§ 872. Conveyances to United States in connection with applications for amendment of patented entries or for exchange of land, etc.; withdrawal or rejection of applications; reconveyances

Where a conveyance of land has been made or may hereafter be made to the United States in connection with an application for amendment of a patented entry or entries, or an exchange of lands, or for any other purpose, and the application in connection with which the conveyance was made is thereafter withdrawn or rejected, the Secretary of the Interior or such officer as he may designate is authorized and directed, if the deed of conveyance has been recorded, to execute a quitclaim deed of the conveyed land to the party or parties entitled thereto.

(Apr. 28, 1930, ch. 219, § 6, 46 Stat. 257; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

TRANSFER OF FUNCTIONS

Functions of Secretary of the Interior under this section, with respect to execution of quitclaim deeds for lands conveyed to United States in connection with exchange transactions involving lands under jurisdiction of Secretary of Agriculture, transferred to Secretary of Agriculture, see Pub. L. 86–509, June 11, 1960, 74 Stat. 205, set out as a note under section 2201 of Title 7, Agriculture.

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

''Secretary of the Interior or such officer as he may designate'' substituted for ''Commissioner of the General Land Office'' on authority of section 403 of Reorg. Plan No. 3 of 1946. See note set out under section 1 of this title.

§ 873. Lands granted for erecting public buildings; purpose of grant

In any case in which public lands of the United States have been granted to a State, before May 16, 1958, for the purpose of erecting public buildings at the capital of such State for legislative, executive, and judicial purposes, the purpose of such grant shall be deemed to include construction, reconstruction, repair, renovation, and other permanent improvements of such public buildings, the acquisition of necessary land for such buildings, furnishings and equipment for such buildings, and the payment of principal and interest on bonds issued for any such purpose.

(Pub. L. 85–411, May 16, 1958, 72 Stat. 117.)

CHAPTER 21—GRANTS IN AID OF RAILROADS AND WAGON ROADS

Sec.
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§ 881. Cost of survey of grants to railroads; payment

Before any land granted to any railroad company by the United States shall be conveyed to such company, or any persons entitled thereto under any of the acts incorporating or relating to said company, unless such company is exempted by law from the payment of such cost, there shall first be paid into the Treasury of the United States the cost of surveying, selecting, and conveying the same by the said company or persons in interest.

(July 15, 1870, ch. 292, 16 Stat. 305; July 31, 1876, ch. 246, 19 Stat. 121.)

§ 882. Surveyed lands taxable notwithstanding lien; provisos

No lands granted to any railroad corporation by any Act of Congress shall be exempt from taxation by States, Territories, and municipal corporations on account of the lien of the United States upon the same for the costs of

surveying, selecting, and conveying the same, or because no patent has been issued therefor; but this provision shall not apply to lands unsurveyed: *Provided*, That any such land sold for taxes shall be taken by the purchaser subject to the lien for costs of surveying, selecting, and conveying, to be paid in such manner by the purchaser as the Secretary of the Interior may by rule provide and to all liens of the United States, all mortgages of the United States, and all rights of the United States in respect of such lands: *Provided further*, That sections 882 to 885 of this title shall apply only to lands situated opposite to and coterminous with completed portions of said roads, and in organized counties: *Provided further*, That at any sale of lands under the provisions of sections 882 to 885 of this title the United States may become a preferred purchaser, and in such case the lands sold shall be restored to the public domain and disposed of as provided by the laws relating thereto.

(July 10, 1886, ch. 764, § 1, 24 Stat. 143.)

§ 883. Collection of costs of surveying, etc.; reimbursement of purchaser

If any railroad corporation required by law to pay the costs of surveying, selecting, or conveying any lands granted to such company or for its use and benefit by Act of Congress shall for thirty days neglect or refuse to pay any such costs after demand for payment thereof by the Secretary of the Interior, he shall notify the Attorney General, who shall at once commence proceedings to collect the same. But when any sum shall be collected of such railroad company as costs of surveying, selecting, and conveying any tract of land which shall have been purchased under the provisions of section 882 of this title, the Secretary of the Interior shall out of such collections reimburse said purchaser, his heirs or assigns, the amount of money paid by him as the costs of such surveying, selecting, and conveying.

(July 10, 1886, ch. 764, § 2, 24 Stat. 143.)

§ 884. Right of forfeiture of railroad grants not affected

Sections 882 to 885 of this title shall not affect the right of the Government to declare or enforce a forfeiture of any lands so granted; but all the rights of the United States to said lands or to any interest therein shall be and remain as if said sections had not passed, except as to the lien mentioned in section 882 of this title.

(July 10, 1886, ch. 764, § 3, 24 Stat. 143.)

