

this purpose the services of one or more artists, distinguished in their respective departments of art, who shall be paid for such service from the contingent appropriation for the mint at Philadelphia.”

Approved, September 26, 1890.

**CHAP. 945.**—An act to discontinue the coinage of the three-dollar and one-dollar gold pieces and three-cent nickel piece.

September 26, 1890.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the passage of this act the coinage of the three-dollar gold piece, the one-dollar gold piece, and the three-cent nickel piece be, and the same is hereby, prohibited, and the pieces named shall not be struck or issued by the Mint of the United States.

Coinage of three and one-dollar gold, and three-cent nickel pieces prohibited.

**SEC. 2.** That as fast as the said coins shall be paid into the Treasury of the United States they shall be withdrawn from circulation and be recoined into other denominations of coins.

Withdrawal and re-coinage.

**SEC. 3.** That all laws and parts of laws in conflict with this act are hereby repealed.

Repeal.

Approved, September 26, 1890.

**CHAP. 946.**—An act creating an additional land office in the State of North Dakota.

September 26, 1890.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all that portion of the State of North Dakota, bounded and described as follows: Commencing at the northwest corner of the State of North Dakota; thence east along the north boundary of said State to a point at the intersection of said line with the eleventh guide meridian; thence south along said meridian to the twelfth standard parallel; thence west along said parallel, when produced, to the western boundary line of said State of North Dakota; thence north along the western boundary line of said State to the place of beginning, be, and is hereby, constituted a new land district, to be called the Minot land district.

Public lands.  
Minot land district,  
N. Dak., established.  
Boundaries.

**SEC. 2.** That the President shall designate the place in the district at which the land office shall be located.

Land office to be designated.

**SEC. 3.** That the President, by and with the advice and consent of the Senate, is hereby authorized to appoint a register and receiver for said land district hereby created, who shall discharge like and similar duties and receive the same amount of compensation therefor as other officers discharging like duties in the land offices of the State of North Dakota; and said land district shall be subjected, as other land districts are, under the laws, to be changed or consolidated with any other district or districts, and the land office may be changed to any other location by order of the President.

Register and receiver to be appointed.

Changes of district and office.

Approved, September 26, 1890.

**CHAP. 947.**—An act granting the right of way to the Hutchinson and Southern Railroad Company to construct and operate a railroad, telegraph, and telephone line from the city of Anthony, in the State of Kansas, through the Indian Territory, to some point in the county of Grayson, in the State of Texas.

September 26, 1890.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Hutchinson and Southern Railroad Company, a corporation created under and by virtue of the laws of the State of Kansas, be, and the same is

Hutchinson and Southern Railroad Company may build railroad, telegraph, and telephone line through Indian Territory.

<b>Location.</b>	hereby, invested and empowered with the right of locating, constructing, equipping, operating, using, and maintaining a railroad, telegraph and telephone line from a point on the north line of the Indian Territory, south of the City of Anthony, in the State of Kansas, into the Indian Territory, to a connection with the Chicago, Kansas and Nebraska Railroad at or near Pond Creek in the Indian Territory, and thence to a connection with the Sante Fe Railroad at or near the city of Guthrie or some point north of there, within the distance of twenty miles, with the right to construct, use, and maintain such tracks, turn-outs, and sidings as said company may deem it to their interest to construct along and upon the right of way and depot grounds herein provided for: <i>Provided</i> , That the company shall have the right to adopt the most feasible and practicable route in following the general direction hereinbefore specified.
<b>Proviso.</b>	
<b>Route.</b>	
<b>Right of way.</b>	<b>SEC. 2.</b> That said corporation is authorized to take and use for all purposes of a railroad, telegraph, and telephone line, and for no other purpose, a right of way one hundred feet in width through said Indian Territory, for said line of the Hutchinson and Southern Railroad Company, and to take and use a strip of land two hundred feet in width with the length of three thousand feet, in addition to the right of way, for stations, for every ten miles of road, with the right to use such 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 on each side of said right of way, or as much thereof as may be included in said cut or fill: <i>Provided</i> ,
<b>Width.</b>	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 purpose only as shall be necessary for the construction and convenient operation of said railroad, 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 have been taken.
<b>Stations, etc.</b>	
<b>Proviso.</b>	
<b>Not to be sold, etc.</b>	
<b>Damages.</b>	<b>SEC. 3.</b> That before said railroad 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 occupants for all property to be taken or damage done by reason of the construction of such railway. In case of failure to make amicable settlements with any occupant, such compensation shall be determined by the appraisement of three disinterested referees, a majority of whom shall be a quorum for the transaction of business, 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 railroad company, who, before entering upon the duties of their appraisements, shall take and subscribe before one of the judges, or the clerk of the supreme court of the Territory of Oklahoma, or a United States Commissioner an oath that they will faithfully and impartially discharge the duties of their appraisement, 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.
<b>Referees.</b>	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 judges of 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 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 the cause submitted to them under this act, with mileage at five cents per mile. Witnesses shall receive the usual fees allowed by the courts of said
<b>Oath, etc.</b>	
<b>Substitution on failure to appoint.</b>	
<b>Hearings.</b>	
<b>Compensation.</b>	

