

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