§ 885. Union Pacific Railroad lands

The costs of surveying, selecting, and conveying lands granted to the Union Pacific Railroad Company shall become due and payable at and on the demand therefor made by the Secretary of the Interior as provided in section 883 of this title, and nothing in sections 882 to 885 of this title shall be construed or taken in any wise to affect or impair the right of Congress at any time further to alter, amend, or repeal the Act of July 2, 1864, chapter 216, as in the opinion of Congress, justice or the public welfare may require, or to impair or waive any right or remedy in the premises existing on July 10, 1886, in favor of the United States. Sections 882 to 885 of this title shall be subject to alteration, amendment, or repeal.

(July 10, 1886, ch. 764, § 4, 24 Stat. 143.)

REFERENCES IN TEXT

Act of July 2, 1864, referred to in text, is act July 2, 1864, ch. 216, 13 Stat. 357, which enacted section 942–3 of this title and first paragraph of former section 83 of Title 45, Railroads. For complete classification of this Act to the Code, see Tables.

§ 886. Survey of lands within limits of railroad grants

For the survey of the public lands lying within the limits of land grants made by Congress to aid in the construction of railroads, and the selection therein of such lands as are granted therefor, to enable the Secretary of the Interior to carry out the provisions of section 894 of this title, the sum of $100,000 heretofore appropriated is made a continuing appropriation for the survey of lands within the limits of railroad land grants, and any money which shall be expended of such appropriation and reimbursed and paid into the Treasury is reappropriated, and said sum shall remain a continuing appropriation, and so often as any part of the same shall, after being expended, be reimbursed by any railroad company as hereinafter provided, the same shall be again available for the purposes aforesaid: *Provided*, That any portion of said sum expended for surveying such lands shall be reimbursed by the respective companies or parties in interest for whose benefit the lands are granted, according to the provisions of section 881 of this title: *And provided further*, That whenever there shall have been reimbursed and paid into the Treasury of the United States, by the respective companies or parties in interest, any part of said appropriation expended for surveys within such grants, there shall be immediately available, out of any money in the Treasury not otherwise appropriated, an amount equal to the amount so reimbursed, and the same shall be available for the survey of the public lands lying within the limits of the railroad land grants made by Congress, until all of said lands shall have been surveyed: *Provided*, That nothing herein contained shall be construed to prevent the use, within the limits of any railroad land grant made by Congress, of any part of any regular appropriation for surveying the public lands: *Provided*, That no part of the foregoing money shall be used for any land embraced in any grant to the State of Florida: *And provided further*, That the provisions of law requiring reimbursements to be made to the United States by railroad corporations claiming such grants shall apply equally to the successors of such railroad corporations acquiring title to their lands and other property, under decree of foreclosure of any mortgage authorized by Congress.

(Mar. 2, 1895, ch. 189, § 1, 28 Stat. 937; Pub. L. 96–470, title I, § 108(b), Oct. 19, 1980, 94 Stat. 2239.)

AMENDMENTS

1980—Pub. L. 96–470 struck out provision requiring Secretary of the Interior to report to each regular session of Congress what has been done under this section.

APPROPRIATIONS

Effective July 1, 1935, the continuing appropriation provided for in this section was repealed by act June 26, 1934, ch. 756, § 1, 48 Stat. 1225.

§ 887. Deposits for surveys of lands granted to railroads

When any railroad company claiming a grant of land under any Act of Congress, desiring to secure the survey of any unsurveyed lands within the limits of its grant, shall file an application therefor in writing with such officer as the Secretary of the Interior may designate, and deposit in a proper United States depository to the credit of the United States a sum sufficient to pay for such survey and for the examination thereof pursuant to law and the rules and regulations of the Department of the Interior under the direction of the Secretary of the Interior or such officer as he may designate, it shall thereupon be the duty of the Secretary or such officer, or the Director of the United States Geological Survey, as the case may be, to cause said lands to be surveyed.

For any deposits made by any railroad company hereunder, certificates shall be issued, which may be used by such railroad company, its successors or assigns, to the same extent as cash is now allowed in payment of entries of public lands under existing law and regulations for any public lands of the United States in the States where the surveys were made, or for any survey or office fees due the United States from such railroad company on account of surveys of lands within its grant. The Secretary of the Interior shall provide such rules and regulations as may be necessary for carrying out the foregoing provisions.

(Feb. 27, 1899, ch. 205, 30 Stat. 892; Mar. 3, 1925, ch. 462, 43 Stat. 1144; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100; Pub. L. 102–154, title I, Nov. 13, 1991, 105 Stat. 1000.)

CHANGE OF NAME

"United States Geological Survey" substituted for "Geological Survey" in first undesignated paragraph pursuant to provision of title I of Pub. L. 102–154, set out as a note under section 31 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Supervisor of Surveys," changed to "such officer as the Secretary of the Interior may designate," and two references to "Commissioner of the General Land Office," changed to "Secretary of the Interior or such officer as he may designate," and "Secretary or such officer," respectively, on authority of section 403 of Reorg. Plan No. 3 of 1946. See note set out under section 1 of this title.

