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## Homesteads, etc., in Alaska.

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## HOMESTEADS, ETC., IN ALASKA.

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JANUARY 14, 1898.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

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Mr. LACEY, from the Committee on the Public Lands, submitted the following

### REPORT.

[To accompany H. R. 5975.]

The Committee on the Public Lands, to whom was referred House bill No. 5975, report the same back with certain amendments, and as amended recommend its passage.

The proposed amendments are as follows:

(1) In line 7, section 2, strike out "two hundred and fifty" and insert "one hundred."

(2) In line 11, section 2, after the word "also," insert "reserving all minerals therein contained."

(3) In line 16, section 2, after the word "terminals," insert "and junction points."

(4) Amend section 2 by adding, at the end of line 22:

*Provided*, That nothing herein shall be construed as depriving Congress of the right to regulate the charges for freight, passengers, and wharfage.

(5) Amend section 4 by adding, at the end of line 12, the following:

*Provided further*, That any such company, by filing a preliminary actual survey and plat of its proposed route, shall have the right at any time within one year thereafter to file the profile and permanent location hereinbefore provided for, and such preliminary survey and plat shall, during the said period of one year from the time of filing the same, have the effect to render all the lands on which said preliminary survey and plat shall pass subject to such right of way.

(6) Amend by inserting in line 6, section 5, before the words "its road," the following: "of such section of."

The bill is grounded largely upon the right-of-way act of 1875, which has proved satisfactory in its operation in other parts of the public domain: but the law with its amendments is so drawn as to be adapted to the situation in Alaska.

Your committee believe that the bill as reported will meet the wants of the people in Alaska.

The great mineral discoveries in that region and the present almost insuperable difficulties in the transportation of freight and passengers

have caused an active interest to be taken in the location and construction of railways there. Numerous schemes have been proposed, but your committee have declined to consider any specific proposition of any individual or corporation, but we think that any legislation on the subject should be general and open to all persons alike. The legislation is not an experiment, but based on actual experience under the right-of-way act of 1875.

As to the further extension of the public-land laws the committee have deemed it advisable at this time to extend the homestead laws only.

The town-site and mineral laws are already in force.

The following is a copy of the bill as amended:

A BILL extending the homestead laws and providing for right of way for railroads in the District of Alaska.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the homestead land laws of the United States and the rights incident thereto are hereby extended to the District of Alaska, subject to such regulations as may be made by the Secretary of the Interior and approved by the President.

SEC. 2. That the right of way through the lands of the United States in the District of Alaska is hereby granted to any railroad company duly organized under the laws of any State or Territory or by the Congress of the United States which shall have filed 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 central 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, reserving all minerals therein contained; also ground adjacent to said right of way for station buildings, depots, machine shops, side tracks, turn-outs, water stations, and terminals, not to exceed in amount one hundred and sixty acres for each station, to the extent of one station for each five miles of its road, excepting at terminals and junction points, which may include three hundred and twenty acres, and with the right to use such additional ground as may be necessary where there are heavy cuts or fills; and when such railway shall connect with any navigable stream or tide water such company shall have power to construct and maintain necessary piers and wharves for connection with water transportation: *Provided*, That nothing herein shall be construed as depriving Congress of the right to regulate the charges for freight, passengers, and wharfage.

SEC. 3. That any railroad company whose right of way, or whose track or roadbed upon such right of way, passes through any canyon, pass, or defile shall not prevent any other railroad or wagon road company from the use and occupancy of said canyon, pass, or defile for the purposes of its road, in common with the road first located, or the crossing of other railroads at grade; and the location of such right of way through any canyon, pass, or defile shall not cause the disuse of any wagon or other public highway now located therein, nor prevent the location through the same of any such wagon road or highway where such road or highway may be necessary for the public accommodation; and where any change in the location of such wagon road is necessary to permit the passage of such railroad through any canyon, pass, or defile, said railroad company shall, before entering upon the ground occupied by such wagon road, cause the same to be reconstructed at its own expense in the most favorable location, and in as perfect a manner as the original road: *Provided*, That such expenses shall be equitably divided between any number of railroad companies occupying and using the same canyon, pass, or defile.

SEC. 4. That where any company, the right of way to which is hereby granted, shall in the course of construction find it necessary to pass over private lands or possessory claims on lands of the United States, condemnation of a right of way across the same may be made in accordance with section three of the act entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes, approved July first, eighteen hundred and sixty-two,'" approved July second, eighteen hundred and sixty-four: *Provided further*, That any such company, by filing in like manner a preliminary actual survey and plat of its proposed route, shall have the right at any time within one year thereafter to file the proper and permanent location hereinbefore provided for; and such preliminary survey and plat shall, during the said period of one year from the time of filing the same, have the effect to render all

the lands over which said preliminary survey and plat shall pass subject to such right of way.

SEC. 5. That any company desiring to secure the benefits of this act shall, within twelve months after the location of any section of twenty miles of its road, whether upon surveyed or unsurveyed lands, file with the register of the land office for the district where such land is located a profile of such section of its road; and upon approval thereof by the Secretary of the Interior the same shall be noted upon the records of said office, and thereafter all such lands over which such right of way shall pass shall be disposed of subject to such right of way: *Provided*, That if any section of said road shall not be completed within three years after the location of said section so approved, the rights herein granted shall be forfeited as to any such uncompleted section of said road, and thereunder revert to the United States without further action or declaration, the notation of such uncompleted section upon the records of the land office shall be canceled, and the reservations of such lands for the purposes of said right of way shall cease and become null and void without further action.

SEC. 6. That all mortgages executed by any company acquiring a right of way under this act, conveying any portion of its road that may be constructed in said District of Alaska, shall be recorded with the Secretary of the Interior, and the record thereof shall be an affirmation and notice of their execution, and shall convey all rights and property of said company as therein expressed.

SEC. 7. That this act shall not apply to any lands within the limits of any military, park, Indian, or other reservation unless such right of way shall be provided for by treaty stipulation or by act of Congress.

SEC. 8. That Congress hereby reserves the right to at any time alter, amend, or repeal this act or any part thereof, and the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction and completion of the railway, except as to mortgages or other liens that may be given or secured thereon to aid in the construction thereof.

SEC. 9. That the plat and profile of such railroad shall refer to fixed visible monuments and natural objects to identify such location and profile.

