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said company shall submit to the Secretary of War for his examination and approval general designs and drawings of said bridges and embankments and a map of their location, giving, for the space of one mile above and one mile below the proposed location, the topography of the banks of the lake, the direction of the current, the soundings showing the bed of the lake, and the location of any bridge or bridges or other structures within such distance, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until such plans are approved by the Secretary of War the construction of the bridges and embankments shall not be commenced, and if any change is made in the plan of any of said structures during the progress of construction or after completion such change shall be subject to the approval of the Secretary of War, and be made at the expense of the owners of said structure.

—changes.

Draws.

Lights.

SEC. 5. That the draws of said bridges shall be opened upon reasonable signal, for the passage of boats; and such lights or other signals shall, at the expense of said company, its successors and assigns, be maintained on all of said structures, from sunset to sunrise, as the Light-House Board shall prescribe, and said company, its successors and assigns, may establish reasonable rates of toll for transportation of persons and property over said structures: *Provided*, That such rates of toll shall be subject to the approval of the Secretary of War.

Toll.

Proviso.

—approval.

Commencement and completion.

SEC. 6. That this Act shall be null and void, except as to structures completed, if actual construction of the bridges herein authorized be not commenced within two years and completed within four years from the passage of this Act.

Amendment.

SEC. 7. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, February 4, 1899.

February 4, 1899.

CHAP. 88.—An Act To authorize the Little River Valley Railway Company to construct and operate a railway through the Choctaw and Chickasaw nations, in the Indian Territory, and branches thereof, and for other purposes.

Little River Valley Railway granted right of way through Choctaw and Chickasaw nations, Indian Territory.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Little River Valley Railway Company, a corporation 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, and equipping, operating, using, and maintaining a railway, telegraph, and telephone lines through the Choctaw and Chickasaw nations, in the Indian Territory,

Location.

beginning at the point where said railway now intersects the boundary line between the State of Arkansas and the Choctaw Nation, in Little River County, Arkansas; thence running by the most feasible and practical route in a westerly direction through said Choctaw Nation to such point at or near Atoka, in said nation, as said corporation may select; thence from such point in a northwesterly direction up the valley of the Washita River, through the Choctaw and Chickasaw nations, to the boundary line between the Chickasaw Nation and Oklahoma Territory;

Branches.

and at the most feasible and practical points on the main line contemplated herein opposite the towns of Clarksville and Paris, in the State of Texas, the said railway company is invested with like authority to build and operate branches thereof from said main line in the Choctaw Nation to Red River or the boundary line between the State of Texas and the Choctaw Nation; and said railway company shall have the right to construct, use, and maintain such tracks, turn-outs, and sidings as said company may deem it necessary and to their interest to construct and maintain along and upon the right of way and depot grounds herein provided for.

Tracks, turn-outs, etc.

Width of right of way.

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 Little River Valley Railway and branches, the same to be fifty feet on each 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, said portion shall revert to the Choctaw and Chickasaw nations.

Land for stations.

—additional.

—limit.

Proviso.
Lands not to be leased; restricted use, etc.

—reversion.

SEC. 3. That before said railway and telegraph and telephone lines shall be constructed through any lands held by individual occupants, according to the laws, usages, and customs of the Choctaw and Chickasaw nations, 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 lines. 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, one (who shall act as chairman) by the President, one by the principal chief of the Choctaw or Chickasaw nations, 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 the 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 central district of the Indian Territory, upon the application of the other party. A majority of said referees may 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 in which 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 engaged in assessing compensation, with mileage of five cents per mile for each mile necessarily traveled in the discharge of his duties. 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 or Chickasaw nations. Cost, including compensation of the 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.

Damages.

Referees.

—appointment.

—oath of.

Hearings.

—where held.

Compensation.

Witnesses; fees.

Costs.

SEC. 4. That either party being dissatisfied with the findings and award of the referees shall have the right, within sixty days after the filing of the award, as hereinbefore provided, and notice of the same, to appeal by original petition to the United States district court for the central 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

Appeal to district court, Indian Territory.

damages 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 cost 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 party claiming damages. 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 railway and telegraph and telephone lines. 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.

Measure of damages.

Costs.

Work may begin on depositing double award.

Crossing the tracks of other roads.

SEC. 5. That said railway company is authorized and hereby given the right to connect or cross with its tracks the tracks and railroads of any other company or person owning or operating a railway in the said Choctaw and Chickasaw nations. In case of failure to make amicable settlement with any such corporation or person for such crossing, such compensation shall be determined in the same manner as hereinbefore provided for determining the compensation for land and other property taken and damaged.

Freight charges.