Act Mar. 3, 1925, abolished office of surveyor general and transferred administration of all activities in charge of surveyors general to Field Surveying Service under jurisdiction of United States Supervisor of Surveys.

§ 888. Selection by railroads of lands in lieu of lands entered subsequent to accrual of rights; title of settlers

In the adjustment of all railroad land grants, whether made directly to any railroad company or to any State for railroad purposes, if any of the lands granted be found in the possession of an actual settler whose entry or filing has been allowed under the preemption or homestead laws of the United States subsequent to the time at which, by the decision of the land office, the right of said road was declared to have attached to such lands, the grantees, upon a proper relinquishment of the lands so entered or filed for, shall be entitled to select an equal quantity of other lands in lieu thereof from any of the public lands not mineral and within the limits of the grant not otherwise appropriated at the date of selection, to which they shall receive title the same as though originally granted. And any such entries or filings thus relieved from conflict may be perfected into complete title as if such lands had not been granted: *Provided*, That nothing herein contained shall in any manner be so construed as to enlarge or extend any grant to any such railroad or to extend to lands reserved in any land grant made for railroad purposes: *And provided further*, That this section shall not be construed so as in any manner to confirm or legalize any decision or ruling of the Interior Department under which lands have been certified to any railroad company when such lands have been entered by a preemption or homestead settler after the location of the line of the road and prior to the notice to the local land office of the withdrawal of such lands from market.

(June 22, 1874, ch. 400, 18 Stat. 194.)

§ 889. Rights of entrymen whose entries had not been admitted to record

The privileges granted by section 888 of this title are extended (subject to the provisos, limitations, and restrictions thereof) to all persons entitled to the right of homestead or preemption under the laws of the United States, who have resided upon and improved for five years lands granted to any railroad company, but whose entries or filings have not for any cause been admitted to record.

(Aug. 29, 1890, ch. 819, 26 Stat. 369.)

§ 890. Homestead entries on railroad lands prior to withdrawal or after restoration to market confirmed

All preemption and homestead entries, or entries in compliance with any law of the United States, of the public lands, made in good faith, by actual settlers, upon tracts of land of not more than one hundred and sixty acres each, within the limits of any land grant, prior to the time when notice of the withdrawal of the lands embraced in such grant was received at the local land office of the district in which such lands are situated, or after their restoration to market by order of the Bureau of Land Management, and where the preemption and homestead laws have been complied with, and proper proofs thereof have been made by the parties holding

such tracts or parcels, shall be confirmed, and patents for the same shall issue to the parties entitled thereto.

(Apr. 21, 1876, ch. 72, § 1, 19 Stat. 35; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

''Bureau of Land Management'' substituted for ''General Land Office'' on authority of section 403 of Reorg. Plan No. 3 of 1946. See note set out under section 1 of this title.

§ 891. Abandoned railroad lands; reentry

When at the time of such withdrawal as aforesaid, valid preemption or homestead claims existed upon any lands within the limits of any such grants which afterward were abandoned, and, under the decisions and rulings of the Land Department, were reentered by preemption or homestead claimants who have complied with the laws governing preemption or homestead entries, and shall make the proper proofs required under such laws, such entries shall be deemed valid, and patents shall issue therefor to the person entitled thereto.

(Apr. 21, 1876, ch. 72, § 2, 19 Stat. 35.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

§ 892. Entries after expiration of grant

All such preemption and homestead entries which may have been made by permission of the Land Department, or in pursuance of the rules and instructions thereof, within the limits of any land grant at a time subsequent to expiration of such grant, shall be deemed valid, and a compliance with the laws and the making of the proof required shall entitle the holder of such claim to a patent therefor.

(Apr. 21, 1876, ch. 72, § 3, 19 Stat. 36.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

§ 893. Rights of permissive settlers on railroad lands restored to public domain

All persons who shall have settled and made valuable and permanent improvements upon any odd-numbered section of land within any railroad withdrawal in good faith and with the permission or license of the railroad company for whose benefit the same shall have been made, and with the expectation of purchasing of such company the land so settled upon, which land so settled upon and improved, may, for any cause, be restored to the public domain, and who, at the time of such restoration, may not be entitled to enter and acquire title to such land under the homestead laws of the United States, shall be permitted, at any time within three months after such restoration, and under such rules and regulations as the Secretary of the Interior, or such officer as he may designate, may prescribe, to purchase not to exceed one hundred and sixty acres in extent of the same by legal subdivisions, at the price of $2.50 per acre, and to receive patents therefor.

