

March 3, 1905.  
[S. 6644.]

[Public, No. 154.]

**CHAP. 1421.**—An Act To cause certain lands heretofore withdrawn from market for reservoir purposes to be restored to the public domain, subject to entry under the homestead law, with certain restrictions.

Public lands.  
Lands reserved for  
reservoirs at head-  
waters of Mississippi  
River, etc., restored to  
public domain.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is hereby restored to the public domain, subject to the easement provided for in section two hereof, all the lands described in a certain proclamation of the President of the United States, dated November twenty-eighth, eighteen hundred and eighty-one, Executive Document Numbered Eight hundred and seventy-two, withdrawing and withholding certain lands from market or entry and reserving the same to aid in the construction of certain reservoirs to be built at the headwaters of the Mississippi and Saint Croix rivers, in the States of Minnesota and Wisconsin, and of the Chippewa and Wisconsin rivers, in the State of Wisconsin, except lot seven of section thirty-three, and lot five of section thirty-four, township one hundred and forty-four, range twenty-eight west of the fifth principal meridian; and that these lands when so restored shall be subject to homestead entry only.

Homestead entry.

Right to overflow  
reserved.

**SEC. 2.** That the lands hereby restored shall forever be and remain subject to the right of the United States to overflow the same, or any thereof, by such reservoirs as now exist or may hereafter be constructed upon the headwaters of the Mississippi River, and all patents issued for the lands hereby restored shall expressly reserve to the United States such right of overflow.

Preference rights.

**SEC. 3.** That in all cases where any of the lands restored to the public domain by the first section of this Act have heretofore been sold or disposed of by the proper officers of the United States under color of the public-land laws, and the consideration received therefor is still retained by the Government, the title of the purchasers may be confirmed, subject to the easement reserved by section two, if, in the opinion of the Secretary of the Interior, justice requires it; and in all cases where first or preliminary homestead entries have been made of the lands hereby restored, and the entrymen have attempted to make final proof and final entry, such entrymen shall have a preferred and prior right to enter such lands under the homestead law on showing a compliance with the requirements of said law as to settlement, cultivation, proof, and payment.

Warning to settlers.

**SEC. 4.** That no rights of any kind, except as specified in the foregoing section, shall attach by reason of settlement or squatting upon any of the lands hereinbefore described before the day on which such lands shall be subject to homestead entry at the several land offices; and until said lands are opened for settlement no person shall enter upon and occupy the same, and any person violating this provision shall never be permitted to enter any of said lands or acquire any title thereto.

Effect.

**SEC. 5.** That this Act shall take effect six months after its approval by the President of the United States.

Approved, March 3, 1905.

March 3, 1905.  
[S. 6744.]

[Public, No. 155.]

**CHAP. 1422.**—An Act Relative to the commissions of officers who are under the direction and control of the Postmaster-General and the Secretary of Commerce and Labor, respectively.

Commissions.  
Appointments in  
Post-Office and Com-  
merce and Labor  
Departments.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That hereafter the commissions of all officers under the direction and control of the Postmaster-General and the Secretary of Commerce and Labor shall be made out and recorded in the Post-Office Department and the Department of

Commerce and Labor, respectively, and the Department seal affixed thereto, any laws to the contrary notwithstanding: *Provided*, That the said seal shall not be affixed to any such commission before the same shall have been signed by the President of the United States. And all commissions heretofore issued by the Department of Commerce and Labor with the seal of that Department affixed are hereby declared legal and valid.

*Proviso.*  
Affixing seal.

Prior commissions valid.

Approved, March 3, 1905.

**CHAP. 1423.**—An Act Granting to the Choctaw, Oklahoma and Gulf Railroad Company the power to sell and convey to the Chicago, Rock Island and Pacific Railway Company all the railway property, rights, franchises, and privileges of the Choctaw, Oklahoma and Gulf Railroad Company, and for other purposes.

March 3, 1905.  
[S. 6647.]

[Public, No. 156.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Choctaw, Oklahoma and Gulf Railroad Company be, and it is hereby, authorized and empowered to sell and convey to the Chicago, Rock Island and Pacific Railway Company all the railway property, rights, franchises, and privileges of the Choctaw, Oklahoma and Gulf Railroad Company, and the Chicago, Rock Island and Pacific Railway Company is hereby authorized and empowered to purchase, hold, maintain, and operate the railway heretofore constructed or now owned by the Choctaw, Oklahoma and Gulf Railroad Company, subject, however, to all the conditions and limitations contained in the several Acts of Congress authorizing the organization of the Choctaw, Oklahoma and Gulf Railroad Company and the construction of its lines in the Indian Territory: *Provided, however*, That before any such sale and conveyance shall be made the terms thereof shall be approved by a majority of the directors of the Choctaw, Oklahoma and Gulf Railroad Company: *Provided*, That said purchasing company shall, by said purchase, be and become liable and assume the payment of all existing liabilities of said selling company, and all suits now pending against said Choctaw, Oklahoma and Gulf Railroad Company shall proceed to final judgment the same as if said sale had not been made.

Indian Territory. Choctaw, Oklahoma and Gulf Railroad Company. Sale of to Chicago, Rock Island and Pacific Railway Company authorized. Vol. 28, p. 502. Vol. 29, p. 98.

*Provisos.*  
Approval by a majority of directors.

Liabilities, etc.

Repeal.

SEC. 2. That all the provisions of any Act of Congress inconsistent with this Act be, and the same are hereby, repealed.

Approved, March 3, 1905.

**CHAP. 1424.**—An Act To amend section twenty-two hundred and eighty-eight of the Revised Statutes of the United States.

March 3, 1905.  
[S. 6757.]

[Public, No. 157.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section twenty-two hundred and eighty-eight of the Revised Statutes be amended so as to read as follows:

Homestead settlers. Right of transfer of. R. S., sec. 2288, p. 419, amended.

Right of transfer extended.

“SEC. 2288. Any bona fide settler under the preemption, homestead, or other settlement law shall have the right to transfer, by warranty against his own acts, any portion of his claim for church, cemetery, or school purposes, or for the right of way of railroads, telegraph, telephones, canals, reservoirs, or ditches for irrigation or drainage across it; and the transfer for such public purposes shall in no way vitiate the right to complete and perfect the title to his claim.”

Approved, March 3, 1905.