lines as he may deem necessary and desirable.

SEC. 2. That the cost of the work authorized by this Act shall not exceed \$35,000,000, and in executing the authority granted by this Act the President shall not expend nor obligate the United States to expend more than the said sum; and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$1,000,000 to be used for carrying out the provisions of this Act, to continue available until expended.

SEC. 3. That all moneys derived from the lease, sale, or disposal of any of the public lands, including townsites, in Alaska, or the coal or mineral therein contained, or the timber thereon, and the earnings of said railroad or railroads, together with the earnings of the telegraph and telephone lines constructed under this Act, above maintenance charges and operating expenses, shall be paid into the Treasury of the United States as other miscellaneous receipts are paid, and a separate account thereof shall be kept and annually reported to Congress.

SEC. 4. That the officers, agents, or agencies placed in charge of the work by the President shall make to the President annually, and at such other periods as may be required by the President or by either House of Congress, full and complete reports of all their acts and doings and of all moneys received and expended in the construction of said work and in the operation of said work or works and in the performance of their duties in connection therewith. The annual reports herein provided for shall be by the President transmitted to Congress.

Approved, March 12, 1914.

Subject: Railroad reservation

Date: Tue, 18 Sep 2001 15:38:45 -0800

From: "John F. Bennett" <johnf_bennett@dot.state.ak.us>

To: Everett J Athens JR <john_athens@law.state.ak.us>

John, we are currently working on a Parks Highway project at MP 309 called the Monderosa Railroad Overpass. We will acquire an interest in a parcel as we cross the Alaska Railroad. The railroad's interest is based upon a federal patent reservation: "There is also reserved to the United States a right-of-way for the construction of railroads, telegraph and telephone lines, in accordance with Section 1 of the Act of March 12, 1914 (38 Stat. 305; 48 U.S.C. Sec. 305)"

The federal railroad interest was transferred to the Alaska Railroad Corp. by the Alaska Railroad Transfer Act of 1982. The IC's and eventual patents to the Alaska Railroad identified the conveyance of an interest (for the vicinity of our parcel in question) of "not less than an exclusive use easement". ARTA Sec.603(6) defines an "exclusive use easement" as an easement which affords to the easement holder the following:

(A) the exclusive right to use, possess, and enjoy the surface estate of the land subject to this easement for transportation, communication, and transmission purposes and for support functions associated with such purposes;

(B) the right to use so much of the subsurface estate of the lands subject to this easement as is necessary for the transportation, communication, and transmission purposes and associated support functions for which the surface of such lands is used;.....

Recognizing the principle that the burden of an easement cannot be increased beyond its original scope without permission of the owner of the fee estate, I have this question:

As the ARRC holds an exclusive use easement for transportation purposes for both the surface and subsurface estates, can they unilaterally issue DOT a permit for construction of a new highway crossing that right of way?

I know we do need to get a permit from ARRC, but I was not so sure that we were obligated to obtain an easement from the owner of the fee estate. Given that the fee estate is so heavily burdened by the railroad easement, compensation would be nominal at best. On the other hand, as we will have to acquire other parcels from the owner of the fee estate, we will be talking with them anyhow.

Interested in your thoughts. (LC 30239332) JohnB

John F. Bennett <johnf_bennett@dot.state.ak.us>

Chief, Right of Way
Northern Region
Department of Transportation

(2) a person who is able to assure that adequate transportation will be provided over a substantial portion of the feeder line described in subsection (a) of this section for a period of not less than 3 years; or

(3) any combination of members of the classes of applicants described in paragraphs (1) and (2) of this subsection.

Alaska Railroad
Transfer Act of
1982.

TITLE VI—ALASKA RAILROAD TRANSFER

SHORT TITLE

45 USC 1201
note.

SEC. 601. This title may be cited as the "Alaska Railroad Transfer Act of 1982".

FINDINGS

45 USC 1201.

SEC. 602. The Congress finds that—

(1) the Alaska Railroad, which was built by the Federal Government to serve the transportation and development needs of the Territory of Alaska, presently is providing freight and passenger services that primarily benefit residents and businesses in the State of Alaska;

(2) many communities and individuals in Alaska are wholly or substantially dependent on the Alaska Railroad for freight and passenger service and provision of such service is an essential governmental function;

(3) continuation of services of the Alaska Railroad and the opportunity for future expansion of those services are necessary to achieve Federal, State, and private objectives; however, continued Federal control and financial support are no longer necessary to accomplish these objectives;

(4) the transfer of the Alaska Railroad and provision for its operation by the State in the manner contemplated by this title is made pursuant to the Federal goal and ongoing program of transferring appropriate activities to the States;

(5) the State's continued operation of the Alaska Railroad following the transfer contemplated by this title, together with such expansion of the railroad as may be necessary or convenient in the future, will constitute an appropriate public use of the rail system and associated properties, will provide an essential governmental service, and will promote the general welfare of Alaska's residents and visitors; and

(6) in order to give the State government the ability to determine the Alaska Railroad's role in serving the State's transportation needs in the future, including the opportunity to extend rail service, and to provide a savings to the Federal Government, the Federal Government should offer to transfer the railroad to the State, in accordance with the provisions of this title, in the same manner in which other Federal transportation functions (including highways and airports) have been transferred since Alaska became a State in 1959.