(Jan. 13, 1881, ch. 19, 21 Stat. 315; Mar. 3, 1891, ch. 561, §§ 1, 4, 26 Stat. 1095, 1097; Mar. 3, 1893, ch. 208, 27 Stat. 593; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

''Secretary of the Interior, or such officer as he may designate,'' substituted for ''Commissioner of the General Land Office'' on authority of section 403 of Reorg. Plan No. 3 of 1946. See note set out under section 1 of this title.

§ 894. Adjustment of land grants to railroads

The Secretary of the Interior is authorized and directed as of March 3, 1887, to adjust, in accordance with the decisions of the Supreme Court, each of the railroad land grants made by Congress to aid in the construction of railroads and theretofore unadjusted.

(Mar. 3, 1887, ch. 376, § 1, 24 Stat. 556.)

§ 895. Cancellation of patents erroneously issued; reconveyance

If it shall appear, upon the completion of such adjustments, respectively, or sooner, that lands were, from any cause, prior to March 3, 1887, erroneously certified or patented, by the United States, to or for the use or benefit of any company claiming by, through, or under grant from the United States, to aid in the construction of a railroad, it shall be the duty of the Secretary of the Interior to thereupon demand from such company a relinquishment or reconveyance to the United States of all such lands, whether within granted or indemnity limits; and if such company shall neglect or fail to so reconvey such lands to the United States within ninety days after the aforesaid demand shall have been made, it shall thereupon be the duty of the Attorney General to commence and prosecute in the proper courts the necessary proceedings to cancel all patents, certification, or other evidence of title prior to March 3, 1887, issued for such lands, and to restore the title thereof to the United States.

(Mar. 3, 1887, ch. 376, § 2, 24 Stat. 556.)

§ 896. Erroneous cancellation of bona fide entries corrected

If, in the adjustment of said grants, it shall appear that the homestead or preemption entry

of any bona fide settler has been erroneously canceled on account of any railroad grant or the withdrawal of public lands from market, such settler upon application shall be reinstated in all his rights and allowed to perfect his entry by complying with the public-land laws: *Provided*, That he has not located another claim or made an entry in lieu of the one so erroneously canceled: *And provided also*, That he did not voluntarily abandon said original entry: *And provided further*, That if any of said settlers do not renew their application to be reinstated within a reasonable time, to be fixed by the Secretary of the Interior, then all such unclaimed lands shall be disposed of under the public-land laws, with priority of right given to bona fide purchasers of said unclaimed lands, if any, and if there be no such purchasers, then to bona fide settlers residing thereon.

(Mar. 3, 1887, ch. 376, § 3, 24 Stat. 557.)

§ 897. Patents to purchasers from railroads; purchase money

As to all lands, except those mentioned in section 896 of this title, which have been so erroneously certified or patented as aforesaid, and which have been sold by the grantee company to citizens of the United States, or to persons who have declared their intention to become such citizens, the person or persons so purchasing in good faith, his heirs or assigns, shall be entitled to the land so purchased, upon making proof of the fact of such purchase at the proper land office, within such time and under such rules as may be prescribed by the Secretary of the Interior, after the grants respectively shall have been adjusted; and patents of the United States shall issue therefor, and shall relate back to the date of the original certification or patenting, and the Secretary of the Interior, on behalf of the United States, shall demand payment from the company which has so disposed of such lands of an amount equal to the Government price of similar lands; and in case of neglect or refusal of such company to make payment as hereafter specified, within ninety days after the demand shall have been made, the Attorney General shall cause suit or suits to be brought against such company for the said amount: *Provided*, That nothing in sections 894 to 899 of this title shall prevent any purchaser of lands erroneously withdrawn, certified, or patented as aforesaid from recovering the purchase money therefor from the grantee company, less the amount paid to the United States by such company as by said sections required: *And provided*, That a mortgage or pledge of said lands by the company shall not be considered as a sale for the purpose of said sections, nor shall said sections be construed as a declaration of forfeiture of any portion of any land grant for conditions broken, or as authorizing an entry for the same, or as a waiver of any rights that the United States may have on account of any breach of said conditions. *Provided further*, That where such purchasers, their heirs or assigns, have paid only a portion of the purchase price to the company, which is less than the Government price of similar lands, they shall be required, before the delivery of patent for their lands, to pay to the Government a sum equal to the difference between the portion of the purchase price so paid and the Government price, and in such case the amount demanded from the company shall be the amount paid to it by such purchaser.

(Mar. 3, 1887, ch. 376, § 4, 24 Stat. 557; Feb. 12, 1896, ch. 18, 29 Stat. 6.)

