

CHAP. 213.—An Act Extending the benefits of the marine hospitals to the keepers and crews of life-saving stations.

August 4, 1894.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the privilege of admission to and temporary treatment in the marine hospitals under the control of the Government of the United States be, and is hereby, extended to the keepers and crews of the Life-Saving Service under the same rules and regulations as those governing sailors and seamen, and for the purposes of this Act members of the Life-Saving Service shall be received in said hospitals and treated therein, and at the dispensaries thereof, as are seamen of American registered vessels; but this Act shall not be so construed as to compel the establishment of hospitals or dispensaries for the benefit of said keepers and crews, nor as establishing a home for the same when permanently disabled.

Marine hospitals.
Life-Saving Service
to be admitted.

Limitation.

Approved, August 4, 1894.

CHAP. 214.—An Act To authorize a compromise and settlement with the State of Arkansas.

August 4, 1894.

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 and the Secretary of the Interior, or any three persons they may jointly select or cause to be selected on behalf of the United States, are hereby fully authorized and empowered to compromise, adjust, and finally settle with the governor of the State of Arkansas, or with such person or persons as may be authorized by the laws of that State to act in its behalf, upon such terms and conditions as to them may seem just and equitable, subject to approval by Congress, as hereinafter provided, all or any of the differences between the Government and the said State growing out of and arising from the issue of certain bonds by the said State which are now owned in their own right or held in trust by the United States; the five per centum fund which accrued to the said State under the Act approved June twenty-third, eighteen hundred and thirty-six; the unpaid portion of the distribution fund which accrued to the said State under the Act approved September fourth, eighteen hundred and forty-one; the swamp and overflowed lands in place granted by the Act approved September twenty-eighth, eighteen hundred and fifty, and not heretofore approved to the State; the land and money indemnity due the said State under the Acts approved March second, eighteen hundred and fifty-five, and March third, eighteen hundred and fifty-seven, and all other claims and demands of whatever kind or nature; and any compromise or settlement they may make with the said State shall be fully reported back to Congress, giving the basis thereof, for its further action, said compromise not to be effectual and final until approved by Congress.

Arkansas.
Settlement of differences as to certain bonds, etc.

Vol. 5, p. 58.

Vol. 5, p. 453.

Vol. 9, p. 519.

Vol. 10, p. 634.

Vol. 11, p. 251.

Approved, August 4, 1894.

CHAP. 215.—An Act To grant to the Arkansas, Texas and Mexican Central Railway Company a right of way through the Indian Territory, and for other purposes.

August 4, 1894.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Arkansas, Texas and Mexican Central 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

Arkansas, Texas
and Mexican Central
Railway Company
granted right of way,
Indian Territory.

Location.

selected by the said company on Red River north of the north boundary line of Montague County, in the State of Texas, and running thence by the most practicable route through the Indian Territory in a northeasterly direction to a point on the west boundary of the State of Arkansas.

Width.

SEC. 2. That a right of way of one hundred feet in width through said Indian Territory is hereby granted to the Arkansas, Texas and Mexican Central Railway Company, and a strip of land two hundred feet in width, with a length of three thousand feet, in addition to the right of way, is granted for such stations as may be established, but such grant shall be allowed but once in every ten miles of the road, no portion of which shall be sold or leased by the company, with the right to use such additional grounds 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 the said right of way, or as much thereof as may be included in said cut or fill:

Stations.

Provided, That no more than such addition of land shall be taken for any one station: *Provided further*, That no part of the lands herein granted shall 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 line, and when any portion thereof shall cease to be used such portion shall revert to the nation or tribes of Indians from which the same shall have been taken.

Proviso.

Limit to stations.

Reversion for non-user.

Damages to individuals.

SEC. 3. That before said railway shall be constructed through any lands held by individual occupants according to law, 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 appraisalment of three disinterested referees, to be appointed by the President of the United States, who, before entering upon the duties of their appointment, shall take and subscribe before competent authority an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award. 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 the making of the award and notice of the same, to appeal by original petition to the courts, where the case shall be tried de novo.

Referees.

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. Each of such 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 the rate of five cents per mile. Witnesses shall receive the usual fees allowed by the courts of said nations. Costs, including compensations of the referees, shall be made a part of the award and be paid by such railroad company.

Decision.

Appeal.

Work may begin on depositing double award.

Costs.

Freight charges.

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 Texas for services or transportation of the same kind: *Provided*, That the 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 part thereof shall be located, and then such State government or governments shall be authorized to fix and regulate the costs of transportation of persons and freight within their respective

Proviso.

