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PURCHASE OF LAND FOR NATIONAL FORESTS UNDER THE ACT OF MARCH 1, 1911, THE WEEKS' LAW.

PREPARED BY THE FOREST SERVICE



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GENERAL INFORMATION.

The act of Congress approved March 1, 1911 (36 Stat., 961), created a National Forest Reservation Commission and authorized the acquisition of lands on the watersheds of navigable streams for the purpose of conserving their navigability. The Secretary of Agriculture is authorized and directed to examine, locate, and recommend to the commission for purchase such lands as in his judgment may be necessary to the regulation of the flow of navigable streams, and he is authorized to purchase, in the name of the United States, such lands as have been approved for purchase by the National Forest Reservation Commission at the price or prices fixed by said commission. The full text of the law is to be found on page 12.

PURPOSE OF THE LAW.

The primary purpose of this law is to secure the maintenance of a perpetual growth of forest on the watersheds of navigable streams where such growth will materially aid in preventing floods, in reducing the periods of low water, in preventing erosion of steep slopes and the silting up of the river channels, and thereby improve the conditions for navigation.

INCIDENTAL BENEFITS.

While the improvement of the flow of navigable streams is the fundamental purpose, other benefits incidental in character but nevertheless important will be kept in view. Among these are (1) protection against disastrous erosion of the soil on mountain slopes and against the destruction of the soil and soil cover by forest fires; (2) preservation of water powers, since, like navigation, they depend for

their value upon the evenness of stream flow; (3) preservation of the purity and regularity of flow of the mountain streams, with a view to their use for the water supply of towns and cities; (4) continuance of a timber supply to meet the needs of the industries of the country; (5) preservation of the beauty and attractiveness of the lands for the recreation and pleasure of the people.

The United States Geological Survey is charged with the responsibility of determining whether the control of lands in a given watershed will have a beneficial effect on the flow of streams.

USE OF THE LANDS BY THE PUBLIC.

The lands acquired by the Government under this law have been proclaimed as national forests by the President. The forests are opened for the legitimate use of the public.

Timber is sold, if it can be spared, under contracts designed to permit the harvesting of the mature timber and to provide for succeeding timber crops. Protection against fire and trespass is intensively organized. Permits are issued for the grazing of livestock and for legitimate business enterprise. The public is invited to enjoy the recreational advantages offered on acquired lands. The forest supervisors will furnish necessary information as to the manner in which the resources may be utilized.

The police powers of the State remain intact. Hunting and fishing under authority of State laws may be enjoyed except where game refuges have been created by the Federal Government with a delegation of authority by the States in which they are situated. General Federal game laws and treaties, laws, and regulations relating to migratory birds of course apply on the national forests.

RESTRICTIONS.

Aside from its application to the watersheds of navigable streams, the law is not restricted to particular regions, except that lands may be purchased only in the States whose legislatures have consented to the acquisition of such lands by the United States for the purpose of preserving the navigability of streams. The States which have passed such legislation and in which purchases are now contemplated are: Maine, New Hampshire, Pennsylvania, Virginia, West Virginia, Kentucky, North Carolina, Tennessee, South Carolina, Georgia, Alabama, and Arkansas.

The sources of the navigable streams which have their origin in the Rocky Mountains or the mountains nearer the Pacific coast are already to a large extent protected by national forests. The Adirondack and Catskill Mountains are protected by the State of New York. The Appalachian Mountains, including the White Mountains, are still to a considerable extent without such protection. Because of their altitude, steepness, and lack of protection, they are in a class by themselves in their need for the action authorized under this law.

WHAT LANDS SHOULD BE ACQUIRED.

The area needing protection in the Appalachians is very large, larger than the area which need be acquired, because the region can undoubtedly be fully protected and put on a substantial basis of tim-

ber production without the ownership of the entire area by the Federal Government. Fortunately, conditions within the region generally indicate with sufficient clearness what lands the Government should acquire. Much difference exists in the character of the lands in different parts of the region. Mountains are higher, slopes steeper, rainfall heavier, and the soil more easily washed in some sections than in others.

PURCHASE UNITS.

In a number of localities where such conditions prevail with marked intensity, purchase units have been designated. These units are described on pages 6 to 12 of this circular. Examinations of lands with a view to purchase will at present be made only within them.