§ 898. Rights of purchasers from railroads of coterminous lands not within grants

Where any said company shall have sold to citizens of the United States, or to persons who have declared their intention to become such citizens, as a part of its grant, lands not conveyed to or for the use of such company, said lands being the numbered sections prescribed in the grant, and being coterminous with the constructed parts of said road, and where the lands so sold are for any reason excepted from the operation of the grant to said company, it shall be lawful for the bona fide purchaser thereof from said company to make payment to the United States for said lands at the ordinary Government price for like lands, and thereupon patents shall issue therefor to the said bona fide purchaser, his heirs or assigns: *Provided*, That all lands shall be excepted from the provisions of this section which at the date of such sales were in the bona fide occupation of adverse claimants under the preemption or homestead laws of the United States, and whose claims and occupation have not since been voluntarily abandoned, as to which excepted lands the said preemption and homestead claimants shall be permitted to perfect their proofs and entries and receive patents therefor: *Provided further*, That this section shall not apply to lands settled upon subsequent to the 1st day of December, 1882, by persons claiming to enter the same under the settlement laws of the United States, as to which lands the parties claiming the same as aforesaid shall be entitled to prove up and enter as in other like cases.

(Mar. 3, 1887, ch. 376, § 5, 24 Stat. 557.)

§ 899. Limitation of quantity to be conveyed

No more lands shall be certified or conveyed to any State or to any corporation or individual, for the benefit of either of the companies herein mentioned, where it shall appear to the Secretary of the Interior that such transfers may create an excess over the quantity of lands to which such State, corporation, or individual would be rightfully entitled.

(Mar. 3, 1887, ch. 376, § 7, 24 Stat. 558.)

§ 900. Suits to cancel patents to lands erroneously issued under railroad or wagon-road grants

Suits by the United States to vacate and annul any patent to lands erroneously issued under a railroad or wagon-road grant shall only be brought within six years after the date of the issuance of such patents. 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.

(Mar. 2, 1896, ch. 39, § 1, 29 Stat. 42.)

§ 901. Claims of bona fide purchasers; establishment of rights

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 896 and 897 of this title.

(Mar. 2, 1896, ch. 39, § 2, 29 Stat. 43.)

§ 902. Cancellation; investigation before suit

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.

(Mar. 2, 1896, ch. 39, § 3, 29 Stat. 43.)

§ 903. Relief of settlers on lands granted in aid of wagon roads

The provision of section 888 of this title and all statutes amendatory thereof or supplementary thereto, including sections 894 to 899 of this title, as modified or supplemented by sections 900 to 902 of this title, shall apply to grants of land in aid of the construction of wagon roads.

(July 1, 1902, ch. 1386, 32 Stat. 733.)

§ 904. Forfeiture of unearned grants; restoration to public domain

There is forfeited to the United States, and the United States resumes the title thereto, all lands granted prior to September 29, 1890, to any State or to any corporation to aid in the construction of a railroad opposite to and coterminous with the portion of any such railroad not on that date completed, and in operation, for the construction or benefit of which such lands were granted; and all such lands are declared to be a part of the public domain: *Provided*, That sections 904 to 907 of this title shall not be construed as forfeiting the right-of-way or station grounds of any railroad company granted prior to September 29, 1890.

(Sept. 29, 1890, ch. 1040, § 1, 26 Stat. 496.)

§ 905. Homestead entries on forfeited lands

All persons who, on September 29, 1890, were actual settlers in good faith on any of the lands forfeited by section 904 of this title and were otherwise qualified, on making due claim on said lands under the homestead law within six months after the date of the promulgation by the Commissioner of the General Land Office of the instructions to the officers of the local land offices, for their direction in the disposition of said lands, shall be entitled to a preference right to enter the same under the provisions of the homestead law and sections 904 to 907 of this title, and shall be regarded as such actual settlers from the date of actual settlement or occupation; and any person who prior to September 29, 1890, has not had the benefit of the homestead or preemption law, or who has failed from any cause to perfect the title to a tract of land theretofore entered by him under either of said laws, may make a second homestead entry under the provisions of sections 904 to 907 of this title. The Secretary of the Interior shall make such rules as will secure to such actual settlers these rights: *Provided*, That nothing herein shall extend any time or enlarge any rights given by sections 904 to 907 of this title to any railroad company.

(Sept. 29, 1890, ch. 1040, § 2, 26 Stat. 496; Feb. 18, 1891, ch. 244, 26 Stat. 764.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

Office of Commissioner of General Land Office abolished and functions transferred to Secretary of the Interior, or that officer as he may designate, by Reorg. Plan No. 3 of 1946, §403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100. See note set out under section 1 of this title.

