

and approval, a design and drawings of the bridge, and a map of the location, giving, for the same space of one-half mile above and one-half mile below the proposed location, the topography of the banks of the river, the shore-lines at high and low water, the direction and strength of the currents at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be commenced or built, and should any change be made in the plan of said bridge during the progress of construction such change shall be subject to the approval of the Secretary of War.

SEC. 6. That the right to alter, amend, or repeal this act is hereby expressly reserved, and the right to require any changes in said structure or its entire removal, at the expense of the owners thereof whenever the Secretary of War shall decide that the public interest requires it, is also expressly reserved.

Amendment.

SEC. 7. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date thereof.

Commencement and completion.

Approved, February 25, 1889.

CHAP. 236.—An act to provide for writs of error or appeals to the Supreme Court of the United States in all cases involving the question of the jurisdiction of the courts below.

February 25, 1889.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases where a final judgment or decree shall be rendered in a circuit court of the United States in which there shall have been a question involving the jurisdiction of the court, the party against whom the judgment or decree is rendered shall be entitled to an appeal or writ of error to the Supreme Court of the United States to review such judgment or decree without reference to the amount of the same; but in cases where the decree or judgment does not exceed the sum of five thousand dollars the Supreme Court shall not review any question raised upon the record except such question of jurisdiction; such writ of error or appeal shall be taken and allowed under the same provisions of law as apply to other writs of error or appeals except as provided in the next following section.

Jurisdiction of circuit courts.

R. S., sec. 639, p. 131.

Appeal or writ of error to Supreme Court without reference to amount.

Only jurisdiction to be reviewed.

SEC. 2. That in cases of judgments or decrees mentioned in the first section of this act, and heretofore rendered, where the period of limitation for taking writs of error or appeals in other cases has not expired, appeals or writs of error may be sued out at any time within one year after the passage of this act.

Limitation.

Approved, February 25, 1889.

CHAP. 237.—An act granting right of way to the Pima Land and Water Company across Fort Lowell military reservation, in Arizona, and for other purposes.

February 25, 1889.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Pima Land and Water Company, a corporation duly organized under the laws of the Territory of Arizona, is hereby granted the right of way, five hundred feet in width, for their aqueduct and irrigating canal to, from, across, through, and out of the Fort Lowell military reservation, and the right to construct dams, water-ways, and canals for the purpose of developing water and for the purpose of storing the

Pima Land and Water Company granted right of way through Fort Lowell reservation.

same; and for that purpose sufficient land for the construction and maintenance of the same, not to exceed, however, one thousand acres and not to interfere with any buildings or improvements on said reservation: *Provided, however,* That the said company shall supply the garrison, gardens, and orchards of Fort Lowell, free of charge, such quantities of water as may be required for irrigating purposes, not to exceed one hundred miner's inches, and the location of the said canals and water-ways to be subject to the approval of the Secretary of War.

Approved, February 25, 1889.

February 25, 1889.

CHAP. 238.—An act to authorize Court of Claims to hear, determine, and render final judgment upon the claim of the Old Settlers or Western Cherokee Indians

Old Settlers (Western Cherokee) claims. To be determined by Court of Claims.

Vol. 22, p. 328.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Claim of that part of the Cherokee Indians, known as the Old Settlers or Western Cherokees, against the United States, which claim was set forth in the report of the Secretary of the Interior to Congress of February third, eighteen hundred and eighty-three (said report being made under act of Congress of August seventh, eighteen hundred and eighty-two), and contained in Executive Document Number Sixty of the second session of the Forty-seventh Congress, be, and the same hereby is, referred to the Court of Claims for adjudication; and jurisdiction is hereby conferred on said court to try said cause, and to determine what sum or sums of money, if any, are justly due from the United States to said Indians, arising from or growing out of treaty stipulations and acts of Congress relating thereto, after deducting all payments heretofore actually made to said Indians by the United States, either in money or property; and after deducting all offsets, counter-claims, and deductions of any and every kind and character which should be allowed to the United States under any valid provision or provisions in said treaties and laws contained, or to which the United States may be otherwise entitled, and after fully considering and determining whether or not the said Indians have heretofore adjusted and settled their said claim with the United States, it being the intention of this act to allow the said Court of Claims unrestricted latitude in adjusting and determining the said claim, so that the rights, legal and equitable, both of the United States and of said Indians may be fully considered and determined; and to try and determine all questions that may arise in such cause on behalf of either party thereto and render final judgment thereon; and the Attorney-General is hereby directed to appear in behalf of the Government; and if said court shall decide against the United States, the Attorney-General shall, within sixty days from the rendition of judgment, appeal the cause to the Supreme Court of the United States; and from any judgment that may be rendered, the said Indians may also appeal to said Supreme Court: *Provided,* That the appeal of said Indians shall be taken within sixty days after the rendition of said judgment, and said court shall give such cause precedence: *Provided further,* That nothing in this act shall be accepted or construed as a confession that the Government of the United States is indebted to said Indians.

Attorney-General to appear.

Appeal.

Provision.

Time for appeal.

No liability confessed.

Form of action.

SEC. 2. That said action shall be commenced by a petition stating the facts on which said Indians claim to recover, and the amount of their claim; and said petition may be verified by the authorized agent or attorney of said Indians as to the existence of such facts, and no other statement need be contained in said petition or verification.

Approved, February 25, 1889.