

Bill Introduced to Protect Homesteaders

A bill to protect the rights of Alaska homesteaders and other federal land patentees was introduced by Senator E. L. (Bob) Bartlett.

The measure, cosponsored by Senator Ernest Gruening, is designed to correct certain inequities resulting from right-of-way reservations included in all federal land patents in Alaska between 1947 and 1959.

"The right-of-way reservations were required by an act passed in 1947, which has gained notoriety because of the injustices it has wrought," Bartlett said. The law was repealed by the 1959 Alaska Omnibus Act. However, reservations in patents already issued were not abolished.

Senator Bartlett explained the reservations are open-ended as to the location, size, and number of times the right-of-way rights may be exercised.

That means a holder of a patent issued between 1947 and 1959 lives constantly under the threat that a portion of his land may be taken for highway purposes without compensation.

"The exercise of the rights

reserved under the '47 Act has caused hardship in a number of cases, but the courts have upheld the highway takings," Bartlett said.

In 1966, the state government moved to assure compensation to homesteaders who might lose land under the '47 Act, but the Federal Highway Administration has ruled that federal funds cannot be used to pay any part of such compensation as long as the right-of-way reservations remain valid.

The Bartlett bill would vacate and relinquish reservations of rights-of-way authorized by the 1947 Act, thereby prohibiting future takings without payment.