

parcels acquired by agreement ; and the said Secretary is authorized and directed in case he can not acquire the said parcels, or any parcels of land required in said square, by negotiation as hereinbefore provided, to acquire the same by condemnation, and for that purpose he is authorized and directed to make application to the Supreme Court of the District of Columbia, by petition, at a General or Special Term of said court, for an assessment of the value of such parcels, and said petition shall contain a particular description of the property required, with the name of the owner or owners thereof, and his, her or their residence, as far as the same can be ascertained, and the said court is hereby authorized and required upon such application, without delay, to notify the owners and occupants of each such parcel, and to ascertain and assess the value of the same, by appointing three commissioners to appraise the values thereof, and to return the assessment to the court, and when the values of such parcels are thus ascertained, and the President shall deem the same reasonable, the sum or sums so ascertained shall be paid to the owner or owners, or into said court for their use.

Condemnation, on failure of negotiation. Condemnatory procedure.

Petition for appraisal.

Notification to owners. Appointment of commissioners. Ascertainment of values.

Payment.

Title to vest in United States.

SEC. 4. That the fee simple of all premises so appropriated for public use under the provisions hereof, and of which an appraisement shall have been made under the order and direction of said court, shall upon payment to the owner or owners thereof, or into the said court as aforesaid, of the amount so ascertained and assessed as to each parcel, be thereupon vested fully in the United States, and the right of possession thereof.

Possession.

Process.

Cost of assessment, etc. Other costs.

SEC. 5. That the said court may direct the time and manner in which possession of the property condemned shall be taken or delivered, and may, if necessary, enforce any order or issue any process for giving possession. The cost occasioned by the inquiry and assessment shall be paid by the United States ; and as to other costs which may arise, they shall be charged or taxed as the court may direct.

Time and manner of payments of purchase and condemnation prices.

SEC. 6. That whenever, and as, title to the several parcels of such real estate shall be acquired as aforesaid, and the same shall be ready for delivery, and the sufficiency thereof shall be certified by the Attorney General of the United States, or whenever by condemnation of any parcel the fair value of the same shall be ascertained, the Treasurer of the United States is hereby authorized and directed, upon the requisition of the said Secretary, to pay the purchase, or into court the condemnation, price, of such property, parcel by parcel."

Approved, June 25, 1890.

CHAP. 614.—An act approving, with amendments, the funding act of Arizona.

June 25, 1890.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act of the Revised Statutes of Arizona of eighteen hundred and eighty-seven, known as "Title XXXI—Funding," be, and is hereby, amended so as to read as follows, and that as amended the same is hereby approved and confirmed, subject to future Territorial legislation

Arizona funding act amended and approved.

TITLE XXXI—FUNDING AND LOAN.

Funding and loan.

CHAPTER ONE.

"TERRITORIAL, COUNTY, MUNICIPAL, AND SCHOOL DISTRICT INDEBTEDNESS.

Territorial, county, municipal, and school indebtedness.

"PAR. 2039. (Sec. 1.) For the purpose of liquidating and providing for the payment of the outstanding and existing indebtedness of the Territory of Arizona and such future indebtedness as may be or

Board of loan commissioners constituted.

is now authorized by law, the governor of the said Territory, together with the Territorial auditor and Territorial secretary, and their successors in office, shall constitute a board of commissioners, to be styled the loan commissioners of the Territory of Arizona, and shall have and exercise the powers and perform the duties hereinafter provided.

Duty of loan commissioners.

"PAR. 2040. (Sec. 2.) It shall be, and is hereby, declared the duty of the loan commissioners to provide for the payment of the existing Territorial indebtedness due, and to become due, or that is now, or may be hereafter, authorized by law and for the purpose of paying, redeeming, and refunding all or any part of the principal and interest, or either of the existing and subsisting Territorial legal indebtedness, and also that which may at any time become due, or is now or may be hereafter authorized by law, the said commissioners shall, from time to time, issue negotiable coupon bonds of this Territory when the same can be done at a lower rate of interest and to the profit and benefit of the Territory.

Issue of negotiable coupon bonds.

Denominations of bonds.

