

CHAP. 346.—An act to ascertain the possessory rights of the Hudson's Bay Company and other British subjects within the limits which were the subject of the award of His Majesty the Emperor of Germany under the treaty of Washington of May eight, eighteen hundred and seventy-one, and for other purposes.

June 20, 1874.

Whereas it was stipulated by article one of the treaty concluded at Washington on the fifteenth day of June, eighteen hundred and forty-six, between the United States and Great Britain, that the line of boundary between the territories of the United States and Her Britannic Majesty, from the point on the forty-ninth parallel of north latitude up to which it had already been ascertained, should be continued westward along said parallel of north latitude "to the middle of the channel which separates the continent from Vancouver's Island, and thence southerly through the middle of said channel and of Fuca Straits to the Pacific Ocean;" and whereas by article three of the treaty aforesaid, it was stipulated that "in the future appropriation of the territory south of the forty-ninth parallel of north latitude, as provided in the first article of this treaty, the possessory rights of the Hudson's Bay Company, and of all British subjects who may be in the occupation of land or other property lawfully acquired within the said territory, shall be respected;" and whereas by article thirty-four of the treaty concluded at Washington on the eighth day of May, eighteen hundred and seventy-one, the question of where "the boundary which runs southerly through the middle of the channel aforesaid" should be located was submitted to His Majesty the Emperor of Germany, whose decision was to be final and without appeal; and whereas by the award of His Majesty the Emperor of Germany of October twenty-first, eighteen hundred and seventy-two, said boundary was established, and it now devolves upon the United States to discharge its treaty obligations: Therefore,

Preamble.
Vol. ix, p. 869.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a commissioner be appointed by the President of the United States, to make, and report to the Secretary of the Interior, a list of all British subjects who, on the fifteenth day of June, eighteen hundred and forty-six, were in the occupation of land, lawfully acquired, within the limits which were the subject of the award of His Majesty the Emperor of Germany, together with a description of the land actually occupied by each at said date; and said commissioner shall proceed to the vicinity of the land in question, and there receive proof of the occupancy of such land and of the mode by which such occupancy was acquired, after first giving reasonable notice as to the said matters to be so reported by him. Such proof shall consist of oral testimony, under oath and such documentary proofs as the said occupants may present. The testimony of all witnesses shall be reduced to writing and all documentary proof offered by the parties and received by the commissioner shall be attached to the deposition of the party offering such proofs, which testimony and proofs shall be submitted by said commissioner with his report, and such report shall be subject to review by the Secretary of the Interior, whose action thereon shall be final. For the purposes of this act, the said commissioner shall have authority to subpoena witnesses and to administer oaths and take testimony.

Vol. xvii, pp. 874, 875.

Commissioner to be appointed to make and report lists of British subjects in occupation of land in 1846, &c.

Commissioner to proceed to locality. To receive proof of occupancy.

Notice to be given. Proof to consist in what.

Testimony to be reduced to writing.

Documentary proof to be attached to depositions.

Commissioner's report.

Review by Secretary of Interior.

Authority of commissioner.

SEC. 2. That said commissioner shall receive for his services ten dollars per diem, together with traveling expenses at the rate of ten cents per mile for the distance actually traveled in the execution of said commission; and the sum of one thousand dollars is hereby appropriated from any unappropriated money in the Treasury to defray such expenses.

Compensation and traveling expenses.

Appropriation.

SEC. 3. That all British subjects whose claims shall be approved by the Secretary, as provided in section one of this act, shall be allowed to purchase from the United States the land so designated at any time within one year from such approval, at the ordinary minimum price per acre where the lands are situated outside railroad limits, and at double minimum price where the lands are within railroad limits.

British subjects may purchase lands.

Price.

Entries to be made, how.

SEC. 4. That such entries shall be according to legal subdivisions, so as to include the improvements of such occupants; and where two or more parties shall have improvements on the same smallest legal subdivision, they may make a joint entry thereof: *Provided*, That in case entry and payment are not made within one year from the date of such approval by the Secretary of the Interior, then all possessory rights named in article three of the treaty of June fifteenth, eighteen hundred and forty-six, shall be considered forfeited, and the lands shall thereafter be deemed and treated as a part of the public domain, to be disposed of as other lands.

Forfeiture of possessory rights.

Regulations.

SEC. 5. That it shall be the duty of the Secretary of the Interior to make all needful regulations to give effect to the provisions of this act.

Approved, June 20, 1874.

June 20, 1874.

CHAP. 347.—An act directing the Secretary of the Treasury to report upon the necessity for a public building at Brooklyn, New York, and the cost of the same.

Secretary of the Treasury to report upon the necessity of a public building at Brooklyn, New York.

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, directed to report to Congress at the beginning of its next session whether the present needs of the Government require the erection of a public building at at Brooklyn, New York, and the estimated cost of the same, including the site.

Approved, June 20, 1874.

June 20, 1874.

CHAP. 348.—An act granting to the Nevada County Narrow Gauge Railroad Company a right of way through the public lands for a railroad.

Right of way through public lands to Nevada County Narrow Gauge Railroad Company.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right of way through the public lands be, and the same is hereby, granted to the Nevada County Narrow Gauge Railroad Company, a corporation organized under the laws of the State of California and having its principal place of business in Grass Valley, Nevada County, State of California, its successor and assigns, for a railroad from Colfax to Nevada City, by the most direct, practicable route, being a distance of about twenty miles. Said right of way is granted to said railroad to the extent of fifty feet in width on each side of said railroad where it may pass through the public domain, including the right to take, from the public lands adjacent, materials of earth, stone, and timber necessary for the construction thereof; also including grounds for station-buildings, workshops, depots, machine shops, switches, side tracks, turn tables, and water stations, to an amount not exceeding ten acres not mineral lands for each station, which stations shall not occur oftener than one in ten miles: *Provided*, That the grant hereby made shall not take effect on any lands to which any bona fide pre-emption or homestead claim has attached before the definite location of the line of road, and the designation of the lands to be appropriated under this law: *Provided further*, That within six months from the passage of this act the Nevada County Narrow Gauge Railroad Company shall file with the Secretary of the Interior a map to be approved by him, exhibiting the line of the railroad of said company, as the same has been located and the ground to be occupied at the several stations; *And provided further*, That the said railroad shall be completed within four years from the passage of this act.

Width of grant.

What to include.

Priority of pre-emption and homestead claims.

Map to be filed within six months.

Time for completion of road.

Use of track, &c., in certain cases by other roads.

Reference of disputes to the Secretary of the Interior.

SEC. 2. That in case the right of way granted by this act extends through any canyon, pass, or defile, any other railroad corporation shall not be excluded from a passage through the same or over and upon the track of the constructed road upon equitable terms; and in case of disagreement, upon application of either of the parties, the same shall be adjusted by the Secretary of the Interior, after hearing, upon reasona-