

CHAP. 25.—An act to amend the law relating to the bonds of executors in the District of Columbia.

Jan. 17, 1887.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever hereafter a testator shall, by last will and testament, request that his executor or executors be not required to give bond for the performance of his or their duty as such executor or executors, then and in such case the bond required of such executor or executors shall be in such penalty as the court may consider sufficient to secure the payment of the debts due by said testator; and said bond shall be conditioned accordingly, and shall be in no other or greater penalty: *Provided, however,* That the penalty of this bond shall not exceed double the value of the estate; and when less than this sum, may be increased, or an additional bond be required, whenever it shall be made to appear to the court that the bond as given is insufficient to secure the payment of the debts of the testator: *And provided further,* That whenever any creditor or distributee or legatee entitled to take under the said will shall make it appear to the court that any executor who has given such bond only as is herein provided for is wasting the assets of the estate, or that the assets in the hands of such executor are in danger of being lost, wasted, or misappropriated, then and in such case the court shall have power to remove said executor or require him to give additional bond, with security in penalty sufficient to secure the interests of all the creditors and distributees or legatees entitled to take as aforesaid, and conditioned accordingly; and on his failure to give bond or bonds as aforesaid, as required by the court, within a time named by such court, his letters testamentary shall be revoked forthwith.

Bond of executors.

How regulated.

Provisos.

Not to exceed double value of estate.

Court may require additional bond, or remove executor in case of waste.

[R. S., D. C., p. 114.]

SEC. 2. That any will hereafter executed devising real estate in the District of Columbia from which it shall appear that it was the intention of the testator to devise property acquired after the execution of the will, shall be deemed, taken and held to operate as a valid devise of all such property.

After-acquired real estate may be devised by will.

Approved, January 17, 1887.

CHAP. 26.—An act to grant the Maricopa and Phoenix Railway Company of Arizona the right of way through the Gila River Indian Reservation.

Jan. 17, 1887.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Maricopa and Phoenix Railway Company, a corporation created under and by virtue of the laws of the Territory of Arizona, be, and the said corporation is hereby, authorized, invested, and empowered with the right to locate, construct, own, equip, operate, use, and maintain a railway and telegraph and telephone line through the Indian reservation situated in the Territory of Arizona known as the Gila River Reservation, occupied by the Pima and Maricopa Indians, beginning at a point on the southerly line of said reservation where the track of the Maricopa and Phoenix Railway (said track being from a point at or near the track of the Southern Pacific Railroad at or near Maricopa Station to the city of Phoenix via Tempe) would strike said line, running thence in a northeasterly direction by the most practicable route to the northerly line of said reservation, with the right to construct, use, and maintain such tracks, turnouts, and sidings as said company may deem it to their interest to construct along and upon the right of way and depot grounds hereby granted.

Maricopa and Phoenix Railway Company authorized to build railway, etc., line through Gila River Indian Reservation.

Location.

SEC. 2. That a right of way one hundred feet in width through said Indian reservation is hereby granted to the said Maricopa and Phoenix Railway Company, and a strip of land two hundred feet in width, with a length of three thousand feet, in addition to said right of way, is granted for stations for every ten miles of road, no portion of which shall be sold or leased by the company, with the right to use such ad-

Right of way.

ditional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the road-bed, not exceeding one hundred 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 granted shall be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad and telegraph and telephone lines; and when any portion thereof shall cease to be so used such portions shall revert to the tribe or tribes of Indians from which the same shall have been taken, or, in case they shall have ceased to occupy the same, to the United States: *And provided further*, That before any such lands shall be taken for the purposes aforesaid the consent of the Indians thereto shall be obtained in a manner satisfactory to the President of the United States.

Proviso.
Stations.
Land to be used only for railway, etc., purposes.

Consent of Indians to be obtained.

Damages.

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 tribes through which it may be constructed, 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, the amount of such compensation to be ascertained and determined in such manner as the Secretary of the Interior may direct, and to be subject to his final approval.

Maps to be filed with Secretary of the Interior.

SEC. 4. That said company shall cause maps showing the route of its located line through and station grounds upon said Indian reservation to be filed in the office of the Secretary of the Interior, and that said location shall be approved by the Secretary of the Interior before any grading or construction on any section or part of said located line shall be begun: *Provided*, That said railway shall be located and constructed with a due regard for the rights of the Indians, and especially so as not to interfere with their irrigating ditches.

Proviso.
Rights of Indians to be regarded.

Employees to reside on right of way.

SEC. 5. That the officers, servants, and employees of said company necessary to the construction and management of said road shall be allowed to reside while so engaged upon said right of way upon the lands herein granted, 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 the said intercourse laws.

Survey may begin immediately.

SEC. 6. That said railway company shall have the right to survey and locate its railway immediately after the passage of this act.

To be completed within two years.

SEC. 7. That said railway company shall build its entire line through said reservation within two years after the passage of this act, or this grant shall be forfeited as to that portion not built; and that said railway company shall fence, and keep fenced, all such portions of its road as may run through any improved lands of the Indians, and also 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.

Fences, bridges, etc.

Indians prohibited from riding.

SEC. 8. That said railway company shall prohibit the riding by Indians belonging to said reservation upon any of its trains, unless specially provided with passes signed by the Indian agent, or by some one duly authorized to act in his behalf.

Bond to be executed and filed conditioned for payment of damages.

SEC. 9. That said railway 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 ten thousand dollars, for the use and benefit of the Pima and Maricopa tribes of Indians, conditioned for the due payment of any and all damages which may accrue by reason of the killing or maiming of any Indian belonging to said tribes, or either of them, or of their live stock, in the construction or operation of said railway, or by reason of fires originating thereby; the damages in all cases, in the event of failure by the railway company to effect an amicable settlement with the

parties in interest, to be recovered in any court of the Territory of Arizona having jurisdiction of the amount claimed, upon suit or action instituted by the proper United States attorney in the name of the United States: *Provided*, That all moneys so recovered by the United States attorney under the provisions of this section shall be covered into the Treasury of the United States, to be placed to the credit of the particular Indian or Indians entitled to the same, and to be paid to him or them, or otherwise expended for his or their benefit, under the direction of the Secretary of the Interior.

Litigation.

Proviso.
Moneys recovered to be paid out under direction of Secretary of the Interior.

SEC. 10. That the said Maricopa and Phoenix Railway Company shall accept this right of way upon the expressed condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking towards the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian tribes 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 work forfeiture.

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

Right to amend, etc., reserved.

SEC. 12. That this act shall be in force from its passage.

To take effect immediately.

Approved, January 17, 1887.

CHAP. 40.—An act for the erection of a public building at Camden, New Jersey.

Jan. 26, 1887.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the post-office, custom-house, and internal-revenue and other Government offices, at the city of Camden, New Jersey. The plans, specifications, and full estimates of said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of one hundred thousand dollars: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of New Jersey shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owners thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein; nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site, nor plan for said building, shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of one hundred thousand dollars for site and building.

Camden, N. J. Public building. Site.

Plans, etc.

Proviso.
Open space.

Title.

Estimates.

Limit.

Approved, January 26, 1887.