

CHAP. 363.—An act to provide additional industrial training-schools for Indian youth, and authorizing the use of unoccupied military barracks for such purpose.

July 31, 1882.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized to set aside, for use in the establishment of normal and industrial training-schools for Indian youth from the nomadic tribes having educational treaty claims upon the United States, any vacant posts or barracks, so long as they may not be required for military occupation, and to detail one or more officers of the Army for duty in connection with Indian education, under the direction of the Secretary of the Interior, at each such school so established: *Provided,* That moneys appropriated or to be appropriated for general purposes of education among the Indians may be expended, under the direction of the Secretary of the Interior, for the education of Indian youth at such posts, institutions, and schools as he may consider advantageous, or as Congress from time to time may authorize and provide.

Industrial training-schools for Indian youth.

Provido.

Approved, July 31, 1882.

CHAP. 364.—An act granting to certain parties right of way over lands and waters of the United States.

July 31, 1882.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Davidson B. Penn, of New Orleans, Louisiana, and his associates, under the name and style of the St. Tammany Water Works Company," or such other style as they may adopt, be, and are hereby, granted the right of way to lay conduits, pipes, arches, and aqueducts under the waters of Lake Pontchartrain to connect its northern shores with the city of New Orleans, and over and under any of the public waters or lands of the United States between New Orleans and said shore of said lake: *Provided,* That every part of such pipes, aqueducts, or other constructions shall be at least ten feet below the surface of said waters at mean low tide: *Provided, also,* That if at any time the constructions of said company shall in any way obstruct or interfere with the free and safe navigation of any of said waters, such constructions shall be removed or changed by the company upon notification by the Secretary of War.

St. Tammany Water Works Company, of New Orleans, granted right of way to lay aqueducts, etc., under waters of Lake Pontchartrain, etc.

Providos.

Approved, July 31, 1882.

CHAP. 366.—An act to amend the statutes in relation to copyright.

August 1, 1882.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That manufacturers of designs for molded decorative articles, tiles, plaques, or articles of pottery or metal subject to copyright may put the copyright mark prescribed by section forty-nine hundred and sixty two of the Revised Statutes, and acts additional thereto, upon the back or bottom of such articles, or in such other place upon them as it has heretofore been usual for manufacturers of such articles to employ for the placing of manufacturers, merchants, and trade marks thereon.

Copyright. R. S. 4962, 959, amended.

Approved, August 1, 1882.

CHAP. 371.—An act to grant a right of way for a railroad and telegraph line through the lands of the Choctaw and Chickasaw Nations of Indians to the Saint Louis and San Francisco Railway Company, and for other purposes.

August 2, 1882.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a right of way is hereby granted to the Saint Louis and San Francisco Railway Company, a corporation duly organized under the laws of the State of Missouri for the construction of a railroad and telegraph line, said right of way to be one

Right of way for railroad and telegraph line through lands of Choctaw and

Chickasaw Nations of Indians granted to Saint Louis and San Francisco Railway Company.

hundred and fifty feet in width through that part of the lands of the Choctaw and Chickasaw Nations occupied by the Choctaws, and three hundred feet in width at each station for a distance of four thousand feet in length; said right of way to commence at any point to be selected by said company on the line of the Choctaw Nation immediately contiguous to Sebastian or Scott Counties, in the State of Arkansas, and run thence in a southwesterly direction on the most direct and practicable route through the lands of the said Choctaw and Chickasaw Nations in the direction of Paris, in the State of Texas; said road to continue to or connect with a proposed road from the city of Paris aforesaid.

Conditions of acceptance.

SEC. 2. That the said Saint Louis and San Francisco Railway Company shall accept this right of way upon 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 Choctaws or Chickasaws in their lands, and will not attempt to secure from the Choctaw 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.

Proviso.

Payment for damages, etc.

