

entitled "An Act to provide for the opening of certain abandoned military reservations, and for other purposes," are hereby extended to all abandoned military reservations which were placed under the control of the Secretary of the Interior under any law in force prior to the Act of July fifth, eighteen hundred and eighty-four.

*Ante*, p. 491.

Vol. 23, p. 103.

SEC. 2. That the preference right of entry given to actual settlers by the terms of the Act to which this is an amendment shall, so far as the lands to which the provisions of said Act are extended, take effect and continue for six months from the date of this amendatory Act.

Preferences to homestead settlers extended.

Approved, February 15, 1895.

**CHAP. 94.**—An Act Providing an additional circuit judge in the ninth judicial circuit.

February 18, 1895.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there shall be in the ninth judicial circuit an additional circuit judge, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall possess the same qualifications and have the same power and jurisdiction now prescribed by law in respect to the present circuit judges therein.

United States courts. Additional judge, ninth circuit.

Approved, February 18, 1895.

**CHAP. 95.**—An Act Granting to the Gila Valley, Globe and Northern Railway Company a right of way through the San Carlos Indian Reservation in the Territory of Arizona.

February 18, 1895.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is hereby granted to the Gila Valley, Globe and Northern Railway Company, a corporation organized and existing under the laws of the Territory of Arizona, and to its assigns, the right of way for the extension of its railroad and for a telegraph and telephone line through the San Carlos Indian Reservation in said Territory, entering the reservation on the south side of the Gila River about seven miles below Fort Thomas, continuing down said Gila River in a generally northwesterly direction, crossing the same at or near the San Carlos Indian Agency; thence running up or near the San Carlos River in a generally northerly direction to or near Aliso Creek; thence along or near Aliso Creek in a generally westerly or northwesterly direction to the town of Globe, in Gila County, Arizona, by such route as shall be deemed advisable by the company. Such right of way shall be fifty feet in width on each side of the central line of said railroad, and said company shall also have the right to take from the lands adjacent to the line of said road material, stone, and earth necessary for the construction of said railroad; also grounds adjacent to such right of way for station buildings, depots, machine shops, side tracks, turn-outs, and water stations, not to exceed in amount two hundred feet in width and three thousand feet in length for each station, and to an extent not exceeding one station for each ten miles of road within the limits of said reservation: *Provided*, That no part of such lands herein granted shall be used except in such manner and for such purposes only as are necessary for the construction and convenient operation of said railroad line, 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 be taken: *Provided further*, That no right of any kind shall vest in said railway company in or to any part of the right of way herein provided for until the consent of such Indians as are entitled to such compensation shall be obtained thereto in such manner as the President of the United States shall

Gila Valley, Globe and Northern Railway Company granted right of way, San Carlos Indian Reservation, Ariz.

Location.

Width, etc.

Stations, etc.

*Provisos.*

Reversion, etc.

Consent of Indians.

Approval of plats.  
etc.

direct, and until plats thereof, made upon actual survey, for the definite location of said railway, and including the points for station buildings, depots, machine shops, side tracks, turn-outs, and water stations, shall be filed with and approved by the Secretary of the Interior, and until the compensation provided for has been fixed and paid: *And provided further*, That when any public road or highway is interfered with by said railway said company shall repair the same or construct a new road where such interference may occur in such manner as not to obstruct the public use of such road or highway.

Highways.

Compensation.

SEC. 2. That before said railroad shall be constructed through any land, claim, or improvement held by individual occupants according to any treaties or laws of the United States compensation shall be made such occupant or claimant for all property to be taken or damage done by reason of the construction of said railroad. In case of failure to make satisfactory settlement with any such claimant the United States district court at Arizona shall have jurisdiction, upon petition of either party, to determine such just compensation in accordance with the laws of Arizona provided for determining the damage when property is taken for railroad purposes; and the amount of damages resulting to the tribe or tribes of Indians pertaining to said reservation in their tribal capacity, by reason of the construction of said railroad through such lands of the reservation as are not occupied in severalty, shall be ascertained and determined in such manner as the Secretary of the Interior may direct, and be subject to his final approval: *Provided, however*, That said railroad company file with the Secretary of the Interior a bond, in such amount and with such sureties as the Secretary shall approve, conditioned for the payment of just compensation for said right of way to said individual occupants and to said tribe or tribes, as hereinbefore provided, and said company may thereupon proceed to construct and operate its railroad across said reservation.

*Proviso.*  
Construction to begin on filing bond.

Maps.

SEC. 3. That said company shall cause maps showing the route of its line through said reservation, and including the grounds for station buildings, depots, machine shops, side tracks, turn-outs, and water stations, to be filed in the office of the Secretary of the Interior before constructing any portion of said railroad.

Surveying.

SEC. 4. That said company is hereby authorized to enter upon said reservation for the purpose of surveying and locating its line of railroad: *Provided*, That said railroad shall be located and constructed with due regard to the rights of the Indians and under such rules and regulations as the Secretary of the Interior shall prescribe.

*Proviso.*  
Regulations.

Completion.

SEC. 5. That the right herein granted shall be forfeited by said company unless the road shall be constructed through the said reservation within three years after the passage of this Act.

Amendment, etc.

SEC. 6. That Congress shall have at all times power to alter, amend, or repeal this Act and revoke all rights hereunder.

Approved, February 18, 1895.

February 18, 1895.

CHAP. 96.—An Act To amend the Act entitled "An Act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March third, eighteen hundred and ninety-one.

Circuit courts of ap-  
peals.  
Vol. 26, p. 828.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the seventh section of the Act of Congress entitled "An Act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March third, eighteen hundred and ninety-one, be, and the same is hereby, amended to read as follows:

Equity appeals.  
Extended to all in-  
junction proceedings.

"That where, upon a hearing in equity in a district court or a circuit court, an injunction shall be granted, continued, refused, or dissolved by