38TH CONGRESS,
2D SESSION.

H. R. 745.

IN THE HOUSE OF REPRESENTATIVES.

FEBRUARY 6, 1865.

Read twice and referred to the Committee on Public Lands.

FEBRUARY 16, 1865.

Reported back with an amendment, recommitted to the Committee on Public Lands, and ordered to be printed. Strike out all after the enacting clause and insert what follows, printed in *italics*.

Mr. DRIGGS, on leave, introduced the following bill:

A BILL

Granting land to the State of Michigan, to aid in building a harbor and ship canal at Portage Lake, Kewenaw Point, Lake Superior.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 [That there are hereby granted to the State of Michigan
4 hundred thousand acres of land, to be taken from the lands
5 of the government of the United States, on the upper penin-
6 sula of the said State of Michigan, not otherwise appropriated,
7 reserved or subject to the operations of the homestead act, by
8 reason of a compliance with the provisions thereof. This
9 grant is made in the interest of the commerce and navigation
10 of Lake Superior, to aid in the construction of the ship canal

11 from Portage Lake to Lake Superior, through the neck of
12 land called the "Portage," which connects Kewenaw Point
13 with the main land of the upper peninsula, so that vessels can
14 at all times enter Portage Lake for harbor purposes and pass
15 through the same, and the lands hereby granted are to be
16 used for this purpose only.

1 SEC. 2. *And be it further enacted,* That said ship canal
2 shall be built at least thirteen feet deep at all points, one
3 hundred feet wide on the bottom; its sides or banks shall be
4 built with suitable walls; the opening upon the Lake Supe-
5 rior shore so constructed and guarded by water-breakers,
6 piers, or guard-locks, as to protect said canal and render it
7 accessible at all times to vessels; and shall be fully completed
8 as aforesaid within the period of two years from the passage
9 of this act, or the lands hereby granted in aid thereof shall
10 revert to the government of the United States.

1 SEC. 3. *And be it further enacted,* That, in fulfilment of
2 the object of this grant, the governor of the State of Michi-
3 gan is authorized to convey the lands contained in this grant,
4 in aid of the same, to the "Portage Lake and Lake Superior
5 Ship Canal Company," or to any person or persons, corpora-
6 tion or corporations, who shall enter into obligation to build
7 said canal, subject, nevertheless, to the reservations, restric-
8 tions, and conditions herein contained.

1 SEC. 4. *And be it further enacted,* That it shall be the

2 duty of said governor of said State of Michigan, as soon as
3 practicable, to signify the acceptance of this grant and the
4 trust herein created to the Secretary of the Interior, and
5 thereupon to appoint one or more commissioners, not to exceed
6 three in number, whose duty it shall be to superintend the
7 construction of said canal, and to report to said governor,
8 from time to time, upon the same. The compensation and
9 expense of said commission to be borne by the person or per-
10 sons, corporation or corporations, accepting this grant in aid
11 of said work, not to exceed in any case the sum of five dol-
12 lars each day for each commissioner. And it shall be the
13 duty of said governor of said State of Michigan to appoint,
14 as soon as practicable, a suitable engineer, who shall make a
15 careful survey of said neck called the "Portage;" mark the
16 lines for the construction of said canal, designating the points
17 of the openings on Lake Superior and Portage Lake, and the
18 length of the cut required; make suitable maps, specifications,
19 profiles, and diagrams to govern in the construction of said canal,
20 and report the same to the commissioner or commissioners,
21 which, if approved, shall be reported to the governor of said
22 State, and by him filed in the office of the Secretary of the
23 Interior. Such profiles, specifications, and diagrams may be
24 altered, changed, and modified, from time to time, in the
25 progress of the work; the alterations, changes, and modifica-

26 tions shall be reported as aforesaid. The said engineer shall
27 be paid by the party accepting the grant in aid as aforesaid.