nation. Costs, including compensation of said referees, shall be made a part of the award, and be paid by such railroad 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 of the Territory of Oklahoma having judicial jurisdiction over the place where the land or some part of the same lies, which court shall have jurisdiction to hear and determine the subject-matter of the petition, according to the laws of the State of Kansas 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, or a sum equal to said award, the costs of said appeal shall be adjudged against the railroad company. If the judgment of the court shall be for a less sum than the award made by the referees, then the costs shall be adjudged against the party claiming damages. When proceedings shall have been commenced in court the railroad 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.

Costs.

Appeal from award.

Costs on appeal.

Work may begin on depositing double award.

Appeal from decree.

The supreme court of said Territory shall have appellate jurisdiction in respect of the final judgment or decree of the district court in this section mentioned. Every appeal shall be taken within sixty days next after the entry of such judgment or decree.

Freight charges.

SEC. 4. That said railroad shall not charge the inhabitants of said Territory a greater rate of freight than the rate authorized by the laws of the State of Kansas for services of transportation of the same kind: *Provided*, That passenger rates on said railroad shall not exceed three cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railroad and messages on said telegraph and telephone lines until a State government or governments shall exist in said Territory within the limits of which said railroad, or a part thereof, shall be located, and then such State government or governments shall be authorized to fix and regulate the cost of transportation of persons and freights within their respective limits by said railroad; 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 passengers, local or interstate, shall not exceed the rate above expressed: *And provided further*, That said railroad 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.

Provisos.

Passenger rates, etc.

Regulation of freight and passenger rates.

Interstate transportation.

Maximum.

Mails.

Additional compensation to tribes.

SEC. 5. That said railroad company shall pay to the Secretary of the Interior, for the benefit of the particular nation or tribes through whose lands said line may be located, the sum of fifty dollars per mile for each mile of road constructed and maintained in said Indian Territory, in addition to compensation provided for in this act for property taken or damages done individual occupants by the construction of said railroad, said payment 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 railroad may be located shall, within four months after the filing of maps of definite location as set forth in section six of this act, dissent 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

Provisos.

Appeal by general councils.

for the determination of the compensation to be paid to the individual occupants of lands, with the right of appeal to the court upon the same terms, conditions, and requirements as therein provided: *Provided further*, That the amount awarded or adjudged to be paid by said railroad company for such dissenting nation or tribe shall be in lieu of the compensation the said nation or tribe would be entitled to receive under the foregoing provisions. Said company shall also pay, so long as said Territory is occupied by the Indians, to the Secretary of the Interior the sum of fifteen dollars per annum for each mile of railroad it shall construct and operate in 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 railroad that may be constructed and operated by said 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 additional taxes upon said railroad as it may deem just and proper for their benefit; and any State or Territory hereafter formed, through which said railroad shall have been established, may exercise the like power as to such part of said railroad as lies within its limits. Said railroad company shall have the right to survey and locate its railroad immediately after the passage of this act.

