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and he may require the said company to pay to the United States such sum of money as he may decide to be the value of the land so occupied and compensation for any other injury sustained by the United States. Said Saint Louis, Iron Mountain and Southern Railway Company shall not use the river banks within a distance of eight hundred feet above and below the limits of the lock walls of said Lock Numbered One nor any area within the boundaries of the aforesaid lands, as a place for depositing spoil and waste, except under such conditions as may be approved by the Secretary of War.

Compensation.
Restriction.

Secretary of War to approve plans, etc.

SEC. 2. That the said Saint Louis, Iron Mountain and Southern Railway shall not avail themselves of the privileges of this Act until the Secretary of War shall have approved the location and plans of the single track railway referred to in Section one of this Act: *Provided*, That the center line of said track shall be at least seventy-five feet from, and on the northerly side of, the lock tender's cottage now built on the aforesaid lands: *And provided further*, That if, in the construction of the said railway, it is necessary to remove any buildings, barns, water towers, or other structures now on the aforesaid lands, the Saint Louis, Iron Mountain and Southern Railway Company shall replace them at points to be designated by the Secretary of War and in like condition and repair as when taken: *And provided further*, That in the construction, maintenance, and operation of said single track railway, the Saint Louis, Iron Mountain and Southern Railway Company shall not appropriate any land other than that needed for the roadway, and said construction, maintenance, and operation through said lands shall at all times be under the supervision of the Secretary of War.

Provisos.
Location of track.

Removal of structures, etc.

Restriction.

Use by other roads.

SEC. 3. That all railroad companies desiring the use of the single track railway authorized by this Act shall have and be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same, and over the approaches thereto, upon the payment of a reasonable compensation for such use; and in case the owners of the said single track railway and the several railroad companies, or any of them, desiring such use shall fail to agree upon the sum or sums to be paid, and upon the rules and conditions to which each shall conform, all matters at issue between them shall be decided by the Secretary of War.

Compensation.

Time of construction.

SEC. 4. That this Act shall be null and void if actual construction of said single track railway herein authorized shall not be commenced in one year and completed within two years from the date of the approval hereof.

Amendment.

SEC. 5. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, March 4, 1907, 10 a. m.

March 4, 1907.
[S. 8427.]

[Public, No. 245.]

CHAP. 2910.—An Act To annul certain titles to land acquired by judicial proceedings in the courts of the United States in Texas, and for other purposes.

Preamble.

Whereas on the eleventh day of December, eighteen hundred and seventy-three, the United States obtained judgment in the circuit court of the United States sitting at Tyler, Texas, in the then western district of Texas, for fifty thousand dollars, against William T. Scott, William Umbdenstock, and others, sureties on the official bond of Davis B. Bonfoy, late collector of internal revenue for the fourth district of Texas, cause one thousand and thirty-seven, and it appearing from the facts that on the trial of the cause against the said sureties they were deprived of their defense by having, through mistake, pre-

sented their accounts and facts in favor of Davis B. Bonfoy, their principal, then deceased, to the wrong accounting officer at Washington, District of Columbia, for his action thereon, and said accounts were returned by said officer to the United States attorney representing the Government in the cause without any action thereon, which fact was not known to the defendants until they had announced themselves ready for trial; and

Whereas facts subsequently discovered show that at the date of said judgment Davis B. Bonfoy, as collector aforesaid, was not really indebted to the United States, which facts could not have been known at the time to the proper accounting officers of the Treasury Department, for the reason that the money belonging to the United States in the hands of Bonfoy at the time of his death were taken charge of by the military authorities of the United States then commanding at Marshal, Texas (the State being under military rule), and returned to and accounted for by said military authorities to the War Department instead of the Treasury Department; and

Whereas since said money so returned to the War Department has been taken up by the accounting officers of the Treasury Department in a readjustment of the accounts of the said Davis B. Bonfoy as collector, and it appearing from said last adjustment, including the newly discovered funds in the War Department, that at the time said judgment was obtained against said sureties Bonfoy really owed the Government nothing, but in fact had a balance due him from the Government: Therefore

Texas.
Relinquishment of certain lands in, to the heirs, etc., of William T. Scott.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States hereby relinquishes to the heirs or legal representatives of William T. Scott, late of Scottsville, Harrison County, Texas, and to his assigns, all the right, title, and interest, real or pretended, of the United States in and to fifty-two sections of land of six hundred and forty acres each, aggregating thirty-three thousand two hundred and eighty acres, lying and being situated in the counties of Tom Green, Mitchell, Concho, Irion, Coke, Sterling, and Atascosa, in the State of Texas, which said lands were bought in for the United States by Stillwell H. Russell, then United States marshal for the western district of Texas, at a public sale made by him, the said Stillwell H. Russell, United States marshal, on the first Tuesday in October, eighteen hundred and seventy-eight, under and by virtue of an alias pluries execution, dated June tenth, eighteen hundred and seventy-eight, issuing out of the circuit court of the United States on said judgment obtained by the United States in a circuit court of the United States sitting at Tyler, Texas, in the western judicial district of Texas, on the eleventh day of December, eighteen hundred and seventy-three, against William T. Scott and others as sureties on the bond of Davis B. Bonfoy, collector aforesaid cause one thousand and thirty-seven, and levied on said lands on the fifth day of September, eighteen hundred and seventy-eight, and by him as such marshal, following the statute in such case made and provided, deeded to the United States in a deed bearing date December ninth, eighteen hundred and seventy-eight, and recorded in Tom Green County, in Book C of deeds of said county, folios one hundred and twenty-eight to one hundred and thirty-eight, inclusive; and that all the right, title, and interest of the United States, real or pretended, to said lands be, and the same are hereby, as fully and thoroughly divested out of the United States as if no such judgment had ever been obtained.

Approved, March 4, 1907, 10 a. m.