

fail to begin operations hereunder, then the other party shall succeed to all the rights and privileges herein granted, and may proceed under the terms hereof to construct and equip said bridge.

Succession to rights.

SEC. 10. That this act shall take effect and be in force from and after its passage.

Operation.

Approved, February 24, 1891.

CHAP. 287.—An act fixing the salaries of the several judges of the United States district courts at five thousand dollars per annum.

February 24, 1891.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the salaries of the several judges of the district courts of the United States shall hereafter be at the rate of five thousand dollars per annum.

United States district court judges' salaries.

Rate.

Approved, February 24, 1891.

CHAP. 288.—An act to authorize the Kansas and Arkansas Valley Railway to construct and operate additional lines of railway through the Indian Territory, and for other purposes.

February 24, 1891.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Kansas and Arkansas Valley Railway, a corporation created under and by virtue of the laws of the State of Arkansas, having been heretofore by act of Congress, approved June first, anno Domini eighteen hundred and eighty-six, authorized and empowered to construct and operate a line of railway from the eastern boundary line of said Territory at or near Fort Smith to the northern boundary line of said Territory, with the right to construct and operate a branch line through said Territory to Coffeyville, in the State of Kansas, be, and the said Kansas and Arkansas Valley Railway is hereby, invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining, in addition to the lines in said hereinbefore-recited act specified, the following lines of railway through the Indian Territory, together with a telegraph and telephone line, namely: A line beginning at the most suitable point on the present main line of said railway at or near Wagoner, in the Indian Territory, and thence running in a westerly and northwesterly direction by the most feasible and practicable route, passing through or near the town of Guthrie, in the Oklahoma country, and through or near Fort Supply military reservation to a point on the western boundary line of the Indian Territory. Also an additional or branch line, running from the most suitable point on the line last above described, in a southwesterly direction, and passing through or near Oklahoma City, and through or near Fort Reno military reservation, to a point on the western boundary line of the Indian Territory south of the point where the Canadian River crosses said boundary line; also a line commencing at the most practicable point on the main line at or near Fort Gibson, and running thence in a southwesterly direction through the Cherokee, Creek, Choctaw, and Chickasaw countries, either or all of them, to a point on the southern boundary line of the Indian Territory, with the right to construct, use, and maintain such tracks, turn-outs, and sidings as said company may deem it to its interest to construct along and upon the right of way and depot grounds herein provided for.

Kansas and Arkansas Valley Railway may construct, etc., additional lines of railway, etc., through the Indian Territory, etc. Vol. 24, p. 73.

Location of one additional railway line, etc.

Of another.

Of another.

Sidings, etc.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway, and for no other purpose, a right of way one

Right of way.

Stations.	hundred feet in width through said Indian Territory for said additional lines, and to take and use a strip of land two hundred feet in width, with a 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 in width on each side of said right of way, or as much thereof as may be included in said cut or fill:
Proviso.	<i>Provided</i> , That no more than said addition of land shall be taken for any one station: <i>Provided further</i> , That no part of the lands herein
Limitation.	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
Lands not to be leased or sold by company.	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
Reversion.	taken.
Damages.	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 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 settlement with any occupant such compensation shall be determined by the appraisement 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 said railroad 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.
Appraisalment.	And upon the failure of either party to make such appointment
Appointment of referees.	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, 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 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 case submitted to them under this act, with mileage at five cents per mile.
Oath.	Witnesses shall receive the usual fees allowed 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 cannot agree, then any two of them are authorized to make the award. Either party being dissatisfied with the findings 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 said petition according to the laws of the said State 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 cost 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
Substitution upon failure to appoint.	
Hearings.	
Compensation of referees.	
Witnesses' fees.	
Costs, etc., a part of award.	
Appeal to district court at Fort Smith, Ark.	
Costs.	

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 railroad company shall not charge the inhabitants of said Territory a greater rate of freight than the rate authorized by the laws of the State of Arkansas for services or transportation of the same kind: *Provided*, That passenger rates on said railway shall not exceed three cents per mile. Congress 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 within the limits of which said railway, 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 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 passengers, 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 compensation and also shall carry the property and troops of the United States at such rates as Congress may provide.

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 said lines 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, 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 for the determination of the compensation to be paid to the individual occupant 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 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, 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

Upon deposit of double award construction may proceed.

Freight rates.

Provisos.

Passenger rates. Regulation of charges.

Limitation.

Mail rate, etc.

Additional compensation to tribes.

Provisos
General council may appeal to Secretary of Interior as to allowance.
Post, p. 786.

Ante, p. 784.

Award to be in lieu of compensation.

Annual rental.

Right of taxation reserved.

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.

Survey and location of railway.

Maps to be filed with Secretary of Interior and chiefs.

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.

Proviso.

Grading to commence within six months of filing map, etc.

Employees may 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 circuit and district courts for western district of Arkansas, etc., in controversies.

SEC. 8. That the United States circuit and district courts for the western district of Arkansas, 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 Kansas and Arkansas Valley Railway 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 the parties, so far as may be necessary to carry out the provisions of this act.

At least 100 miles to be built within three years or rights forfeited.

SEC. 9. That said railway company shall build at least one hundred miles of its said additional lines of railway in said Territory within three years after the passage of this act, 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.

Condition of acceptance.

SEC. 10. That the said Kansas and Arkansas Valley Railway 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.

Proviso.

Violation, etc.

Record of mortgages, etc.

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.

Amendment, etc.

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.

Not assignable before completion except for aid in construction

Approved, February 24, 1891.

CHAP. 289.—An act for the relief of settlers upon certain lands in the State of Iowa.

February 24, 1891.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all actual settlers upon the lands heretofore relinquished by the State of Iowa to the United States because theretofore erroneously conveyed to said State on account of the grant for the Sioux City and Saint Paul Railroad, and restored to the public domain and opened to settlement and entry under the decision and order of the Secretary of the Interior, dated July twenty-sixth, eighteen hundred and eighty-seven, shall, if found entitled to enter the same, be allowed, when making final proof, for the time they have already actually resided upon and cultivated the same.

Settlers upon certain lands in Iowa to be allowed time of actual residence thereon.

Approved, February 24, 1891.

CHAP. 290.—An act for the erection of a public building at Richmond, Kentucky.

February 24, 1891.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase or otherwise provide a suitable site, and cause to be erected thereon, at the city of Richmond, Kentucky, a suitable and commodious public building, with fire-proof vaults, for the use and accommodation of the collector of internal revenue, for the post-office, and for other Government uses. The site and the building thereon, when completed according to plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed the cost of seventy-five thousand dollars; nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site nor plan for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of seventy-five thousand dollars for site and building; and the site purchased shall leave the building unexposed to danger from fire by an open space of at least forty feet, including streets and alleys: *Provided,* That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, nor until the State of Kentucky shall cede to the United States exclusive jurisdiction over the same during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein

Richmond, Ky.
Public building, etc.

Site.

Building.

Cost.

Limitations.

Open space.

Proviso.

No expenditure until valid title, etc., pass.

Approved, February 24, 1891.