DEFINITIONS

15 USC 1202.

SEC. 603. As used in this title, the term—

(1) "Alaska Railroad" means the agency of the United States Government that is operated by the Department of Transportation as a rail carrier in Alaska under authority of the Act of

March 12, 1914 (43 U.S.C. 975 et seq.) (popularly referred to as the "Alaska Railroad Act") and section 6(i) of the Department of Transportation Act (49 U.S.C. 1655(i)), or, as the context requires, the railroad operated by that agency;

(2) "Alaska Railroad Revolving Fund" means the public enterprise fund maintained by the Department of the Treasury into which revenues of the Alaska Railroad and appropriations for the Alaska Railroad are deposited, and from which funds are expended for Alaska Railroad operation, maintenance and construction work authorized by law;

Definitions.

(3) "claim of valid existing rights" means any claim to the rail properties of the Alaska Railroad on record in the Department of the Interior as of the day before the date of enactment of this Act;

(4) "date of transfer" means the date on which the Secretary delivers to the State the four documents referred to in section 604(b)(1) of this title;

(5) "employees" means all permanent personnel employed by the Alaska Railroad on the date of transfer, including the officers of the Alaska Railroad, unless otherwise indicated in this title;

(6) "exclusive-use easement" means an easement which affords to the easement holder the following:

(A) the exclusive right to use, possess, and enjoy the surface estate of the land subject to this easement for transportation, communication, and transmission purposes and for support functions associated with such purposes;

(B) the right to use so much of the subsurface estate of the lands subject to this easement as is necessary for the transportation, communication, and transmission purposes and associated support functions for which the surface of such lands is used;

(C) subjacent and lateral support of the lands subject to the easement; and

(D) the right (in the easement holder's discretion) to fence all or part of the lands subject to this easement and to affix track, fixtures, and structures to such lands and to exclude other persons from all or part of such lands;

(7) "Native Corporation" has the same meaning as such term has under section 102(6) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3102(6));

(8) "officers of the Alaska Railroad" means the employees occupying the following positions at the Alaska Railroad as of the day before the date of transfer: General Manager; Assistant General Manager; Assistant to the General Manager; Chief of Administration; and Chief Counsel;

(9) "public lands" has the same meaning as such term has under section 3(e) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(e));

(10) "rail properties of the Alaska Railroad" means all right, title, and interest of the United States to lands, buildings, facilities, machinery, equipment, supplies, records, rolling stock, trade names, accounts receivable, goodwill, and other real and personal property, both tangible and intangible, in which there is an interest reserved, withdrawn, appropriated, owned, administered or otherwise held or validly claimed for the Alaska Railroad by the United States or any agency or instrumentality

CHAP. 34.—An Act To repeal an Act regulating the construction of bridges across the Muskingum River in Ohio.

March 9, 1914.
[H. R. 11331.]

[Public, No. 66.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of Congress entitled "An Act regulating the construction of bridges over the Muskingum River in Ohio," approved April second, eighteen hundred and eighty-eight, be, and the same is hereby, repealed.

Muskingum River, Ohio. Restrictions on bridges across, removed. Vol. 25, p. 74, repealed.

Approved, March 9, 1914.

CHAP. 35.—An Act To authorize the construction, maintenance, and operation of a bridge across the Tombigbee River near Old Cotton Gin Port, in Monroe County, Mississippi.

March 9, 1914.
[H. R. 13365.]

[Public, No. 67.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the board of supervisors of Monroe County, Mississippi, is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee River, at a point suitable to the interests of navigation, near Old Cotton Gin Port, in Monroe County, Mississippi, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters," approved March twenty-third, nineteen hundred and six.

Tombigbee River, Monroe County, Miss., may bridge, at Old Cotton Gin Port. Construction. Vol. 34, p. 84.

SEC. 2. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, March 9, 1914.

CHAP. 36.—An Act To extend the time for constructing a bridge across the Mississippi River at the town site of Sartell, Minnesota.

March 11, 1914.
[H. R. 13545.]

[Public, No. 68.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time for commencing and completing the bridge authorized by the Act of Congress approved August twenty-fourth, nineteen hundred and twelve, to be built across the Mississippi River, at the town site of Sartell, Stearns County, Minnesota, is hereby extended to one year and three years, respectively, from date of approval hereof.

Mississippi River. Time extended for bridging, by Sartell, Minn. Vol. 37, p. 494, amended.

SEC. 2. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, March 11, 1914.

CHAP. 37.—An Act To authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes.

March 12, 1914.
[S. 48.]

[Public, No. 69.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby empowered, authorized, and directed to adopt and use a name by which to designate the railroad or railroads and properties to be located, owned, acquired, or operated under the authority of this Act; to employ such officers, agents, or agencies, in his discretion, as may be necessary to enable him to carry out the purposes of this Act; to authorize and require such officers, agents, or agencies to perform any or all of the duties imposed upon him by the terms of this Act; to detail and require any officer or officers in the Engineer Corps in the Army or Navy to perform service under this Act; to fix the compensation of all officers, agents, or employees appointed or designated by him; to designate and cause to be located a route or routes for a line or lines of railroad in the Territory of Alaska not to exceed in the aggregate one thousand

Alaska. President authorized to operate, etc., railroads in.

