

in his discretion, remove the site of said land-office from said town, be subject to the same laws and be entitled to the same compensation as is or may hereafter be provided by law in relation to the existing land-offices and officers in said Territory.

Approved, August 9, 1876.

**CHAP. 258.**—An act to relinquish the title of the United States to certain property in the city and county of San Francisco, California.

Aug. 11, 1876.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all the right and title of the United States to the following described property is hereby relinquished to the city and county of San Francisco, the same being the two fifty vara lots on which the old marine-hospital building now stands, fronting two hundred and seventy-five feet on the north side of Harrison street, between Spear and Main streets, with a uniform depth of one hundred and thirty-seven feet and six inches, as laid down on the official map of said city to be used by the city and county of San Francisco solely for the purposes of a sailors' home: *Provided,* That if the same shall at any time be used for any other than the purpose aforesaid, or if said home shall not be opened within one year from the passage of this act, in each such case all right and title hereby relinquished shall revert back to, and again vest in the United States.

Title to old marine-hospital grounds in San Francisco relinquished.

Proviso.

Approved, August 11, 1876.

**CHAP. 259.**—An act providing for the sale of the Osage ceded lands in Kansas to actual settlers.

Aug. 11, 1876.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That any bona fide settler, residing at the time of completing his or her entry, as hereinafter provided, upon any portion of the lands sold to the United States, by virtue of the first article of the treaty concluded between the United States and the Great and Little Osage tribe of Indians September twenty-ninth, eighteen hundred and sixty-five, and proclaimed January twenty-first, eighteen hundred and sixty-seven, who is a citizen of the United States, or shall have declared his intention to become a citizen of the United States, shall be, and hereby is, entitled to purchase the same, in quantity not to exceed one hundred and sixty acres, at the price of one dollar and twenty-five cents per acre, within one year from the passage of this act, under such rules and regulations as may be prescribed by the Secretary of the Interior, and on the terms hereinafter provided: *Provided,* That no bona fide settler as aforesaid on said land shall be denied the right to purchase land under the provisions of this act on the ground that he or she may heretofore have had the benefit of the homestead or preëmption laws of the United States.

Bona-fide settlers on Osage lands in Kansas may purchase same.

14 Stat., 687.

Quantity and price.

Proviso.

**SEC. 2.** That any person who is a citizen of the United States, or has declared his intention to become such, who in good faith had purchased any portion of said land from either the Leavenworth, Lawrence and Galveston Railroad Company, or the Missouri, Kansas and Texas Railroad Company, prior to the commencement of the two suits in the name of the United States against said companies, in the circuit court of the United States for the district of Kansas, to test the legality of title of said railroad companies to said lands, or portions thereof, to wit; before the twenty-fifth day of February, anno Domini eighteen hundred and seventy-four, and shall prove to the satisfaction of the register and the receiver of the proper land office that he or she has, in good faith, before the date last aforesaid, paid said railroad companies, or either of them, the consideration-money, or a portion thereof, and also that he

Purchasers in good faith from certain railways declared entitled to purchase land.

Proofs required.

or she has in good faith made lasting and valuable improvements thereon, shall be, and hereby is declared to be entitled to purchase said lands, not exceeding one hundred and sixty acres, to include his or her improvements, on the same terms and conditions that actual settlers are authorized by this act to purchase said lands; that the rights of the said purchasers from said railroad companies shall attach at the date of the payment aforesaid made to said railroads or either of them:

*Provided*, That the said improvements are made before the date last aforesaid: *And provided further*, That said claimant actually resides on the land at the time of completing his or her entry thereof at the proper land office: *Provided further*, That the heirs of any deceased purchaser from said railroads shall have the same right to purchase the said lands so purchased from the said railroads as the original purchaser would have had, had he lived.

**SEC. 3.** That the parties desiring to make entries under the provisions of this act who will, within twelve months after the passage of the same make payment at the rate of one dollar and twenty-five cents per acre, for the land claimed by said purchaser, under such rules and regulations as the Commissioner of the General Land Office may prescribe, as follows, that is to say; said purchaser shall pay for the land he or she is entitled to purchase one-fourth of the price of the land at the time the entry is made, and the remainder in three annual payments, drawing interest at the rate of five per centum per annum, which payment shall be secured by notes of said purchaser, payable to the United States; and the Secretary of the Interior shall withhold title until the last payment is made; and the Secretary of the Interior shall cause patents to issue to all parties who shall complete their purchases under the provisions of this act; and if any claimant fails to complete his or her entry at the proper land-office within twelve months from the passage of this act, he or she shall forfeit all right to the land by him or her so claimed, except in cases where the land is in contest: *Provided further*, That nothing in this act shall be construed to prevent any purchaser of said land from making payment at any time of the whole or any portion of the purchase money.