Passenger charges.

Regulations.

limits by said railway, but Congress expressly reserves the right to fix and regulate at all times the cost of all transportation by said railway or said company wherever 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 those above expressed: *And provided further,* That said railway company shall carry the mail at such price 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 nations or tribes through whose lands said railroad may be located, the sum of fifty dollars, in addition to compensation provided for by this Act for property taken or damaged 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. Said company shall also pay, as 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 may construct 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 railway that may be constructed by said railway through their lands: *Provided,* That Congress shall have the right, so long as their lands are occupied and possessed by such nations and tribes, to impose such additional taxes upon said railroad as it may deem just and proper for their benefit: *Provided further,* That if the general counsel 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 allowances provided for in this section and shall certify the same to the Secretary of the Interior, then all compensations to be paid to such dissenting nation or tribe under the provisions provided under this Act shall be determined as provided in section three for the determination of the compensation to be paid to the individual occupant of the land, with the right to appeal to the courts upon the same terms, conditions, and requirements as herein provided: *Provided further,* That the amount awarded or adjudged to be paid by said railroad 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 provisions of this section. Nothing in this Act shall be construed to prohibit Congress from imposing taxes upon said railroad, nor any Territory or State hereafter formed through which said railway shall have been established from exercising the same power as to such part of said railway as may lie within its limits. Said railway shall have the right to survey and locate its railway immediately after the passage of this Act: *Provided further,* That if said right of way shall pass over or through any land allotted to an Indian in accordance with any law or treaty, it shall be the duty of the Secretary of the Interior to provide for obtaining the consent of such allottee or allottees to said right of way and to fix the amount of compensation to be paid such allottees for right of way and for damages sustained by them by reason of the construction of the road; but no right of any kind shall vest in said railway company to any portion of said right of way passing over or through any such allotted lands until the compensation herein provided for shall be fixed and paid.

SEC. 6. That said railway 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 railway may be located; and after the filing of said maps no claim for subsequent settlement and improvement of right of way shown by said

- Maximum.
- Mails.
- Payment to tribes.
- Annual rental.
- Apportioning receipts.
- Provisos. Taxes.
- Appeal by general councils.
- Award to be in lieu of compensation.
- Taxation.
- Survey, etc.
- Consent of allottees, etc.
- Maps to be filed.

Proviso.
Grading to begin on
filing maps.

maps shall be valid as against said company: *Provided*, That when a map showing any portions 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 as to any occupant thereof.

Employees may re-
side on right of way.

SEC. 7. That the officers, servants, and employees of said company necessary to the construction, operation, and management of said railway and telegraph and telephone lines shall be allowed to reside, while so engaged, upon the 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 such intercourse laws.

Litigation.

SEC. 8. That the United States circuit and district courts for the northern district of Texas, the western district of Arkansas, the district of Kansas, 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 the said Arkansas, Texas and Mexican Central Railway Company and the nations and tribes through whose territory such 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.

Commencement and
completion.

SEC. 9. That said railway company shall build at least one hundred miles of its railway in said Territory within three years after the passage of this Act, or this grant shall be forfeited as to that portion not built; that said railway 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 accept-
ance.

SEC. 10. That said Arkansas, Texas and Mexican Central Railway Company shall accept this right of way upon express conditions, binding upon itself, its successors, and assigns, that they will neither aid, advise, nor assist toward any effort looking to the changing or extinguishing the present tenure of the Indians in their lands, and will not attempt to secure from the Indians any further grant of land or its occupancy than herein provided: *Provided*, That any violation of the conditions named in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this Act.

Proviso.
Violation to forfeit.

Record of mortgages.

SEC. 11. That all mortgages executed by said railway company, conveying any portion of its railroad with its franchises that may be constructed in the Indian Territory, shall be recorded to 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.

Amendment, etc.

SEC. 12. That Congress may at any time amend, add to, or alter or repeal this Act.

Approved, August 4, 1894.

August 6, 1894.

CHAP. 226.—An Act To pay for alley condemned in square numbered four hundred and ninety-three, in the city of Washington, District of Columbia.

District of Colum-
bia.
Appropriation for
land condemned for
alley, square 493.
Vol. 25, p. 781.
Vol. 21, p. 162.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act approved March first, eighteen hundred and eighty-nine, entitled "An Act to reappropriate to pay for alley condemned in square numbered four hundred and ninety-three," be amended by striking out all the words after the enacting clause, and in lieu thereof insert: