AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

SIGNAL SERVICE.

Signal service.

For expenses of the Signal Service of the Army, as follows: Purchase, equipment, and repair of field electric telegraphs, signal equipments, and stores; binocular glasses, telescopes, heliostats, and other necessary instruments, including absolutely necessary meteorological instruments for use on target ranges; telephone apparatus (excluding exchange service) and maintenance of the same; maintenance and repair of military telegraph lines, including salaries of civilian employees, supplies and general repairs, and other expenses connected with the duty of collecting and transmitting information for the Army by telegraph or otherwise twenty-two thousand dollars.

Expenses.

Military telegraph lines.

For construction, maintenance, and repair of a military telegraph line from Fort Ringgold, Texas, to Fort Mc-Intosh, Texas, seventeen thousand dollars.

Telegraph, Fort Ringgold to Fort McIntosh.

CONTINGENT EXPENSES.

Contingent expenses.

For contingent expenses of the office of the Commanding General, in his discretion, one thousand seven hundred and fifty dollars.

Commanding General's office.

For contingent expenses at the headquarters of the several military departments, including the staff corps serving thereat, being for the purchase of the necessary articles of office, toilet and desk furniture, binding, maps, books of reference and police utensils, three thousand dollars, to be allotted by the Secretary of War.

Headquarters of military departments.

Approved, February 27, 1893.

CHAP. 169.—An act to authorize the Kansas City, Pittsburg and Gulf Railroad Company to construct and operate a railroad, telegraph, and telephone line through the Indian Territory, and for other purposes.

February 27, 1893.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Kansas City, Pittsburg and Gulf Railroad Company, a corporation created under and by virtue of the laws of the State of Missouri, be, and the same is hereby, invested and empowered with the right of locating, constructing, operating, using, and maintaining a railroad, telegraph, and telephone line through the Indian Territory, beginning at a point on the south line of Cherokee County, near the town of Galena, in the State of Kansas, and running thence in a southerly direction through the Indian Territory or through the State of Arkansas and the Indian Territory, by the most feasible and practicable route, to a point on the Red River, near the town of Clarksville, in the State of Texas, with the right to construct, use, and maintain such tracks, turnouts, sidings, and extensions as said company may deem its interest to construct along and upon the right of way and depot grounds herein provided for.

Kansas City, Pittsburg and Gulf Railroad Company may construct railroad line, etc., through the Indian Territory.

Location.

SEC. 2. That said corporation is authorized to take for all uses of a railroad, telegraph, and telephone line, and for no other purposes, a right of way one hundred feet in width through said Indian Territory, and to take and use a strip of land two hundred and fifty feet in width, with a length of three thousand feet in addition to right of way, for stations for every ten miles of the road, with the right to use additional grounds where there are heavy cuts or fills as may be necessary for the construction and maintenance of the roadbed, not exceeding one hundred feet in width on each side of said 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: *And provided further*, That no parts 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 purpose only as shall be necessary for the construction and convenient operation of said railroad,

Right of way.

Width.

Stations, etc.

Provisos.

Limit.

Land not to be sold, etc.

telegraph, and telephone line, and when any portion thereof shall cease to be used, such portion shall revert to said nation or tribe of Indians from which the same shall have been taken.

Reversion.

Damages.

SEC. 3. That before said railway shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of any of the Indian nations or tribes through which it may be constructed, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railroad. In case of failure to make amicable settlement with any occupant, 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 by the chief of the nation to which said occupant belongs, and one by said railroad company, who, before entering upon the duties of their appointments, 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 appointments, 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 the 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 court for the western district of Arkansas, upon the application of the other party. The chairman of said board shall appoint the time and place for all hearings within the nation to which said occupants belong. 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 said nation. Costs, including compensation of the referees, shall be made a part of the award and be paid by said 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 making of the award and notice of the same, to appeal by original petition to the United States Court held at Fort Smith, Arkansas, which court shall have jurisdiction to hear and determine the subject-matter of said petition according to the laws of the State of Arkansas, 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, the cost of said appeal shall be adjudged against the railroad company. If the judgment of the court 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 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.

Referees.

Oath, etc.

Substitution on failure to appear.

Hearings.

Compensation.

Costs.

Appeal.

Costs on appeal.

Work may begin on depositing double award.

Freight charges.

