

and damages sustained by them by reason of the construction of the road; but no right of any kind shall vest in said railway company to any portion of said right of way passing over or through any such allotted lands until the compensation herein provided for shall be fixed and paid.

Filing maps.

SEC. 6. That said railway company shall cause maps, showing route of its located line through said Territory, to be filed in the office of the Secretary of the Interior, and also to be filed in the office of the principal chief of the Choctaw Nation; and after the filing of said maps no claim for subsequent settlement or improvements of right of way shown by said maps shall be valid as against said company: *Provided*, That a map when showing any portion of said railway company's located line is filed as herein provided for, said company shall commence grading said located line within six months thereafter or such location shall be void as to any occupant thereof.

Proviso.
Commencing work.

Employees to reside
on right of way.

SEC. 7. That the officers, servants, and employees of said company necessary to the construction, operation, and management of said railway and telegraph and telephone lines shall be allowed to reside, while so engaged, upon the right of way, but subject to the provisions of the Indian intercourse laws and such rules and regulations as may be established by the Secretary of the Interior in accordance with such intercourse laws.

Commencement and
completion.

SEC. 8. That said railway company shall build and complete its said railway within three years after the passage of this Act, or this grant shall be forfeited; that said railway company shall construct and maintain continually all road and highway crossings and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way, or may be by the proper authorities laid out across the same.

Conditions of accept-
ance.

SEC. 9. That the Fort Smith and Western Coal Railroad Company shall accept this right of way upon the expressed condition, binding upon itself, its successors and assigns, that they will neither aid, advise, or assist toward any effort looking to the changing of or extinguishing the present tenure of the Indians in their lands, and will not attempt to secure from the Indians for the purposes of said railway any further grant of land, or its occupancy, than herein provided, except for the purpose of mining coal: *Provided*, That any violation of the conditions named in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this Act: *Provided further*, That the entire line of said road shall be surveyed and located and said location approved by the Secretary of the Interior before the work of construction shall commence.

Provisos.
Violations to forfeit.

Approval by Secre-
tary of Interior.

Record of mortgages.

SEC. 10. That all mortgages executed by said railway company conveying any portion of its railway, with its franchises, that may be constructed in the Indian Territory shall be recorded in the Department of the Interior, and a record thereof shall be evidence and notice of their execution, and shall convey all rights and property of said company as therein expressed.

Amendment, etc.

SEC. 11. That Congress may at any time amend, add to, or alter, or repeal this Act.

Approved, March 2, 1896.

March 2, 1896.

CHAP. 39.—An Act To provide for the extension of the time within which suits may be brought to vacate and annul land patents, and for other purposes.

Public lands.
Time limit in suits
to annul railroad, etc.,
grants.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That suits by the United States to vacate and annul any patent to lands heretofore erroneously issued under a railroad or wagon road grant shall only be brought within five years from the passage of this Act, and suits to vacate and annul patents hereafter issued shall only be brought within six years after the date of the issuance of such patents, and the limitation of section

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.