

one hundred and forty-five and six-tenths feet; thence north sixty-three degrees west twenty-three and one-tenth feet to a stone marked "W. A. K. 2;" thence north fifty-seven degrees and fifteen minutes east one hundred and fifty-four and five-tenths feet to the place of beginning, containing three thousand and one square feet, or about sixty-nine one-thousandths of an acre.

Description of land to be sold to John R. Scott: Beginning at a point on the easterly boundary line of the United States land pertaining to the Dalecarlia Reservoir, thirty-nine feet from a stone at the intersection of the southerly and easterly boundary lines of said land, and running thence along said easterly boundary line north twelve degrees and forty-two minutes east two hundred and sixty-six and seventy-five hundredths feet; thence leaving said boundary line and running south seventy-five degrees and seventeen minutes west eighty-two and seventy-five hundredths feet; thence south two degrees and thirty-five minutes east two hundred and thirty-four and twenty-four hundredths feet; thence south sixty-four degrees and forty-six minutes east eleven and fifty-eight hundredths feet to the point of beginning, containing one-fourth of an acre, more or less.

John R. Scott.

Approved, April 6, 1896.

**CHAP. 93.**—An Act Authorizing the Arkansas Northwestern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

April 6, 1896.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Arkansas Northwestern Railway Company, a corporation created under and by virtue of the laws of the State of Arkansas, be, and the same is hereby, authorized and invested and empowered with the right of locating, constructing, owning, equipping, and operating, using, and maintaining a railway and telegraph and telephone lines through the Indian Territory upon a line beginning at a point to be selected by said railway company at or near the town of Southwest City, in the county of McDonald, State of Missouri, and running thence in a northwest direction over the most practicable route through the Indian Territory, to a point between Che-topa and Baxter Springs, in the State of Kansas, with the right to construct, use, and maintain such tracks, turn-outs, sidings, and extensions through such Territory as said company may deem to their interests to construct along and upon the right of way and depot grounds herein provided for.

Arkansas North-western Railway Company granted right of way, Indian Territory.

Location.

**SEC. 2.** That the said corporation is authorized to take and use, for all purposes of a railway and for no other purpose, a right of way one hundred feet in width through said Territory, and to take and use a strip of land one hundred feet in width, with a length of two thousand feet, in addition to right of way, for stations for every ten miles of road, with right to use such additional grounds where there are heavy cuts or fills, not exceeding fifty feet in width, as may be necessary for the construction and maintenance of said right of way, or as much thereof as may be included in said cuts or fills: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided further*, That no part of said lands herein authorized to be taken shall be leased or sold by the company; and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said road and 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 or individual Indians from which the same shall have been taken.

Width.

Stations, etc.

*Proviso.*  
Limit for stations.

Reversion for non-user.

**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, or by allotment under any laws of the United States or agreement with the Indians, full compensation shall be made to such

Payment to individuals.

occupants for all property to be taken or damages 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 appraisal of three disinterested persons or referees, to be appointed, one, who shall act as chairman, by the President, one by the chief of the nation to which said occupant belongs, or in case of an allottee, by said allottee or by his duly authorized guardian or legal representative, and one by said railway company, who, before entering upon the duties of their appointment, shall take and subscribe, before a district judge, clerk of the district court, or United States commissioner, an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award to and filed with the Secretary of the Interior within sixty days from the completion thereof; and a majority of said referees shall be competent to act in case of the absence of a member after due notice; and upon the failure of either party to make such appointment within thirty days after the appointment made by the President, the vacancy shall be filled by the district judge of the court held at Fort Smith, Arkansas, upon the application of the other party. The chairman of said board shall appoint the time and place for all hearings within the nation to which the occupant belongs. Each of said referees shall receive for his services the sum of four dollars per day for each and every day they are engaged in the trial of any case submitted to them under this Act, with mileage of five cents per mile. Witnesses shall be allowed the usual fees allowed by the courts of said nation. The costs, including the compensation of the referees, shall be made a part of the award, and to be paid by said railway company. In case the referees can not agree, then two of them are authorized to make the award. Either party being dissatisfied with the findings 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 district court for the northern division of the Indian Territory exercising jurisdiction over the territory in which the lands sought to be condemned are situate, which court shall have jurisdiction to hear and determine the subject-matter of said petition according to the laws of the State of Arkansas providing for the determining of damages when property is taken for railway purposes. If, upon the hearing of said appeal, the judgment of the court shall be for a larger sum than the awards of the referees, the costs of said appeal shall be adjudged against the railway company. If the judgment of the court shall be for the same sum as the award of the referees, then the costs shall be adjudged against the appellant. If the judgment of the court shall be for a smaller sum than the award of the referees, then the cost shall be adjudged against the party claiming damages. 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 railway.

