AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
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but shall not impede or obstruct the navigation of said river, and shall be liable in damages for all injuries to private property; and all plans for such works or erections upon the banks of the river shall first be submitted to the Secretary of War for his approval: *And provided further*, That any bridge built under the provisions of this Act shall be at right angles to the current of the river at high water.

Position of bridge.

Not to obstruct navigation.

Secretary of War to approve plans.

—changes.

SEC. 3. That no bridge shall be erected or maintained under the authority of this Act which shall at any time substantially or materially obstruct the free navigation of said river; and no bridge shall be commenced or built under this Act until the location thereof and the plans and specifications for its construction shall have been submitted to and approved by the Secretary of War; and any change in the plan of such construction or any alteration in the bridge after its construction shall be subject to the like approval; and whenever said bridge shall, in the opinion of the Secretary of War, substantially obstruct the free navigation of said river he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction; and all such alterations shall be made and all such obstructions be removed at the expense of the owner or owners of said bridge or the persons operating or controlling the same; and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of the Missouri River at or near the crossing of said bridge, caused or alleged to be caused thereby, the cause shall be commenced and tried in the circuit courts of the United States of either judicial district of South Dakota in which the said bridge or any portion of such obstruction touches. And the bridge shall not be opened to traffic until all piling and other false work used in constructing the bridge shall have been wholly removed to the satisfaction of the Secretary of War.

Litigation.

Removal of piling, etc.

To be lawful structure and post route.

SEC. 4. That any bridge built under this Act and according to its limitations shall be a lawful structure, and shall be recognized and known as a post route, upon which also no higher charge shall be made for the transportation over the same of the mails, the troops, and munitions of war of the United States than the rate per mile paid for their transportation over the railroad or public highways leading to such bridge. The United States shall also have the right to construct, without charge therefor, telegraph or telephone lines across said bridge.

Telephone and telegraph lines.

Amendment.

SEC. 5. That Congress may at any time alter, amend or repeal this Act.

Commencement and completion.

SEC. 6. That this Act shall be null and void if actual construction of the bridge herein authorized be not commenced within two years and completed within four years from the date hereof.

Approved, January 28, 1899.

January 28, 1899.

CHAP. 65.—An Act To authorize the Arkansas and Choctaw Railway Company to construct and operate a railway through the Choctaw and Chickasaw nations, in the Indian Territory, and for other purposes.

Arkansas and Choctaw Railway granted right of way through Choctaw and Chickasaw lands, Indian Territory.

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 and Chickasaw nations, 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 as now constructed runs, thence running by the most feasible and practicable route in a westerly direction through the said Choctaw Nation and through the Chickasaw Nation to such point on the western boundary line of the Chickasaw Nation at or near the town of Sugden, in said nation, as said corporation may select, with the right to construct, use, and maintain such tracks, turn-

Location.

outs, and sidings as said company may deem it to their interest to construct.

Width.

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 and Chickasaw nations 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 for every ten miles of road, 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 or Chickasaw Nation.

Land for stations, etc.

—additional

Provisos.

—limit.

Limitations on grant.

Damages.

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 or Chickasaw Nation, respectively, 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 and telegraph and telephone line. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisement of disinterested referees, to be appointed—for the Choctaw Nation, one, who shall act as chairman, by the President; one by the principal chief of the Choctaw Nation, and one by the said railway company; and for the Chickasaw Nation, one, who shall act as chairman, by the President; one by the principal chief of the Chickasaw Nation, 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 judge or clerk of a United States 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 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 judge of the United States court for the district of the Indian Territory in which the property sought to be condemned is situated upon the application of the other party. A majority of said referees shall be competent to act in case of the absence of a member, after due notice. The chairman of such board shall appoint the time and place for all hearings: *Provided*, That the hearings shall be within the county where the property is situated for which compensation is being assessed for the taking thereof or damage thereto, and at a place as convenient as may be for said occupant, unless the said occupant and said railway company agree to have the hearing at another place. Each of said referees shall receive for his services the sum of four dollars per day for each day he is actually engaged in the trial of any case submitted to them under this Act, with mileage of five cents per mile for each mile actually traveled. Said board of referees shall have power to call for and examine witnesses under oath, and said witnesses shall receive the usual fees allowed witnesses by the laws of the Choctaw Nation and Chickasaw Nation, respectively. Costs, including compensation of the

Referees.

—appointment.

—oath, etc.

Proviso.

Hearings.

Compensation of referees.

Witnesses.

Costs.

referees, shall be made a part of the award and be paid by the said railway company. In case the referees can not agree, then any two of them are authorized to make the award.

Appeal.

