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exposed localities which may at any time experience the necessity of home defense against sudden raids; and

Whereas, several Territories, including Alaska, are without militia organizations, and their quotas remain uncalled for, and the amounts are annually covered back into the Treasury, instead of being apportioned to those States having a deficiency of arms and equipments; Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby directed to cause one thousand stand of improved Springfield rifles, caliber forty-five, model eighteen hundred and eighty-four; sixty Springfield cadet rifles, caliber forty-five; six hundred and sixty shell extractors; six hundred and sixty screw-drivers; six hundred and sixty wiping-rods; one hundred and thirty-two tumbler punches; thirty-three spring-vises; thirty-three arm-chests; six hundred and sixty bayonet-scabbards; six hundred and sixty cartridge-boxes; six hundred and sixty wrist-belts and plates; two thousand rifle ball-cartridges; four thousand rifle blank-cartridges; two Gatling guns, caliber forty-five; two carriages and timbers for Gatling guns (wood); two gun-covers; four handspikes; two sight-cases; two oilers; two hammers; two wrenches; to be forwarded to and placed at the disposal of the governor of the State of Oregon, at Salem, in said State, for distribution among the militia organizations of the State which may be deficient in the material herein provided for, and said property shall be receipted and accounted for the same as that embraced in requisitions on the regular annual quotas provided for by law; and when the regular quotas annually due said State shall be sufficient therefor, the said annual quotas shall be credited to the said State, until the advance of arms, ordnance, and stores hereby made shall be offset and balanced by said annual quotas.

Arms, ammunition, etc., to be issued.

Annual quota.

Approved, January 16, 1889.

CHAP. 49.—An act granting the right of way through certain lands in the State of Minnesota to the Moorhead, Leech Lake and Northern Railway Company.

January 16, 1889.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right of way is hereby granted, as hereinafter set forth, to the Moorhead, Leech Lake, Duluth and Northern Railroad Company, a corporation organized and existing under the laws of the State of Minnesota, for railroad purposes, through the lands in northern Minnesota set apart for the use of the White Earth band of Chippewas, by treaty dated March nineteenth, anno Domini eighteen hundred and sixty-seven, and Executive orders of March nineteenth, eighteen hundred and seventy-nine, and July thirteenth, eighteen hundred and eighty-three, commonly known as the White Earth Indian Reservation.

Moorhead, Leech Lake, Duluth and Northern Railroad Company granted right of way through White Earth Reservation, Minn.

Vol. 16, p. 720.

That the line of said railroad shall extend from the city of Moorhead by the most convenient and practicable route in a northeasterly direction through Clay County; thence in an easterly direction through a portion of Becker County, thence into and through the White Earth Indian Reservation, passing Flat Lake and through another portion of Becker County; thence through Hubbard, Cass, Aitkin, and Saint Louis Counties to Duluth.

Location.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway, and for no other purpose, a right of way one hundred feet in width through said Indian Reservation, and to take and use a strip of land two hundred feet in width, with a length of three thousand feet, in addition to right of way, for stations, for every ten miles of road, with the right to use such additional ground

Width.

where there are heavy cuts or fills as may be necessary for the construction and maintenance of the road-bed, not exceeding one hundred feet in width on each side of the right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided further*, That no part of the lands herein authorized to be taken shall be leased or sold by the company, and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone lines; and when any portion thereof shall cease to be so used such portion shall revert to the said band or tribe of Indians from which the same shall have been taken or to the individual allottees, or both as the case may be.

Provisos.
Stations.
Lands not to be sold, etc.
Reversion.

SEC. 3. That before said railway shall be constructed through any lands held by individual allottees of said tribe full compensation shall be made to such allottees for all property to be taken or damage done by reason of the construction of such railway. In case of failure to make amicable settlement with any allottee, such compensation shall be determined by the appraisement of three disinterested referees, to be appointed, one (who shall act as chairman) by the President of the United States, one of the chief of said tribe, and one by said railroad company, who, before entering upon the duties of their appointment, shall take and subscribe, before a district judge, clerk of a district court, or United States commissioner, an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award to and filed with the Secretary of the Interior within sixty days from the completion thereof; and a majority of said referees shall be competent to act in case of the absence of a member, after due notice. And upon the failure of either party to make such appointment within thirty days after the appointment made by the President, the vacancy shall be filled by the district judge of the United States district court for the State of Minnesota, upon the application of the other party. The chairman of the said board shall appoint the time and place for all hearings, within said reservation.

Compensation to allottees.
Appraisement.
Referees.
Substitution.

Each of said referees shall receive for his services the sum of four dollars per day for each day they are engaged in the trial of any case submitted to them under this act, with mileage at five cents per mile. Witnesses shall receive the usual fees allowed by the courts of the United States. Costs, including compensation of the referees, shall be made a part of the award, and be paid by such railroad company. In case the referees can not agree, then any two of them are authorized to make the award. Either party being dissatisfied with the finding of the referees shall have the right, within ninety days after the making of the award and notice of the same, to appeal by original petition to the United States district court held at Duluth or Saint Paul, Minnesota, which court shall have jurisdiction to hear and determine the subject matter of said petition according to the laws of said State provided for determining the damage when property is taken for railroad purposes. If upon the hearing of said appeal the judgment of the court shall be for a larger sum than the award of the referees, then the costs of said appeal shall be adjudged against the railroad company. If the judgment of the courts shall be for the same sum as the award of the referees, then the costs shall be adjudged against the appellant. If the judgment of the court shall be for a smaller sum than the award of the referees, then the costs shall be adjudged against the party claiming damages. When proceedings have been commenced in court, the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with the construction of the railroad.