SEC. 3. That the said railway company shall pay for all property injured or destroyed by said company, and for all material taken and used in the construction, operation, or repairs of said road and telegraph line, and shall take no such material except under contract with the proper authorities of the Choctaw or Chickasaw Nation, and according to the laws thereof: *Provided*, That before the construction of said road through any lands held by individual occupants according to the laws, customs, and usages of said nations, full compensation shall be made to such occupants for all property to be taken or damages to them by reason of the construction of the said road and telegraph line. In case of failure to make amicable settlements in any case, either national or individual, such compensation shall be determined by appraisalment of three disinterested referees, one to be named by the Commissioner of Indian Affairs, one by the principal chief of said nation claiming damages or to which the persons claiming damages belong, and one by said company. This provision shall also apply to all cases of injury to persons or property occasioned by the construction or operation of said road and telegraph line after the construction thereof shall have been commenced. Said arbitrators shall receive not exceeding four dollars per day for each, with mileage not exceeding six cents per mile, and witnesses shall receive the usual fees allowed by the courts of said nations. Costs shall be made a part of the award, and be paid by the losing party.

Proviso.

Referees to determine, etc., upon failure to make amicable settlements.

Compensation.

Costs.

Penalty for failure to pay award for damages, etc.

In case of failure to pay such award, the Secretary of the Interior shall be, and is hereby, authorized to forbid the further passage of trains, or the use of said right of way, and to remove the agents and employees of said company from the limits of said nations, as intruders under the intercourse laws of the United States, until such time as payment shall be made by said company.

Legal remedies.

And in addition to the foregoing the injured parties shall have the right of recourse to all legal remedies that may be applicable in like cases in the judicial tribunals; and consent is hereby given that the civil jurisdiction of the district court of the United States for the western district of Arkansas, and such other courts as may be established by authority of the United States, shall be extended within the territory and limits of the Choctaw and Chickasaw Nations, without distinction as to citizenship of the parties, so far as may be necessary for the enforcement of the provisions of this act.

Payments to be made by grantee; to be used for benefit of schools.

SEC. 4. That for and in consideration of the uses and grants aforesaid the said railway company shall pay quarter-annually to the national treasurers of said nations every year during the existence of the rights and privileges granted to said company by this act, to be used for the benefit of schools therein, the sum of seven hundred and fifty dollars,

one-fourth of said payments to be paid to the Chickasaws and three-fourths to be paid to the Choctaws; and until the first of such payments be made, no right or power to enter upon said lands, except for the purpose of surveying and locating its line of road and telegraph, shall be acquired under the provisions of this act: *Provided*, That if the general councils of the Choctaw and Chickasaw Nations, or either of them, shall within sixty days after the passage of this act, by resolution duly adopted, dissent from the allowance provided for in this section, and shall certify the same to the Secretary of the Interior, then the compensation to be paid for the use and grants in this act made for such dissenting tribe shall be determined as provided in section three for the determination of the compensation to be paid to the individual occupants of lands, except that one of said appraisers shall be appointed by the council of the dissenting tribe; and the award made shall be paid, as and under the penalties provided for in said section three: *And provided*, That nothing in this act shall be construed to prohibit Congress from imposing such taxes as it may deem just and proper upon the railroad hereby authorized for the benefit of the Choctaw and Chickasaw Indians so long as they shall occupy and possess the territory or to prohibit any State or States which may hereafter be formed out of said territory from imposing taxes upon said road.

Proviso.

Proviso.

Right of United States to impose taxes reserved.

Limit of time for acceptance of grant, and also for determining route of road.

SEC. 5. That within ninety days from the passage of this act the said company shall accept the provisions of this act, and within thirty days thereafter the said company shall fix and determine the general route of its line of road in accordance with this act by filing with the Secretary of the Interior a map of preliminary survey, and by filing copies thereof in the offices of the principal chiefs of said nations respectively; and thereafter no claim for a subsequent settlement and improvement along such line within seventy-five feet on either side thereof shall be valid as against the said right of way; and within one year from the date of the acceptance of this act by said company as herein provided, the said company shall file with the Secretary of the Interior a map showing the definite location of its line of roads and telegraph as designated in the first section of this act and shall complete the said road and telegraph through the lands of said nations within the further period of one year.

Definite location of line of road.

