

The effect of this Act was to reserve to the government a right-of-way across lands subsequently passing into private ownership and to thus avoid the necessity of re-acquiring lands for future road construction.

EFFECTIVE DATES

The '47 Act became effective on July 24, 1947, and was prospective in application only. That is, it applied only to lands which were taken up, entered, or located, or otherwise passed into private ownership after this date. Lands entered or patented before July 24, 1947, could not be subjected to the '47 Act unless, perhaps, they were returned to Government ownership during the time the Act was in effect.

The '47 Act was repealed by an Act of Congress which provided that the repeal take effect on July 1, 1959. Thus, lands patented or entered after this date are not subject to the Act. (17 May 1962) See, Decision No. 246, Alaska Supreme Ct.

EFFECT OF REPEAL

The repeal of the '47 Act merely eliminated the statutory directive that such a reservation be inserted into the patents of lands thereafter taken up. Lands which were patented subject to the '47 Act before its repeal were in no way affected. As will be shown below the effect of the '47 Act was to create an interest in real property which would remain in the government when the remaining interests constituting the fee title were conveyed away. Repeal merely prevented