§ 906. Purchase by bona fide purchasers from grantees; removal of crops and improvements

In all cases where persons being citizens of the United States, or who have declared their intentions to become such, in accordance with the naturalization laws of the United States, are in possession of any of the lands affected by any such grant and resumed by and restored to the United States, under deed, written contract with, or license from, the State or corporation to which such grant was made, or its assignees, executed prior to January 1, 1888, or where persons may have settled said lands with bona fide intent to secure title thereto by purchase from the State or corporation when earned by compliance with the conditions or requirements of the granting Acts of Congress they shall be entitled to purchase the same from the United States, in quantities not exceeding three hundred and twenty acres to any one such person, at the rate of $1.25 per acre, at any time prior to January 1, 1899, and on making said payments to receive patents therefor, and where any such person in actual possession of any such lands and having improved the same prior to the 1st day of January, 1890, under deed, written contract, or license as aforesaid, or his assignor, has made partial or full payments to said railroad company prior to said date, on account of the purchase price of said lands from it, on proof of the amount of such payments he shall be entitled to have the same, to the extent and amount of $1.25 per acre, if so much has been paid, and not more, credited to him on account of and as part of the purchase price herein provided to be paid the United States for said lands, or such persons may elect to abandon their purchases and make claim on said lands under the homestead law and as provided in section 905 of this title: *Provided*, That in all cases where parties, persons, or corporations, with the permission of such State or corporation, or its assignees, are in the possession of and have made improvements upon any of the lands resumed and restored, and are not entitled to enter the same under the provisions of sections 904 to 907 of this title, such parties, persons, or corporations shall have six months in which to remove any growing crop, and within which time they shall also be entitled to remove all buildings and other movable improvements from said lands: *Provided further*, That the provisions of this section shall not apply to any lands situated in the State of Iowa on which any person in good faith has made or asserted the right to make a preemption or homestead settlement: *And provided further*, That nothing in sections 904 to 907 of this title contained shall be construed as limiting the rights granted to purchasers or settlers by sections 894 to 899 of this title, or as repealing, altering, or amending said sections, nor as in any manner affecting any cause of action existing in favor of any purchaser against his grantor for breach of any covenants of title.

Actual residence upon the lands by persons claiming the right to purchase the same shall not be required where such lands have been fenced, cultivated, or otherwise improved by such claimants, and such persons shall be permitted to purchase two or more tracts of such lands by legal subdivisions, whether contiguous or not, but not exceeding three hundred and twenty acres in the aggregate.

Nothing herein contained shall be so construed as to interfere with any adverse claim that may have attached to the lands or any part thereof.

(Sept. 29, 1890, ch. 1040, §3, 26 Stat. 496; Feb. 18, 1891, ch. 244, 26 Stat. 764; June 25, 1892, ch. 133, 27 Stat. 59; Jan. 31, 1893, ch. 54, 27 Stat. 427; Dec. 12, 1893, ch. 1, 28 Stat. 15; Jan. 23, 1896, ch. 8, 29 Stat. 4; Feb. 18, 1897, ch. 250, 29 Stat. 535.)

§ 907. Rights of original grantees to forfeited lands

No lands declared forfeited to the United States by sections 904 to 907 of this title shall by reason of such forfeiture inure to the benefit of any State or corporation to which lands may have been granted by Congress, except as therein otherwise provided; nor shall said sections be construed to enlarge the area of land originally covered by any such grant, or to confer any right upon any State, corporation, or person to lands which were excepted from such grant. Nor shall the moiety of the lands granted to any railroad company on account of a main and a branch line appertaining to uncompleted road, and forfeited by section 904 of this title, within the conflicting limits of the grants for such main and branch lines, when but one of such lines has been completed, inure by virtue of the forfeiture declared to the benefit of the completed line.

(Sept. 29, 1890, ch. 1040, §6, 26 Stat. 498.)

§ 908. Deposits by railroad companies for costs of surveying and conveying unsurveyed lands granted

To enable the Secretary of the Interior to complete the adjustment of land grants made by Congress to aid in the construction of railroads, and to subject the lands granted to taxation by States, Territories, and municipal authorities, any railroad corporation required by law to pay the costs of surveying, selecting, or conveying any lands granted to such company or corporation, or for its use and benefit, by any Act of Congress, is required, within ninety days from demand by the Secretary of the Interior, to deposit in a proper United States depository to the credit of the United States a sum sufficient to pay the cost of surveying, selecting, and conveying any of the unsurveyed lands granted to such company, or for its use and benefit, under any Act of Congress: *Provided further*, That the Sec-

retary of the Interior shall determine and specify in the notice or demand to such company the amount of the required deposit, and may, in his discretion, demand a sum sufficient to cover the cost of the survey, selection, and conveyance of the entire area granted to any company, or for its use and benefit, then unsurveyed, or for such townships or fractional townships as he may prescribe and designate in the notice or demand to such company, as aforesaid: *And provided further*, That the amount deposited shall, subject to the rules and regulations of the Department of the Interior, under the direction of the Secretary of the Interior or such officer as he may designate, be disbursed for the surveying, including office and field work, selection, and conveyance of the lands granted and designated in the notice of the Secretary of the Interior, as aforesaid: *And provided further*, That in the event the money deposited by any railroad corporation under the provisions of sections 908 to 911 of this title shall exceed the cost of said surveys, the said excess thereof shall be repaid to the corporation so depositing the same, or to its assigns.

