

February 24, 1896.

CHAP. 29.—An Act Granting to the Brainerd and Northern Minnesota Railway Company a right of way through the Leech Lake Indian Reservation and Chippewa Indian Reservation, in Minnesota.

Brainerd and North-
ern Minnesota Rail-
way Company granted
right of way, Indian
reservations, Minne-
sota.

Leech Lake Reser-
vation.

Chippewa Reserva-
tion.

Width, etc.

Stations, etc.

Proviso.
Reversion, etc.

Compensation.

Damages to tribes.

Proviso.
Construction to be-
gin on filing bond.

Maps.

Surveys.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby granted to the Brainerd and Northern Minnesota Railway Company, a corporation organized and existing under the laws of the State of Minnesota, and to its assigns, the right of way for the extension of its railroad, with necessary side tracks and switch tracks, and for a telegraph and telephone line, through the Leech Lake Indian Reservation, commencing at a point in the south line of said Indian reservation and extending northwesterly through section eleven, of township one hundred and forty-one, range thirty-one, to a point in the west line of said reservation in section two; also through the Chippewa Indian Reservation, in said State, commencing at a point in the south line of said Indian reservation, in township one hundred and forty-two north, of range thirty-one west, and extending in a northwesterly direction from the terminus of the line as now constructed along the most feasible and practicable route, through townships one hundred and forty-three north, of ranges thirty-one and thirty-two west, to a point in the west line of said reservation, with the right to load logs on said railroad at the points in said reservation where the same may run adjacent or contiguous to the waters of Leech Lake. Such right of way shall be fifty feet in width on each side of the central line of said railroad, and said company shall also have the right to take from the lands adjacent to the line of said road material, stone, and earth necessary for the construction of said railroad; also grounds adjacent to such right of way for station buildings, not to exceed in amount two hundred feet in width and three thousand feet in length for each station, and to an extent not exceeding one station within the limits of said Chippewa Reservation: *Provided*, That no part of such lands herein granted shall be used except in such manner and for such purposes only as are necessary for the construction and convenient operation of said railroad line, and when any portion thereof shall cease to be used such portion shall revert to the nation or tribe of Indians from which the same shall be taken.

SEC. 2. That before said railroad shall be constructed through any land, claim, or improvement held by individual occupants according to any treaties or laws of the United States, compensation shall be made such occupant or claimant for all property to be taken or damage done by reason of the construction of such railroad. In case of failure to make satisfactory settlement with any such claimant, the United States district court at Saint Paul or Duluth, Minnesota, shall have jurisdiction, upon petition of either party, to determine such just compensation in accordance with the laws of Minnesota provided for determining the damage when property is taken for railroad purposes; and the amount of damages resulting to the tribe or tribes of Indians pertaining to said reservation in their tribal capacity, by reason of the construction of said railroad through such lands of the reservation as are not occupied in severalty, shall be ascertained and determined in such manner as the Secretary of the Interior may direct, and be subject to his final approval: *Provided, however*, That said railroad company may file with the Secretary of the Interior a bond, in such amount and with such sureties as the Secretary shall approve, conditioned for the payment of just compensation for said right of way to said individual occupants and to said tribe or tribes, as hereinbefore provided, and said company may thereupon proceed to construct and operate its railroad across said reservation.

SEC. 3. That said company shall cause maps, showing the route of its line through said reservation, and including the grounds for station buildings, depots, machine shops, side tracks, turn-outs, and water stations, to be filed in the office of the Secretary of the Interior before constructing any portion of said railroad.

SEC. 4. That said company is hereby authorized to enter upon said

reservation for the purpose of surveying and locating its line of railroad: *Provided*, That said railroad shall be located and constructed with due regard to the rights of the Indians, and under such rules and regulations as the Secretary of the Interior shall prescribe.

SEC. 5. That the right herein granted shall be forfeited by said company unless the road shall be constructed through the said reservation within three years after the passage of this Act.

SEC. 6. That Congress reserves the right to alter, amend, or repeal this Act, or any part thereof.

Received by the President, February 12, 1896.

[NOTE BY THE DEPARTMENT OF STATE.—The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the house of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

CHAP. 30.—An Act To authorize the Arkansas and Choctaw Railway Company to construct and operate a railway through the Choctaw Nation, in the Indian Territory, and for other purposes.

February 24, 1896.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Arkansas and Choctaw Railway Company, a corporation created under and by virtue of the laws of the State of Arkansas, be, and the same is hereby, invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway and telegraph and telephone line through the Choctaw Nation, in the Indian Territory, beginning at the point on the boundary line between the said Choctaw Nation and the county of Little River, in the State of Arkansas, where the said railway may run, when constructed in the State of Arkansas, thence running, by the most feasible and practicable route, in a north-westerly direction through the said Choctaw Nation, to such point at or near the town of Atoka, in said nation, as said corporation may select, with the right to construct, use, and maintain such tracks, turn-outs, and sidings as said company may deem it to their interest to construct along and upon the right of way and depot grounds herein provided for.

Arkansas and Choctaw Railway Company granted right of way, Indian Territory.

Location.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway and telegraph and telephone line, and for no other purpose, a right of way one hundred feet in width through the said Choctaw Nation, for the said Arkansas and Choctaw Railway Company, the same to be fifty feet on either side of the track of said railway from the center thereof, and, in addition to the above right of way, to take and use a strip of land one hundred feet in width, with a length of two thousand feet, for stations at such points as the said railway company may deem to their interest to erect, with the right to use such additional grounds, where there are heavy cuts or fills, as may be necessary for the construction and maintenance of the roadbed and track, not exceeding fifty feet in width on each side of the 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: *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 Choctaw Nation.

Width.

Stations, etc.

Provisos.
Limit.

Reversion, etc.

SEC. 3. That before said railway and telegraph and telephone line shall be constructed through any lands held by individual occupants, according to the laws, usages, and custom of the Choctaw Nation, full compensation shall be made to such occupants for all property to be

Damages.