

the Secretary of War and the Attorney General of the United States shall proceed to acquire to and for the United States the outstanding title, if necessary to such land and water rights as may be required for the erection of said fish-ways, in the manner and by the procedure prescribed in section one of this act for obtaining title to the right of way for the extension of the aqueduct; and so much of the sum of fifty thousand dollars hereinabove appropriated as may be necessary for this purpose shall be available for the same".

Approved, July 4, 1884.

CHAP. 179.—An act to grant the right of way through the Indian Territory to the Southern Kansas Railway Company and for other purposes.

July 4, 1884.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Southern Kansas Railway Company, a corporation created under and by virtue of the laws of the State of Kansas, be, and the same is hereby, invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway and telegraph and telephone line through the Indian Territory, beginning at a point on the northern line of said Territory where an extension of the Southern Kansas Railway from Winfield in a southerly direction would strike said line, running thence south in the direction of Dennison, in the State of Texas, on the most practicable route, to a point at or near where the Washita River empties into the Red River, with a branch constructed from a point at or near where said main line crosses the northern line of said Territory, westwardly along or near the northern line of said Territory, to a point at or near where Medicine Lodge Creek crosses the northern line of said Territory, and from that point in a southwesterly direction, crossing Beaver Creek at or near Camp Supply, and reaching the west line of said Indian Territory at or near where Wolf Creek crosses the same, with the right to construct, use, and maintain such tracks, turnouts and sidings as said company may deem it to their interest to construct along and upon the right of way and depot grounds hereby granted.

Right of way for railway, telegraph, and telephone lines to Southern Kansas Railway Co. through Indian Territory.
Route.

SEC. 2. That a right of way one hundred feet in width through said Indian Territory is hereby granted for said main line and branch to the Southern Kansas Railway Company, and a strip of land two hundred feet in width with a length of three thousand feet in addition to right of way is granted for stations for every ten miles of road, no portion of which shall be sold or leased by the company 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: *Provided*, That no more than said 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 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.

Land grant for stations, etc.

Proviso.

Reversion of land, when.

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 by the President, who,

Compensation to individual occupants.

Referees in cases of disagreement.

Oath.	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 cannot 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
Right of appeal to the courts.	the case shall be tried de novo, 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 said referees shall
Award, etc.	receive for their 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, 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,
Compensation of referees.	
Fees of witnesses.	
Freight rates; proviso.	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 Kansas for services or transportation of the same kind; <i>Provided</i> : 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: <i>Provided however</i> , That the rate of such transportation of passengers, local or interstate, shall not exceed the rate above expressed, <i>And provided further</i> , 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,
Passenger rates.	
Right of Congress to regulate charges for transportation, etc., reserved; provisos.	
Carrying of mails.	
Damages.	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 main line and branch may be located the sum of fifty dollars, in addition to compensation provided for in this act for property taken and damages done 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, 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: <i>Provided</i> , 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: <i>Provided further</i> , 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 compensation to
Apportionment of moneys, etc.	
Proviso.	
Additional taxes. Proviso.	

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 provisions of this section, Nothing in this act shall be construed to prohibit Congress from imposing taxes upon said railway, nor any Territory or State hereafter formed through which said railway shall have been established from exercising 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,

Compensation for lands, how paid.

Proviso.
Award in lieu of compensation.

Congress may impose taxes, etc.

Right to immediate survey and location.

Maps of route, etc., to be filed.

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,

Subsequent claims not valid.

Proviso.

Grading, when to commence.

Approval of Secretary of Interior.

SEC. 7. The officers, servants and employes 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.

Right of officers, etc., to reside on lands granted.

SEC. 8. That the United States circuit and district courts for the northern district of Texas, the western district of Arkansas, and 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 said Southern Kansas Railway Company 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,

What courts to have concurrent jurisdiction.

Civil jurisdiction of courts extended, etc.

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 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.

Lands forfeited for failure to build road.

Bridges, and road and highway crossings.

SEC. 10. That the said Southern Kansas Railway Company shall accept this right of way upon the expressed 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 con-

Conditions of acceptance of grant.

dition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

Mortgages, etc.,
to be recorded in
Interior Department.

SEC. 11. 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. Congress may, at any time, amend, add to, alter or repeal this act.

Approved, July 4, 1884.

July 4, 1884.

CHAP. 180.—An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and eighty-five, and for other purposes.

Indian appropriation for year ending June 30, 1885.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses of the Indian Department, and fulfilling treaty stipulations with the various Indian tribes, namely:

Indian agents at agencies.

For pay of sixty agents of Indian affairs at the following-named agencies, at the rates respectively indicated, namely:

- At the Warm Springs agency, at one thousand dollars;
- At the Klamath agency, at one thousand one hundred dollars;
- At the Grand Ronde agency, at one thousand dollars;
- At the Siletz agency, at one thousand two hundred dollars;
- At the Umatilla agency, at one thousand two hundred dollars;
- At the Neah Bay agency, at one thousand dollars;
- At the Quinalt agency, at one thousand dollars;
- At the Yakama agency, at two thousand dollars;
- At the Colville agency, at one thousand five hundred dollars;
- At the Nisqually and S'Kokomish agency, at one thousand two hundred dollars;
- At the Tulalip agency, at one thousand dollars;
- At the Round Valley agency, at one thousand five hundred dollars;
- At the Tule River agency, at one thousand dollars;
- At the Mission agency, at one thousand three hundred dollars;
- At the Nevada agency, at one thousand eight hundred dollars;
- At the Western Shoshone agency, at one thousand eight hundred dollars;
- At the Nez Perces agency, at one thousand six hundred dollars;
- At the Lemhi agency, at one thousand one hundred dollars;
- At the Fort Hall agency, at one thousand five hundred dollars;
- At the Flathead agency, at one thousand five hundred dollars;
- At the Blackfeet agency, at one thousand eight hundred dollars;
- At the Crow agency, at two thousand dollars;
- At the Fort Peck agency, at two thousand dollars;
- At the Fort Belknap agency, at one thousand dollars;
- At the Yankton agency, at one thousand six hundred dollars;
- At the Crow Creek and Lower Brule agency, at one thousand eight hundred dollars;
- At the Standing Rock agency, at one thousand seven hundred dollars;
- At the Cheyenne River agency, at one thousand five hundred dollars;
- At the Fort Berthold agency, at one thousand five hundred dollars;
- At the Sisseton agency, at one thousand five hundred dollars;
- At the Devil's Lake agency, at one thousand two hundred dollars;
- At the Pine Ridge agency, at two thousand two hundred dollars;
- At the Rosebud agency, at two thousand two hundred dollars;