

tain exceptions, to 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” substituted for “Commissioner of the General Land Office” on authority of section 403 of Reorg. Plan No. 3 of 1946. See note set out under section 1 of this title.

#### APPROPRIATIONS

Effective July 1, 1935, the continuing appropriation provided for in this section was repealed by act June 26, 1934, ch. 756, § 1, 48 Stat. 1225.

#### § 909. Forfeiture of grant on failure to make deposit

If any railroad corporation required by law to pay the costs of surveying, selecting, or conveying any lands granted to such corporation, or for its use and benefit, by any Act of Congress, shall, for ninety days from notice or demand by the Secretary of the Interior, as provided by section 908 of this title, neglect or refuse to deposit an amount sufficient to meet the expense of surveying, selecting, and conveying the unsurveyed lands granted to such company, or for its use and benefit, by any Act of Congress, and designated in the notice or demand by the Secretary of the Interior, as aforesaid, the rights, title, and interests of such company, and all those claiming by, through, or under it, in and to the unsurveyed lands designated in the notice of the Secretary, as aforesaid, shall cease and forfeit to the United States; and the Secretary of the Interior shall notify the Attorney General, who shall at once commence proceedings to declare the forfeiture and to restore the lands forfeited to the public domain.

(June 25, 1910, ch. 406, § 2, 36 Stat. 834.)

#### § 910. Right to extend public surveys over lands granted, and other rights of United States, not affected

Sections 908 to 911 of this title shall not affect the right of the Secretary of the Interior to cause the public surveys to be extended over any lands granted to any railroad or corporation by any Act of Congress in the manner on June 25, 1910, otherwise provided by law, nor shall any claim, right, interest, or demand of the Government of the United States be waived or annulled by the provisions thereof: *Provided*, That all granted lands surveyed under the provisions of said sections shall be subject to taxation by States, Territories, and municipal authorities, and the right of the Government to reimburse itself for the survey, selection, and conveyance of such lands otherwise provided by law shall remain in full force and effect.

(June 25, 1910, ch. 406, § 3, 36 Stat. 834.)

#### § 911. Regulations

The Secretary of the Interior shall prescribe such rules and regulations as will be necessary to the carrying out of the provisions of sections 908 to 910 of this title.

(June 25, 1910, ch. 406, § 4, 36 Stat. 835.)

#### § 912. Disposition of abandoned or forfeited railroad grants

Whenever public lands of the United States have been or may be granted to any railroad company for use as a right of way for its railroad or as sites for railroad structures of any kind, and use and occupancy of said lands for such purposes has ceased or shall hereafter cease, whether by forfeiture or by abandonment by said railroad company declared or decreed by a court of competent jurisdiction or by Act of Congress, then and thereupon all right, title, interest, and estate of the United States in said lands shall, except such part thereof as may be embraced in a public highway legally established within one year after the date of said decree or forfeiture or abandonment be transferred to and vested in any person, firm, or corporation, assigns, or successors in title and interest to whom or to which title of the United States may have been or may be granted, conveying or purporting to convey the whole of the legal subdivision or subdivisions traversed or occupied by such railroad or railroad structures of any kind as aforesaid, except lands within a municipality the title to which, upon forfeiture or abandonment, as herein provided, shall vest in such municipality, and this by virtue of the patent thereto and without the necessity of any other or further conveyance or assurance of any kind or nature whatsoever: *Provided*, That this section shall not affect conveyances made by any railroad company of portions of its right of way if such conveyance be among those which have been or may after March 8, 1922, and before such forfeiture or abandonment be validated and confirmed by any Act of Congress; nor shall this section affect any public highway on said right of way on March 8, 1922: *Provided further*, That the transfer of such lands shall be subject to and contain reservations in favor of the United States of all oil, gas, and other minerals in the land so transferred and conveyed, with the right to prospect for, mine, and remove same.

(Mar. 8, 1922, ch. 94, 42 Stat. 414.)

#### § 913. Conveyance by land grant railroads of portions of rights of way to State, county, or municipality

All railroad companies to which grants for rights of way through the public lands have been made by Congress, or their successors in interest or assigns, are authorized to convey to any State, county, or municipality any portion of such right of way to be used as a public highway or street: *Provided*, That no such conveyance shall have the effect to diminish the right of way of such railroad company to a less width than 50 feet on each side of the center of the main track of the railroad as now established and maintained.

(May 25, 1920, ch. 197, 41 Stat. 621.)

#### § 914. Omitted

##### CODIFICATION

Section, act June 18, 1874, ch. 305, 18 Stat. 80, provided for issuance of patents for lands granted State of Oregon prior to June 18, 1874, upon certificate of Governor that wagon roads, in aid of which lands were granted, had been built.

**CHAPTER 21A—FORFEITURE OF NORTHERN PACIFIC RAILROAD INDEMNITY LAND GRANTS**

**§§ 921 to 929. Omitted**

CODIFICATION

Section 921, act June 25, 1929, ch. 41, §1, 46 Stat. 41, related to forfeiture of any and all lands within indemnity limits of land grants to the Northern Pacific Railroad.

Section 922, act June 25, 1929, ch. 41, §2, 46 Stat. 42, related to forfeiture of all unsatisfied indemnity selection rights.

Section 923, act June 25, 1929, ch. 41, §3, 46 Stat. 42, related to effect of provisions of this chapter on various prior statutory provisions affecting the railroad.