The areas which have been so designated contain from 80,000 to 1,000,000 acres each. It is not expected that all the lands within any unit will be acquired. Many small bodies of land more valuable for agriculture or for other purposes than for timber growing are included. These will not be purchased. Furthermore, not all the mountainous nonagricultural land will be required to carry out the present plans of the Government. Although it is not necessary to acquire all of any unit where purchases are to be made, a compact body of sufficient size to justify the employment of men for protection and administration must be secured. If only small and isolated tracts can be obtained, it will not be advisable to undertake purchases.

CLASSES OF LAND DESIRED.

Lands of the following classes will be considered for purchase when they lie within a designated unit: (1) Culled lands or cut-over lands which are unburned; (2) timbered lands, including both land and timber; or the land, with the timber reserved to the owner under rules of cutting to be agreed upon at the time of sale; or, when the timber rights are outstanding in a third party, the timber to be removed in a manner which is acceptable to the Secretary of Agriculture; (3) brush land, not bearing merchantable timber in quantity but covered with a growth of brush which is useful for watershed protection, and burned land, whether covered with young timber growth or not; (4) abandoned farm land, whether remaining cleared or partly covered by timber growth. Good agricultural lands will not be considered.

A bond may be required if the timber rights are reserved before cutting begins, in order to secure the proper compliance with the cutting regulations.

MINERAL RESERVATIONS.

If a mine has been developed, or if valuable mineral deposits are known to exist, the right to remove such deposits may be reserved to the owner, under conditions to be agreed upon, such conditions to be incorporated in the written instrument of conveyance. Lands, however, will not be recommended for purchase subject to mineral reservations if there is no satisfactory evidence of the presence of minerals of value, notwithstanding the very general custom in many mountain sections of reserving all or a portion of the mineral rights merely on the prospect that something valuable may

sometime be discovered. If reservations are made, it will be necessary for a bond to be given to protect the interest of the Government before prospecting and mining can begin. As a rule, mineral reservations will be limited, subject to extension if active and continuous development of the mineral resources is in progress.

Lands may also be acquired subject to mineral rights outstanding in third parties if the terms of the easement are not objectionable.

ONLY REASONABLY PRICED LANDS CONSIDERED.

Lands offered at exorbitant prices will not be considered. The holding of land at excessive prices in any of the purchase units will prevent the Government from undertaking purchases within them. Burned and brush lands are considered for purchase only at a relatively low price, as it may require a long period of protection or even the necessity of planting before it will be possible to reestablish a forest and secure returns from the property. As the Government does not acquire the full use of the land, if the timber is reserved or if the timber rights are outstanding in third parties, until the timber is completely removed, and furthermore, as the Government affords protection from fire to such timber, lands subject to timber rights are considered for purchase only at substantially lower prices than lands which immediately come into full possession of the United States.

NO RESTRICTION AS TO SIZE OF TRACT.

Proposals will be received for small as well as for large tracts within the areas designated, but small tracts will be examined only if they adjoin or are near lands owned by the Government, or if the aggregate of all tracts offered for sale is sufficient to justify an examination.

HORIZONTAL SURVEY.

Lands will be purchased only on the basis of an accurate survey by horizontal measurement and at a specified rate per acre. A proposal on the basis of a lump-sum price for the tract can not be considered.

NOT NECESSARY TO SELL THROUGH AN AGENT.

The right of any landowner to deal through an agent is, of course, recognized. The placing of lands in agents' hands, however, is unnecessary, as usually agents can give no practical assistance, and the Secretary of Agriculture, in making purchases, desires to deal directly with owners wherever practicable, regardless of the size of the tract. *Optioned lands will not be considered.*

PROCEDURE IN MAKING PURCHASES.

In general the procedure in making purchases will be as follows:

- (1) The filing of proposal for sale of land by the owner or owners.
- (2) Examination and appraisal by the Forest Service. This examination will usually include a careful survey of whatever timber is standing upon the tract, an appraisal of the value of the tract as a whole, and the determination of its importance in regulating the flow of navigable streams.
- (3) Negotiations with the owner. When an agreement as to price and other conditions of sale is reached, the owner will be asked to

give an option on the tract for a sufficient period to allow the National Forest Reservation Commission to consider and take action upon it.

(4) Approval of the land for purchase and the fixing of the price to be paid for it by the National Forest Reservation Commission. Approval for purchase is given only after recommendation has been made by the Secretary of Agriculture on the basis of the field examination and a tentative agreement as to terms.

(5) Execution of purchase contract.

(6) Unless the tract is very small and represents a small total value, the owner is required to furnish a complete abstract of title.

