

matters at issue shall be decided by the Secretary of War upon the hearing of the allegations and proofs of the parties.

Secretary of War to approve plans, etc.

SEC. 3. That said bridge shall not be built or commenced until the plans and location of the same shall have been approved by the Secretary of War; and no change shall be made in its construction, and no alteration of it shall be made after its construction, unless such change or alteration shall in like manner receive the approval of the Secretary of War.

Authority to begin work.

SEC. 4. That the Secretary of War, upon receiving the design, drawings, and specifications of said bridge, and a map of the location, and such other information as he may call for, and upon being satisfied that the bridge when built according to such design and drawings will be in accordance with the requirements of this Act, and will not unreasonably obstruct the navigation of said river, be, and he is hereby, authorized and directed to approve said design, drawings, and specifications, and to so notify said county of Knox; and upon receiving such notification the said county of Knox may proceed to construct said bridge, conforming strictly to the approved design, drawings, and specifications.

Lawful structure and post route.

SEC. 5. 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 the mails, troops, and munitions of war of the United States shall be transmitted free of charge.

Amendment, etc.

SEC. 6. That the right is hereby expressly reserved to alter, amend, or repeal this Act.

Commencement and completion.

SEC. 7. That this Act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date hereof.

Approved, March 28, 1896.

March 28, 1896.

CHAP. 79.—An Act For the reconstruction of the Rock Island bridge.

Rock Island, Ill. Appropriation for bridge. Vol. 28, p. 942. Post. p. 438.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of ninety-six thousand dollars is hereby appropriated out of any money in the Treasury not otherwise appropriated, for the reconstruction of the Rock Island Bridge, as authorized by the Act making appropriations for the sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-six, approved March second, eighteen hundred and ninety-five.

Approved, March 28, 1896.

March 30, 1896.

CHAP. 82.—An Act Authorizing the Saint Louis, Oklahoma and Southern Railway Company to construct and operate a railway through the Indian Territory and Oklahoma Territory, and for other purposes.

Saint Louis, Oklahoma and Southern Railway Company granted right of way, Indian and Oklahoma Territories.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Saint Louis, Oklahoma and Southern Railway Company, a corporation created under and by virtue of the laws of the Territory of Oklahoma, be, and the same is hereby, authorized and invested and empowered with the right of locating, constructing, owning, equipping and operating, using and maintaining a railway and telegraph and telephone line through the Indian and Oklahoma Territories, beginning at a point to be selected by said railway company at and between Claremore and Sapulpa, on the Saint Louis and San Francisco Railroad, in the Cherokee and Creek Nations, Indian Territory, and running thence in a westerly and southerly direction, over the most practicable and feasible route, through or near the Cherokee, Creek, Seminole, and Chickasaw Nations, Indian Territory, to a point at or near Stonewall, to a point on the Red River at or near Willis, Indian Territory, and from thence through the State of Texas to a point at or near Aransas Pass, State of Texas, with the right to

Location, Indian Territory.

construct, use, and maintain such tracks, turn-outs, sidings, and extensions as said company may deem to its interests to construct and maintain along and upon the right of way and depot grounds herein provided for, with the right also of locating, constructing, owning, equipping and operating, using and maintaining a branch line of railway from a point on the main line to be selected by said company over the most practicable and feasible route between Okmulkee and Sasakwa and running southwesterly through the Indian Territory and Oklahoma Territory, to a point at or near Purcell, Chickasaw Nation, Indian Territory, or to intersect the Atchison, Topeka and Santa Fe Railroad at some point between Norman and Ardmore; thence southwesterly to the northerly side of Wilbarger County, State of Texas, and from thence to the east line of the Territory of New Mexico, and thence through New Mexico to a point at or near El Paso, State of Texas, with the right to construct, use, and maintain such tracks, turn-outs, sidings, and extensions as said company may deem to its interests to construct and maintain along and upon the right of way and depot grounds herein provided for.

Indian and Oklahoma Territories.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway, for its main line and branch line, and for no other purpose, a right of way one hundred feet in width through said Indian territories 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 shall revert to the nation or tribe of Indians from which the same shall have been taken.

Width.

Stations, etc.

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

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

Payments to individuals.

Appraisement.

Referees.

Substitution on failure to appoint.

Hearings.

Compensation, etc.

case submitted to them under this act, with mileage at five cents per mile. 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 of 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 provisions.

Costs.

Appeal.

Costs on appeal.

Work to begin on paying double award.

Freight charges.

Provisos.
Passenger rates.
Regulations.

Maximum rates.

Mails.

Payment to tribes, etc.

Provisos.
Appeal by general councils.

Amount in lieu of compensation.

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 or 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: *Provided further*, 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 work of construction shall commence.

Annual rental.
Apportionment.
Taxation.
Survey, etc.
Map.

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 when a map showing any portion of said railway company's located line is filed as herein provided for, said company shall commence grading said located line within six months thereafter, or such location shall be void; and said location shall be approved by the Secretary of the Interior in sections of twenty-five miles before construction of any such section shall be begun.

Maps to be filed.
Proviso.
Grading.
Approved.

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.

Employees may reside on right of way.

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 Act, and complete the remainder thereof within five 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 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.

Commencement and completion.

Fences, etc.

SEC. 9. That the said Saint Louis, Oklahoma and Southern 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 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 nations or tribes any further grant of land or its occupancy than is hereinbefore provided for: *Provided*, That any violation of the conditions 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.

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.

Record of mortgages.