Location and purpose.

miles, to be so located as to connect one or more of the open Pacific Ocean harbors on the southern coast of Alaska with the navigable waters in the interior of Alaska, and with a coal field or fields so as best to aid in the development of the agricultural and mineral or other resources of Alaska, and the settlement of the public lands therein, and so as to provide transportation of coal for the Army and Navy, transportation of troops, arms, munitions of war, the mails, and for other governmental and public uses, and for the transportation of passengers and property; to construct and build a railroad or railroads along such route or routes as he may so designate and locate, with the necessary branch lines, feeders, sidings, switches, and spurs; to purchase or otherwise acquire all real and personal property necessary to carry out the purposes of this Act; to exercise the power of eminent domain in acquiring property for such use, which use is hereby declared to be a public use, by condemnation in the courts of Alaska in accordance with the laws now or hereafter in force there; to acquire rights of way, terminal grounds, and all other rights; to purchase or otherwise acquire all necessary equipment for the construction and operation of such railroad or railroads; to build or otherwise acquire docks, wharves, terminal facilities, and all structures needed for the equipment and operation of such railroad or railroads; to fix, change, or modify rates for the transportation of passengers and property, which rates shall be equal and uniform, but no free transportation or passes shall be permitted except that the provisions of the interstate commerce laws relating to the transportation of employees and their families shall be in force as to the lines constructed under this Act; to receive compensation for the transportation of passengers and property, and to perform generally all the usual duties of a common carrier by railroad; to make and establish rules and regulations for the control and operation of said railroad or railroads; in his discretion, to lease the said railroad or railroads, or any portion thereof, including telegraph and telephone lines, after completion under such terms as he may deem proper, but no lease shall be for a longer period than twenty years, or in the event of failure to lease, to operate the same until the further action of Congress: *Provided, That if said railroad or railroads, including telegraph and telephone lines, are leased under the authority herein given, then and in that event they shall be operated under the jurisdiction and control of the provisions of the interstate commerce laws; to purchase, condemn, or otherwise acquire upon such terms as he may deem proper any other line or lines of railroad in Alaska which may be necessary to complete the construction of the line or lines of railroad designated or located by him: Provided, That the price to be paid in case of purchase shall in no case exceed the actual physical value of the railroad; to make contracts or agreements with any railroad or steamship company or vessel owner for joint transportation of passengers or property over the road or roads herein provided for, and such railroad or steamship line or by such vessel, and to make such other contracts as may be necessary to carry out any of the purposes of this Act; to utilize in carrying on the work herein provided for any and all machinery, equipment, instruments, material, and other property of any sort whatsoever used or acquired in connection with the construction of the Panama Canal, so far and as rapidly as the same is no longer needed at Panama, and the Isthmian Canal Commission is hereby authorized to deliver said property to such officers or persons as the President may designate, and to take credit therefor at such percentage of its original cost as the President may approve, but this amount shall not be charged against the fund provided for in this Act.*

Construction, etc.

Rights of way, terminals, etc.

Transportation rates, etc.

Common carrier duties.

Lease after completion.

Provisos.
Subject to interstate commerce laws if leased.

Purchase of existing lines.

Price.

Joint agreements with other carriers.

Use of Panama Canal machinery, etc., for construction.

The authority herein granted shall include the power to construct, maintain, and operate telegraph and telephone lines so far as they may be necessary or convenient in the construction and operation of the railroad or railroads as herein authorized and they shall perform generally all the usual duties of telegraph and telephone lines for hire.

Operation of telegraph and telephone lines

That it is the intent and purpose of Congress through this Act to authorize and empower the President of the United States, and he is hereby fully authorized and empowered, through such officers, agents, or agencies as he may appoint or employ, to do all necessary acts and things in addition to those specially authorized in this Act to enable him to accomplish the purposes and objects of this Act.

Full powers vested in President

The President is hereby authorized to withdraw, locate, and dispose of, under such rules and regulations as he may prescribe, such area or areas of the public domain along the line or lines of such proposed railroad or railroads for town-site purposes as he may from time to time designate.

Townsites authorized.

Terminal and station grounds and rights of way through the lands of the United States in the Territory of Alaska are hereby granted for the construction of railroads, telegraph and telephone lines authorized by this Act, and in all patents for lands hereafter taken up, entered or located in the Territory of Alaska there shall be expressed that there is reserved to the United States a right of way for the construction of railroads, telegraph and telephone lines to the extent of one hundred feet on either side of the center line of any such road and twenty-five feet on either side of the center line of any such telegraph or telephone lines, and the President may, in such manner as he deems advisable, make reservation of such lands as are or may be useful for furnishing materials for construction and for stations, terminals, docks, and for such other purposes in connection with the construction and operation of such railroad lines as he may deem necessary and desirable.

Public lands subject to reservations for terminals, rights of way, etc

Construction materials

SEC. 2. That the cost of the work authorized by this Act shall not exceed \$35,000,000, and in executing the authority granted by this Act the President shall not expend nor obligate the United States to expend more than the said sum; and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$1,000,000 to be used for carrying out the provisions of this Act, to continue available until expended.

Limit of cost

Appropriation.

SEC. 3. That all moneys derived from the lease, sale, or disposal of any of the public lands, including townsites, in Alaska, or the coal or mineral therein contained, or the timber thereon, and the earnings of said railroad or railroads, together with the earnings of the telegraph and telephone lines constructed under this Act, above maintenance charges and operating expenses, shall be paid into the Treasury of the United States as other miscellaneous receipts are paid, and a separate account thereof shall be kept and annually reported to Congress.