**SEC. 4.** That the said 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 Arkansas for services or transportation of the same kind: *Provided*, That the passenger rate shall not exceed three cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railway and of messages on said telegraph and telephone lines until State governments are formed and shall exist in said Territory within the limits of which said railway, or a part thereof, shall be located, and then such State government shall be authorized to fix and regulate the cost of transportation of persons and freight 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 company whenever such transportation shall extend from one State into another, or shall extend into more than one State: *Provided*, That the rate of such transportation

Appraisal.  
Referees.

Substitution on failure to appoint.

Hearings.

Compensation, etc.

Costs.

Appeals.

Costs on appeal.

Work may begin on paying double award.

Freight charges.

Provisions.  
Passenger rates.  
Regulations.

Maximum.

of passengers, local or interstate, shall not exceed the rate expressed: *Provided further*, 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.

Mails.

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 line may be located, the sum of fifty dollars, in addition to the compensation provided for in this Act, for property taken and damage done to individual occupants by the construction of the railway for each mile of railway constructed in said Territory, said payments to be made in installments of five hundred dollars as each ten miles of road is located and graded: *Provided*, That if the general council 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 locations, as set forth in section six of this Act, dissent from the allowances provided for in this section, and certify the same to the Secretary of the Interior, then all compensation to be paid to such dissenting nations or tribes 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 foregoing provisions, except as to annual tax. Said company shall also pay, so long as said reservations are 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 reservations. 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 or tribes, according to the number of miles of railway that may be constructed by said railway company through their lands: *Provided further*, That Congress shall have the right, so long as said lands are occupied and possessed by said nations or tribes, to impose such additional taxes upon said railroads as it may deem just and proper for their benefit. And any Territory or State hereinafter formed through which said railway shall have been established may exercise the like power as to such part of said railway as may be within its limits. Said railway company shall have the right to survey and locate its railway immediately after the passage of this Act.

Compensation to tribes.

*Proviso.*  
Appeal by general councils.

Award in lieu of compensation.

Annual rental.

Apportionment.

Taxation.

Survey.

Maps to be filed.

SEC. 6. That said railway company shall cause maps showing the route of its located line through said reservations 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 claims for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Provided*, That a map showing the entire line of the said railway in the Indian Territory shall be filed with and approved by the Secretary of the Interior before the construction of said railway in the Indian Territory shall be begun.

*Proviso.*  
Approval by Secretary of the Interior.

Employees may reside on right of way.

SEC. 7. That the officers, servants, and employees of said company necessary to the construction and management of said road shall be allowed to reside, while so engaged, upon said 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.

Commencement and completion.

SEC. 8. That said railway company shall build at least one hundred miles of its railway within three years after the passage of this Act or the rights herein granted shall be forfeited as to that portion not built. That said railway company shall construct and maintain continually all fences, road and highway crossings, and necessary bridges over said

Fences, etc.

railway wherever said roads or 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.

Condition of acceptance.

SEC. 9. That the Arkansas Northwestern Railway Company shall accept this grant of the right of way upon the express condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking toward the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian nations or tribes any further grant of land or its occupancy than is herein provided for: *Provided*, That any violation of the conditions mentioned in this section shall operate as a forfeiture of all rights and privileges of said railway company under this Act.

*Proviso.*  
Violation to forfeit.

Record of mortgages.

SEC. 10. That all mortgages executed by said railway company conveying any portion of its railway, with its franchises, that may be constructed in said reservation 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.

Amendment, etc.

SEC. 11. That Congress may at any time alter, amend, or repeal this Act.

Received by the President, March 25, 1896.

[NOTE BY THE DEPARTMENT OF STATE.—The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the house of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

April 7, 1896.

**CHAP. 94.**—An Act To confirm certain cash entries of offered lands.

Public lands.  
Cash entries vali-  
dated.  
Vol. 25, pp. 622, 854.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all private cash entries of public land subject to sale in the States of Alabama, Mississippi, and Arkansas as offered lands, made between the dates of the approval of the joint resolution of May fourteenth, eighteen hundred and eighty-eight, and its promulgation, May twenty-ninth, eighteen hundred and eighty-eight, in cases in which all requirements of law have been complied with, be, and the same are hereby, confirmed, and all such entries made between said dates which have been canceled for which the purchase money has not been refunded shall be reinstated by the Commissioner of the General Land Office upon the application of the purchaser or purchasers or their legal representatives or assigns: *Provided*, That no adverse claim has attached or shall attach prior to such application for reinstatement.

*Proviso.*  
Adverse claims.

Approved, April 7, 1896.

April 7, 1896.

**CHAP. 95.**—An Act To authorize the leasing of lands for educational purposes in Arizona.

Arizona.  
Lease of school  
lands authorized.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the lands reserved for university purposes, and all of the school land in the Territory of Arizona reserved by law for school purposes, may be leased under such laws and regulations as may be hereafter prescribed by the legislature of said Territory, but until such legislative action the governor, secretary of the Territory, and superintendent of public instruction shall constitute a board for the leasing of said lands under the rules and regulations heretofore prescribed by the Secretary of the Interior for the respective purposes for which the said reservations were made,