"PAR. 2041. (Sec. 3.) Said bonds shall be issued as near as practicable in denominations of one thousand dollars, but bonds of a lower denomination, not less than two hundred and fifty dollars, may be issued when necessary. Said bonds shall bear interest at a rate to be fixed by said loan commissioners, but in no case to exceed five per centum per annum, which interest shall be paid in gold coin, or its equivalent in lawful money of the United States, on the fifteenth day of January in each year, at the office of the Territorial treasurer, or at such bank in the city of New York, in the State of New York, or in the city of San Francisco, in the State of California, or such place as may be designated by said loan commissioners, at the option of the purchaser of said bonds, the place of payment being mentioned in said bonds. The principal of said bonds shall be made payable in lawful money of the United States fifty years after the date of their issue. Said Territory reserves the right to redeem at par any of said bonds, in their numerical order, at any time after twenty years after the date thereof.

Interest.

Maximum.

Where payable, etc.

Payment of principal.

Reserved right of redemption.

Form of bonds.

"They shall bear the date of their issue, state when, where, and to whom payable, rate of interest, and when and where payable, and shall be signed by said loan commissioners, and shall have the seal of the Territory affixed thereto, and countersigned by the Territorial treasurer, and bear his official seal, and shall be registered by the Territorial auditor in a book to be kept by him for the purpose, which shall state amount sold for, or, if exchanged, for what; and the faith and credit of the Territory is hereby pledged for the payment of said bonds and the interest accruing thereon, as herein provided.

Signed, etc.

Sealed.

Registered.

Pledge of payment.

Interest coupons.

"PAR. 2042. (Sec. 4.) Coupons for the interest shall be attached to each bond, so that they may be removed without injury to or mutilation of bond.

Consecutive numbering, etc.

They shall be consecutively numbered and bear the same number of the bond to which they are attached, and shall be signed by the Territorial treasurer.

Interest.

Limitation.

"The said coupons shall cover the interest expressed in said bond from the date of issue until paid; but in no case shall bonds bear interest, nor shall any interest be paid thereon for any time before their delivery to the purchaser, as hereinafter provided.

Issue and redemption, etc., of bonds.

"PAR. 2043. (Sec. 5.) Whenever the said loan commissioners may be authorized by law to issue bonds, or shall have decided to refund or redeem all or any part of the existing indebtedness of this Territory, they shall direct the Territorial treasurer to advertise for a sale of the bonds to be issued for that purpose, by causing a notice of such sale to be published for the period of one month in some daily newspaper published at the capital of the Territory, and at least one insertion in a newspaper published in the city of New York, in the

Advertisement of sale.

State of New York, and in the city of San Francisco, in the State of California; such notice shall specify the amount of bonds to be sold, the place, day, and hour of sale, and that bids will be received by said treasurer for the purchase of said bonds within one month from the expiration of said publication; and at the place and time named in said notice, the said treasurer and loan commissioners shall open all bids received by him and shall award the purchase of said bonds, or any part thereof to the bidder or bidders therefor bidding the lowest rate of interest: *Provided*, That said loan commissioners shall have the right to reject any and all bids: *And provided further*, That they may refuse to make any award unless sufficient security shall be furnished by the bidder or bidders for the compliance with the terms of their bids.

“PAR. 2044. (Sec. 6.) When the sale of said bonds shall be awarded by the loan commissioners, they shall provide and procure the necessary bonds as in this act provided, and any expense incurred by them therefor, for the publication of said notices, costs of remitting funds for the payment of interest or money on said bonds, and all other necessary incidental expenses under the provisions of this act, shall be paid out of the general fund of said Territory, upon the order of the Territorial auditor, countersigned by the governor; and a sum of money sufficient to cover said costs and expenses is hereby appropriated out of said fund.

“They shall, from time to time after signing said bonds, deliver them to the Territorial treasurer, taking his receipt therefor, and charge him therewith. The said treasurer shall give to the Territory of Arizona an additional official bond, with two or more sureties, in a sum equal to the amount of bonds delivered to him by the said loan commissioners, which bond shall be approved by the governor and deposited and filed with the secretary of the Territory and recorded by him in a book to be kept for that purpose. And the said treasurer shall stand charged upon his official bond for the faithful performance of the duties required of him under this act.

“PAR. 2045. (Sec. 7.) The Territorial treasurer shall sell said bonds for cash, or exchange them for any of the indebtedness for the redemption of which they were so issued, but in no case shall said bonds be sold or exchanged for less than their face or par value and the accrued interest at the time of disposal, nor must any indebtedness be redeemed at more than its face value and any interest that may be due thereon.

