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Mar. 3, 1887.

CHAP. 370.—An act for the relief of settlers and purchasers of lands on the public domain in the States of Nebraska and Kansas.

Appropriation to pay settlers on lands granted to Northern Kansas Railroad.

Vol. 14, p. 210.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of reimbursing persons, and the grantees, heirs, and devisees of persons, who, under the homestead, pre-emption, or other laws, settled upon or purchased lands within the grant made by an act entitled "An act for a grant of lands to the State of Kansas to aid in the construction of the Northern Kansas Railroad and Telegraph," approved July twenty-third, eighteen hundred and sixty-six, and to whom patents have been issued therefor, but against which persons, or their grantees, heirs, or devisees, decrees have been or may have hereafter be rendered by the United States circuit courts on account of the priority of said grant made in the act above entitled, the sum of two hundred and fifty thousand dollars, or so much thereof as shall be required for said purpose, is hereby appropriated: *Provided, however*, That no part of said sum shall be paid to any one of said parties until he shall have filed with the Secretary of the Interior a copy of the said decree, duly certified, and also a certificate of the judge of said court rendering the same to the effect that such a decree was rendered in a bona fide controversy between a plaintiff showing title under the grant made in said act and a defendant holding the patent or holding by deed under the patentee, and that the decision was in favor of the plaintiff on the ground of the priority of the grant made by said act to the filing, settlement, or purchase by the defendant or his grantor; and said claimant shall also file with the said decree and certificate a bill of the costs in such case, duly certified by the judge and clerk of said court. Thereupon it shall be the duty of the Secretary of the Interior to adjust the amount due to each defendant on the basis of what he shall have paid, not exceeding three dollars and fifty cents per acre for the tract his title to which shall have failed as aforesaid, and the costs appearing by the bill thereof so certified as hereinbefore provided. He shall then make a requition upon the Treasury for the sum found to be due to such claimant, or his heirs and devisees or assigns, and shall pay the same to him, taking such release, acquittance, or discharge as shall forever bar any further claim against the United States on account of the failure of the title as aforesaid: *Provided further*, That when any person, his grantees, heirs, assigns, or devisees, shall prove to the satisfaction of the Secretary of the Interior that his case is like the case of those described in the preceding portions of this act, except that he has not been sued and subjected to judgment as hereinbefore provided, and that he has in good faith paid to the person holding the prior title by the grant herein referred to the sum demanded of him, without litigation, such Secretary shall pay to such person such sum as he has so paid, not exceeding three dollars and fifty cents per acre, taking his release therefor as hereinbefore provided.

Provisos.

Copy of decree to be filed with Secretary of the Interior.

Payment.

Payment in cases where suit has not been brought.

Applies only to actual settlers.

SEC. 2. That the provisions of this act shall only apply to the actual and bona fide settlers on the lands herein referred to, his or their heirs, assigns, or legal representatives, and no one person shall be entitled to the benefits of this act for compensation for more than one hundred and sixty acres of land: *Provided*, That all other persons who purchased any part of said land at one dollar and twenty-five cents per acre, and the money was actually paid into the Treasury, such person, his heirs, assigns, or legal representatives shall be entitled to repayment of the money so actually paid by them

Proviso.

Repayment to others.

Approved, March 3, 1887.