

change or alteration of said bridge to be made as will effectually obviate such obstruction. And all such alterations shall be made and all such obstructions be removed at the expense of the owner or owners of said bridge, 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 cause may be brought in the circuit court of the United States for the State of Illinois in whose jurisdiction any portion of said obstruction or bridge may be located: *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 exempt this bridge from the operation of the same.

Changes.

Litigation.

Existing laws.

SEC. 5. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains over the same, and over approaches thereto, upon payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies, or any of them, desiring such use, shall fail to agree upon the sum or sums to be paid, and upon the rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War, upon a hearing of the allegations and proofs of the parties.

Use by other companies.

Compensation.

SEC. 6. That any bridge authorized to be constructed under this Act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object the said company shall submit to the Secretary of War for his examination and approval a design and drawing of the bridge, and a map of location, giving for the space of one-half mile above and one-half mile below the proposed location the topography of the banks of the river, the shore lines at high and low water, the directions and strength of currents at all stages, and soundings, accurately showing the bed of the stream, and the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until said plan and location of the bridge are approved by the Secretary of War the bridge shall not be built, and when said plan is approved said company may proceed to the erection of said bridge. The Secretary of War may make such alterations in such plans as he may deem necessary to the better protection of navigation, and such alterations shall be adopted by the said railroad company. The said railroad company may at any time make any alterations deemed advisable to be made in said bridge, but must first submit such proposed alterations to the Secretary of War, and his approval shall be first had before they shall be authorized or made; the cost of such change shall be paid by the company owning or controlling said bridge.

Secretary of War to approve plans, etc.

Alterations.

SEC. 7. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment, etc.

SEC. 8. 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 hereof.

Commencement and completion.

Approved, March 28, 1896.

CHAP. 76.—An Act To authorize the Kansas City, Fort Scott and Memphis Railroad Company to extend its line of railroad into the Indian Territory, and for other purposes.

March 28, 1896.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Kansas City, Fort Scott and Memphis Railroad Company be, and the same is hereby, authorized and empowered to construct, maintain, and operate a railroad and telegraph line from a point on the south line of the State of Kansas near the city of Baxter Springs to the town of Miami, in the

Kansas City, Fort Scott and Memphis Railroad Company granted right of way, Indian Territory.

Location.

Proviso. Width. Stations.	Indian Territory: <i>Provided</i> , That such right of way shall be fifty feet in width on each side of the central line of the road. Said company shall also have the right to take and use for station purposes a strip of land one hundred feet in width by a length of two thousand feet in addition to right of way to an extent not to exceed one station for each ten miles of road constructed within the limits of said reservations:
Commencement and completion.	<i>Provided further</i> , That work shall be commenced on such construction within a reasonable time from the approval of this Act, and completed so as to have trains running to the town of Miami within twelve months from said date.
Consent of Indians.	SEC. 2. That before said company shall enter the territory of any nation or tribe of Indians for the purpose of constructing its line of railroad and telegraph it shall have the written consent of the general council of such tribe thereto, which shall be filed with the Secretary of the Interior.
Purchase from allottees.	SEC. 3. That said company shall have authority to acquire a right of way for its line of railroad and telegraph from individual allottees upon such terms and conditions as may be agreed upon between the parties, and in cases where the line of said railroad runs through the lands of minor allottees the judge of the United States court for the district wherein said lands are situated shall have power to regulate the manner, terms, and conditions whereby such right of way shall be acquired.
Condemnation.	SEC. 4. That in cases where a right of way can not be acquired from adult allottees by agreement between the parties, the same may be acquired by proceedings in condemnation in the United States court for the proper district, or before the judge thereof in vacation, according to the provisions of chapter fifty-eight of Sanders and Hill's Digest of the Laws of Arkansas, eighteen hundred and ninety-four, respecting "eminent domain," so far as the same can be made applicable: <i>Provided</i> , That in addition to the compensation herein provided for, said railroad company shall pay to the Secretary of the Interior, for the benefit of the tribes through whose lands the said railroad may be constructed, the sum of fifty dollars per mile for each mile of road constructed through tribal lands which have not been allotted to individual Indians.
Proviso. Payment to tribes.	Said company shall also pay, so long as said lands are owned and occupied as tribal property, to the Secretary of the Interior the sum of fifteen dollars per annum for each mile of railway it shall construct through the said Territory. And the money paid the Secretary of the Interior under the provisions of this Act shall be apportioned by him among the several tribes in accordance with the number of miles of road that may be constructed through each reservation: <i>Provided further</i> , That Congress shall have the right, so long as said lands remain as tribal property, to impose such additional taxes upon said railroads as may be deemed just and proper for their benefit, and the like power may be exercised by any State or Territory which may hereafter be formed.
Annual rental.	
Apportionment.	
Taxation.	

Approved, March 28, 1896.

March 28, 1896.

CHAP. 77.—An Act For the right of the Rock Island, Muscatine and Southwestern Railway Company to build a bridge across the Illinois and Mississippi canal.

Rock Island, Muscatine and Southwestern Railway Company may bridge Illinois and Mississippi Canal.

Location.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Rock Island, Muscatine and Southwestern Railway Company, organized under the laws of the State of Illinois, is hereby authorized to build a drawbridge for wagon and railroad purposes across the Illinois and Mississippi canal in sections numbered nine or ten, township seventeen, range two, west of the fourth principal meridian, situate in the county of Rock Island and State of Illinois, and about two thousand two hundred feet in an easterly direction from lock numbered thirty-seven. Said bridge to be built according to the requirements of the War Department: *Provided*,

Proviso.