cided by the Secretary of War, upon a hearing of the allegations and proofs of the parties.

SEC. 3. That the Secretary of War is hereby authorized and directed, upon receiving such plan and map and other information, and upon being satisfied that a bridge built on such plan and with such accessory works and at such locality will conform to the prescribed conditions of this act, to notify the company that he approves the same; and upon receiving such notification the said company may proceed to an erection of said bridge, conforming strictly to the approved plan and location; and should any change be made in the plan of the bridge or said accessory works, during the progress of the work thereon, such change shall be subject likewise to the approval of the Secretary of War, and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river, caused or alleged to be caused by said bridge, the case may be brought in the circuit court of the United States of the eastern district of the State of Missouri, in whose jurisdiction any portion of said obstruction or bridge may be located.

SEC. 4. That the said bridge and accessory works, when built and constructed under this act and according to the terms and limitations thereof, shall be lawful structures; and said bridge shall be recognized and known as a post-route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for the transportation over the railroads or public highways leading to said bridge; and said bridge shall enjoy the rights and privileges of other post-routes in the United States.

SEC. 5. That the United States shall have the right of way for such postal and telegraph lines across said bridge as the Government may construct or control.

SEC. 6. That Congress shall have power at any time to alter, amend, or repeal this act, so as to prevent or remove all material and substantial obstructions to the navigation of said river by the construction of said bridge and its accessory works; and all alterations of said bridge shall be made and all such obstructions shall be removed at the expense of the owners of or persons controlling such bridge: Provided further, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers, or to exempt this bridge from the operation of the same.

Approved, February 17, 1888.

CHAP. 13.—An act to authorize the Choctaw Coal and Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Choctaw Coal and Railway Company, a corporation created under and by virtue of the laws of the State of Minnesota, be, and the same is hereby, invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway and telegraph and telephone line through the Indian Territory, beginning at a point on Red River (the southern boundary line), at the bluff known as Rocky Cliff in the Indian Territory, and running thence by the most feasible and practicable route through the said Indian Territory to a point on the east boundary line, immediately contiguous to the west boundary line of Polk or Sevier Counties in the State of Arkansas; also, a branch line of railway to be constructed from the most suitable point on said main line for
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obtaining a feasible and practicable route in a northwesterly direction
to the leased coal veins of said Choctaw Coal and Railway Company
in Tobucksey County, Choctaw Nation; with the right to construct,
use, and maintain such tracks, turnouts, branches, and sidings and ex-
tensions as said company may deem it in their interest to construct
along and upon the right of way and depot grounds herein provided
for.

Sec. 2. That said corporation is authorized to take and use for all
purposes of railway, and for no other purpose, a right of way one
hundred feet in width through said Indian Territory for said main
line and branch of the Choctaw Coal and Railway Company; and
to take and use a strip of land two hundred feet in width, with a
length of three thousand feet, in addition to right of way, for sta-
tions, for every ten miles of road, with the right to use such addi-
tional 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 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 rail-
road, telegraph, and telephone lines; and when any portion thereof
shall cease to be so used, such portion shall revert to the nation or
tribe of Indians from which the same shall be taken.

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, full compensation shall be made to such occup-
ants for all property to be taken or damage done by reason of the con-
struction of such railway. In case of failure to make amicable settle-
ment with any occupant such compensation shall be determined by the
appraisal 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 belonged, 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 the court held at Fort Smith, Arkansas, or by
the district judge of the northern district of Texas, upon the appli-
cation of the other party. The chairman of said board shall appoint
the time and place for all hearings, within the nation to which said
occupant belongs. Each of said referees shall receive for his serv-
ces the sum of four dollars per day for each day they are engaged
in the trial of any case submitted to them under this act, with mile-
age at five cents per mile. Witnesses shall receive the usual fees al-
lowed by the courts of said nations. Costs, including compensation
of the referees, shall be made a part of the award, and be paid by such
railroad company. In case the referees can not agree, then any two
of them are authorized to make the award. Either party being dis-
satisfied with the finding of the referees shall have the right, within
ninety days after the making of the award and notice of the same,
to appeal by original petition to the district court held at Fort Smith,
Arkansas, or the district court for the northern district of Texas,
which court shall have jurisdiction to hear and determine the subject-
matter of said petition, according to the laws of the State in which
the same shall be heard provided for determining the damage when
property is taken for railroad purposes. 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 costs 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 costs
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
railroad.