(7) Boundary survey of nonsectionized land is made by the Forest Service and at the expense of the United States. The Land Office survey of sectionized land is accepted.

(8) Examination of title by the title examiner and report by the Attorney General on the condition of the title.

(9) Initiation of condemnation proceedings when such action is necessary to perfect title.

(10) Actual conveyance of the title of the land by the owner to the Government and payment therefor.

The time required for carrying through these steps, from the approval of a tract by the National Forest Reservation Commission to the report on the title by the Attorney General, is ordinarily from three months to a year.

USE OF CONDEMNATION PROCEEDINGS.

It will be noted by reference to section 8 of the Weeks Law (p. 13) that " * * * no payment shall be made for any lands until the title shall be satisfactory to the Attorney General * * *." Under this requirement only legally safe titles can be accepted for purchase. Several classes of titles, usually considered merchantable and sufficiently good for ordinary commercial purposes, are not considered sufficiently safe within the meaning of this law by the Attorney General, and titles not approved by the Attorney General can be acquired by the Government only through the right of eminent domain. As a general rule, condemnation proceedings under this right will be undertaken by the Government only with the assent of the claimant to or the apparent owner of the major title, and if an agreement with him as to the value of the land to be acquired has been reached.

If the land desired is to be acquired through the right of eminent domain, the general procedure is for the Government, through the Department of Justice, to institute condemnation proceedings for its acquisition in the Federal court of the district in which such land is situated. Commissioners are appointed by the court to appraise the value of the land and, upon rendition by them to the court of report and award and the issuance by the court of an order for payment of award, the United States deposits into the registry of the court the amount of commissioners' award, which amount, upon confirmation of the report and award, is distributed by order and under the supervision of the court. An appeal from the award of the commissioners is generally available to the claimant as well as

to the United States, and such appeals are heard before a Federal court.

The time required for condemnation proceedings varies, being dependent on the size of the tract under condemnation, the number of persons in interest, and the rapidity with which the appraisal by commissioners and confirmation by the court can be had. It is probable that from six months to a year will be required. The cost of the procedure is borne by the United States, the owners of the land being required to incur only such expense as may be necessary to establish their interests in the property and their right to consideration in the distribution of the award.

PROPOSALS INVITED.

The units roughly designated in the following descriptions are those within which proposals are at present invited. Lands chiefly valuable for agriculture are not desired, and if such occur within the units described, they will not be recommended for purchase unless they are present in such small scattered areas that their exclusion would be impracticable. A blank form to be used in making a proposal of land may be had on application to the District Forester, Forest Service, Washington, D. C., or to the nearest supervisor. The blank should be accurately and fully filled out and mailed, securely sealed in the envelope. If possible, a map showing the boundary and location of the tract should be submitted with the proposal.

If no headquarters are given for a purchase unit, lands are not at present being considered for purchase. Unless otherwise stated, the purchase unit forms a portion of the National Forest of the same name.

PURCHASE UNITS.

WHITE MOUNTAIN UNIT, NEW HAMPSHIRE AND MAINE.

Lands in New Hampshire situated in Coos County, on the Carter-Moriah Range of mountains in the townships of Shelburne and Gorham, on the Presidential Range in the townships of Gorham and Randolph, on Cherry Mountain and the Dartmouth range in the township of Carroll, in the Low and Burbank grant, Thompson and Meserve purchase, Bean purchase, Martin location, Green grant, Pinkham grant, Bean grant, Crawford purchase, Chandler purchase, Cutts grant, Sargent purchase, and Hadley purchase; lands in Grafton County on the Franconia range of mountains, the Little River Mountains, and the Rosebrook Mountains in the township of Bethlehem; the Franconia range of mountains in the townships of Franconia and Easton; on Mount Moosilauke, Mount Kineo, and Mount Carr in the township of Warren; on Mount Carr in the townships of Wentworth and Rumney, and Black Hill and Mount Kineo in the township of Ellsworth; in the township of Woodstock; lands east of the Pemigewasset River in the township of Thornton; and lands in the townships of Benton, Waterville, Lincoln, and Livermore; lands in Carroll County, in Harts location; in the townships of Chatham, Jackson, Bartlett, and Albany, and on the Sandwich and Squam range of mountains in the townships of Sandwich and Campton and a small portion of Tamworth; and lands in Maine

situated in Oxford County in Batchelders grant in the townships of Albany, Bethel, Gilead, Mason, Stow, and Stoneham.

Headquarters, Gorham, N. H.

Androscoggin Division, New Hampshire and Maine.