Specified receipts to be paid into Treasury.

SEC. 4. That the officers, agents, or agencies placed in charge of the work by the President shall make to the President annually, and at such other periods as may be required by the President or by either House of Congress, full and complete reports of all their acts and doings and of all moneys received and expended in the construction of said work and in the operation of said work or works and in the performance of their duties in connection therewith. The annual reports herein provided for shall be by the President transmitted to Congress.

Reports to be made.

Approved, March 12, 1914.

§ 971b. Sale of restored Alaskan lands preference rights; consent of Federal agency

The Secretary may sell such restored lands for not less than their appraised value, giving an appropriate preference right to the holders of adjoining claims or entries and to owners of adjoining private lands. If such lands are under the jurisdiction of a Federal department or agency other than the Department of the Interior, any sale thereof shall be made only with the consent of such department or agency.

(Aug. 1, 1956, ch. 848, § 2, 70 Stat. 898.)

CODIFICATION

Section was formerly classified to section 420a of Title 48, Territories and Insular Possessions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 971c, 971d, 971e of this title.

§ 971c. Utilization or occupancy of Alaskan easements; consent of agency

Lands in Alaska within an easement established under sections 971a to 971e of this title by the Secretary of the Interior may not be utilized or occupied without the permission of the Secretary, or an officer or agency designated by him. If the lands crossed by an easement established under sections 971a to 971e of this title are under the jurisdiction of a Federal department or agency other than the Department of the Interior, or of a State, Territory, or other government subdivision or agency, such permission may be granted only with the consent of such department, agency, or other governmental unit.

(Aug. 1, 1956, ch. 848, § 3, 70 Stat. 898.)

CODIFICATION

Section was formerly classified to section 420b of Title 48, Territories and Insular Possessions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 971d, 971e of this title.

§ 971d. Effect on valid existing Alaskan rights

Nothing in sections 971a to 971e of this title shall affect adversely any valid existing rights.

(Aug. 1, 1956, ch. 848, § 4, 70 Stat. 898.)

CODIFICATION

Section was formerly classified to section 420c of Title 48, Territories and Insular Possessions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 971c, 971e of this title.

§ 971e. Definition of restored Alaskan lands

For the purposes of sections 971a to 971e of this title, the words "restored lands" include, without limiting the meaning thereof, those lands at Big Delta and Tok Junctions that are withdrawn by public land orders numbered 808 and 975 and that lie between the centerline of the Richardson and Glenn Highways and the land included within United States surveys 2727, 2728, 2770, 2771, 2772, 2773, 2774, 2723, 2724, 2725, and 2726.

(Aug. 1, 1956, ch. 848, § 5, as added June 11, 1960, Pub. L. 86-512, 74 Stat. 207.)

CODIFICATION

Section was formerly classified to section 420d of Title 48, Territories and Insular Possessions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 971c, 971d of this title.

§ 975. Alaskan railroads; location, construction, and operation; passes

The President of the United States is empowered, authorized, and directed to adopt and use a name by which to designate the railroad or railroads and properties to be located, owned, acquired, or operated under the authority of sections 975 to 975g of this title; to employ such officers, agents, or agencies, in his discretion, as may be necessary to enable him to carry out the purposes of said sections; to authorize and require such officers, agents, or agencies to perform any or all of the duties imposed upon him by the terms of said sections; to detail and require any officer or officers in the Engineer Corps in the Army or Navy to perform service under said sections; to fix the compensation of all officers, agents, or employees appointed or designated by him; to designate and cause to be located a route or routes for a line or lines of railroad in the Territory of Alaska not to exceed in the aggregate one thousand miles, to be so located as to connect one or more of the open Pacific Ocean harbors on the southern coast of Alaska with the navigable waters in the interior of Alaska, and with a coal field or fields so as best to aid in the development of the agricultural and mineral or other resources of Alaska, and the settlement of the public lands therein, and so as to provide transportation of coal for the Army and Navy, transportation of troops, arms, munitions of war, the mails, and for other governmental and public uses and for the transportation of passengers and property; to construct and build a railroad or railroads along such route or routes as he may so designate and locate, with the necessary branch lines, feeders, sidings, switches, and spurs; to purchase or otherwise acquire all real and personal property necessary to carry out the purposes of said sections; to exercise the power of eminent domain in acquiring property for such use which use is declared to be a public use, by condemnation in the courts of Alaska in accordance with the laws now or hereafter in force there; to acquire rights-of-way, terminal grounds, and all other rights; to purchase or otherwise acquire all necessary equipment for the construction, and operation of such railroad or railroads; to build or otherwise acquire docks, wharves, terminal facilities, and all structures needed for the equipment and operation of such railroad or railroads; to fix, change, or modify rates for the transportation of passengers and property, which rates shall be equal and uniform, but no free transportation or passes shall be permitted except that the provisions of the interstate commerce laws relating to the transportation of employees and their families shall be in force as to the lines constructed under said sections; and except also that the issuance of passes to ministers of reli-