Sec. 4. That said railway company shall not charge the inhabit-
ants of said Territory a greater rate of freight than the rate au-
thorized by the laws of the State of Arkansas and Texas for services
and transportation of the same kind: Provided, That passenger
rates on said railway shall not exceed three cents per mile. Con-
gress 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 Territory with the limits of which said railway, or a part
thereof, shall be located; and then such State government or gov-
ernments shall be authorized to fix and regulate the cost of trans-
portation 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 pas-
seggers, 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 com-
pensation.

Sec. 5. That said railway company shall pay to the Secretary of the
Interior, for the benefit of the particular nations or tribes through
whose lands the said railway 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
Territory, 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 lands
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 dis-
sent from the allowance hereinbefore provided for, 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 de-
termination of the compensation to be paid to the individual occu-
pant 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 said
railway company for said dissenting nation or tribe shall be in lieu
of the compensation that said nation or tribe 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 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 Territory. 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, between the United States and said 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 and tribes, to impose such additional taxes upon said railroad 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.

Maps to be filed with Secretary of Interior and chief.

SEC. 6. That said company shall cause maps showing the route of its located lines through said Territory 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 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.

Employees allowed to reside on right of way.

SEC. 7. 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 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.

Jurisdiction of courts in litigation.

SEC. 8. That the United States circuit and district courts for the western district of Arkansas and the northern district of Texas, and such other courts as may be authorized by Congress, shall have, without reference to the amount in controversy, concurrent jurisdiction over all controversies arising between said Choctaw Coal and Railway Company, and the nations and tribes through whose territory said railway shall be constructed. Said courts shall have like jurisdiction, without reference to the amount in controversy, over all controversies arising between the inhabitants of said nations or tribes and said railway company; and the civil jurisdiction of said courts is hereby extended within the limits of said Indian Territory, without distinction as to citizenship of parties, so far as may be necessary to carry out the provisions of this act.

One hundred miles to be built in three years.

SEC. 9. That said railway company shall build at least one hundred miles of its railway in said Territory within three years after the passage of this act, and complete the main line of the same within said Territory within one year thereafter, or the rights herein granted shall be forfeited as to that portion not built; that said railroad company 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.

Crossings.

Condition of acceptance.

SEC. 10. That the said Choctaw Coal and 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 towards the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian nations 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.

Sec. 11. That all mortgages executed by said railway company conveying any portion of its railroad, with its franchises, that may be constructed in said Indian 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.

Sec. 12. That Congress may at any time amend, add to, alter, or repeal this act.

Sec. 13. 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 or other liens that may be given or secured thereon to aid in the construction thereof.

Approved, February 18, 1888.

CHAP. 14.—An act to authorize the construction of a bridge over the Missouri River, at or near the city of Lexington, Missouri.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Lexington Bridge Company, a corporation existing under the laws of the State of Missouri, be, and is hereby, authorized to construct, operate, and maintain a bridge over the Missouri River at or near the city of Lexington, in said State of Missouri. Said bridge shall be constructed to provide for the passage of railway trains, and, at the option of the persons by whom it may be built, may be used for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot-passengers, for such reasonable rates of toll as may be approved from time to time by the Secretary of War; and in case of any litigation concerning any alleged obstruction to the free navigation of said river on account of said bridge, the cause may be tried before the circuit court of the United States in whose jurisdiction any portion of said obstruction or bridge is located.

Sec. 2. That any bridge constructed 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 also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for their transportation over the railroads or public highways leading to said bridge; and the United States shall have the right of way for postal-telegraph and telephone purposes across said bridge.

Sec. 3. That if said bridge shall be made with unbroken and continuous spans, it shall not be of less elevation in any case than fifty feet above high water mark as understood at the point of location, to the lowest member of the bridge superstructure, nor shall the spans of said bridge over the main channel of said river be less than three hundred and fifty feet in length, and the piers of said bridge shall be parallel with the current of said river, and the bridge itself at right angles thereto: Provided, That if said bridge be constructed as a draw-bridge, it shall be constructed as a pivot draw-bridge, with a draw over the main channel of the river at an accessible and the best navigable point, and with spans of not less than two hundred feet in length in the clear on each side of the central or pivot pier of the draw; and said spans shall not be less than ten feet above low-water mark, measuring to the lowest member of the bridge superstructure; And provided also, That said draw shall be opened

Forfeiture.
Record of mortgages.
Amendments.
Right not assignable prior to construction.

February 18, 1888.
Lexington Bridge Company may bridge Missouri River at Lex-ington, Mo.
Railway, wagon, and foot bridge.
Tolls.
Litigation.
Lawful structure and post-route.
Postal telegraph.
Spans.
Providos.
Draw.
Opening draw.