

eight of chapter five hundred and sixty-one of the acts of the second session of the Fifty-first Congress and amendments thereto is extended accordingly as to the patents herein referred to. But no patent to any lands held by a bona fide purchaser shall be vacated or annulled, but the right and title of such purchaser is hereby confirmed: *Provided*, That no suit shall be brought or maintained, nor shall recovery be had for lands or the value thereof, that were certified or patented in lieu of other lands covered by a grant which were lost or relinquished by the grantee in consequence of the failure of the Government or its officers to withdraw the same from sale or entry.

Bona fide purchasers.

Proviso.
Lands not officially withdrawn.

SEC. 2. That if any person claiming to be a bona fide purchaser of any lands erroneously patented or certified shall present his claim to the Secretary of the Interior prior to the institution of a suit to cancel a patent or certification, and if it shall appear that he is a bona fide purchaser, the Secretary of the Interior shall request that suit be brought in such case against the patentee, or the corporation, company, person, or association of persons for whose benefit the certification was made, for the value of said land, which in no case shall be more than the minimum Government price thereof, and the title of such claimant shall stand confirmed. An adverse decision by the Secretary of the Interior on the bona fides of such claimant shall not be conclusive of his rights, and if such claimant, or one claiming to be a bona fide purchaser, but who has not submitted his claim to the Secretary of the Interior, is made a party to such suit, and if found by the court to be a bona fide purchaser, the court shall decree a confirmation of the title, and shall render a decree in behalf of the United States against the patentee, corporation, company, person, or association of persons for whose benefit the certification was made for the value of the land as hereinbefore provided. Any bona fide purchaser of lands patented or certified to a railroad company, and who is not made a party to such suit, and who has not submitted his claim to the Secretary of the Interior, may establish his right as such bona fide purchaser in any United States court having jurisdiction of the subject-matter, or at his option, as prescribed in sections three and four of chapter three hundred and seventy-six of the Acts of the second session of the Forty-ninth Congress.

Claim of bona fide purchasers.

Decree of court.

Establishing rights of parties.

Vol. 24, p. 557.

SEC. 3. That if at any time prior to the institution of suit by the Attorney-General to cancel any patent or certification of lands erroneously patented or certified a claim or statement is presented to the Secretary of the Interior by or on behalf of any person or persons, corporation or corporations, claiming that such person or persons, corporation or corporations, is a bona fide purchaser or are bona fide purchasers of any patented or certified land by deed or contract, or otherwise, from or through the original patentee or corporation to which patent or certification was issued, no suit or action shall be brought to cancel or annul the patent or certification for said land until such claim is investigated in said Department of the Interior; and if it shall appear that such person or corporation is a bona fide purchaser as aforesaid, or that such persons or corporations are such bona fide purchasers, then no such suit shall be instituted and the title of such claimant or claimants shall stand confirmed; but the Secretary of the Interior shall request that suit be brought in such case against the patentee, or the corporation, company, person, or association of persons for whose benefit the patent was issued or certification was made for the value of the land as hereinbefore specified.

Claims of purchasers to be investigated before entering suit to cancel patent.

Approved, March 2, 1896.

CHAP. 40.—An Act Relating to final proof in timber-culture entries.

March 4, 1896.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That timber-culture claimants shall not be required, in making final proof, to appear at the land office

Public lands.
Presenting of final proofs, timber-culture claims.

to which proof is to be presented or before an officer designated by the Act of May twenty-sixth, eighteen hundred and ninety, within the county in which the land is situated; but such claimant may have his or her personal evidence taken by a United States court commissioner or a clerk of any court of record under such rules and regulations as the Secretary of the Interior may prescribe.

Approved, March 4, 1896.

Vol. 26, p. 1096.

March 4, 1896.

CHAP. 41.—An Act To amend an Act entitled "An Act to grant to the Gainesville, McAlester and Saint Louis Railroad Company a right of way through the Indian Territory."

Indian Territory.
Right of way to
Gainesville, McAles-
ter and St. Louis Rail-
road Company amend-
ed.

Time extended.
Vol. 27, p. 524.
Terminus at Fort
Smith, Ark.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of section nine of the Act entitled "An Act to grant to the Gainesville, McAlester and Saint Louis Railroad Company a right of way through the Indian Territory," approved March first, eighteen hundred and ninety-three, be, and the same hereby are, extended for a further period of three years.

SEC. 2. That section one of said Act be so amended as to make the city of Fort Smith the terminus of said road on the western border of the State of Arkansas.

Right of way.
Width reduced, etc.

SEC. 3. That section two of said Act be amended to read as follows: "**SEC. 3.** That a right of way of one hundred feet in width through said Indian Territory is hereby granted to the Gainesville, McAlester and Saint Louis Railway Company and a strip of land one hundred feet in width, with a length of two thousand feet in addition to the right of way is granted for such stations as may be established, but such grant shall be allowed but once for every ten miles of the road, no portion of which shall be sold or leased by the company, with the right to use such additional grounds where there are heavy cuts or fills as may be necessary for the construction and maintenance of the roadbed, not exceeding fifty feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided further*, That no part of the lands herein granted shall be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone line, and when any portion thereof shall cease to be so used such portion shall revert to the nation or tribe of Indians from which the same shall have been taken."

Provisos.
Limit for stations.
Reversion, etc.

Secretary of Interior
to approve route, etc.
Vol. 27, p. 526.

SEC. 4. That section six of said Act be amended by striking out all after the word "*Provided*," and inserting the following: "That a map of definite location showing the entire route of said road through the Indian Territory shall be filed and approved by the Secretary of the Interior before any part of the said road shall be constructed."

Approved, March 4, 1896.

March 6, 1896.

CHAP. 42.—An Act Granting to the Columbia and Red Mountain Railway Company a right of way through the Colville Indian Reservation, in the State of Washington, and for other purposes.

Columbia and Red
Mountain Railway
Company granted
right of way Colville
Reservation, Wash.

Location, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and is hereby, granted to the Columbia and Red Mountain Railway Company, a corporation organized under the laws of the State of Washington, a right of way to the extent of one hundred feet on each side of the center line of said railway across the Colville Indian Reservation, in the State of Washington, commencing at a point at or near the Little Dalles on the Columbia River, in Stevens County, in said State, and running thence in a northerly direction by the most feasible route to the international boundary line between the United States and British Columbia, together