Lands in New Hampshire situated in Coos County, including the northern portion of the town of Shelburne, the northeastern portion of the town of Gorham, the southeastern portion of Berlin, the entire town of Success, the northeastern portion of Milan, and the southeastern portion of the town of Cambridge; lands in Maine situated in Oxford County, including the northern portion of the town of Gilead, all of the town of Riley with the exception of the farming lands in the northeastern portion, lands on Black Mountain, Sunday River, White Cap, and Great Lodge in the town of Newry, the southern portion of the town of Grafton, the southern portion of Andover, West Surplus and lands on Long Mountain and adjacent slopes in the town of Andover. No purchases have been authorized in this division.

Headquarters, Gorham, N. H.

Kilkenny Division, New Hampshire.

Lands in New Hampshire situated in Coos County, including the northern portion of the town of Randolph, the northeastern portion of the town of Jefferson, all of the town of Kilkenny, a small part of the eastern portion of the town of Lancaster, that portion of the town of Stark lying south of the upper Ammonoosuc River and the Grand Trunk Railway, the western portion of the town of Milan, the western half of the town of Berlin, and the northwestern part of the town of Gorham.

Headquarters, Gorham, N. H.

ALLEGHENY UNIT, PENNSYLVANIA.

The western portion of McKean County; portion of Warren County to the east of Allegheny River; all of Forest County except Harmony and Tionesta Townships; Elk County, west of Clarion River.

Headquarters, Warren, Pa.

YOUGHIOGHENY UNIT, MARYLAND.

Lands in Maryland situated in Garrett County on the main watershed of the Youghiogheny River between the towns of Oakland and Friendsville, west of Hooppole Ridge and Negro Mountain. No purchases have yet been authorized in this unit.

MONONGAHELA UNIT, WEST VIRGINIA AND VIRGINIA.

Lands in West Virginia situated in Tucker County; in Randolph County, east of Greenbrier River above Elkins; in northern Pocahontas County, between the North Fork of the Potomac and the Greenbrier Rivers, and north of Durbin; Pendleton County, west of the North Fork of the Potomac River; a small part of southwestern Grant County, west of the North Fork of the Potomac River; lands

in Virginia situated in Highland County, north of Redoak Knob and west of Straight Run.

Headquarters, Elkins, W. Va.

POTOMAC UNIT, VIRGINIA AND WEST VIRGINIA.

Lands in Virginia situated in Frederick County, south of Duck Run and west of Star Tannery and Gravel Spring; in Shenandoah County, west of Fetzer Gap, Columbia Furnace, Liberty Furnace, and Orkney Springs; lands in West Virginia situated in Hardy County, east of Lost River and south of Wardensville and along the Great North Mountain to the county line between Hardy and Hampshire Counties; in Hampshire County, on the Great North Mountain south of the road from Star Tannery, Va., to Capon Springs, W. Va. The Potomac Unit is administered as a part of the Shenandoah National Forest.

Headquarters, Harrisonburg, Va.

SHENANDOAH UNIT, VIRGINIA AND WEST VIRGINIA

Lands in Virginia situated in Rockingham County, south of Dovesville and west of Fulks Run, Little Mountain, and Rawley Springs; in Augusta County, west of Sangerville, Stribling Springs, and Calf Pasture River; in Rockbridge County, west of the Calf Pasture River and north of Mill Mountain; in Bath County, east of the Cow Pasture River; in Highland County, east of Cow Pasture River and Shaws Fork; lands in West Virginia situated in Pendleton County, east of Brushy Run and the South Fork of the Potomac.

Headquarters, Harrisonburg, Va.

MASSANUTTEN UNIT, VIRGINIA.

Lands in Virginia situated in Rockingham, Shenandoah, Warren, and Page Counties, between the North and South Forks of Shenandoah River, comprising in general Massanutten Mountain north of McGaheysville post office and south of Waterlick post office. This unit is administered as a part of the Shenandoah National Forest.

Headquarters, Harrisonburg, Va.

NATURAL BRIDGE UNIT, VIRGINIA.

Lands in Virginia situated in northern Bedford County on the Blue Ridge and outlying mountains; in Botetourt County east of Buchanan and south of the James River; in Rockbridge County south of the James River; and southeast of the South River, and east of Buena Vista, Midvale, and Vesuvius; in the southern portion of Augusta County, south of Bare Mountain and Kennedy Mountain, and west of Torry Mountain; in Nelson County, west of the highway leading from Hight to Tyro, and west of the Priest Mountains; in the west part of Amherst County, west of Piney Mountain and Panther Mountain, Forks of Buffalo, Banks, Mountain, Big Island post office, on the watershed of the James River.