Section 924, act June 25, 1929, ch. 41, §4, 46 Stat. 42, related to effect of provisions of this chapter on title to rights of way actually in use by railroad.

Section 925, act June 25, 1929, ch. 41, §5, 46 Stat. 42, authorized Attorney General to institute and prosecute all suits affecting title to lands.

Section 926, act June 25, 1929, ch. 41, §6, 46 Stat. 43, related to restitution by railroads of lands which were not earned or erroneously credited.

Section 927, act June 25, 1929, ch. 41, §7, 46 Stat. 43, related to jurisdiction of suits.

Section 928, act June 25, 1929, ch. 41, §8, 46 Stat. 44, related to reports and recommendations to Congress concerning final determinations in such actions.

Section 929, act June 25, 1929, ch. 41, §9, 46 Stat. 44, related to withholding of approval of adjustments of land grants pending final determination of actions.

**CHAPTER 22—RIGHTS-OF-WAY AND OTHER EASEMENTS IN PUBLIC LANDS**

- Sec. 931. Navigable rivers as public highways.
- 931a. Authority of Attorney General to grant easements and rights-of-way to States, etc.
- 931b. Repealed.
- 931c. Permits, leases, or easements; authorization to grant; payment; limitation.
- 931d. Additional authority of department or agency head.
- 932, 933. Repealed.
- 934. Right of way through public lands granted to railroads.
- 935. Several roads through canyons.
- 936. Condemnation of private land.
- 937. Filing profile of road; forfeiture of rights.
- 938. Lands excepted.
- 939. Alteration, amendment, or repeal.
- 940. Forfeiture of rights where railroad not constructed in five years after location.
- 941. Railroad stations on rights of way granted.
- 942. Omitted.
- 942-1. Rights of way in Alaska; railroad rights of way; reservations; water transportation connections; State title to submerged lands; Federal repossession as trustee; "navigable waters" defined; posting schedules of rates; changes in rates.
- 942-2. Rights of several roads through canyons.
- 942-3. Condemnation of land.
- 942-4. Filing preliminary survey, map and profile of road.
- 942-5. Filing map and profile of road section; forfeiture of rights; reversion of grant.
- 942-6. Rights of way for Alaskan wagon roads, wire rope, aerial, or other tramways; reservations; filing preliminary survey and map of location; alteration, amendment, repeal, or grant of equal rights; forfeiture of rights; reversion of grant; liens.
- 942-7. Military park, Indian or other reservation.
- 942-8. Reservation of right of alteration, amendment, or repeal; assignment of right of way.

- Sec. 942-9. Map location of road.
- 943. Right of way for railroads; reserved lands in Minnesota.
- 944. Right of way in Oklahoma and Arizona.
- 945. Reservation in patents of right of way for ditches or canals.
- 945a. Compensation for rights-of-way for certain reclamation projects.
- 945b. Jurisdiction; procedure.
- 946. Right of way to canal ditch companies and irrigation or drainage districts for irrigation or drainage purposes and operation and maintenance of reservoirs, canals, and laterals.
- 947. Map; damages to settlers.
- 948. Application to existing and future canals.
- 949. Use for canal or ditch only.
- 950. Right of way to canal and ditch companies for irrigation purposes; additional grants.
- 951. Right of way for water transportation, domestic purposes, or development of power.
- 952. Reservoir sites for water for livestock.
- 953. Declaratory statement as to reservoirs.
- 954. Survey; map of reservoirs.
- 955. Amendment, alteration, or repeal.
- 956. Right of way for tramroads, canals, or reservoirs.
- 957. Right of way to electric power companies.
- 958. Rights of way for wagon roads or railroads.
- 959. Rights of way for electrical plants, etc.
- 961. Rights-of-way through public lands, Indian, and other reservations for power and communications facilities.
- 962. Right of way in Colorado and Wyoming to pipeline companies.
- 963. Applications for Colorado and Wyoming pipeline right of way.
- 964. Limit of time for completion of Colorado and Wyoming pipelines; forfeiture.
- 965. Restriction on use of Colorado and Wyoming pipeline right of way.
- 966. Right of way in Arkansas to pipe-line companies.
- 967. Applications for Arkansas pipeline right of way.
- 968. Restriction on use of Arkansas pipeline right of way.
- 969. Forfeiture of Arkansas pipeline right of way for nonuser, etc.
- 970. Forfeiture of Arkansas pipeline right of way for violation of antitrust law.
- 971. Bathhouses, hotels, etc., adjacent to mineral, medicinal, etc., springs on public lands.
- 971a. Alaskan lands within highway, telephone, and pipeline withdrawals; disposal; amendment of land description of claim or entry on adjoining lands.
- 971b. Sale of restored Alaskan lands; preference rights; consent of Federal agency.
- 971c. Utilization or occupancy of Alaskan easements; consent of agency.
- 971d. Effect on valid existing Alaskan rights.
- 971e. Definition of restored Alaskan lands.
- 975 to 975g. Repealed.

**§ 931. Navigable rivers as public highways**

All navigable rivers, within the territory occupied by the public lands, shall remain and be deemed public highways; and, in all cases where the opposite banks of any streams not navigable belong to different persons, the stream and the bed thereof shall become common to both.

(R.S. §2476.)

CODIFICATION

R.S. §2476 derived from acts May 18, 1796, ch. 29, §9, 1 Stat. 468; Mar. 3, 1803, ch. 27, §17, 2 Stat. 235.