(June 25, 1910, ch. 406, §1, 36 Stat. 834; 1946 Reorg. Plan No. 3, §403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

''Secretary of the Interior or such officer as he may designate'' substituted for ''Commissioner of the General Land Office'' on authority of section 403 of Reorg. Plan No. 3 of 1946. See note set out under section 1 of this title.

APPROPRIATIONS

Effective July 1, 1935, the continuing appropriation provided for in this section was repealed by act June 26, 1934, ch. 756, §1, 48 Stat. 1225.

§909. Forfeiture of grant on failure to make deposit

If any railroad corporation required by law to pay the costs of surveying, selecting, or conveying any lands granted to such corporation, or for its use and benefit, by any Act of Congress, shall, for ninety days from notice or demand by the Secretary of the Interior, as provided by section 908 of this title, neglect or refuse to deposit an amount sufficient to meet the expense of surveying, selecting, and conveying the unsurveyed lands granted to such company, or for its use and benefit, by any Act of Congress, and designated in the notice or demand by the Secretary of the Interior, as aforesaid, the rights, title, and interests of such company, and all those claiming by, through, or under it, in and to the unsurveyed lands designated in the notice of the Secretary, as aforesaid, shall cease and forfeit to the United States; and the Secretary of the Interior shall notify the Attorney General, who shall at once commence proceedings to declare the forfeiture and to restore the lands forfeited to the public domain.

(June 25, 1910, ch. 406, §2, 36 Stat. 834.)

§910. Right to extend public surveys over lands granted, and other rights of United States, not affected

Sections 908 to 911 of this title shall not affect the right of the Secretary of the Interior to cause the public surveys to be extended over any lands granted to any railroad or corporation by any Act of Congress in the manner on June 25, 1910, otherwise provided by law, nor shall any claim, right, interest, or demand of the Government of the United States be waived or annulled by the provisions thereof: *Provided*, That all granted lands surveyed under the provisions of said sections shall be subject to taxation by States, Territories, and municipal authorities, and the right of the Government to reimburse itself for the survey, selection, and conveyance of such lands otherwise provided by law shall remain in full force and effect.

(June 25, 1910, ch. 406, §3, 36 Stat. 834.)

§911. Regulations

The Secretary of the Interior shall prescribe such rules and regulations as will be necessary to the carrying out of the provisions of sections 908 to 910 of this title.

(June 25, 1910, ch. 406, §4, 36 Stat. 835.)

§912. Disposition of abandoned or forfeited railroad grants

Whenever public lands of the United States have been or may be granted to any railroad company for use as a right of way for its railroad or as sites for railroad structures of any kind, and use and occupancy of said lands for such purposes has ceased or shall hereafter cease, whether by forfeiture or by abandonment by said railroad company declared or decreed by a court of competent jurisdiction or by Act of Congress, then and thereupon all right, title, interest, and estate of the United States in said lands shall, except such part thereof as may be embraced in a public highway legally established within one year after the date of said decree or forfeiture or abandonment be transferred to and vested in any person, firm, or corporation, assigns, or successors in title and interest to whom or to which title of the United States may have been or may be granted, conveying or purporting to convey the whole of the legal subdivision or subdivisions traversed or occupied by such railroad or railroad structures of any kind as aforesaid, except lands within a municipality the title to which, upon forfeiture or abandonment, as herein provided, shall vest in such municipality, and this by virtue of the patent thereto and without the necessity of any other or further conveyance or assurance of any kind or nature whatsoever: *Provided*, That this section shall not affect conveyances made by any railroad company of portions of its right of way if such conveyance be among those which have been or may after March 8, 1922, and before such forfeiture or abandonment be validated and confirmed by any Act of Congress; nor shall this section affect any public highway on said right of way on March 8, 1922: *Provided further*, That the transfer of such lands shall be subject to and contain reservations in favor of the United

States of all oil, gas, and other minerals in the land so transferred and conveyed, with the right to prospect for, mine, and remove same.

(Mar. 8, 1922, ch. 94, 42 Stat. 414.)

§ 913. Conveyance by land grant railroads of portions of rights of way to State, county, or municipality

All railroad companies to which grants for rights of way through the public lands have been made by Congress, or their successors in interest or assigns, are authorized to convey to any State, county, or municipality any portion of such right of way to be used as a public highway or street: *Provided*, That no such conveyance shall have the effect to diminish the right of way of such railroad company to a less width than 50 feet on each side of the center of the main track of the railroad as now established and maintained.

(May 25, 1920, ch. 197, 41 Stat. 621.)