SEC. 4. That either party being dissatisfied with the findings and award 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 the United States district court for the district of the Indian Territory sitting at the place nearest and most convenient to the land and property which is sought to be condemned; and said suit shall then proceed for determining the damage done to the property in the same and like manner as other civil actions in the said court. The said court shall have jurisdiction to hear and determine the subject-matter of said petition, and the same shall be heard and determined by said court in accordance with the laws now in force or hereafter enacted for the government of said court; and the measure of damages in condemning property authorized by this Act shall be that prescribed by the laws of the State of Arkansas, in so far as the same are not inconsistent with the laws now in force or hereafter enacted for the government of the United States courts in said Choctaw and Chickasaw nations in such cases. If the judgment of the court shall be for a larger sum than the award of the referees, the costs of the litigation shall be adjudged against the railway company; and if the judgment of the court shall be for the same 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 taking the appeal. When proceedings shall 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 shall have the right to enter upon the property sought to be condemned and proceed with the construction of the railroad and telegraph and telephone line. If such appeal is not taken as hereinbefore set forth, the award shall be conclusive and final, and shall have the same force and effect as a judgment of a court of competent jurisdiction.

—to district court, Indian Territory.

Measure of damages.

Costs.

Work may begin on depositing double award.

Freight charges.

SEC. 5. That said railway company shall not charge the inhabitants of said nations a greater rate of freight than the rate authorized by the laws of the State of Arkansas 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 nations 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 of 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.

Provisos.
Passenger rates. —regulations.

—interstate transportation.

—maximum rates.

Mails.

Additional compensation.

SEC. 6. That said railway 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 the 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 nations, 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 the Choctaw Nation or Chickasaw Nation, within four months

Provisos.
Appeal by general councils of tribes, etc.

after the filing of maps of definite location as hereinafter set forth, dissents from the allowance hereinbefore provided for, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to said nations 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 said railway company for said dissenting nation or nations shall be in lieu of the compensation said nation or nations would be entitled to receive under the foregoing provision except the annual tax herein provided for. Said company shall also pay, so long as said territory is owned and occupied by the Choctaw Indians or Chickasaw Indians, respectively, to the Secretary of the Interior, the sum of fifteen dollars per annum for each mile of railway it shall construct in the said nations, respectively. The money paid to the Secretary of the Interior under the provisions of this Act shall be disbursed by him in accordance with the laws and treaties now in force within said 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 the benefit of said nations, 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.

Ante, p. 807.

Award to be in lieu of compensation.

Annual rental.

Additional taxes.

Survey, etc.

SEC. 7. That said company shall cause maps showing the route of its located lines through said nations 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 the said 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 with and approved by the Secretary of the Interior before the construction of the same shall be commenced.

Maps to be filed.

Proviso.
—approval.

SEC. 8. That the officers, servants, and employees of said company necessary to the construction and management of said railroad 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.

SEC. 9. That said railway company shall build at least seventy-five miles of its railway in said nations within three years after the passage of this 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 company shall construct and maintain continually all roads 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.

Construction.

—forfeiture.

Crossings.

SEC. 10. That the said Arkansas and Choctaw 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 any effort looking toward the changing or extinguishing the present tenure of the Choctaw Indians or Chickasaw Indians in their land, and will not attempt to secure from the Choctaw Nation or Chickasaw 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.

Condition of acceptance.

Proviso.
—violation to forfeit.

Record of mortgages.

SEC. 11. That all mortgages, deeds of trust, and other conveyances executed by said railway company, conveying any portion of its railway, telegraph, and telephone lines, with its franchises, that may be constructed in said Choctaw Nation and Chickasaw Nation 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.

SEC. 12. That Congress may at any time amend, add to, alter, or repeal this Act.

Assignment of right of way, etc.

SEC. 13. That 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 28, 1899.

January 28, 1899.

CHAP. 66.—An Act Making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June thirtieth, eighteen hundred and ninety-nine.

Urgent deficiencies appropriations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in the appropriations for the fiscal year eighteen hundred and ninety-nine, namely:

Treasury Department.

TREASURY DEPARTMENT.

Independent Treasury.

Special agents' salaries, etc.

For salaries of special agents, and for actual expenses of examiners detailed to examine the books, accounts, and money on hand at the several subtreasuries and depositories, including national banks acting as depositories under the requirements of section thirty-six hundred and forty-nine of the Revised Statutes of the United States, also including examinations of cash accounts at mints, two thousand dollars.

R. S., sec. 3649, p. 718.

District of Columbia.

DISTRICT OF COLUMBIA.

Cleaning snow, etc., from cross walks, etc.

Vol. 28, p. 809.

For cleaning snow and ice from cross walks and gutters, under the Act approved March second, eighteen hundred and ninety-five, one thousand dollars, one-half of which sum shall be paid out of the revenues of the District of Columbia and the other half out of the Treasury of the United States.

House of Representatives.

HOUSE OF REPRESENTATIVES.

Miscellaneous items, special, etc., committees.

For miscellaneous items and expenses of special and select committees, twenty thousand dollars.

Stationery.

For stationery for members of the House of Representatives, including five thousand dollars for stationery for the use of the committees and officers of the House on account of the fiscal year eighteen hundred and ninety-eight, five thousand dollars.

Folding materials.

For wrapping paper, pasteboard, paste, twine, newspaper wrappers, and other necessary materials for folding, for the use of members of the House, and for use in the Clerk's office and the House folding room (not including envelopes, writing paper, and other paper and materials to be printed and furnished by the Public Printer, upon requisitions from the Clerk of the House, under the provisions of the Act approved January twelfth, eighteen hundred and ninety-five, for the public printing and binding), three thousand dollars.

Vol. 28, p. 624.

Approved, January 28, 1899.