der the three mile belt, Texas, which concededly did own this soil before its annexation to the United States, was held to have surrendered its dominion and sovereignty over it, upon entering the Union on terms of equality with the existing states. To this extent, the earlier rule that unless otherwise declared by Congress the title to every species of property owned by a territory passes to the state upon admission[295] has been qualified. However, when Congress, through passage of the Submerged Lands Act of 1953,[296] surrendered its paramount rights to natural resources in the marginal seas to certain states, without any corresponding cession to all states, the transfer was held to entail no abdication of national sovereignty over control and use of the oceans in a manner destructive of the equality of the states.[297]

While the territorial status continues, the United States has power to convey property rights, such as rights in soil below the high-water mark along navigable waters,[298] or the right to fish in designated waters,[299] which will be binding on the state.

Clause 2. The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

PROPERTY AND TERRITORY: POWERS OF CONGRESS

Methods of Disposing of Property

The Constitution is silent as to the methods of disposing of property of the United States. In *United States v. Gratiot*,[300] in which the validity of a lease of lead mines on government lands was put

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[295] Brown v. Grant, 116 U.S. 207, 212 (1886).

[296] 67 Stat. 29, 43 U.S.C. §§ 1301–1315.

[297] Alabama v. Texas, 347 U.S. 272, 274–77, 281 (1954). Justice Black and Douglas dissented.

[298] Shively v. Bowlby, 152 U.S. 1, 47 (1894). *See also* Joy v. St. Louis, 201 U.S. 332 (1906).

[299] United States v. Winans, 198 U.S. 371, 378 (1905); Seufert Bros. v. United States, 249 U.S. 194 (1919). A fishing right granted by treaty to Indians does not necessarily preclude the application to Indians of state game laws regulating the time and manner of taking fish. New York ex rel. Kennedy v. Becker, 241 U.S. 556 (1916). *See also* Metlakatla Indians v. Egan, 369 U.S. 45, 54, 57–59 (1962); Kake Village v. Egan, 369 U.S. 60, 64–65, 67–69, 75–76 (1962). But it has been held to be violated by exacting a license fee that is both regulatory and revenue-producing. Tulee v. Washington, 315 U.S. 681 (1942).

[300] 39 U.S. (14 Pet.) 526 (1840).