gion, traveling secretaries of Railroad Young Men's Christian Associations, and persons exclusively engaged in charitable and eleemosynary work when engaged in their work in Alaska; to indigent, destitute, and homeless persons inmates of hospitals and charitable and eleemosynary institutions, and to such persons when transported by charitable societies or hospitals and the necessary agents employed in such transportation; to newsboys on trains, persons injured in wrecks, and physicians and nurses attending such persons; the interchange of passes for the officers, agents, and employees of common carriers, and their families; and the carrying of passengers free with the object of providing relief in cases of general epidemic, pestilence, or other calamitous visitation is permitted; to receive compensation for the transportation of passengers and property and to perform generally all the usual duties of a common carrier by railroad; to make and establish rules and regulations for the control and operation of said railroad or railroads; in his discretion, to lease the said railroad or railroads, or any portion thereof, including telegraph and telephone lines, after completion under such terms as he may deem proper, but no lease of such railroad or railroads shall be for a longer period than twenty years and no other lease authorized in sections 975 to 975g of this title shall be for a longer period than fifty-five years, or in the event of failure to lease, to operate the same until the further action of Congress. If said railroad or railroads, including telegraph and telephone lines, are leased under the authority given under said sections, then and in that event they shall be operated under the jurisdiction and control of the provisions of the interstate commerce laws; to purchase, condemn, or otherwise acquire upon such terms as he may deem proper, any other line or lines of railroad in Alaska which may be necessary to complete the construction of the line or lines of railroad designated or located by him. The price to be paid in case of purchase shall in no case exceed the actual physical value of the railroads; to make contracts or agreements with any railroad or steamship company or vessel owner for joint transportation of passengers or property over the road or roads herein provided for and such railroad or steamship line or by such vessel, and to make such other contracts as may be necessary to carry out any of the purposes of said sections; to utilize in carrying on the work herein provided for any and all machinery, equipment, instruments, material, and other property of any sort whatsoever used or acquired in connection with the construction of the Panama Canal, so far and as rapidly as the same is no longer needed at Panama, and the successors to the Isthmian Canal Commission are authorized to deliver said property to such officers or persons as the President may designate, and to take credit therefor at such percentage of its original cost as the President may approve, but this amount shall not be charged against the fund provided for in said sections.

(Mar. 12, 1914, ch. 37, § 1, 38 Stat. 305; Apr. 10, 1926, ch. 114, 44 Stat. 239; Aug. 4, 1955, ch. 554, 69 Stat. 494.)

REFERENCES IN TEXT

The interstate commerce laws, referred to in text, probably mean the Interstate Commerce Act (act Feb. 4, 1887, ch. 104, 24 Stat. 379, as amended), which is classified generally to chapters 1 (§ 1 et seq.), 8 (§ 301 et seq.), 12 (§ 901 et seq.), 13 (§ 1001 et seq.), and 19 (§ 1231 et seq.) of Title 49, Transportation. For complete classification of this Act to the Code, see note captioned Interstate Commerce Act set out under section 27 of Title 49 and Tables volume.

CODIFICATION

Section is comprised of the first paragraph of section 1 of act Mar. 12, 1914. The remainder of section 1 of act Mar. 12, 1914, is classified to sections 975a to 975d, and 975f of this title.

Section was formerly classified to section 301 of Title 48, Territories and Insular Possessions.

AMENDMENTS

1955—Act Aug. 4, 1955, amended section to permit granting of leases for periods up to 55 years.

1926—Act Apr. 10, 1926, amended section by authorizing the issuance of free passes to specified persons, interchange of passes for officers and employees of common carriers, and free transportation of passengers for relief during disasters.

SHORT TITLE

Sections 975 to 975g of this title are popularly known as the "Alaska Railroad Act".

TRANSFER OF FUNCTIONS

For transfer to the Secretary of Transportation of the administration of the Alaska Railroad and all of the functions authorized to be carried out by the Secretary of the Interior pursuant to Ex. Ord. No. 11107, Apr. 25, 1963, 28 F.R. 4225, relative to the operation of the railroad, see section 1655 of Title 49, Transportation.

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

Ex. Ord. No. 3861, June 8, 1923, 48 C.F.R. § 5.1, which authorized and directed Secretary of Interior to operate railroads acquired or constructed under the Alaska Railroad Act, was superseded by Ex. Ord. No. 11107, Apr. 26, 1963, 28 F.R. 4225, set out as a note under section 975f of this title. Under Order 1040 of Feb. 13, 1936, the Secretary of the Interior delegated general supervision over the activities of the Alaska Railroad to the Division of Territories and Island Possessions which was established as a division in the Department of the Interior by Ex. Ord. No. 6726, May 29, 1934.

ADMISSION OF ALASKA AS STATE

Admission of Alaska into the Union was accomplished Jan. 3, 1959 upon 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.

APPROPRIATIONS

Section 2 of act Mar. 12, 1914, provided that the cost of the work authorized by sections 975 to 975g should not exceed \$35,000,000, and that in executing the authority granted by those sections the President should not expend nor obligate the United States to expend more than that sum. It also appropriated the sum of \$1,000,000 to be used for carrying out the provisions of those sections, to continue available until expended.

MOUNT MCKINLEY NATIONAL PARK

Amendment of section 1 of act Mar. 12, 1914, by act Mar. 29, 1940, ch. 74, 54 Stat. 80, relating to Mount

McKinley National Park, and providing for accommodations for visitors and residents, is set out as section 353a of Title 16, Conservation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 975a, 975c, 975e, 975f of this title; title 16 section 353a.