Headquarters, Lynchburg, Va.

WHITE TOP UNIT, TENNESSEE AND VIRGINIA.

Lands in Tennessee situated in Sullivan, Johnson, and Carter Counties; and lands in Virginia situated in Washington, Smyth,

Grayson, and Wylie Counties, and comprising the main ranges of the Iron and Holston Mountains.

Headquarters, Bristol, Tenn.

UNAKA UNIT, TENNESSEE AND NORTH CAROLINA.

Lands in Tennessee situated in Carter County, on the watershed of the Watauga River west of Elk Creek, and on the watershed of Doe River south of Valley Forge; in Unicoi County, on the watershed of the Nolichucky River; in Washington County, on the watershed of the Nolichucky River, along the northern foothills of the Cherokee and Bald Mountains to the Greene County line; in Greene and Cocke Counties following the northern foothills of the mountains to the mouth of Long Creek, where it empties into the French Broad River, and up the French Broad River to the North Carolina-Tennessee State line; lands in North Carolina situated in Madison County on the watershed of the French Broad River west of the road from Stackhouse to Allen Stand, north of Big Laurel Creek from Big Laurel to Windy Gap; in Yancey County, on the watershed of the Toe River north and west from Bald Creek and Cane River; in Mitchell County, on the watershed of Toe River north of the road from Hundale to Glen Ayre. This unit is administered as a part of the White Top National Forest.

Headquarters, Bristol, Tenn.

YADKIN UNIT, NORTH CAROLINA.

Lands in North Carolina situated in Wilkes, Caldwell, and Watauga Counties, on streams flowing into the Yadkin River from the north, and lying west of the post offices of Elkville, Readybranch, Purlear, Mulberry, and Halls Mills. No purchases have been authorized in this unit.

MOUNT MITCHELL UNIT, NORTH CAROLINA.

Lands in North Carolina situated in Buncombe County on the Great Craggy Mountains; in Yancey County, on the Black Mountains and South Toe River watershed south of the post office of Micaville; in McDowell County, north of the main branch of the Catawba River and west of the road from Tom Creek to Gillespie Gap; and in southwestern Mitchell County, south of Brush Creek and west of Mica post office. The Mount Mitchell unit is administered as a part of the Pisgah National Forest.

Headquarters, Asheville, N. C.

BOONE UNIT, NORTH CAROLINA.

Lands in North Carolina situated in McDowell County, on the watershed of the North Fork of the Catawba River north of Bald Mountain and Bald Knob and east of the road from Tom Creek to Gillespie Gap; in Mitchell County between Brushy and Rose Creeks, and north of the post office of Saginaw and east of Sugar Mountain; in Burke County, on the watershed of Linville River, Table Rock Creek, Steel Creek, and Upper Creek from the Mitchell County line south to the foothills; in Watauga County, on the watershed of the Watauga River from Hanging Rock to the Yonahlossee Road; in Caldwell County, on the watershed of Johns River west of the road

from Lenoir to Blowing Rock and north of the road from Patterson to Joy. The Boone Unit is administered as a part of the Pisgah National Forest.

Headquarters, Asheville, N. C.

PISGAH UNIT, NORTH CAROLINA.

Lands in North Carolina situated in Jackson County north of Little Hogback Mountain, Laurel Mountain, Sheep Cliff, and Short-off Mountain, and east of Buck Knob, East Laport post office, and Carver Mountain, and south of the Asheville & Murphy branch of the Southern Railroad; in Haywood County south of Pinnacle Knob, Snaggy Ridge, Beatty Knob, and the post offices of Three Forks, Cecil, Retreat, and Cruso; in Buncombe County south of Dunsmore post office and Young Pisgah Mountain and Stradley Mountain; and west of Chestnut Mountain; in Henderson County west of Seniard Mountain and Buck Knob; and in Transylvania County north of the Hendersonville & Lake Toxaway branch of the Southern Railroad to mouth of North Fork of French Broad River, south of Flat Creek, and north of Lake Toxaway.

Headquarters, Asheville, N. C.

NANTAHALA UNIT, NORTH CAROLINA.

Cheoah River Division, North Carolina.

South of the Little Tennessee River in Graham County. This division of the Nantahala Unit is administered as a part of the Pisgah National Forest.

Headquarters, Asheville, N. C.