§ 914. Omitted

CODIFICATION

Section, act June 18, 1874, ch. 305, 18 Stat. 80, provided for issuance of patents for lands granted State of Oregon prior to June 18, 1874, upon certificate of Governor that wagon roads, in aid of which lands were granted, had been built.

CHAPTER 21A—FORFEITURE OF NORTHERN PACIFIC RAILROAD INDEMNITY LAND GRANTS

§§ 921 to 929. Omitted

CODIFICATION

Section 921, act June 25, 1929, ch. 41, § 1, 46 Stat. 41, related to forfeiture of any and all lands within indemnity limits of land grants to the Northern Pacific Railroad.

Section 922, act June 25, 1929, ch. 41, § 2, 46 Stat. 42, related to forfeiture of all unsatisfied indemnity selection rights.

Section 923, act June 25, 1929, ch. 41, § 3, 46 Stat. 42, related to effect of provisions of this chapter on various prior statutory provisions affecting the railroad.

Section 924, act June 25, 1929, ch. 41, § 4, 46 Stat. 42, related to effect of provisions of this chapter on title to rights of way actually in use by railroad.

Section 925, act June 25, 1929, ch. 41, § 5, 46 Stat. 42, authorized Attorney General to institute and prosecute all suits affecting title to lands.

Section 926, act June 25, 1929, ch. 41, § 6, 46 Stat. 43, related to restitution by railroads of lands which were not earned or erroneously credited.

Section 927, act June 25, 1929, ch. 41, § 7, 46 Stat. 43, related to jurisdiction of suits.

Section 928, act June 25, 1929, ch. 41, § 8, 46 Stat. 44, related to reports and recommendations to Congress concerning final determinations in such actions.

Section 929, act June 25, 1929, ch. 41, § 9, 46 Stat. 44, related to withholding of approval of adjustments of land grants pending final determination of actions.

CHAPTER 22—RIGHTS-OF-WAY AND OTHER EASEMENTS IN PUBLIC LANDS

Sec.
931. Navigable rivers as public highways.
931a. Authority of Attorney General to grant easements and rights-of-way to States, etc.
931b. Repealed.
931c. Permits, leases, or easements; authorization to grant; payment; limitation.
931d. Additional authority of department or agency head.
932, 933. Repealed.
934. Right of way through public lands granted to railroads.
935. Several roads through canyons.
936. Condemnation of private land.
937. Filing profile of road; forfeiture of rights.
938. Lands excepted.
939. Alteration, amendment, or repeal.
940. Forfeiture of rights where railroad not constructed in five years after location.
941. Railroad stations on rights of way granted.
942. Omitted.
942–1. Rights of way in Alaska; railroad rights of way; reservations; water transportation connections; State title to submerged lands; Federal repossession as trustee; ''navigable waters'' defined; posting schedules of rates; changes in rates.
942–2. Rights of several roads through canyons.
942–3. Condemnation of land.
942–4. Filing preliminary survey, map and profile of road.
942–5. Filing map and profile of road section; forfeiture of rights; reversion of grant.
942–6. Rights of way for Alaskan wagon roads, wire rope, aerial, or other tramways; reservations; filing preliminary survey and map of location; alteration, amendment, repeal, or grant of equal rights; forfeiture of rights; reversion of grant; liens.
942–7. Military park, Indian or other reservation.
942–8. Reservation of right of alteration, amendment, or repeal; assignment of right of way.
942–9. Map location of road.
943. Right of way for railroads; reserved lands in Minnesota.
944. Right of way in Oklahoma and Arizona.
945. Reservation in patents of right of way for ditches or canals.
945a. Compensation for rights-of-way for certain reclamation projects.
945b. Jurisdiction; procedure.
946. Right of way to canal ditch companies and irrigation or drainage districts for irrigation or drainage purposes and operation and maintenance of reservoirs, canals, and laterals.
947. Map; damages to settlers.
948. Application to existing and future canals.
949. Use for canal or ditch only.
950. Right of way to canal and ditch companies for irrigation purposes; additional grants.
951. Right of way for water transportation, domestic purposes, or development of power.
952. Reservoir sites for water for livestock.
953. Declaratory statement as to reservoirs.
954. Survey; map of reservoirs.
955. Amendment, alteration, or repeal.
956. Right of way for tramroads, canals, or reservoirs.
957. Right of way to electric power companies.
958. Rights of way for wagon roads or railroads.
959. Rights of way for electrical plants, etc.
961. Rights-of-way through public lands, Indian, and other reservations for power and communications facilities.
962. Right of way in Colorado and Wyoming to pipeline companies.
963. Applications for Colorado and Wyoming pipeline right of way.
964. Limit of time for completion of Colorado and Wyoming pipelines; forfeiture.
965. Restriction on use of Colorado and Wyoming pipeline right of way.
966. Right of way in Arkansas to pipe-line companies.
967. Applications for Arkansas pipeline right of way.