§ 975a. Telegraph and telephone lines in Alaska

The authority granted under section 975 of this title shall include the power to construct, maintain, and operate telegraph and telephone lines so far as they may be necessary or convenient in the construction and operation of the railroad or railroads as herein authorized, and they shall perform generally all the usual duties of telegraph and telephone lines for hire.

(Mar. 12, 1914, ch. 37, § 1, 38 Stat. 305.)

CODIFICATION

Section is comprised of the second paragraph of section 1 of act Mar. 12, 1914. The remainder of section 1 of act Mar. 12, 1914, is classified to sections 975, 975b to 975d, and 975f of this title.

Section was formerly classified to section 302 of Title 48, Territories and Insular Possessions.

TRANSFER OF FUNCTIONS

For transfer to the Secretary of Transportation of the administration of the Alaska Railroad and all of the functions authorized to be carried out by the Secretary of the Interior pursuant to Ex. Ord. No. 11107, Apr. 25, 1963, 28 F.R. 4225, relative to the operation of the railroad, see section 1655 of Title 49, Transportation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 975, 975c, 975e, 975f of this title; title 16 section 353a; title 49 section 1655.

§ 975b. Repealed. Pub. L. 94-579, title VII, § 704(a), Oct. 21, 1976, 90 Stat. 2792

Section, act Mar. 12, 1914, ch. 37, § 1, 38 Stat. 305, authorized the President to withdraw, locate, and dispose of lands for town-site purposes along Alaskan railroad lines. Section was formerly classified to section 303 of Title 48, Territories and Insular Possessions.

EFFECTIVE DATE OF REPEAL

Section 704(a) of Pub. L. 94-579 provided in part that this section is repealed effective on and after Oct. 21, 1976.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a Savings Provisions note under section 1701 of this title.

§ 975c. Terminals, stations, and rights of way in Alaska

Terminal and station grounds and rights of way through the lands of the United States in the Territory of Alaska are granted for the construction of railroads, telegraph, and telephone lines authorized by sections 975 to 975g of this title, and the President may, in such manner as he deems advisable, make reservation of such lands as are or may be useful for furnishing materials for construction and for stations, terminals, docks, and for such other purposes in connection with the construction and operation

of such railroad lines as he may deem necessary and desirable.

(Mar. 12, 1914, ch. 37, § 1, 38 Stat. 305.)

CODIFICATION

Section is comprised of part of the last paragraph of section 1 of act Mar. 12, 1914. The other part of the last paragraph is classified to section 975d of this title and the remainder of section 1 of act Mar. 12, 1914, is classified to sections 975 to 975b, and 975f of this title.

Section was formerly classified to section 304 of Title 48, Territories and Insular Possessions.

TRANSFER OF FUNCTIONS

For transfer to the Secretary of Transportation of the administration of the Alaska Railroad and all of the functions authorized to be carried out by the Secretary of the Interior pursuant to Ex. Ord. No. 11107, Apr. 25, 1963, 28 F.R. 4225, relative to the operation of the railroad, see section 1655 of Title 49, Transportation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 975, 975c, 975f of this title; title 16 section 353a; title 49 section 1655.

§ 975d. Alaskan patents to contain reserve for right of way

In all patents for lands taken up, entered, or located in Alaska after March 12, 1914, there shall be expressed that there is reserved to the United States a right of way for the construction of railroads, telegraph and telephone lines to the extent of one hundred feet on either side of the center line of any such road and twenty-five feet on either side of the center line of any such telegraph or telephone lines.

(Mar. 12, 1914, ch. 37, § 1, 38 Stat. 305.)

CODIFICATION

Section is comprised of part of the last paragraph of section 1 of act Mar. 12, 1914. The other part of the last paragraph is classified to section 975c of this title and the remainder of section 1 of act Mar. 12, 1914, is classified to sections 975 to 975b, and 975f of this title.

Section was formerly classified to section 305 of Title 48, Territories and Insular Possessions.

TRANSFER OF FUNCTIONS

For transfer to the Secretary of Transportation of the administration of the Alaska Railroad and all of the functions authorized to be carried out by the Secretary of the Interior pursuant to Ex. Ord. No. 11107, Apr. 25, 1963, 28 F.R. 4225, relative to the operation of the railroad, see section 1655 of Title 49, Transportation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 975, 975c, 975e, 975f of this title; title 16 section 353a; title 49 section 1655.

§ 975e. Disposition of proceeds of lease or sale of public lands in Alaska

All moneys derived from the lease, sale, or disposal of any of the public lands, including town sites, in Alaska, or the coal or mineral therein contained, or the timber thereon, and the earnings of said railroad or railroads, together with the earnings of the telegraph and telephone lines constructed under authority of sections 975 to 975g of this title, above maintenance charges and operating expenses, shall be paid into the Treasury of the United States as other miscellaneous receipts are paid, and a

separate account thereof shall be kept and annually reported to Congress.

(Mar. 12, 1914, ch. 37, § 3, 38 Stat. 307.)

CODIFICATION

Section was formerly classified to section 306 of Title 48, Territories and Insular Possessions.

TRANSFER OF FUNCTIONS

For transfer to the Secretary of Transportation of the administration of the Alaska Railroad and all of the functions authorized to be carried out by the Secretary of the Interior pursuant to Ex. Ord. No. 11107, Apr. 25, 1963, 28 F.R. 4225, relative to the operation of the railroad, see section 1655 of Title 49, Transportation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 975, 975c, 975f of this title; title 16 section 353a; title 49 section 1655.