SEC. 6. 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 price 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. 7. That said railway company shall pay to the Secretary of the Interior, for the benefit of the Choctaw and Chickasaw nations, 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 payment to be made in installments of five hundred dollars as each ten miles is graded: *Provided*, That if the general council of the Choctaw and Chickasaw nations, within four months after the filing of maps of definite location, as hereinbefore 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 com-

Provisos.
Appeal by general council of tribes, etc.

—*ante*, p. 817.

pensation 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 herein provided: *Provided further*, That the amount awarded or adjudged to be paid by said railway company for said dissenting nation shall be in lieu of the compensation said nation would be entitled to receive under the foregoing provision. Said company shall also pay, so long as said territory is owned and occupied by the Choctaw and Chickasaw nations, 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. 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: *Provided*, That Congress shall have the right, so long as said lands are occupied and possessed by said nations, 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.

Award to be in lieu of compensation.

Annual rental.

Disbursement of money, etc.

Additional taxes.

Surveys, etc.

SEC. 8. The 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 chief of the said nations; 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 railway company: *Provided*, That a map showing the first fifty miles 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.
—of first 50 miles before construction.

SEC. 9. That the officers, servants, and employees of said railway company necessary to the construction and management of the 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. 10. That said railway company shall build at least fifty miles of its railway in said nations within three years after the passage of this Act, and complete the same within two 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 highways, crossings, and necessary bridges over said railway whenever 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, etc.

SEC. 11. That the said Little River Valley Railway Company shall accept this right of way upon the express conditions, 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 and Chickasaw Indians in their lands, and will not attempt to secure from the Choctaw and Chickasaw nations any further grant of land or its occupancy than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in these sections 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.

SEC. 12. That all mortgages, deeds of trust, and other conveyances executed by said railway company conveying any portion of its railroad, telegraph and telephone lines, with its franchises, that may be constructed in said Choctaw and Chickasaw nations 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.

Record of mortgages.

SEC. 13. That Congress may at any time amend, add to, alter, or repeal this Act.

Amendment.

Assignment of right of way.

SEC. 14. 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 and other liens that may be given or secured thereon to aid in the construction thereof.

Approved, February 4, 1899.

February 4, 1899.

CHAP. 89.—An Act Making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June thirtieth, nineteen hundred, and for other purposes.

Pensions 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, for the payment of pensions for the fiscal year ending June thirtieth, nineteen hundred, and for other purposes, namely:

Invalid, etc., pensions.

For army and navy pensions, as follows: For invalids, widows, minor children, dependent relatives, army nurses, and all other pensioners who are now borne on the rolls, or who may hereafter be placed thereon, under the provisions of any and all Acts of Congress, one hundred and forty-four million dollars: *Provided*, That the appropriation aforesaid for navy pensions shall be paid from the income of the navy pension fund, so far as the same may be sufficient for that purpose: *Provided further*, That the amount paid to each of the several classes of pensioners shall be accounted for separately.

Provisos.
Navy pensions.

Accounts.

Examining surgeons.

For fees and expenses of examining surgeons for services rendered within the fiscal year nineteen hundred, seven hundred thousand dollars. And each member of each examining board shall, as now authorized by law, receive the sum of two dollars for the examination of each applicant whenever five or a less number shall be examined on any one day, and one dollar for the examination of each additional applicant on such day: *Provided*, That if twenty or more applicants appear on one day, no fewer than twenty shall, if practicable, be examined on said day, and that if fewer examinations be then made, twenty or more having appeared, then there shall be paid for the first examinations made on the next examination day the fee of one dollar only until twenty examinations shall have been made: *Provided further*, That no fee shall be paid to any member of an examining board unless personally present and assisting in the examination of applicant: *Provided*, That the report of such examining surgeons shall specifically state the rating which in their judgment the applicant is entitled to.

—fees, etc.

Provisos.
Examinations.

No fee unless service rendered.

Rating.

Agents' salaries.

For salaries of eighteen agents for the payment of pensions, at four thousand dollars each, seventy-two thousand dollars.

Clerk hire.

For clerk hire, four hundred and fifteen thousand dollars: *Provided*, That the amount of clerk hire for each agency shall be apportioned as nearly as practicable in proportion to the number of pensioners paid at each agency, and the salaries paid shall be subject to the approval of the Secretary of the Interior.

Proviso.
Apportionment.

Fuel.

For fuel, two hundred and fifty dollars.

Lights.

For lights, five hundred dollars.

Rent.

For rents, sixteen thousand and eighty dollars.

Stationery.

For stationery and other necessary expenses, thirty thousand dollars.

Approved, February 4, 1899.