**SEC. 4.** That the laws of the United States in relation to the pre-emption of town-sites shall apply to the tract of land first above described, except that the declaratory statement provided by existing laws in such cases shall be filed with the register of the proper land-office within sixty days after the passage of this act, and the occupants of town-sites shall not be allowed to purchase more than three hundred and twenty acres actually occupied as a town-site, except in case where town-site companies have purchased all claim of title of the original settlers, and all titles claimed by any railroad company, in which case said town-site company, by its proper agent, shall have the same right to enter said lands that the original settlers would have had, not exceeding in amount eight hundred acres, and shall pay therefor the sum of one dollar and twenty-five cents per acre, in the same manner as actual occupants are required to pay.

**SEC. 5.** That all lawful entries heretofore made of any of said lands, and set aside or cancelled by the Secretary of the Interior, on the ground that the said railroads had a prior grant of said lands, be reinstated by the said Secretary of the Interior, subject to any valid adverse claim that may have accrued before or since such sale or cancellation.

**SEC. 6.** That all declaratory statements made by persons desiring to purchase any portion of said land under the provisions of this act, shall be filed with the register of the proper land office within sixty days after the passage of the same: *Provided, however*, That those who may settle on said land after the passage of this act shall file their declaratory statement within twenty days after settlement, and complete their purchase under the provisions of this act within one year thereafter.

Quantity and price.

Proviso.

Proviso.

Proviso.

Terms of purchase.

Price.

Terms of payment.

Title after last payment.

Forfeiture on failure to complete purchase.

Proviso.

Laws in relation to town-sites made applicable to Osage lands.

Size of town-sites.

Price per acre.

Prior lawful entries reinstated.

Declaratory statements where and when filed.

Proviso.

SEC. 7. That nothing in this act shall be so construed as to prevent said land from being taxed under the laws of the State of Kansas, as other lands are or may be taxed in said State, from and after the time the first payment is made on said land, according to the provisions of this act.

Right of Kansas to tax.

SEC. 8. That the said railroads or either of them shall have the right to purchase such subdivisions of lands as are located outside of the right of way, heretofore granted to them, and which were occupied by them on said tenth day of April, eighteen hundred and seventy-six, for stock-yards, storage-houses, or any other purposes legitimately connected with the operation and business of said roads, whenever the same does not conflict with a settler who in good faith made a settlement prior to the occupation of said lands by said railroad company or companies, in the same manner and at the same price settlers are authorized to purchase under the provisions of this act.

Railways to have right to purchase certain land

Approved, August 11, 1876.

CHAP. 260.—An act to amend sub-sections two hundred and forty-six and two hundred and fifty-one of section twelve, of an act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June thirtieth, eighteen hundred and seventy-five, and for other purposes" approved June twenty-third, eighteen hundred and seventy-four, and for other purposes, and section thirty-nine hundred and fifty-four of the Revised Statutes.

Aug 11, 1876.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That sub-sections two hundred and forty-six and two hundred and fifty-one of section twelve, of an act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June thirtieth, eighteen hundred and seventy-five, and for other purposes," approved June the twenty-third, eighteen hundred and seventy-four, and for other purposes, and also to amend section thirty-nine hundred and fifty-four of the Revised Statutes be amended as follows:

1874, ch. 456, § 12, 18 Stat., 235, amended.  
R. S., 3954, p. 772, amended.  
R. S., 3946, p. 770, amended.

"SEC. 246. That before the bond of a bidder, provided for in the aforesaid section, is approved, there shall be indorsed thereon the oaths of the sureties therein, taken before an officer qualified to administer oaths, that they are owners of real estate worth in the aggregate a sum double the amount of said bond, over and above all debts due and owing by them, and all judgments, mortgages, and executions against them, after allowing all exemptions of every character whatever. Accompanying said bond and as a part thereof, there shall be a series of interrogatories, in print or writing, to be prescribed by the Postmaster-General, and answered by the sureties under oath showing the amount of real estate owned by them, a brief description thereof, and its probable value, where it is situated, in what county and State the record evidence of their title exists. And if any surety shall knowingly and willfully swear falsely to any statement made under the provisions of this section he shall be deemed guilty of perjury, and, on conviction thereof, be punished as is provided by law for commission of the crime of perjury."

Oaths of sureties to be indorsed on bonds of bidders for carrying mail.

Interrogatories to accompany bond.

Penalty for false oath.

"SEC. 251. That after any regular bidder whose bid has been accepted shall fail to enter into contract for the transportation of the mails according to his proposals, or having entered into contract, shall fail to commence the performance of the service stipulated in his or their contract as therein provided, the Postmaster-General shall proceed to contract with the next lowest bidder or bidders in the order of their bids, for the same service, who will enter into a contract for the performance thereof, unless the Postmaster-General shall consider such bid or bids too high, and in case each of said bids shall be considered too high, then the Postmaster-General shall be authorized to enter into contract, at a price less than that named in said bids, with any person, whether

R. S., 3951, p. 771, amended.

Proceedings on failure of lowest bidder to enter into contract, etc.