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March 1, 1889.

CHAP. 321.—An act to provide for the settlement of the titles to the lands claimed by or under the Black Bob band of Shawnee Indians in Kansas, or adversely thereto, and for other purposes.

Lands of Black Bob Shawnee Indians, Kans.

Attorney-General to bring suit.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney-General of the United States shall be, and he is hereby, instructed to cause a suit in equity to be brought in the name of the United States, in the circuit court for the district of Kansas, to quiet and finally settle the titles to the lands claimed by or under the Black Bob band of Shawnee Indians in Kansas, or adversely to said titles.

Parties.

All persons having claims to said lands, or any part thereof, as well as said band of Indians, shall be made parties to said suit, either personally or by representation, as said court may deem convenient, consistently with justice to all the interests involved, and notice of the institution and pendency of said suit, and for the appearance of the parties thereto shall be given, either by personal service or by such publication as the court shall order, or both.

Rights of Indians to be presented.

It shall be the duty of the Attorney-General to cause the rights of said band of Indians, and of the individual members thereof, to be duly presented and protected in said suit, and he shall employ counsel to aid in such protection; and any other claimants to said lands, or any part thereof, may appear in said cause personally or by counsel, to defend the same and assert their rights; and said court shall, upon proof and hearing, proceed to determine according to the principles of law and equity, all questions arising in respect to said lands, or any part thereof and decree accordingly, and cause such decree to be carried into execution; and the possession of the lands or parts thereof, respectively, to be delivered to the persons entitled thereto; and upon a final decision of said matters it shall be the duty of the Secretary of the Interior to approve deeds for said lands in conformity to such decision. No objections shall be allowed in said suit in respect to want or misjoinder of parties other than such as are required in this act, or for multifariousness or want of form.

Decree.

Appeal.

The right of appeal to the Supreme Court of the United States shall exist as in other cases.

Jurisdiction, etc., in Indian land cases, Kans.

SEC. 2. That all the provisions of the above section, including those as to notification of parties, as far as the same may be applicable, are hereby extended to all conveyances and transfers of land within the jurisdiction of the United States circuit court for the district of Kansas acquired under Indian treaties with the United States, and covered by deeds of Indian allottees and patentees which the Secretary of the Interior has refused to approve. The said circuit court is hereby empowered and required, in cases properly before it, to hear and determine all questions of inheritance to any of said lands, determine the rightful heirs thereto, and the interest of each heir in and to any such lands, in cases where money has been paid, advanced, or deposited for the transfer of any lands and the title thereto for any cause fails or is imperfect, the circuit court shall inquire and determine as to the rightful application of any such money paid, advanced, or deposited, and shall make such orders, judgments, or decrees in relation thereto as will protect the rights of innocent parties consistently with justice to all interests involved; and said circuit court shall, in all cases properly before it, hear, try, settle, and determine all controversies or disputes between occupants on said lands and the owners or holders of the titles to the same; and all other controversies or disputes in regard to the transfer of any of said lands, the said circuit court shall hear and determine, in every case, according to the principles of law and equity, and enter up judgments, orders, and decrees accordingly, and enforce the same, and on final hearing apportion the costs among the parties as the equity of the case may require.

Descent of property, etc.

Former resolution repealed.
Vol. 20, p. 488.

That the joint resolution of March third, eighteen hundred and seventy-nine, entitled "Joint resolution instructing the Attorney-

General of the United States to bring suit in the name of the United States, to quiet and settle the titles of the Black Bob band of Shawnee Indians," be, and the same is hereby, repealed: *Provided*, That this act shall not be so construed as to affect the validity of any decree heretofore rendered by the United States circuit court for the district of Kansas under the provisions of said joint resolution, or to impair the power of said court to set aside or amend or correct any such decree, or to divest any party in interest of his right to appeal to the United States Supreme Court within the time limited by law.

Proviso. Decrees.

Approved, March 1, 1889.

CHAP. 322.—An act to authorize the construction of a bridge across the Coosa River at Gadsden, in the State of Alabama.

March 1, 1889.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Anniston and Cincinnati Railroad Company, a corporation created and existing under the laws of the State of Alabama, having constructed a bridge, and approaches thereto, over the Coosa River, at or near Gadsden, in Etowah County, on a direct line from Anniston, in Calhoun County, to Attala, in Etowah County, in the State of Alabama, said company is hereby authorized to keep and maintain the same: *Provided*, That the Secretary of War shall approve the plans and dimensions of said bridge. Said bridge if approved by the Secretary of War shall be maintained so as to provide for the passage of railway trains, and, at the option of the corporation by which it is built, may be used for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot passengers, upon conditions to be agreed upon between said corporation and the county commissioner's court of the said county of Etowah and approved by the Secretary of War.

Anniston and Cincinnati Railroad Company may bridge Coosa River at Gadsden, Ala.

Proviso.

Railway, wagon, and foot bridge.

SEC. 2. That the bridge authorized under this act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post-rout, and shall enjoy the rights and privileges of other post-roads in the United States. That no higher charge shall be made for the transmission over the same of the mail, troops, and munitions of war of the United States, or for through railway passengers or freight passing over said bridge, than the rate per mile for their transmission over the railroad leading to said bridge, and equal privileges in the use of said bridge shall be granted to all telegraph companies, and the United States shall have the right of way across said bridge for postal-telegraph purposes; that the said bridge shall, either by draw, span, or otherwise, provide and secure a free and unobstructed passage-way to all watercraft navigating said river at the point aforesaid: *Provided*, That said bridge authorized by this act being constructed as a drawbridge the draw shall be opened promptly upon reasonable signals for the passage of boats or vessels, and said corporation shall maintain at its own expense, from sunset to sunrise, such lights or other signals on said bridge as the Light House Board shall prescribe: *And provided further*, That nothing herein contained shall be held to alter or affect existing laws as to the removal of bridges obstructing the navigation of rivers when the Secretary of War shall so determine.

Lawful structure and post-route.

Postal telegraph.

Unobstructed navigation.

Provisos. Draw.

Lights, etc.

Existing laws.

SEC. 3. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains over the same, and over the approaches thereto, upon the payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and the several railway companies, or any one of them desiring such use, shall fail to agree upon the sum or sums to be paid, and upon rules and conditions to which each shall conform in using said bridge all matters

Use by other companies.