**Award to be in lieu of compensation.**

**Annual rental.**

**Apportionment.**

**Taxation.**

**Survey, etc.**

**Maps to be filed.**

**Proviso.**

**Grading to begin on filing maps.**

**Employees to reside on right of way.**

**Litigation.**

**Commencement and completion.**

**Crossings, etc.**

**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 principal chief of each of the nations or tribes through whose lands said railroad may be located, and after the filing of said maps no claim for subsequent settlement or improvement upon the right of way shown by said maps shall be valid against said company: *Provided*, That when a map showing any portion of said railroad'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.

**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 conformity with said intercourse laws.

**SEC. 8.** The courts established under the laws of the United States in the Territory of Oklahoma shall have the same jurisdiction in respect of all cases and controversies arising between said Hutchinson and Southern Railroad Company and every other corporation, organization, association, tribe and person, that the said courts have and may by law exercise in respect of cases and controversies between other citizens of the United States, and this, without reference to the amount in controversy, except as otherwise in this act specially provided.

**SEC. 9.** That said railroad company shall build and complete its railway in said Territory within eighteen months after the passage of this act or the rights herein granted shall be forfeited as to the portion not built; and it shall not be necessary in such a case for a forfeiture to be declared by judicial process or legislative enactment; and that said company shall construct and maintain continually all road and highway crossings and necessary bridges over said railroad wherever such roads and highways do now or may hereafter cross said railway's right of way, or may be by the proper authorities laid across the same.

SEC. 10. That said Hutchinson and Southern Railroad 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 toward the extinguishing or changing the present tenure of the Indians to their lands, 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 conditions mentioned in this section shall operate as a forfeiture of all rights and privileges of said railroad under this act.

Conditions of acceptance.

*Proviso.*

Violation to forfeit.

SEC. 11. That all mortgages executed by said railroad 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 prima facie evidence and notice of their execution, and shall convey all rights and property of said company as therein expressed.

Record of mortgages.

SEC. 12. That Congress may at any time amend, add to, alter, or repeal this act, and 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 said road, except as to mortgage or other lien that may be given or secured thereon to aid in the construction thereof.

Amendment, etc.

Assignment, etc.

Approved, September 26, 1890.

**CHAP. 948.**—An act granting to the Rio Grande Southern Railroad Company the right of way through the Fort Lewis military reservation in La Plata County, in the State of Colorado.

September 26, 1890.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Rio Grande Southern Railway Company, a corporation created by the State of Colorado, be, and hereby is, permitted and authorized to locate, construct, equip, operate, and maintain a railway, telegraph, and telephone line through the United States military reservation in La Plata County of said State, known as the Fort Lewis military reservation, not exceeding one hundred feet in width, subject to such conditions and requirements as may be prescribed by the Secretary of War, and as soon as said company has selected such line and right of way, it shall present to and file with the Secretary of War a correct map or plat showing such located line for the consideration and approval or rejection and modification, as may be deemed necessary, by the Secretary of War; and no work of construction shall be commenced on or through said reservation until the selection of the route or line of such road shall be approved by the Secretary of War. Said company shall have the right, subject to the restrictions, limitations, and prohibitions deemed necessary by the Secretary of War, to take from any lands adjacent to said right of way such stone and earth as may be necessary for the construction and repair of said railway, but no timber; and the said company shall also have the right, for not exceeding one station for every ten miles of said road through said reservation, to use and occupy such additional ground adjacent to the right of way, for station buildings, depots, shops, side-tracks, turn-outs, and water-stations, as may be deemed necessary and be approved by the Secretary of War, not to exceed two hundred feet in width in addition to said right of way nor three thousand feet in length, for the station; and the sites for such depots, and so forth, shall be approved by the Secretary of War before any work shall be commenced.

Rio Grande Southern Railway Company may build railway, telegraph, and telephone line through Fort Lewis Reservation, Col.

Width of right of way.  
Conditions, etc.

Map to be filed.

Secretary of War to approve route.

Earth, etc., for construction.

Stations, etc.

Limitation.

Approval of Secretary of War.

SEC. 2. That the right is expressly reserved to alter, amend, or repeal this act.

Amendment, etc.

Approved, September 26, 1890.