“That said treasurer shall endorse by writing or stamping in ink on the face of the paper evidencing the indebtedness received by him in exchange for said bonds, the time when and the amount for which exchanged.

“PAR. 2046. (Sec. 8.) Moneys received by said treasurer shall be applied by him to the redemption of the indebtedness for the redemption of which bonds were issued, and the treasurer shall give notice, as is provided by law in in case of payment and redemption of Territorial warrants, of his readiness to redeem such indebtedness, and thereafter interest on all such indebtedness due and outstanding shall cease.

Before any such indebtedness shall be paid the Territorial auditor shall indorse on each certificate the amount due thereon, and shall write across the face of each the date of its surrender and the name of the person surrendering, and shall keep proper record thereof.

“PAR. 2047. (Sec. 9.) There shall be levied annually upon the taxable property in this Territory, and in addition to the levy for other authorized taxes, a sufficient sum to pay the interest on all bonds issued and disposed of in pursuance of the provisions of this act, to be placed in the Territorial treasury, in the fund to be known as the ‘Interest Fund.’ And fifty years after such bonds shall have

Bids.

Award to lowest interest bidder.

Provisos.

Rejection of bids.

Security.

Loan commissioners to procure bonds.

Payment of expenses, etc.

Appropriation.

Delivery of bonds.

Additional bond of treasurer.

Sale or exchange of bonds.

Limitations.

Indorsement by treasurer.

Application of moneys received.

Notice of redemption.

Cessation of interest.

Indorsement by auditor.

Record.

Annual interest-tax levy.

“Interest fund.”

Additional ten per cent. tax levy.

been issued such additional amount shall be levied annually as will pay ten per cent. of the total amount issued until all the bonds issued under the provisions of this act are paid and discharged. Nothing herein contained shall be construed to prevent the legislature of Arizona from creating a sinking fund during the life of said bonds for their redemption at maturity.

Discharge of bonds.

Sinking fund.

Determination of taxable rate.

"The Territorial board of equalization, or, on their failure, the Territorial auditor, shall determine the rate of tax to be levied in the different counties in the Territory to carry out the provisions of this act, and shall certify the same to the 'board of supervisors' in each county and to the municipal or school authorities; and the said board of supervisors, or authorities, are hereby directed and required to enter such rate on their assessment rolls in the same manner and with the same effect as is provided by law in relation to other Territorial, county, municipal and school taxes. Every tax levied under the provisions of authority of this act is hereby made a lien against the property assessed, which lien shall attach on the first Monday in March in each year, and shall not be satisfied or removed until such tax has been paid.

Certification and entry of taxable rate on assessment rolls.

Tax becomes a lien on property.

Tax moneys to go into treasury.

"All moneys derived from taxes authorized by provisions of this act shall be paid into the Territorial treasury, and shall be applied:

Application of payments.

"First. To the payment of the interest on the bonds issued hereunder.

Proviso. Transfer of remaining moneys to "general fund."

"Second. To the payment of the principal of such bonds: *Provided*, That all moneys remaining in the interest fund after the payment of the interest and all moneys remaining in the 'redemption fund' after all said bonds shall have been paid and discharged, shall be transferred by the Territorial treasurer to the Territorial 'general fund.'

Redemption surplussage.

"PAR. 2048. (Sec. 10.) Whenever, after the expiration of the fifty years from the date of issuance of any bonds under this act, there remains after the payment of the interest, as provided in the preceding section, a surplus of ten thousand dollars or more, it shall be the duty of the Territorial treasurer to advertise, as in the manner of advertising by the loan commissioners for bids, for sale of bonds, which advertisement shall state the amount of money in the said redemption fund, and the number of bonds, numbering them in the order of their issuance, commencing at the lowest number then outstanding, which such fund is set apart to pay and discharge; and if such bonds so numbered in such advertisements shall not be presented for payment and cancellation at the expiration of such publication, then such fund shall remain in the treasury to discharge such bonds whenever presented, but they shall draw no interest after the expiration of such publication. Before any such bonds shall be paid they shall be presented to the Territorial auditor, who shall indorse on each bond the amount due thereon, and shall write across the face of each bond the date of its surrender and the name of the person surrendering. The Territorial auditor shall keep a record of all bonds issued and disposed of by the Territorial treasurer, showing their number, rate of interest, date, and amount of sale, when, where, and to whom payable, and if exchanged, for what, and when presented for redemption, the date, amount due thereon, and person surrendering.