975f. Authority of President as to Alaskan railroads, telegraphs, telephones, etc.

It is the intent and purpose of Congress through the provisions of sections 975 to 975g of this title to authorize and empower the President of the United States, and he is fully authorized and empowered, through such officers, agents, or agencies as he may appoint or employ, to do all necessary acts and things in addition to those specially authorized in said sections to enable him to accomplish the purposes and objects of said sections.

Mar. 12, 1914, ch. 37, § 1, 38 Stat. 305.)

CODIFICATION

Section is comprised of the third paragraph of section 1 of act Mar. 12, 1914. The remainder of section 1 of act Mar. 12, 1914, is classified to sections 975 to 975g of this title.

Section was formerly classified to section 307 of Title 48, Territories and Insular Possessions.

TRANSFER OF FUNCTIONS

For transfer to the Secretary of Transportation of the administration of the Alaska Railroad and all of the functions authorized to be carried out by the Secretary of the Interior pursuant to Ex. Ord. No. 11107, Apr. 25, 1963, 28 F.R. 4225, relative to the operation of the railroad, see section 1655 of Title 49, Transportation.

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1451, set out under section 1451 of this title.

Ex. Ord. No. 3861, June 8, 1923, 48 C.F.R. § 5.1, authorized and directed Secretary of Interior to operate railroads acquired or constructed under the Alaska Railroad Act, was superseded by Ex. Ord. No. 11107, Apr. 26, 1963, 28 F.R. 4225, set out as a note under Order 1040 of Feb. 13, 1936, the Secretary of the Interior delegated general supervision over activities of the Alaska Railroad to the Division of Territories and Island Possessions which was established as a division in the Department of the Interior by Ex. Ord. No. 6726, May 29, 1934.

EX. ORD. NO. 11107. ADMINISTRATION OF ALASKA RAILROADS

Ex. Ord. No. 11107, Apr. 26, 1963, 28 F.R. 4225, pro-

vide the authority vested in me by the Act of Mar. 12, 1914, entitled "An Act to authorize the President of the United States to locate, construct,

and operate railroads in the Territory of Alaska, and for other purposes," 38 Stat. 305, as amended (hereinafter referred to as the Alaska Railroad Act) [sections 975 to 975g of this title], it is ordered as follows:

Section 1. General responsibility for railroad. The Secretary of the Interior is authorized to operate the railroad or railroads, branch lines, feeders and telegraph and telephone lines incident thereto, constructed or acquired under the Act of March 12, 1914, or Acts supplemental thereto, in all respects and to all intents and purposes as if the operation thereof had been placed by law under the jurisdiction of the Secretary of the Interior, except that the authority of the Secretary under this order "to fix, change, or modify rates for the transportation of passengers and property" shall be subject to the authority of the Interstate Commerce Commission under Section 3 of this order.

Sec. 2. Rates; Secretary of the Interior. In connection with carrying out the authority under the Alaska Railroad Act "to fix, change, or modify rates for the transportation of passengers and property," the Secretary of the Interior from time to time:

(a) Shall allocate to the national public purposes, which to a substantial extent prompted the construction, expansion, maintenance, and improvement of the railroad, the proper portion of the capital investment of the railroad.

(b) Shall fix, change, or modify the rates with due regard for the actions of the Interstate Commerce Commission authorized under this order.

(c) Shall post the rates for public inspection and file them with the Interstate Commerce Commission.

Sec. 3. Rates; Interstate Commerce Commission. (a) In respect of rates filed with the Interstate Commerce Commission pursuant to the provisions of this order, the Commission may act, to the extent practicable, and subject to the limitations provided in subsection (b) of this section, in the same manner as though the railroad were subject to Sections 1(1)(a), 1(4), 1(5), 1(5½), 1(6), 6(3), 6(6), 6(9), 13(1), 13(2) (to the extent that it relates to action by the Interstate Commerce Commission on its own motion), 15 (except 15(12) and 15(14)), 15a, 202(c)(1), and 202(c)(2) of the Interstate Commerce Act, as amended [sections 1(1)(a), 1(4), 1(5), 1(5½), 1(6), 6(3), 6(6), 6(9), 13(1), 13(2), 15 (except 15(12) and 15(14)), 15a, 302(c)(1) and 302(c)(2), respectively, of Title 49, Transportation].

(b) When determining the justness and reasonableness of rates or charges maintained, or from time to time proposed to be maintained by the railroad, the Interstate Commerce Commission shall exclude for valuation and cost finding purposes the portion of capital investment allocated to national public purposes by the Secretary of the Interior under Section 2(a) hereof, and such rates and charges shall not be deemed to be unjust or unreasonable by reason of failure to yield sufficient revenues to cover any amounts for taxes not actually required by law to be paid or provide a return on capital investment.

Sec. 4. Transitional provisions. (a) The issuance of this order shall not affect any action heretofore taken by the Secretary of the Interior or his representative until such action has been modified or revoked in accordance with the provisions of this order.

(b) As promptly after the date of this order as may be convenient, the Secretary of the Interior shall post for public inspection and file with the Interstate Commerce Commission rates as referred to in Section 2(c) of this order. The rates posted and filed under this subsection may be the rates in force on the date of this order, with or without subsequent changes or modifications, or new rates.