1 SEC. 5. *And be it further enacted,* That the governor
2 of said State of Michigan may, after entering into the en-
3 gagement for the work aforesaid, by which the grant afore-
4 said shall form part of the consideration aforesaid, cause, in
5 conjunction with the party accepting said grant, a map to be
6 made of the lands chosen and accepted, in fulfilment of the
7 object of this grant, and report the same to the Secretary of
8 the Interior, with the request that the same be withdrawn
9 from market; and it shall be the duty of said Secretary there-
10 upon to withdraw the same from market. And upon the
11 report being duly made to the said Secretary of the Interior
12 by the said governor of said State of Michigan, that said
13 canal has been fully completed, in accordance with the re-
14 quirements of this act, it shall be the duty of the Secretary of
15 the Interior to cause the proper title papers to be made and
16 issued for the lands hereby granted.]

3 *That there be, and is hereby, granted to the State of Michigan*
4 *the right of locating and constructing a breakwater and har-*
5 *bor and ship canal through any public lands at or upon the*
6 *neck of land on Lake Superior known as "The Portage:"*
7 *Provided, That not more than one thousand feet in width on*
8 *the bank of Lake Superior shall be occupied by said break-*
9 *water and harbor, and that a strip of land not more than*

four hundred feet in width on said neck of land shall be occupied by said canal: And provided, further, That said ship canal shall be at least one hundred feet in width, with a depth of water not less than thirteen feet.

SEC. 2. *And be it further enacted, That there be, and hereby is, granted to the said State of Michigan, for the purpose of aiding said State in constructing and completing a harbor and ship canal to connect the waters of Lake Superior with the waters of Portage Lake, two hundred thousand acres of public lands, to be selected in subdivisions agreeably to the United States survey, by an agent or agents appointed by the governor of said State, subject to the approval of the Secretary of the Interior, from any lands in the upper peninsula of said State, subject to private entry: Provided, That said selections shall be made from alternate and odd-numbered sections of land nearest the location of said canal in said upper peninsula, not otherwise appropriated, and not from lands designated by the United States as "mineral" before the passage of this act, nor from lands to which the rights of pre-emption or homestead have attached.*

SEC. 3. *And be it further enacted, That the said lands hereby granted shall be subject to the disposal of the legislature of said State, or, if the legislature thereof shall not be in session, or shall adjourn within ten days after the passage and approval of this act, then said lands shall be subject to the*

6 *disposal of the governor and board of control of said State,*
7 *for the purposes aforesaid and for no other; and the said*
8 *canal shall be and remain a public highway for the use of the*
9 *government of the United States, free from toll or charge*
10 *upon the vessels of said government, or upon vessels employed*
11 *by said government in the transportation of any property or*
12 *troops of the United States.*

1 SEC. 4. *And be it further enacted, That before it shall be*
2 *competent for said State to dispose of any of said lands, to*
3 *be selected as aforesaid, the plan of said breakwater and har-*
4 *bor, and the route of said canal shall be established as afore-*
5 *said, and a plat or plats thereof shall be filed in the office of*
6 *the War Department, and a duplicate thereof in the office of*
7 *the Commissioner of the General Land Office.*

1 SEC. 5. *And be it further enacted, That if the said*
2 *breakwater, harbor, and ship canal shall not be completed*
3 *within two years from the passage of this act, the lands hereby*
4 *granted shall revert to the United States.*

1 SEC. 6. *And be it further enacted, That the legislature*
2 *of said State shall cause to be kept an accurate account of the*
3 *sales and net proceeds of the lands hereby granted, and of all*
4 *expenditures in the construction, repairs, and operating of said*
5 *canal, and of the earnings thereof, and shall return a statement*
6 *of the same annually to the Secretary of the Interior; and*
7 *whenever said State shall be fully reimbursed for all advances*

8 *made for the construction, repairs, and operating of said canal,*
9 *with legal interest on all advances, until the reimbursement of*
10 *the same, or upon payment by the United States of any balance*
11 *of such advances over such receipts from said lands and canal,*
12 *with such interest the said State shall be allowed to tax for the*
13 *use of said canal, only such tolls as shall be sufficient to pay*
14 *all necessary expenses for the care, charge, and repair of the*
15 *same.*