SEC. 4. That said railroad Company shall not charge the inhabitants of said Territory a greater rate of freight than the rates authorized by the laws of the State of Arkansas for services or transportation of the same kind: *Provided*, That passenger rates on said railroad shall not exceed three cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railroad and messages on said telegraph and telephone lines until a State government shall be authorized to fix and regulate the cost of transportation of persons and freight within its respective limits by said railroad; but Congress expressly reserves the right to fix and regulate at all times

Provisos.
Passenger rates, etc.
Regulation.

Interstate transportation.

the cost of such transportation by said railroad 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 rates of such transportation of passengers, local or interstate, shall not exceed the rates above expressed: *And provided further*, That said railroad 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.

Maximum.

Mails.

SEC. 5. That said railroad company shall pay to the Secretary of the Interior, for the benefit of the particular nations or tribes through whose lands said line may be located, 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 railroad for each mile of railroad that it may construct in said Territory, said payment to be made in installments of one thousand two hundred and fifty dollars as each working section of twenty-five miles of road is graded: *Provided*, That if the general council of either of the nations or tribes through whose land said railroad may be located shall, within four months after the filing of the 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 dissenting nation or 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 occupants of lands, with the right of appeal to the courts upon the same conditions, terms, and requirements as therein provided: *Provided further*, That the amount awarded or adjudged to be paid by said railroad 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 provisions. Said company shall also pay, so long as said Territory is owned or occupied by the Indians, to the Secretary of the Interior the sum of fifteen dollars per annum for each mile of railroad it shall construct in the said Territory. 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 among the different nations and tribes according to the number of miles of railroad that may be constructed by said railroad company through their lands: *Provided*, That Congress shall have the right, as long as said lands are occupied and possessed by said nation or tribe, to impose such additional taxes upon said railroad as it may deem just and proper for their benefit; and any Territory or State hereafter formed through which said railroad shall have been established may exercise the like power as to such part of said railroad as may be within its limits. Said railroad Company shall have the right to survey and locate its railroad immediately after the passage of this act.

Additional compensation to tribes.

Provisos.

Appeal by general councils.

Award to be in lieu of compensation.

Annual rental.

Apportionment.

Taxation.

Survey, etc.

SEC. 6. That said Company shall cause maps showing the route of its located line through said Territory to be filed in the office of the Secretary of the Interior, and also to be filed in the office of the principal chief of each of the nations or tribes through whose lands said railroad may be located, and after filing 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 railroad company's located line is filed as herein provided for, said company shall commence grading said located line within one year thereafter, or said 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.

Grading to begin on filing maps.

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 said right of way, but subject

Employees may reside on right of way.

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.

Litigation.

SEC. 8. That the United States circuit and district Court for the western district of Arkansas, 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 Kansas City, Pittsburg and Gulf Railroad Company and the nations and tribes through whose territory said railroad shall be constructed. Said Courts shall have like jurisdiction, without reference to the amount in controversy, in all controversies arising between the inhabitants of said nations or tribes and said railroad Company; and the civil jurisdiction of said courts is hereby extended within the limits of said Indian Territory, without distinction as to citizenship of the parties, so far as may be necessary to carry out the provisions of this act.

Jurisdiction.

Commencement and completion.

SEC. 9. That said railroad Company shall build at least fifty miles of its railroad in said Territory within three years after the passage of this act and complete main line of the same within one year thereafter, or the rights herein granted shall be forfeited as to that portion not built. That said railroad company shall construct and maintain continually all fence, road, and highway crossings, and necessary bridges over said railroad whenever said roads and highways do now or may hereafter cross said railroad'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 Kansas City, Pittsburg and Gulf Railroad 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 lands, and will not attempt to secure from the Indian nations any further grant of land or its occupancy than is hereinbefore provided: *Provided*, That any violation of the conditions mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railroad company under this act.

Proviso.
Violation to forfeit.

Record of mortgages.

SEC. 11. That all mortgages executed by said railroad Company conveying any portion of its railroad, with the franchises, that may be constructed in said Indian Territory 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, 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 mortgage or other liens that may be given or secured thereon to aid in the construction thereof.

Assignment, etc.

Approved, February 27, 1893.

February 27, 1893.

CHAP. 170.—An act to amend the charter of the Brightwood Railway Company of the District of Columbia.

District of Columbia.
Brightwood Railway Company may construct, etc., a branch trolley line.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Brightwood Railway Company of the District of Columbia is hereby authorized to construct, equip, and operate, with the overhead trolley system of electric motive power, a branch line of road and to run its cars thereon through and along the following-named roads or streets in the District of Columbia:

Route.

Beginning at the intersection of the Rock Creek Church road and Richmond street, in the subdivision of Petworth, and running thence