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Secretary of War, clear title to such land as in his judgment may be required for constructions and approaches to said dam for transferring boats and freight around the same, and shall grant to the United States a free use of water power for operating such construction work; and to insure compliance with these conditions the said company shall execute and deliver to the Secretary of War a proper bond, in such amount as may be fixed by him: *And provided further*, That the said company shall be liable for any damage to private property resulting from the construction and operation of said dam and appurtenant works, either by overflow or otherwise, and proceedings to recover compensation for such damage may be instituted either in the State or Federal courts.

Use of water power.

Bond.

Damages.

Proceedings.

SEC. 2. That this Act shall be null and void unless the structures herein authorized shall be commenced within one year and completed within three years from the date of approval hereof.

Time of construction.

SEC. 3. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, April 28, 1904.

CHAP. 1822.—An Act Authorizing the payment of the Choctaw and Chickasaw town-site fund, and for other purposes.

April 28, 1904.
[H. R. 12382.]

[Public, No. 254.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the money now accumulated and which may be hereafter accumulated in the United States Treasury to the credit of the Choctaw and Chickasaw nations, derived from the sale of town lots in the said Choctaw and Chickasaw nations, shall be paid to the members of the Choctaw and Chickasaw tribes (freedmen excepted) in the manner following: That, beginning the first day of May, nineteen hundred and four, or as soon as practicable thereafter, the said town-site money so accumulated shall be divided and paid to the Choctaws and Chickasaws (freedmen excepted), each member to receive an equal portion thereof.

Indian Territory.
Payment of town-site funds to Choctaw and Chickasaw Indians.

Payments.
Date of.

SEC. 2. That no person claiming to be a member of the Choctaw or Chickasaw tribes shall be paid any portion of this fund until he or she has been enrolled as such member and the enrollment has been approved by the Secretary of the Interior: *Provided*, That there shall be reserved from payment of the town-site fund an amount equal to the sum of the pro rata shares of all persons claiming to be members of the Choctaw or Chickasaw tribes, entitled to share in this fund, whose claims are pending at the time said fund is divided for payment; and the money reserved shall be paid to such persons, if they be finally enrolled and their enrollment approved, in the same manner as other payments of town-site fund are made hereunder. That if the fund thus reserved, or any part of it, should not become payable by reason of the failure of the persons claiming citizenship to be enrolled or of their enrollment to be approved as herein provided, said reserved funds shall go back to the general town-site fund to be divided and paid to the members of said tribes of approved enrollment as other town-site funds.

Enrollment.
Post, p. 1071.

Proviso.
Reserved funds for pending claims.

Disposal of unused reserve funds.

SEC. 3. That if any person whose name appears upon the rolls as herein provided shall have died subsequent to the twenty-fifth day of September, nineteen hundred and two, and before receiving his pro rata share of the accumulated town-site fund, the money to which such person would have been entitled if living shall be paid in his name to his legal representative.

Payment of amounts due deceased persons.

SEC. 4. That following the payment to be made beginning the first day of May, nineteen hundred and four, as provided in this Act, payments shall be made each year thereafter in like manner to the mem-

Subsequent payments.

bers of the Choctaw and Chickasaw tribes of approved enrollment of the fund accumulated from the sale of town lots in the Choctaw and Chickasaw nations, as aforesaid.

Mode of payment.

SEC. 5. That the payment of the town-site fund shall be under the direction of the Secretary of the Interior, as provided in section nineteen of an Act approved June twenty-eighth, eighteen hundred and ninety-eight, being "An Act for the protection of the people of the Indian Territory, and for other purposes."

Vol. 30, p. 502.

Deposit of accumulated town-site funds.

SEC. 6. That the Secretary of the Treasury be, and he is hereby, authorized, upon the request of the Secretary of the Interior, to deposit in the United States subtreasury at Saint Louis, Missouri, to the credit of the proper officer or person, to be designated by the Secretary of the Interior and charged with the duty of paying out the town-site fund as herein provided, the accumulated town-site funds belonging to the Choctaw and Chickasaw nations at that time on deposit in the United States Treasury, or a sufficient amount thereof to carry out the purposes of this Act.

Repeal.

SEC. 7. That all Acts or parts of Acts in conflict herewith are hereby repealed, and this Act shall be in force from and after its passage.

Approved, April 28, 1904.

April 28, 1904.
[H. R. 12583.]

[Public, No. 255.]

CHAP. 1823.—An Act To authorize the Paragould and Memphis Railroad Company to construct a bridge across Saint Francis River.

Saint Francis River, Ark. and Mo.
Paragould and Memphis Railroad Company may bridge.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Paragould and Memphis Railroad Company be, and is hereby, authorized to construct and maintain a bridge across Saint Francis River at a point about one mile north of the State line between the States of Arkansas and Missouri.

Secretary of War to approve plans, etc.

SEC. 2. That any bridge constructed under this Act shall be built and located under and subject to such regulations for the security of the navigation of said river as the Secretary of War shall prescribe; and to secure that object the said company shall submit to the Secretary of War, for his examination and approval, a design and drawing of the proposed bridge and a map of the location, and until said plan and location of the bridge are approved by the Secretary of War the bridge shall not be built; and should any change be made in the plan of said bridge during the progress of construction or after its completion such change shall be subject to the approval of the Secretary of War.

Lawful structure and post route.

SEC. 3. That the bridge constructed under this Act shall be a lawful structure, and shall be recognized and known as a post route, upon which no higher charge shall be made for the transportation over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for transportation of said mails, troops, and munitions over the railroads and public highways leading to said bridge; and the United States shall have the right of way for a postal telegraph across said bridge; and said structure shall be so kept and managed at all times as to afford reasonable and proper means for the passage of vessels through or under said bridge, and for the safety of vessels passing at night there shall be displayed on said bridge, from sunset to sunrise, at the expense of the owners thereof, such lights and other signals as may be prescribed by the Light-House Board; and the said bridge shall be changed or altered at the cost and expense of the owners thereof from time to time, as the Secretary of War may direct, so as to preserve the free and convenient navigation of said river.

Lights, etc.

Changes.