

tion 403 of Reorg. Plan No. 3 of 1946, which abolished all registers of district land offices and transferred functions of register of district land office to Secretary of the Interior. See section 403 of Reorg. Plan No. 3 of 1946, set out as a note under section 1 of this title.

### § 938. Lands excepted

Sections 934 to 939 of this title shall not apply to any lands within the limits of any military, park, or Indian reservation, or other lands especially reserved from sale, unless such right of way shall be provided for by treaty-stipulation or by Act of Congress passed prior to March 3, 1875.

(Mar. 3, 1875, ch. 152, § 5, 18 Stat. 483.)

#### REPEAL OF SECTION

*Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.*

#### SAVINGS PROVISION

Repeal by Pub. L. 94-579 insofar as applicable to the issuance of rights-of-way 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 note under section 1701 of this title.

### § 939. Alteration, amendment, or repeal

Congress reserves the right at any time to alter, amend, or repeal sections 934 to 939 of this title, or any part thereof.

(Mar. 3, 1875, ch. 152, § 6, 18 Stat. 483.)

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### § 940. Forfeiture of rights where railroad not constructed in five years after location

Each and every grant of right of way and station grounds made prior to February 25, 1909, to any railroad corporation under sections 934 to 939 of this title, where such railroad had not been constructed and the period of five years next following the location of said road, or any section thereof, had on that date expired, is declared forfeited to the United States, to the extent of any portion of such located line then remaining unconstructed, and the United States resumes the full title to the lands covered thereby free and discharged from such easement, and the forfeiture declared shall, without need of further assurance or conveyance, inure to the benefit of any owner or owners of land conveyed by the United States prior to such date subject to any such grant of right of way or station

grounds: *Provided*, That no right of way on which construction was progressing in good faith on February 25, 1909, shall be in any wise affected, validated, or invalidated, by the provisions of this section.

(June 26, 1906, ch. 3350, 34 Stat. 482; Feb. 25, 1909, ch. 191, 35 Stat. 647.)

### § 941. Railroad stations on rights of way granted

All railroad companies operating railroads through the Territories of the United States over a right of way obtained under any grant or Act of Congress giving to said railroad companies the right of way over the public lands of the United States shall be required to establish and maintain passenger stations and freight depots at or within one-fourth of a mile of the boundary limits of all town sites established prior to August 8, 1894, in said Territories on the line of said railroads by authority of the Interior Department.

(Aug. 8, 1894, ch. 236, § 1, 28 Stat. 263.)

### § 942. Omitted

#### CODIFICATION

Section, act Aug. 8, 1894, ch. 236, § 2, 28 Stat. 263, required railroad companies to establish within three months after Aug. 8, 1894, passenger and freight stations in all towns.

### § 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

The right of way through the lands of the United States in Alaska is granted to any railroad company, duly organized under the laws of any State or Territory or by the Congress of the United States, which may on and after May 14, 1898, file for record with the Secretary of the Interior a copy of its articles of incorporation and due proofs of its organization under the same, to the extent of one hundred feet on each side of the center line of said road; also the right to take from the lands of the United States adjacent to the line of said road, material, earth, stone, and timber necessary for the construction of said railroad; also the right to take for railroad uses, subject to the reservation of all minerals and coal therein, public lands adjacent to said right of way for station buildings, depots, machine shops, side tracks, turn-outs, water stations, and terminals, and other legitimate railroad purposes, not to exceed in amount twenty acres for each station, to the extent of one station for each ten miles of its road, excepting at terminals and junction points, which may include additional forty acres, to be limited on navigable waters to eighty rods on the shore line, and with the right to use such additional ground as may in the opinion of the Secretary of the Interior be necessary where there are heavy cuts or fills: *Provided*, That nothing herein contained shall be so construed as to give to such railroad company, its lessees, grantees, or assigns the ownership or use of minerals, including coal, within the limits of its right of way, or