

**Great Northern Railway Co. v. United States** (1942), addressed whether railroad companies that received rights-of-way under the 1875 General Railroad Right-of-Way Act also acquired rights to the minerals beneath the surface, such as oil and gas. The Great Northern Railway argued that it had a "limited fee" interest in its right-of-way across federal lands and therefore had the right to drill for subsurface oil. The United States, however, claimed that the 1875 Act granted only a surface easement for railroad purposes—not a possessory estate that included mineral rights. The Supreme Court agreed with the government, holding that the 1875 Act conveyed merely an easement, not a fee interest. Because of this, the United States retained ownership of the subsurface minerals.

The Supreme Court emphasized that the 1875 Act marked a shift in congressional policy from earlier statutes that had granted railroads broad land rights, including fee interests and mineral access. Unlike pre-1871 land grants, the 1875 Act conveyed no full estate in the land—only a limited right to use it for transportation infrastructure. The ruling relied heavily on the plain text of the Act, its legislative history, and longstanding administrative interpretations. Importantly, this case laid the foundation for later decisions—such as *Brandt Revocable Trust v. United States*—by affirming that 1875 Act rights-of-way are non-possessory easements that do not revert to the federal government when abandoned, but instead extinguish, leaving the underlying landowner with full title.