Pay of referees.
Witness, etc., fees.
Appeal.
Awarding costs on appeal.
Commencement.

SEC. 4. That said railroad company shall not charge the inhabitants of said reservation a greater rate of freight than the rate authorized

Freight rates.

by the laws of the State of Minnesota for services or transportation of the same kind: *Provided*, That Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railway or said company whenever such transportation shall extend from one State into another, or shall extend into more than one State: *Provided, however*, That the rate of such transportation of passengers, local or interstate, shall not exceed the rate above expressed: *And provided further*, That said railway company shall carry the mail at such prices as Congress may by law provide; and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

Provisos.
Right to regulate reserved.
Maximum.
Mails.

SEC. 5. That said railway company shall pay to the Secretary of the Interior, for the benefit of said tribe, the sum of fifty dollars, in addition to compensation provided for in this act for property taken and damages done to individual occupants by the construction of the railway, for each mile of railway that it may construct in said Territory, said payments to be made in installments of five hundred dollars as each ten miles of road is graded: *Provided*, That if the council of said tribe shall, within four months after the filing of maps of definite location as set forth in section six of this act, dissent from the allowances provided for in this section, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to such tribe under the provisions of this act shall be determined as provided in section three for the determination of the compensation to be paid to the individual allottees of lands, with the right of appeal to the courts upon the same terms, conditions, and requirements as therein provided: *Provided further*, That the amount awarded or adjudged to be paid by said railway company for said dissenting nation or tribe shall be in lieu of the compensation that said nation or tribe would be entitled to receive under the foregoing provision. Said company shall also pay, so long as said reservation is owned and occupied by said Indians, to the Secretary of the Interior, the sum of fifteen dollars per annum for each mile of railway it shall construct in the said reservation.

Additional compensation to tribes.
Provisos.
Appeal of council as to allowance.
Award to be in lieu of compensation.
Annual rental.

The money paid to the Secretary of the Interior under the provisions of this act shall be apportioned by him, in accordance with the laws and treaties now in force or hereinafter enacted between the United States and said tribe, according to the number of miles of railway that may be constructed by said railway company through their lands: *Provided*, That Congress shall have the right, so long as said lands are occupied and possessed by said tribe, to impose such additional taxes upon said railroad as it may deem just and proper for their benefit. Said railway company shall have the right to survey and locate its railway immediately after the passage of this act.

Apportionment.
Proviso.
Taxation.

SEC. 6. That said company shall cause maps showing the route of its located line through said reservation to be filed in the office of the Secretary of the Interior, and also to be filed with the chief of the said tribe and with the agent in charge of the tribe; and after the filing of said maps no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Provided*, That when a map 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: and said location shall be approved by the Secretary of the Interior in sections of twenty-five miles before construction of any such section shall be begun.

Maps to be filed.
Proviso.
Commencing work.

SEC. 7. That the officers, servants, and employees of said company necessary to the construction and management of said road shall be allowed to reside, while so engaged, upon such 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 said intercourse laws.

Employees may reside on right of way.

Jurisdiction of courts.

SEC. 8. That the United States circuit and district courts for the district of Minnesota, and such other courts as may be authorized by Congress, shall have, without reference to the amount in controversy, concurrent jurisdiction over all controversies arising between said company and said tribe or the individual allottees in said tribe and said company; and the civil jurisdiction of said courts is hereby extended within the limits of said Indian reservation, without distinction as to citizenship of the parties, so far as may be necessary to carry out the provisions of this act.

Commencement and completion.

SEC. 9. That said railway company shall complete their railway through said reservation within three years after the passage of this act, or the rights herein granted shall be forfeited as to that portion not built; and it shall not be necessary in such case, for the forfeiture to be declared by judicial process or legislative enactment; that said railroad 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.

Crossings, etc.

Condition of acceptance.

SEC. 10. That the said railway company shall accept this right of way upon the express condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking towards the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from said Indian tribe any further grant of land, or its occupancy, than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

Proviso. Violation to forfeit.

Record of mortgages.

SEC. 11. That all mortgages executed by said railway company conveying any portion of its railroad, with its franchises, that may be constructed in said reservation, shall be recorded in the Department of the Interior, and the 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. 12. That Congress may at any time amend, add to, alter, or repeal this act; and the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction and completion of the road, except as to mortgages or other liens that may be given or secured thereon to aid in the construction thereof.

Approved, January 16, 1889.

January 16, 1889.

CHAP. 50.—An act to amend the postal laws of the United States in reference to letters bearing special delivery stamps.

Special delivery letters. Vol. 23, ch. 342, p. 387, amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section three, chapter three hundred and forty-two of the act of Congress approved March third, anno Domini eighteen hundred and eighty-five, be, and the same is hereby, amended by adding to said section the following proviso:

Insufficient postage to be collected.

"*Provided, however*, That the omission by the sender to place the lawful postage upon a letter bearing such special delivery stamp and otherwise entitled to immediate delivery under the provisions of this section shall not hinder or delay the transmission and delivery thereof as provided herein, but such lawful postage shall be collected upon its delivery, in the manner now provided by law for the collection of deficient postage resulting from the overweight of letters."

Approved, January 16, 1889.