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northeast corner of township twelve north, range eleven east; thence south along the range line between ranges eleven and twelve to where the same intersects the township line between townships six and seven north; thence west on said township line between townships six and seven to a point where the same intersects the boundary line between the States of South Dakota and Wyoming; thence north on the boundary line between the States of South Dakota and Wyoming and Montana to the point of beginning, be, and the same hereby is, constituted a new land district, to be known as the Bellefourche land district; and the United States land office for said district is hereby located at the town of Bellefourche, in Butte County. That the President be, and he hereby is, authorized to appoint, by and with the advice and consent of the Senate, a register and a receiver for said land district, and they shall be subject to the same laws and be entitled to the same compensation as is or may be hereafter provided by law in relation to the existing land offices and officers in said State.

Register and receiver. Appointment.

Compensation, etc.

Approved, February 6, 1909.

February 6, 1909. [S. 6418.]

[Public, No. 214.]

CHAP. 78.—An Act Authorizing the sale of lands at the head of Cordova Bay, 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 a corporation to be hereafter duly organized under the name and style of the Cordova Bay Harbor Improvement and Town-Site Company and composed of the following-named persons, to wit: John H. McGraw, Edward Lewin, and Donald A. McKenzie, or any of them, and such others as may hereafter become associated with them as incorporators, shall be permitted to purchase at the price of two dollars and fifty cents per acre not to exceed two thousand acres of such nonmineral lands of the United States as may be selected by said corporation and approved by the Secretary of the Interior, including tide or mud flats, situated at the head of Cordova Bay, at approximately latitude sixty degrees and thirty minutes north, and longitude one hundred and forty-six west of Greenwich, in the district of Alaska, the same to be located in as nearly compact form as possible with a front of not to exceed two miles on the wharfage and dock area to be reserved by the Secretary of War as provided in section three of this Act, in order to effect the improvement of said lands for town-site purposes and for the promotion and convenience of commerce with foreign nations and among the several States: *Provided, however*, That the Secretary of the Interior is hereby authorized and directed to withdraw from all forms of location or entry not to exceed three thousand acres to be selected by him and surrounding the land hereby made purchasable, subject to future disposition by the Congress.

Cordova Bay, Alaska. Cordova Bay Harbor and Improvement and Town-Site Company may purchase land at head of.

Price per acre. Limit.

Location.

Purpose.

Proviso. Land withdrawn from entry, etc.

SEC. 2. That no land covered by any valid existing claim or right heretofore initiated or recognized under any law of the United States shall be subject to purchase under this Act until all rights thereunder have been transferred to said corporation or relinquished to the United States.

Prior rights protected.

SEC. 3. That the Secretary of War, as soon as practicable after the passage of this Act, shall establish a wharfage and dock area extending along the entire water front of the land proposed to be bought by said corporation and one thousand feet in width, thereby fixing the seaward line of said wharfage and dock area, and the area thus established is hereby reserved and shall remain under the control of the United States, in trust, however, for the future State which may be created, including the same or any part thereof within its boundaries: *Provided*, That wharves, docks, slips, and waterways may be constructed and maintained within such wharfage and dock area in accordance with plans approved and terms and conditions prescribed from time to time by

Land reserved for dock, etc., purposes.

Proviso. Plans.

the Secretary of War, but the public at all times shall have the use of all such wharves, docks, slips, and waterways upon the payment of such reasonable charges, and under such regulations as may from time to time be fixed and prescribed by the Secretary of War.

Right of eminent domain.

SEC. 4. That the right of eminent domain may, after the issuance of patent hereunder, be exercised over any lands purchased under this Act, whether such lands may have been included within streets and alleys or otherwise, under any law applicable to lands held in private ownership in the district of Alaska, and no exclusive right of way shall be granted to any person, company, or corporation over the lands purchased under this Act.

Exclusive right of way prohibited.

Application, etc., to purchase.
Time limit.

SEC. 5. That the corporation named in section one of this Act shall, within six months after the approval hereof, file with the register and receiver of the land district within which the lands applied for are situated, an application to purchase under this Act, which application shall particularly describe the lands applied for and be accompanied with a certified copy of the field notes and plat of the survey of the boundaries of such lands, made under the direction and supervision of the surveyor-general of the district of Alaska.

Plan of town site, etc., to be filed.

SEC. 6. That the corporation named in section one of this Act shall, within twelve months after the approval of the application named in the foregoing section, subject to the approval and under the direction of the Secretary of the Interior, file with the said Secretary a detailed plan of a town site, embracing the lands applied for, upon which shall be delineated adequate streets, alleys, lots, blocks, wharves, docks, slips, and waterways, and such reservations as the said Secretary may deem necessary and suitable for public use as parks and sites for public and school buildings and coaling stations: *Provided*, That the reservations for public parks shall, in addition to such other lands as may be needed for that purpose, include all of said lands which can not be reasonably utilized as sites for building purposes; and said corporation shall, after patent, dedicate and convey all of the said reservations for such public uses.

Proviso.
Public park reservations, etc.

Payment of purchase price.

SEC. 7. That the corporation named in section one of this Act, or its assigns, shall, within six months from the approval of the plan mentioned in the preceding section, pay to the proper receiver the full purchase price of the lands applied for; and within five years after the issuance of patent said corporation shall do all things necessary to render three hundred and twenty acres of the land purchased suitable and available for wharfage and town-site purposes in accordance with the plan thereof submitted as required in section six of this Act, and shall within two years from the approval of the plan mentioned in the preceding section construct within said wharfage and dock area a public dock, wharf, or pier, with suitable approaches on the land side and with not less than thirty-four feet of water at mean low tide leading to and surrounding the same, so as to enable ocean steamers to approach, dock, discharge and take on cargoes thereat; that patent for said lands shall recite that they are issued under the provisions of this Act and are subject to cancellation and the land therein granted to forfeiture as herein provided; and if said corporation or its assigns shall fail to comply with any of the terms and conditions of this Act, either before or after the issuance of patent, all interests, rights, or title which may have accrued or vested under this Act shall be forfeited to the United States, and the application under which they accrued, or the patent under which they vested, shall be canceled: *Provided*, That the Secretary of the Interior may, on satisfactory showing, reasonably extend the time within which any of the Acts enumerated in this Act may be performed.

Preparing reservation for wharfage and town-site purposes.

Construction of dock pier, etc.

Cancellation of patent.

Forfeiture.

Proviso.
Extension of time.

Confining waters of Cordova Creek, etc.

SEC. 8. That said corporation shall have the right to confine the waters of Cordova Creek to one channel and to straighten and deepen the same in such manner as may be prescribed by the Secretary of War.

Approved, February 6, 1909.