Nantahala Mountain Division, North Carolina and Georgia.

Lands in North Carolina situated in Swain County west of Little Tennessee River; in Macon County on the Nantahala Mountains and the watershed of the Nantahala River; in Clay County on Valley River Mountains, Tusquitee Mountain, Vineyard Mountain, and Chunky Gal Mountain; in Cherokee County on Valley River Mountains, Snowbird Mountains, and Unaka Mountains; lands in Georgia situated in Rabun County on the watershed of Betty Creek. Administered as a portion of the Savannah National Forest.

Headquarters, Franklin, N. C.

CHEROKEE UNIT, TENNESSEE.

Lands in Tennessee situated in Monroe County, comprising Starr Mountain, Cotaska Mountain, Tellico Mountain and lands south and east of Salt Springs Mountain and Sassafras Mountain, on the watershed of Tellico River; in McMinn County on the west slope of Starr Mountain; in Polk County, east of Wetmore, Benton, Parkesville, and Conesauga and west of the Louisville & Nashville Railroad between Copperhill and Apalachia Station. The Cherokee Unit is administered as a portion of the Cherokee National Forest.

Headquarters, Athens, Tenn.

SAVANNAH UNIT, GEORGIA, SOUTH CAROLINA, AND NORTH CAROLINA.

Lands in Georgia situated in Rabun County on the watershed of the Chattooga River, lying east of Dillard and Screamer Mountain, south of Rainy Mountain, and east of Tallulah Falls, and lands on the watershed of Little Tennessee River on the headwaters of Mud and Mill Creeks; on the watershed of Tallulah River, west of Keener Gap and Tiger Mountain, and north of Pigeon Mountain; in Habersham County, on the watershed of the Soque River, north of Seed post office and Yellow Mountain; lands in South Carolina situated in Oconee County on the watersheds of the Chattooga and Chauga Rivers, including Chattooga Ridge, Pine Mountain, Longnose Mountain, Rich Mountain, and Poor Mountain, and lying west of Tomassee Knob and south of Persimmon Mountain; in Pickens County on the watershed of Keowee River, north of the mouth of Toxaway River, and west of Horse Mountain, Rocky Mountain and Indian Camp Mountain; lands in North Carolina situated in Transylvania County, on the Savannah River watershed; in Jackson County, on the watersheds of Horsepasture and Chattooga Rivers; in Macon County, on the watershed of the Cullasagee River east of Cullasgee, and on the watershed of Little Tennessee River east of Otto.

Headquarters, Franklin, N. C.

SMOKY MOUNTAIN UNIT, NORTH CAROLINA AND TENNESSEE.

Lands in North Carolina situated in Haywood County north and west of Jonathan Creek; in Swain County north of the Little Tennessee and Tuckasegee Rivers; lands in Tennessee situated in Cocke County south of Denny Mountain and Big Pigeon Rivers; in Sevier County south of the road from Jones Cove to Richardson Cove to Gatlinburg; Cove Mountain and its outlying spurs; the mountains west of Wears Valley; Chilhowie Mountain; in Blount County the lands situated on and to the east of Chilhowie Mountain. No purchases have been made on this unit.

GEORGIA UNIT, GEORGIA AND NORTH CAROLINA.

Lands in Georgia situated in White County, on the watershed of the Chattahoochee River, north of Grimes Nose and Loudsville post office; in Lumpkin County, on the watershed of the Chestatee River, north of Buzzard Mountain and Cedar Mountain; in Fannin and Gilmer Counties, on the watershed of Toccoa River north of Springer Mountain, east of Doublehead Gap, Stock Hill, Skeenah, and Wilscot, in Union County, on the watershed of the Toccoa and Nottely Rivers, south of Skeenah Gap, Hicks Gap, and Reed Mountain, and east of Blairsville, including Ivylog and Gumlog Mountains; in Towns County, on the watershed of the Hiwassee River, south of Gumlog, Brasstown Gap, and Osborn, and east of Hunt; lands in North Carolina situated in Clay County, on the watershed of Tallulah River and lands lying south of Shooting Creek.

Headquarters, Athens, Tenn.

ALABAMA UNIT.

Lands in Alabama situated in townships 7 and 8 south, ranges 6, 7, 8, and 9 west, in Lawrence County; and lands situated in township 9 south, ranges 6, 7, 8, and 9, and sections 1, 12, and 13, range

10 west, in Winston County; land in the eastern tier of sections, townships 7 and 8 south, range 10 west, in Franklin County.