This order supersedes Executive Order No. 3861 of June 8, 1923, and shall be codified for inclusion in the Code of Federal Regulations.

JOHN F. KENNEDY.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 975, 975c, 975e of this title; title 16 section 353a; title 49 section 1655.

§ 975g. Officers, agents, etc., to make annual report as to Alaskan railroads, telegraphs, telephones, etc., to President; transmission to Congress

The officers, agents, or agencies placed in charge of the work by the President shall make to the President annually, and at such other periods as may be required by the President or by either House of Congress, full and complete reports of all their acts and doings and of all moneys received and expended in the construction of said work and in the operation of said work or works and in the performance of their duties in connection therewith. The annual reports provided for in this section shall be by the President transmitted to Congress.

(Mar. 12, 1914, ch. 37, § 4, 38 Stat. 307.)

CODIFICATION

Section was formerly classified to section 308 of Title 48, Territories and Insular Possessions.

TRANSFER OF FUNCTIONS

For transfer to the Secretary of Transportation of the administration of the Alaska Railroad and all of the functions authorized to be carried out by the Secretary of the Interior pursuant to Ex. Ord. No. 11107, Apr. 25, 1963, 28 F.R. 4225, relative to the operation of the railroad, see section 1655 of Title 49, Transportation.

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

Ex. Ord. No. 3861, June 8, 1923, 48 C.F.R. § 5.1, which authorized and directed Secretary of Interior to operate railroads acquired or constructed under the Alaska Railroad Act, was superseded by Ex. Ord. No. 11107, Apr. 26, 1963, 28 F.R. 4225, set out as a note under section 975f of this title. Under Order 1040 of Feb. 13, 1936, the Secretary of the Interior delegated general supervision over the activities of the Alaska Railroad to the Division of Territories and Island Possessions which was established as a division in the Department of the Interior by Ex. Ord. No. 6726, May 29, 1934.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 975, 975c, 975e, 975f of this title; title 16 section 353a; title 49 section 1655.

CHAPTER 23—GRANTS OF SWAMP AND OVERFLOWED LANDS

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| Sec. | |
| 981. | Indemnity to States on sale of lands. |
| 982. | Grant to States to aid in construction of levees and drains. |
| 983. | Lists and plats of lands, for governors of States. |
| 984. | Legal subdivisions mostly wet and unfit for cultivation. |
| 985. | Omitted. |
| 986. | Selection of lands confirmed. |
| 987. | Lands to be certified to State within one year. |
| 988. | Act extended to Minnesota and Oregon. |
| 989. | Homestead entries by purchasers from Missouri of lands declared not to be swamp lands. |
| 990. | Grant to Missouri. |
| 991. | Title of purchasers of unconfirmed lands in Arkansas confirmed. |
| 992. | Sale of erroneously designated water-covered areas in Arkansas. |
| 993. | Sale of lands in Louisiana; preference rights; application for purchase; appraisal; payment for land. |
| 994. | Sale of lands in Wisconsin. |

§ 981. Indemnity to States on sale of lands

Upon proof by the authorized agent of the State, before the Secretary of the Interior or such officer as he may designate, that any of the lands purchased by any person from the United States, prior to March 2, 1855, were "swamp lands", within the true intent and meaning of the Act entitled "An Act to enable the State of Arkansas and other States to reclaim the swamp lands within their limits", approved September 28, 1850, the purchase money shall be paid over to the State wherein said land is situate; and when the lands have been located by warrant or scrip, the said State shall be authorized to locate a like quantity of any of the public lands subject to entry, at \$1.25 per acre, or less, and patents shall issue therefor. The decision of the Secretary or such officer shall be first approved by the Secretary of the Interior.

(R.S. § 2482; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

REFERENCES IN TEXT

The Act approved September 28, 1850, referred to in text, is act Sept. 28, 1850, ch. 84, 19 Stat. 519, which was not classified to the Code.

CODIFICATION

R.S. § 2482 is from act Mar. 2, 1855, ch. 147, § 2, 10 Stat. 634, 635.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Secretary of the Interior or such officer as he may designate" was substituted for "Commissioner of the General Land Office" on authority of section 403 of Reorg. Plan No. 3 of 1946, which abolished the General Land Office and the Commissioner thereof and transferred the functions of the General Land Office to a new agency in the Department of the Interior to be known as the Bureau of Land Management. See section 403 of Reorg. Plan No. 3 of 1946, set out as a note under section 1 of this title.

§ 982. Grant to States to aid in construction of levees and drains

To enable the several States (but not including the States of Kansas, Nebraska, and Nevada) to construct the necessary levees and drains, to reclaim the swamp and overflowed lands therein—the whole of the swamp and overflowed lands, made unfit thereby for cultivation, and remaining unsold on or after the 28th day of September, A.D. 1850, are granted and belong to the several States respectively, in which said lands are situated: *Provided, however*, That said grant of swamp and overflowed lands, as to the States of California, Minnesota, and Oregon, is subject to the limitations, restrictions and conditions hereinafter named and specified in this chapter, as applicable to said three last-named States respectively.

(R.S. § 2479.)

CODIFICATION

R.S. § 2479 is from acts Sept. 28, 1850, ch. 84, §§ 1, 4, 9 Stat. 520; Mar. 12, 1860, ch. 5, § 1, 12 Stat. 3; Feb. 19, 1874, ch. 30, 18 Stat. 16.