year, or by both fine and imprisonment, in the discretion of the court. This section shall not take effect till six months after the approval of this act.

SEC. 34. That Congress may at any time alter, amend, or repeal this act, but any such amendment or repeal shall not, nor shall the dissolution of any company formed under this act, take away or impair any remedy given against such corporation, its stockholders or officers, for any liability or penalty which shall have been previously incurred: Provided, That the courts of the District of Columbia shall not have power to appoint any trustee, trustees, guardians, receivers, or other trustee of a fund or property located outside of the District of Columbia, or belonging to a corporation or person having a legal residence or location outside of said District.

Approved, October 1, 1890.

CHAP. 1247.—An act to confirm certain sales of the Kansas trust and diminished reserve lands in the State of Kansas.

Whereas by acts of Congress of June twenty-third, eighteen hundred and seventy-four (eighteenth United States Statutes, two hundred and seventy-two), July fifth, eighteen hundred and seventy-six (nineteenth United States Statutes, seventy-four), and March sixteenth, eighteen hundred and eighty (twenty-first United States Statutes, sixty-eight), provision was made for the sale of the Kansas trust and diminished reserve lands in the State of Kansas, and it appearing that a number of sales made thereunder are suspended in the General Land Office for the reason that the purchasers, through ignorance of the law, failed to settle upon the land as required thereby: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all entries made under the provisions of said acts in which the law has been in other respects complied with, and the purchase money paid, shall be, and the same are hereby, confirmed, and patent shall issue thereon, as in other cases, notwithstanding such failure of the purchasers to become actual settlers on the land.

Approved, October 1, 1890.

CHAP. 1248.—An act granting the right of way to the Sherman and Northwestern Railway Company 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 Sherman and Northwestern Railway Company, a corporation created under and by virtue of the laws of the State of Texas, be, and the same is hereby, invested and empowered with the right of locating, constructing, equipping, operating, using, and maintaining a railway, telegraph and telephone line through the Indian Territory, beginning at a point to be selected by said railway company on the north line of the State of Texas, in the counties of Grayson or Cooke, at a suitable and practicable crossing of Red River, in what is known as Delaware Bend of Red River, running thence northerly by the most practicable route through the Indian Territory to and through the coal-fields at or near Ardmore; thence, same direction, between the Missouri, Kansas and Texas and Gulf, Colorado and Sante Fe Railways, to the south line of the State of Kansas, at some point in Cowley County, with the right to construct, use, and maintain such tracks, turn-outs, sidings, and extensions as said company may deem
to their interest to construct along and upon the right of way and depot grounds herein provided for.

Sec. 2. That said company is authorized to take and use for all purposes of a railway, and for no other purpose, a right of way one hundred feet in width through said Territory, 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 stations, for every ten miles of the road, with the right to use additional 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: And 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 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.

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 tribe of the Indian nations or tribes through which it may be constructed, full and complete compensation shall be made to such occupant for all property to be taken or damage done by reason of the construction of said railway. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appointment of three disinterested referees, to be appointed, one (who shall act as chairman) by the President of the United States, one by the chief of the nation to which such occupant belongs, 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 court, or United States commissioner, an oath that they will faithfully and impartially discharge the duties of their appointment, which oaths 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 supreme court of 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 said 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 case 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 the referees, shall be made a part of the award and be paid by said 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 the supreme court of the Territory of Oklahoma, which court shall have jurisdiction to hear and determine the subject-matter of said petition according to the laws of the State of Texas providing 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 or less than the award of the referees, then the costs shall be adjudged against the appellant. When proceedings have been commenced in court the railway company shall pay double the amount of the award into the 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 inhabitants of said Territory a greater rate of freight than the rates authorized by laws of Texas for services or transportation of the same kind: Provided, That passenger rates on said railway shall not exceed three cents per mile, Congress reserving 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 shall be authorized to fix and regulate the cost of transportation of persons and freight within its respective limits by said railway company, but Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railway 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 rates 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 nation or tribe through whose land 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 Territory; said payments to be made in installments of one thousand two hundred and fifty dollars as each working section of twenty-five miles of road is graded: Provided, That if the general council of any of the nations or tribes through whose lands said railway may be located shall, within four months after filing of the 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 for in section three for the determination of the compensation to be paid to the individual occupants of lands, with the right of appeal to the courts upon the same conditions, terms and requirements as therein provided: Provided further, That the amount of the award adjudged to be paid by said railway company for such 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; said company shall also pay, so long as said Territories is owned or 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 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, as 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 powers as to such part of said railway as may be within its limits. Said railway company shall
have the right to survey and locate its railway immediately after the
passage of this act.

SEC. 6. That said company shall cause maps, showing the route of
its located line 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 prin-
cipal chief of the nations or tribes through whose lands said railway
may be located, and after filing 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 one year thereafter, or said location shall be
void, and said location shall be approved by the Secretary of the In-
terior in sections of twenty-five miles before construction of any
such section shall be begun.

