

## Estimates.

SEC. 10. That on the passage of this act the Commissioner of Labor shall at once submit estimates for the expenses of the Department of Labor for the next fiscal year, giving in detail the number and salaries of officers and employees therein.

Approved, June 13, 1888.

June 18, 1888.

**CHAP. 390.**—An act to authorize the Fort Smith and Choctaw Bridge Company to construct a bridge across the Poteau River in the Choctaw Nation, near Fort Smith, Arkansas.

Fort Smith and Choctaw Bridge Company may bridge Poteau River, Ind. Ter., near Fort Smith, Ark.

Post, p. 884.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it shall be lawful for the Fort Smith and Choctaw Bridge Company, a corporation duly created and organized under the laws of the State of Arkansas, their successors or assigns, to build, construct, and maintain a bridge and approaches thereto for the passage of wagons, cars, and vehicles of all kinds for the transit of animals and for foot-passengers across the Poteau River in the Choctaw Nation at or near Fort Smith, upon the land owned and claimed by Mrs. M. A. Bower, a member of the Choctaw tribe of Indians.

Construction.

Spans.

SEC. 2. That if said bridge shall be made with unbroken and continuous span, the spans shall not be less than seventy feet in the clear, and the main span shall be over the main channel of the river. The lowest part of the superstructure of said bridge shall be at least thirty feet above extreme high water, as understood at the point of location: *Provided,* That if the same shall be constructed as a draw-bridge, the draw or pivot shall be over the main channel of the river at an accessible navigable point, and give a clear opening of seventy feet in width, and the spans shall not be less than ten feet above extreme high-water mark, as understood at the point of location, to the lowest part of the superstructure of said bridge: *Provided also,* That said draw shall be opened promptly upon reasonable signal for the passing of boats.

Provisos.

Draw.

Right of way for approaches.

SEC. 3. That said corporation is authorized to take and use for all purposes of a highway or approaches to said bridge, and for no other purpose, a right of way not exceeding fifty feet in width on each side of said Poteau River, over the lands claimed by individuals under the laws and usages of said tribe of Choctaw Indians, and may contract for and obtain the same from such Indian or Indians by purchase: *Provided,* That no part of the lands herein authorized to be taken 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 highway; and when any portion thereof shall cease to be so used, such portion shall revert to the individual Indian or Indians from which the same shall have been taken.

Proviso.

Lands to revert if not used for highway.

Compensation for lands.

SEC. 4. That before said highway shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of the Choctaw nation, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such highway. In case of failure to make amicable settlements with any occupant, such compensation shall be determined by the appraisalment 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, and one by the said bridge company; who, before entering upon the duties of their appraisalments, 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 appraisalment, which oath, duly certified, shall be returned with their award to and filed with the Secretary of the Interior within

Referees.

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 United States court held at Fort Smith, Arkansas, upon the application of the other party. The chairman of said board shall appoint the time and place of 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 cause submitted to them under this act, with mileage at five cents per mile. Witnesses shall receive the usual fees allowed by the court of said nation. Costs, including compensation of said referees, shall be made a part of the award, and be paid by such bridge company. In case the referees do 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 the making of the award and notice of the same, to appeal by original petition to the district court held at Fort Smith, Arkansas, which court shall have jurisdiction to hear and determine the subject-matter of the petition, according to the laws of the State of Arkansas, 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 bridge company. If the judgment of the court shall be for the same or a less sum than the award made by the referees, then the costs shall be adjudged against the party claiming damages. When proceedings have been commenced in court, the bridge 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 said bridge.

Pay of referees.

Appeal.

Costs.

SEC. 5. That the bridge authorized to be 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.

Secretary of War to approve location, etc.

SEC. 6. That the said bridge company may charge such reasonable rate of tolls for the transit or passage over the same of wagons and vehicles of every description for animals and foot-passengers as are provided by existing laws of the Choctaw Nation.

Tolls.

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 thereof.

Commencement and completion.

SEC. 8. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Amendment.

Approved, June 18, 1888.

**CHAP. 391.**—An act to amend section nine hundred and ninety-three of the Revised Statutes of the United States for the District of Columbia, so as to make Inauguration Day a holiday within said District.

June 18, 1888.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section nine hundred and ninety-three of the Revised Statutes of the United States, relating to the District of Columbia, be, and the same hereby is, amended, by adding to the days therein declared to be holidays within the said District, that day upon which the President of the United States is inaugurated, otherwise called Inauguration Day, and that such day shall be a holiday for all the purposes mentioned in said section.

Inauguration Day a holiday in District of Columbia.  
R. S., D. C., sec. 993, p. 116.

Approved, June 18, 1888.