Headquarters, Moulton, Ala.

OZARK UNIT, ARKANSAS.

Lands in Arkansas within the boundaries of the Ozark National Forest, being within the counties of Baxter, Stone, Pope, Searcy, Newton, Johnson, Franklin, Crawford, and Washington.

Headquarters, Russellville, Ark.

ARKANSAS UNIT, ARKANSAS.

Lands in Arkansas within the boundaries of the Arkansas National Forest, being within the counties of Perry, Saline, Garland, Montgomery, Pike, Howard, Polk, Yell, Logan, Sebastian, and Scott.

Headquarters, Hot Springs National Park, Ark.

ACT OF MARCH 1, 1911.

(36 Stat., 961.)

THE WEEKS LAW.

AN ACT To enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of the Congress of the United States is hereby given to each of the several States of the Union to enter into any agreement or compact, not in conflict with any law of the United States, with any other State or States for the purpose of conserving the forests and the water supply of the State entering into such agreement or compact.

SEC. 2. That the sum of two hundred thousand dollars is hereby appropriated and made available until expended, out of any moneys in the National Treasury not otherwise appropriated, to enable the Secretary of Agriculture to cooperate with any State or group of States, when requested to do so, in the protection from fire of the forested watersheds of navigable streams; and the Secretary of Agriculture is hereby authorized, and on such conditions as he deems wise, to stipulate and agree with any State or group of States to cooperate in the organization and maintenance of a system of fire protection on any private or State forest lands within such State or States and situated upon the watershed of a navigable river: *Provided*, That no such stipulation or agreement shall be made with any State which has not provided by law for a system of forest-fire protection: *Provided further*, That in no case shall the amount expended in any State exceed in any fiscal year the amount appropriated by that State for the same purpose during the same fiscal year.

SEC. 3. That there is hereby appropriated, for the fiscal year ending June thirtieth, nineteen hundred and ten, the sum of one million dollars, and for each fiscal year thereafter a sum not to exceed two million dollars for use in the examination, survey, and acquirement of lands located on the headwaters of navigable streams or those which are being or which may be developed for navigable purposes: *Provided*, That the provisions of this section shall expire by limitation on the thirtieth day of June, nineteen hundred and fifteen.

SEC. 4. That a commission, to be known as the National Forest Reservation Commission, consisting of the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, and two members of the Senate, to be selected by the President of the Senate, and two members of the House of Representatives, to be selected by the Speaker, is hereby created and authorized to consider and pass upon such lands as may be recommended for purchase as provided in section six of this Act, and to fix the price or prices at which such lands may be

purchased, and no purchases shall be made of any lands until such lands have been duly approved for purchase by said commission: *Provided*, That the members of the commission herein created shall serve as such only during their incumbency in their respective official positions, and any vacancy on the commission shall be filled in the manner as the original appointment.

SEC. 5. That the commission hereby appointed shall, through its president, annually report to Congress, not later than the first Monday in December, the operations and expenditures of the commission in detail during the preceding fiscal year.

SEC. 6. That the Secretary of Agriculture is hereby authorized and directed to examine, locate, and recommend for purchase such lands as in his judgment may be necessary to the regulation of the flow of navigable streams, and to report to the National Forest Reservation Commission the results of such examinations: *Provided*, That before any lands are purchased by the National Forest Reservation Commission said lands shall be examined by the Geological Survey and a report made to the Secretary of Agriculture, showing that the control of such lands will promote or protect the navigation of streams on whose watersheds they lie.

SEC. 7. That the Secretary of Agriculture is hereby authorized to purchase in the name of the United States, such lands as have been approved for purchase by the National Forest Reservation Commission at the price or prices fixed by said commission: *Provided*, That no deed or other instrument of conveyance shall be accepted or approved by the Secretary of Agriculture under this Act until the legislature of the State in which the land lies shall have consented to the acquisition of such land by the United States for the purpose of preserving the navigability of navigable streams.

SEC. 8. That the Secretary of Agriculture may do all things necessary to secure the safe title in the United States to the lands to be acquired under this Act, but no payment shall be made for any such lands until the title shall be satisfactory to the Attorney General and shall be vested in the United States.

SEC. 9. That such acquisition may in any case be conditioned upon the exception and reservation to the owner from whom title passes to the United States of the minerals and of the merchantable timber, or either or any part of them, within or upon such lands at the date of the conveyance, but in every case such exception and reservation and the time within which such timber shall be removed and the rules and regulations under which the cutting and removal of such timber and the mining and removal of such mineral shall be done shall be expressed in the written instrument of conveyance, and thereafter the mining, cutting, and removal of the minerals and timber so excepted and reserved shall be done only under and in obedience to the rules and regulations so expressed.