Treasurer to advertise for presentation of certain bonds for payment, etc.

Cessation of interest after publication. Indorsement by auditor before payment.

Auditor's bond record.

County, municipal, and school district indebtedness.

"The boards of supervisors of the counties, the municipal and school authorities, are hereby authorized and directed to report to the loan commissioners of the Territory their bonded and outstanding indebtedness, and said loan commissioners may, on written demand, require an official report from the board of supervisors of counties, the municipal or school authorities, of their bonded and outstanding indebtedness, and said loan commissioners shall provide for the redeeming or refunding of the county, municipal, and school district indebtedness, upon the official demand of said authorities, in the same manner as other Territorial indebtedness, and they shall issue bonds for any indebtedness now allowed, or that may be here-

Report to loan commissioners.

Redemption or refunding of same, on demand, into Territorial bonds.

after allowed by law, to said county, municipality, or school district, upon official demand by said authorities; the county, municipality, or school district to pay into the Territorial treasury, in addition to all other taxes authorized by law, such amounts as may be directed by the Territorial board of equalization, or on their failure by the Territorial auditor to be levied for the payment of the principal of the bonds issued in redemption, refunding, or other bonds issued to such county, municipality, or school district when the same shall become due, and, in addition, a rate of interest paid by the Territory on such bonds.

Additional principal and interest bond-tax levies.

“PAR. 2049. (Sec. 11.) When the treasurer pays or redeems any indebtedness he shall indorse, by writing or stamping in ink, on the face of the paper evidencing such indebtedness so paid or redeemed, the words ‘redeemed and canceled,’ with the date of cancellation. He shall keep a full and particular account and record of all his proceedings under the act and of the bonds redeemed and surrendered, and he shall transmit to the governor an abstract of all his proceedings under this act with his annual report, to be by the governor laid before the legislature at its meeting. All books and papers pertaining to the matter provided in this act shall at all times be open to the inspection of the party interested, or to the governor, or a committee of either branch of the legislature, or a joint committee of both.

Cancellation upon payment of certificates, etc., by treasurer.

Treasurer's bond record.

Treasurer's annual report.

Inspection of bond record, etc.

“PAR 2050. (Sec. 12.) It shall be the duty of the Territorial treasurer to pay the interest on said bonds when the same falls due out of the said interest fund, if sufficient; and if said fund be not sufficient, then to pay the deficiency out of the general fund: *Provided*, That the Territorial auditor shall first draw his warrant on the Territorial treasurer, payable to the order of said treasurer, for the amount of such deficiency, out of the general fund.

Payment of bond interest.

Proviso.
Deficiency.

“PAR. 2051. (Sec. 13.) It shall be the duty of said loan commissioners to make a full report of all their proceedings had under the provisions of this act to the governor on or before the first day of January of each year, and said reports shall be transmitted by the governor to the Territorial legislative assembly.

Loan commissioners' annual report.

“PAR. 2052. (Sec. 14.) No bond issued under the provisions of this act shall be taxed within this Territory.”

Exemption from taxation.

SEC. 15. That nothing in this act shall be construed to authorize any future increase of any indebtedness in excess of the limit prescribed by the “Harrison act”: *Provided, however*, That the present existing and outstanding indebtedness, together with such warrants as may be issued for the necessary and current expenses of carrying on Territorial, county, municipal, and school government for the year ending December thirty-first, eighteen hundred and ninety, may also be funded and bonds issued for the redemption thereof; and thereafter no warrants, certificates, or other evidences of indebtedness shall be allowed to issue or be legal where the same is in excess of the limit prescribed by the “Harrison act.”

Maximum limit of indebtedness.

Proviso.
Exceptions.

Limitation thereafter.

That all acts or parts of acts in conflict with this act are hereby repealed.

Repeal.

Approved, June 25, 1890.

CHAP. 615.—An act granting the right of way to the Duluth and Manitoba Railroad Company across the Fort Pembina Reservation in North Dakota.

June 25, 1890.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Duluth and Manitoba Railroad Company, a corporation duly organized under the laws of the State of Minnesota, is hereby authorized to build its road across the Fort Pembina military reservation, in the

Duluth and Manitoba Railroad Company granted right of way across Fort Pembina reservation, N. Dak.