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 said right of way, but sub-
ject 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.

SEC. 8. That the United States circuit and district courts for the
Indian Territory, 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
Sherman and Northwestern Railway Company and the nations or
tribes through whose territory said railway company shall construct
its lines; said court shall have like jurisdiction, without reference to
the amount in controversy, over all controversies arising between
the inhabitants of said nation or tribe 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 citizen-
ship of the parties, so far as may be necessary to carry out the pro-
visions of this act.

SEC. 9. That the said railway company shall build at least one hun-
dred miles of its railway in said Territory within three years after
the passage of this act, and complete main line of the same within
one year thereafter, or the right herein granted shall be forfeited as
to that portion not built; that said railway company shall construct
and maintain continually all fences, roads, and highway crossings,
and necessary bridges over said railway whenever 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. 10. That the said Sherman and Northwestern Railway Com-
pany shall accept this right of way upon the express condition, bind-
ing upon itself, its successors and assigns, that they will neither aid,
advise, nor assist in any effort looking toward the changing or ex-
tinguishing the present tenure of the Indians in their lands, and will
not attempt to secure from the Indian nation any further grant of
lands or its occupancy than is hereinbefore provided: Provided,
That any violation of the conditions mentioned in this section shall
operate as a forfeiture of all rights and privileges of said railway
company under this act.

SEC. 11. That all mortgages executed by said company conveying
any portion of its railway, with the franchises, that may be con-
structed 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 properties of said
company as therein expressed.

SEC. 12. That Congress may at any time amend, alter, or repeal
this act, and the right of way herein and hereby granted shall not
be assigned or transferred in any way or 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 construc-
tion thereof.

Approved, October 1, 1890.

October 1, 1890.

CHAP. 1249.—An act to refer to the Court of Claims certain claims of the Shaw-
nnee and Delaware Indians and the freedmen of the Cherokee Nation, and for other
purposes.

**Be it enacted by the Senate and House of Representatives of the**
**United States of America in Congress assembled, That full jurisdic-
tion is hereby conferred upon the Court of Claims, subject to an**
appeal to the Supreme Court of the United States as in other cases,
to hear and determine what are the just rights in law or in equity
of the Shawnee and Delaware Indians, who are settled and incorpo-
rated into the Cherokee Nation, Indian Territory, east of ninety-six
degrees west longitude, under the provisions of article fifteen of the
treaty of July nineteenth, eighteen hundred and sixty-six, made by
and between the United States and the Cherokee Nation, and articles
of agreement made by and between the Cherokee Nation and the
Shawnee Indians June seventh, eighteen hundred and sixty-nine,
approved by the President June ninth, eighteen hundred and sixty-
nine, and articles of agreement made with the Delaware Indians
April eighth, eighteen hundred and sixty-seven; and also of the Chero-
kee freedmen, who are settled and located in the Cherokee Nation
under the provisions and stipulations of article nine of the aforesaid
**treaty of eighteen hundred and sixty-six in respect to the subject-
matter herein provided for.**

**SEC. 2.** That the said Shawnees, Delawares, and freedmen shall
have a right, either separately or jointly, to begin and prosecute a
suit or suits against the Cherokee Nation and the United States
Government to recover from the Cherokee Nation all moneys due
either in law or equity and unpaid to the said Shawnees, Delawares, or
freedmen, which the Cherokee Nation have before paid out, or may
hereafter pay, per capita, in the Cherokee Nation, and which was, or
may be, refused to or neglected to be paid to the said Shawnees,
Delawares, or freedmen by the Cherokee Nation, out of any money or
funds which have, or may be, paid into the treasury of, or in any way
have come, or may come, into the possession of the Cherokee Na-
ton, Indian Territory, derived from the sale, leasing, or rent for
grazing purposes on Cherokee lands west of ninety-six degrees west
longitude, and which have been, or may be, appropriated and directed
to be paid out per capita by the acts passed by the Cherokee council,
and for all moneys, lands, and rights which shall appear to be due
to the said Shawnees, Delawares, or freedmen under the provisions
of the aforesaid articles of the treaty and articles of agreement.

**SEC. 3.** That the said suit or suits may be brought in the name of the
principal chief or chiefs of the said Shawnee and Delaware In-
dians, and for the freedmen and in their behalf and for their use in
the name of some person as their trustee, to be selected by them with
the approval of the Secretary of the Interior. And the exercise of
such jurisdiction shall not be barred by any lapse of time heretofore,
nor shall the rights of such Indians be impaired by any acts passed
and approved by the Cherokee national council. Suits may be in-
stituted within twelve months after the passage of this act, and the
law and practice and rules of procedure in such courts shall be the
practice and law in these cases; and copies of petitions filed in the
case at the commencement of the suit shall be served upon the
Attorney-General of the United States and on the principal chief in