

Disposal of residue.

States, the District of Columbia, and the Canal Zone as the Secretary of War shall determine, and any residue not accepted or rejected on or before July 1, 1928, shall be sold as surplus property as it then is and where it then is, or shall be destroyed, all as the Secretary of War, in his discretion, shall determine; war devices and trophies considered by the Secretary of War as unsuitable for distribution under this Act, may be sold, or otherwise disposed of."

Approved, May 22, 1926.

May 22, 1926.  
[S. 4073.]

[Public, No. 268.]

**CHAP. 363.**—An Act To provide for the establishment of the Shenandoah National Park in the State of Virginia and the Great Smoky Mountain National Park in the States of North Carolina and Tennessee, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That when title to lands within the areas hereinafter referred to shall have been vested in the United States in fee simple there shall be, and are hereby, established, dedicated, and set apart as public parks for the benefit and enjoyment of the people, the tract of land in the Blue Ridge, in the State of Virginia, being approximately five hundred and twenty-one thousand acres recommended by the Secretary of the Interior in his report of April 14, 1926, which area, or any part or parts thereof as may be accepted on behalf of the United States in accordance with the provisions hereof, shall be known as the Shenandoah National Park; and the tract of land in the Great Smoky Mountains in the States of North Carolina and Tennessee being approximately seven hundred and four thousand acres, recommended by the Secretary of the Interior in his report of April 14, 1926, which area, or any part or parts thereof as may be accepted on behalf of the United States in accordance with the provisions hereof, shall be known as the Great Smoky Mountains National Park: *Provided*, That the United States shall not purchase by appropriation of public moneys any land within the aforesaid areas, but that such lands shall be secured by the United States only by public or private donation.

**SEC. 2.** The Secretary of the Interior is hereby authorized, in his discretion, to accept as hereinafter provided on behalf of the United States title to the lands referred to in the previous section hereof and to be purchased with the \$1,200,000 which has been subscribed by the State of Virginia and the Shenandoah National Park Association of Virginia and with other contributions for the purchase of lands in the Shenandoah National Park area, and with the \$1,066,693 which has been subscribed by the State of Tennessee and the Great Smoky Mountains Conservation Association and by the Great Smoky Mountains (Incorporated) (North Carolina) and with other contributions for the purchase of lands in the Great Smoky Mountains National Park area.

**SEC. 3.** That the administration, protection, and development of the aforesaid parks shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the Act of August 25, 1916, entitled "An Act to establish a National Park Service, and for other purposes," as amended: *Provided*, That the provisions of the Act approved June 10, 1920, known as the Federal Water Power Act, shall not apply to these parks: *And provided further*, That the minimum area to be administered and protected by the National Park Service shall be for the Shenandoah National Park area two hundred and fifty thousand acres and for the Great Smoky Mountains National Park

National parks.  
Shenandoah, Va., and  
Great Smoky Mountains,  
N. C. and Penn.,  
set apart as, when lands  
thereof vested in  
United States.  
Tract in the Blue  
Ridge, Va.

In the Great Smoky  
Mountains, N. C. and  
Tenn.

*Proviso.*  
Lands to be secured  
only by donation.  
*Post*, p. 966.

Acceptance of title of  
lands in Shenandoah  
Park area in Virginia.

In Smoky Mountain  
Park area in Tennessee  
and North Carolina.

National Park Service  
to administer, etc.

Vol. 29, p. 535.

*Proviso.*  
Water power Act not  
applicable.  
Vol. 41, p. 1063.  
Minimum area specified.

area one hundred and fifty thousand acres: *Provided further*, That no general development of either of these areas shall be undertaken until a major portion of the remainder in such area shall have been accepted by said Secretary.

Area to be accepted before any development made.

SEC. 4. The Secretary of the Interior may for the purpose of carrying out the provisions of this Act employ the commission authorized by the Act approved February 21, 1925.

Commission employed.  
Vol. 43, p. 959.

Approved, May 22, 1926.

CHAP. 364.—An Act To carry into effect provisions of the convention between the United States and Great Britain to regulate the level of Lake of the Woods concluded on the 24th day of February, 1925.

May 22, 1926.  
[H. R. 9872.]  
[Public, No. 269.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of War be, and he is hereby, authorized and directed to acquire, as soon as practicable after the enactment of this Act, by purchase or by condemnation, in accordance with the provisions of the Act entitled "An Act to authorize condemnation of land for sites of public buildings, and for other purposes," approved August 1, 1888, the flowage easements up to elevation one thousand and sixty-four sea level datum upon all lands in the United States bordering on the Lake of the Woods and such lands or interests therein as are necessary to provide for protective works and measures in the United States along the shores of the Lake of the Woods and the banks of the Rainy River as specified in article 8 of the convention signed at Washington on the 24th of February, 1925, between the Governments of the United States and Great Britain, providing for the regulation of the level of the Lake of the Woods.

Lake of the Woods.  
Flowage easements, etc., on lands bordering, to regulate level thereof, under treaty engagement with Great Britain.  
Vol. 25, p. 357.

Post, p. 2110.

In proceeding by condemnation for acquiring such flowage easements on any tract of land any benefit to the remainder of the tract or the property thereon derived from such easement shall be considered and damages shall be awarded accordingly.

Benefits considered in awarding damages by condemnation.

SEC. 2. The protective works and measures provided for in article 8 of the convention, or such thereof as the Secretary of War may deem necessary for the protection of the property rights and interests of the inhabitants of the territory affected, shall be constructed, or carried out, under the direction of the Secretary of War and all moneys which may be paid by the Government of Canada to the Government of the United States under article 10 of the convention are hereby appropriated and made available for expenditure by the Secretary of War for the construction of such works, and the carrying out of such measures, and for the acquisition of easements, lands, and interests therein as provided in section 1 of this Act.

Construction of protective works, etc.

Moneys from Canada available for expenditures.

Post, p. 2111.  
Post, p. 865.

SEC. 3. The Secretary of War is hereby authorized and directed to cause to be investigated, as soon as practicable, all claims for damages caused, prior to the acquisition of flowage easements under this Act, to the inhabitants of the United States by fluctuation of the water levels of the Lake of the Woods due to artificial obstructions in outlets of said lake, and after due notice and opportunity for hearing, shall ascertain and determine the loss or injury, if any, that may have been sustained by the respective claimants and to report to Congress for its consideration the amount or amounts he may find to be equitably due such claimants, together with a statement in each case of the substantial facts upon which the conclusion is based: *Provided*, That all claims not presented to the Secretary of War under this provision prior to the expiration of six months from the date of the passage of this Act shall not be considered by him and shall be forever barred.

Prior claims for damages due to artificial obstruction to outlets to be investigated.

Report to Congress.

Proviso.  
Time limit for presenting.

Approved, May 22, 1926.