SEC. 6. That the said right of way shall not be settled upon, by authority of said railway company, by non-citizens of said nations, except such employees of said company as are necessary to the successful operation of said railway and telegraph line, and their families: *Provided*, That only agents, operators, employees, and sectionmen shall be exempt by reason of such employment from payment of permits, as required of other non-citizens of said nations.

Settlements on right of way by non-citizens prohibited; exceptions.

Proviso.

SEC. 7. That no greater rates of fare or freight shall be charged in the Choctaw or Chickasaw Nation, by said railway company, than the lowest rate authorized by law in the States of Arkansas and Texas, or either of them for services or business of the same kind; and said railway company agree to convey all passengers and to accept and transport all freight that may be offered, and to bill any freight which may be offered for shipment from points on said line by persons lawfully residing or doing business in the Choctaw or Chickasaw Nation to Chicago, with the privilege of stopping said freight at Saint Louis, by the shipper, on the same terms as if the bills had been made for Saint Louis in the first instance.

Rates of fare and freight.

Special billing of freight.

SEC. 8. That said company shall provide a sufficient number of tracks to do the business that may be offered, and shall permit any railroad company to have the rights of user of its main tracks and sidings by the payment of a fixed charge as rental therefor. The maintenance of superstructure, tracks, depots, and other buildings and appurtenances, and of stations and operating expenses, and such other expenses as may be imposed by law, shall be based upon the wheelage of such trains as may run over said road, each company paying such proportion

Tracks, sidings, etc.

Rental to be paid by other users of road.

Operating and all other expenses

based on wheelage of trains.

Individual companies to pay damages caused by operating, etc.

Disagreement as to damages determined by arbitration.

Proriso.

Bond.

Renewable every five years.

Grantee failing to accept conditions, or to comply with provisions of this act, Secretary of Interior to declare rights of company void.

Chicago, Texas and Mexican Railway Company to succeed to rights, etc., of this act on complying with terms, etc.

Franchise given to company first obtaining approval of President of United States, when.

Proriso.

as its wheelage shall bear to the total wheelage passing over said road. The rental shall be a fixed charge in addition to maintenance of road, and shall be determined by mutual agreement, or, in case of disagreement, by arbitrators, each party choosing one such arbitrator, the third to be chosen by the others appointed, whose decision upon all points respecting such rental shall be final. Each company enjoying the right of user as aforesaid shall pay for any and all damages to the property of the nation or individuals caused by the running of its own trains to the company owning the franchise hereby granted whenever such company has been required to pay the same under the provisions of this act. If said companies shall disagree as to damages aforesaid, all disagreements shall be settled and determined between them by arbitration, as provided in case of rental: *Provided*, That all trains running over said railroad shall be under the exclusive control of the company owning and operating said railroad.

SEC. 9. That the said railroad company shall execute a bond to the United States, to be filed with and approved by the Secretary of the Interior, in the penal sum of five hundred thousand dollars, for the use and benefit of the Choctaw and Chickasaw Nations, to cover any and all damages which may accrue by reason of the failure of said railway company to comply with all or any of the provisions and conditions of this act. Said bond shall be good and valid against said company, its successors and assigns, and shall be renewed at the expiration of every five years, and whenever, in the judgment of the Secretary of the Interior, a renewal of the same shall be deemed necessary for the protection of the interests of the Indians or of the United States.

