

equipments and stores, binocular glasses, telescopes, heliostats, and other necessary instruments, including absolutely necessary meteorological instruments for use in 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, eighteen thousand dollars.

Military telegraph.

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.

For contingent expenses at the headquarters of the several military departments, and in inspection districts, 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, and to be expended in the discretion of the several military department commanders.

Headquarters, departments, etc.

For contingent expenses of the military information division, Adjutant-General's Office, and of the military attachés at the United States embassies and legations abroad, to be expended under the direction of the Secretary of War, three thousand six hundred and forty dollars.

Military information.

Approved, March 16, 1896.

CHAP. 60.—An Act To authorize the Saint Louis and Oklahoma City Railroad Company to construct and operate a railway through the Indian and Oklahoma Territories, and for other purposes.

March 18, 1896.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Saint Louis and Oklahoma City Railroad Company, a corporation created under and by virtue of the laws of Oklahoma Territory, 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 Indian Territory, beginning at a point to be selected by said railway company at or near Sapulpa, in the Indian Territory, and running through the said Territory and the Territory of Oklahoma by way of Chandler and Oklahoma City to a point on Red River at or near the west line of the Kiowa and Comanche Reservation, 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.

Saint Louis and Oklahoma City Railroad Company granted right of way, Indian and Oklahoma Territories.

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 Territory and Territory of Oklahoma, and to take and use a strip of land one hundred feet in width, with a length of two thousand feet, in addition to right of way, for stations, for every ten miles of road, with the right to use such additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the roadbed, not exceeding fifty 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: *Provided further*, That no part of the lands herein authorized to be taken shall be 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 railway, telegraph, and telephone lines; and when any portion thereof shall cease to be used, such portion

Width.

Stations.

Provisos.
Limit for stations.
Reversion for non-user.

shall revert to the nation or tribe of Indians from which the same shall have been taken.

Damages to individuals.

Appraisement.

Referees.

Substitution on failure to appoint.

Hearings.

Compensation, etc.

Costs.

Appeal.

Costs on appeal.

Work to begin on paying double award.

Freight charges.

Provisos.
Passenger rates.
Regulations.

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, or by allotments under any law of the United States or agreement with the Indians, full compensation shall be made to such occupants 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 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, one by the chief of the nation to which said occupant belongs, or, in case of an allottee, by said allottee or by his duly authorized guardian or representative, and one by said railway 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 any United States court in the Indian Territory, or the Territory of Oklahoma, 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 such occupant belongs. 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 actually traveled. Witnesses shall receive the usual fees allowed by the courts of said nations and the courts of Oklahoma Territory. Costs, including compensation of the referees, shall be made a part of the award, and be paid by such railway 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 the award and notice of the same, to appeal by original petition to any district court in the Indian Territory, or Oklahoma Territory, which court shall have jurisdiction to hear and determine the subject-matter of said petition. 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 railway company. If the judgment of the court shall be for the same sum as the award of the referees, then the cost 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 railway.

SEC. 4. That said railway company shall not charge the inhabitants of said Territories a greater rate of freight than the rate authorized by the laws of the State of Kansas for services or transportation of the same kind: *Provided*, That passenger rates on said railway shall not exceed three cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railway and messages on said telegraph and telephone lines, until a State government or governments shall exist in said Territories within the limits of which said railway, or a part thereof, shall be located; and then such State government or governments shall be authorized to fix and regulate the cost of transportation of persons and freights within their

respective limits by said railway; but 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.

SEC. 5. That said railway company shall pay to the Secretary of the Interior, for the benefit of the particular nations or tribes or individuals 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 railway for each mile of railway that it may construct in said Territories, said payments to be made in installments of five hundred dollars as each ten miles of road is graded: *Provided,* That if the general council of either of the nations or tribes through whose land said railway may be located shall, within four months after the filing of maps of definite location as set forth in section six of this Act, dissent from the allowance 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 occupant 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 the said railway company for 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 Territories are owned and occupied by the 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 Territories. 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 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 nations and tribes, to impose such additional taxes upon said railway as it may deem just and proper for their benefit; and any Territory or State hereafter formed through which said railway shall have been established may exercise the like power as to such part of said railway as may lie within its limits. Said railway company shall have the right to survey and locate its railway immediately after the passage of this Act.

SEC. 6. That said company shall cause maps, showing the route of its located lines through said Territories, to be filed in the office of the Secretary of the Interior, and also to be filed in the office of the principal chiefs of each of the nations or tribes through whose lands said railway may be located; 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 a map showing the entire line of the road in the Indian Territory shall be filed and approved before the work of construction shall commence.

SEC. 7. That the officers, servants, and employees of said company necessary to the construction and management of said railway 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.

SEC. 8. That said railway company shall build at least fifty miles of its railway in said Territory within three years after the passage of this

Maximum rates.

Mails.

Payment to tribes.

Provisos.
Appeal by general
councils.

Award in lieu of
compensation.

Annual rental.

Apportionment.

Taxation.

Survey, etc.

Maps to be filed.

Proviso.
Approval.

Employees may re-
side on right of way.

Commencement and
completion.

Fences, etc.

Act, and complete the remainder thereof within three years thereafter, or the rights herein granted shall be forfeited as to that portion not built; that said railway construct and maintain continually all fences, 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.

Condition of acceptance.

SEC. 9. That the said Saint Louis and Oklahoma City 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 toward the changing or extinguishing the present tenure of the Indians in their lands, and will not attempt to secure from the Indian Nation 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. 10. That all mortgages executed by said railway company, conveying any portion of its railway, with its franchises, that may be constructed in said Indian Territory and Oklahoma 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.

Assignment forbidden.

SEC. 11. That Congress may at any time amend, add to, or alter 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 railway except as to mortgages or other liens that may be given or secured thereon to aid in the construction thereof.

Received by the President, March 6, 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.]

March 20, 1896.

CHAP. 62.—An Act To extend the limits of the port of entry of New Orleans.

New Orleans customs district.
Limits extended.
R. S., sec. 2568, p. 507, amended.
Vol. 25, p. 339.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the limits of the port of entry of New Orleans shall be, and the same are hereby, extended so as to include that portion of the parish of Jefferson on the west bank of the Mississippi River lying between the upper line of the parish of Orleans, west bank, the west bank of the said river to a point opposite the upper boundary line of the parish of Orleans, east bank, a line drawn thence back four thousand feet, perpendicular to said river, and a line drawn thence parallel to the Mississippi River until it intersects said upper parish boundary line, west bank; and so as further to include that portion of the parish of Saint Bernard lying between the lower boundary line of the parish of Orleans, east bank, the east bank of the Mississippi River to a point three miles below said lower boundary, a line drawn thence back four thousand feet parallel to said lower boundary line, and a line drawn thence parallel to the Mississippi River, until it intersects said lower boundary line of the parish of Orleans.

Approved, March 20, 1896.