SEC. 10. That inasmuch as small areas of land chiefly valuable for agriculture may of necessity or by inadvertence be included in tracts acquired under this Act, the Secretary of Agriculture may, in his discretion, and he is hereby authorized, upon application or otherwise, to examine and ascertain the location and extent of such areas as in his opinion may be occupied for agricultural purposes without injury to the forests or to stream flow and which are not needed for public purposes, and may list and describe the same by metes and bounds, or otherwise, and offer them for sale as homesteads at their true value, to be fixed by him, to actual settlers, in tracts not exceeding eighty acres in area, under such joint rules and regulations as the Secretary of Agriculture and the Secretary of the Interior may prescribe; and in case of such sale the jurisdiction over the lands sold shall, ipso facto, revert to the State in which the lands sold lie. And no right, title, interest, or claim in or to any lands acquired under this Act, or the waters thereon, or the products, resources, or use thereof after such lands shall have been so acquired, shall be initiated or perfected, except as in this section provided.

SEC. 11. That, subject to the provisions of the last preceding section, the lands acquired under this Act shall be permanently reserved, held, and administered as national forest lands under the provisions of section twenty-four of the Act approved March third, eighteen hundred and ninety-one (volume twenty-six Statutes at Large, page eleven hundred and three), and Acts supplemental to and amendatory thereof. And the Secretary of Agriculture may from time to time divide the lands acquired under this Act into such specific national forests and so designate the same as he may deem best for administrative purposes.

SEC. 12. That the jurisdiction, both civil and criminal, over persons upon the lands acquired under this Act shall not be affected or changed by their per-

manent reservation and administration as national forest lands, except so far as the punishment of offenses against the United States is concerned, the intent and meaning of this section being that the State wherein such land is situated shall not, by reason of such reservation and administration, lose its jurisdiction nor the inhabitants thereof their rights and privileges as citizens or be absolved from their duties as citizens of the State.

¹ SEC. 13. That five per centum of all moneys received during any fiscal year from each national forest into which the lands acquired under this Act may from time to time be divided shall be paid, at the end of such year, by the Secretary of the Treasury to the State in which such national forest is situated, to be expended as the State legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which such national forest is situated: *Provided*, That when any national forest is in more than one State or county the distributive share to each from the proceeds of such forest shall be proportional to its area therein: *Provided further*, That there shall not be paid to any State for any county an amount equal to more than forty per centum of the total income of such county from all other sources.

SEC. 14. That a sum sufficient to pay the necessary expenses of the commission and its members, not to exceed an annual expenditure of twenty-five thousand dollars, is hereby appropriated out of any money in the Treasury not otherwise appropriated. Said appropriation shall be immediately available, and shall be paid out on the audit and order of the president of the said commission, which audit and order shall be conclusive and binding upon all departments as to the correctness of the accounts of said commission.

Approved, March 1, 1911.

Amendment increasing the proportion of receipts from national forests to be expended by the States.

Act of June 30, 1914 (38 Stat., 415.)

That section thirteen of the Act entitled "An Act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," approved March first, nineteen hundred and eleven (Thirty-sixth Statutes at Large, page nine hundred and sixty-three), is hereby amended by striking out the word "five" in the first line of said section, and inserting in lieu thereof the word "twenty-five."

Amendment relating to outstanding easements.

Act of March 4, 1913.

That section nine of the Act of March first, nineteen hundred and eleven (Thirty-sixth Statutes, page nine hundred and sixty-one), entitled "An Act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," be amended to read as follows:

"That such acquisition by the United States shall in no case be defeated because of located or defined rights of way, easements, and reservations, which from their nature will, in the opinion of the National Forest Reservation Commission and the Secretary of Agriculture, in no manner interfere with the use of the lands so encumbered, for the purposes of the Act: *Provided*, That such rights of way, easements, and reservations retained by the owner from whom the United States receives title, shall be subject to the rules and regulations prescribed by the Secretary of Agriculture for their occupation, use, operation, protection and administration, and that such rules and regulations shall be expressed in and made part of the written instrument conveying title to the lands to the United States; and the use occupation, and operation of such rights of way, easements and reservations, shall be under, subject to, and in obedience with the rules and regulations so expressed."

¹ See amendment of June 30, 1914.