SEC. 10. That if within ninety days after the passage of this act the company aforesaid shall fail to accept the conditions herein specified by a resolution of its board of directors, certified to and filed with the Secretary of the Interior, or shall fail within one year from the filing of the acceptance of its charter to file its map of definite location in accordance with this act with the Secretary of the Interior, or shall fail to construct its road within the time and as hereinbefore provided, then all the rights of said company under this act shall thereupon cease and determine, and the Secretary of the Interior shall so declare; and thereupon the Secretary of the Interior shall give a consent in writing to the Chicago, Texas and Mexican Central Railway Company, a corporation duly organized under the laws of the State of Texas, which shall succeed to all the rights, privileges, immunities, duties, and obligations hereby conferred by this act upon the Saint Louis and San Francisco Railway Company, to the same extent as if said successor had been the grantee first herein named, upon filing with the Secretary of the Interior its acceptance of the provisions of this act within ninety days from the date of the expiration of the period herein granted to the Saint Louis and San Francisco Railway Company and upon filing bond as prescribed in the ninth section of this act to comply with the provision of this act, and upon filing with the Secretary of the Interior within twelve months its map of definite location in accordance with this act, and within twelve months thereafter completing said road. And in the event of the failure of the Chicago, Texas and Mexican Central Railway Company to file its acceptance of the provisions of this act within the time hereinbefore specified, and thereafter to file its map of definite location in accordance with the provisions of this act and to complete said road within the time herein granted then the privileges herein granted to said Saint Louis and San Francisco Railway Company shall apply to any other incorporated company that shall have first obtained the approval of the President of the United States: *Provided*, That the said successor shall thereafter have the same time to perform in all respects the several acts and things herein enjoined to be done as is by this act given to the original grantee including the definite location in accordance with this act and the filing of bond as herein required: *And provided further*, That any railroad company enjoying the rights con-

ferred by this act shall construct and maintain continually all 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.

SEC. 11. Congress may at any time amend, add to, alter, or repeal this act.

This act may be altered, etc.

Approved, August 2, 1882.

CHAP. 372.—An act creating the Oregon Short-Line Railway Company a corporation in the Territories of Utah, Idaho, and Wyoming, and for other purposes.

August 2, 1882.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Oregon Short-Line Railway Company, a corporation of that name duly incorporated and organized under the laws of the Territory of Wyoming, the amended articles of incorporation of which were duly filed in the office of the secretary of the said Territory on the twelfth day of July, anno Domini eighteen hundred and eighty-one, be, and the same is hereby, made a railway corporation in the Territories of Utah, Idaho, and Wyoming, under the same conditions and limitations and with the same rights and privileges that it now has and enjoys under said articles of incorporation within the said Territory of Wyoming, and with all the rights and privileges within said Territories of Wyoming, Utah, and Idaho which are secured to railway companies by the act of Congress approved the third day of March, anno Domini eighteen hundred and seventy-five entitled "An act granting to railroads the right of way through the public lands of the United States": *Provided*, That the said corporation shall at all times hereafter be subject to all the laws and regulations of the United States in relation to railroads, or of any Territory or State through which its line of road may pass. And suits against said corporation may be instituted in the courts of said Territories, or either of them having jurisdiction by the laws of such Territory.

Oregon Short-Line Railway Company created a railway corporation in Territories of Utah, Idaho, and Wyoming, with rights, etc.

18 Stat., 482.

Proviso.

SEC. 2. That Congress may at any time add to, alter, or repeal this act.

Right to alter, amend, etc.

Approved, August 2, 1882.

CHAP. 373.—An act to amend sections three and four of the act of February twenty-first eighteen hundred and seventy-nine, to fix the pay of letter-carriers, and for other purposes.

August 2, 1882.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section three of an act entitled "An act to fix the pay of letter-carriers," approved February twenty-first, eighteen hundred and seventy-nine, be amended so as to read as follows:

Letter-carriers. 20 Stat., 317.

"SEC. 3.—Upon the recommendation of the postmaster of any city, the Postmaster General may establish a third grade of letter-carriers, known as auxiliaries, who shall be paid at the rate of six hundred dollars per annum, and who may be employed at any letter carrier office."

Rate of pay.

SEC. 2.—That section four of the act aforesaid be, and the same is hereby, amended so that it will read as follows:

"SEC. 4.—Appointments of letter carriers in cities having two or more classes shall be made to the class having the minimum rate of pay, and promotions from the lower grades in said cities shall be made to the next higher grade at the expiration of one year's service, on certificate of the postmaster to the efficiency and faithfulness of the candidate during the preceding year: *Provided, however*, That the Postmaster General be, and he hereby is, authorized to appoint one or more substitute letter carriers, whose compensation shall be one dollar per

Appointments how made.

Proviso.