

CHAP. 505.—An Act Authorizing the Secretary of the Interior to grant right of way for pipe lines through Indian lands.

March 11, 1904.
[S. 3317.]

[Public, No. 45.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized and empowered to grant a right of way in the nature of an easement for the construction, operation, and maintenance of pipe lines for the conveyance of oil and gas through any Indian reservation, through any lands held by an Indian tribe or nation in the Indian Territory, through any lands reserved for an Indian agency or Indian school, or for other purpose in connection with the Indian service, or through any lands which have been allotted in severalty to any individual Indian under any law or treaty, but which have not been conveyed to the allottee with full power of alienation, upon the terms and conditions herein expressed. No such lines shall be constructed across Indian lands, as above mentioned, until authority therefor has first been obtained from, and the maps of definite location of said lines approved by, the Secretary of the Interior: *Provided*, That the construction of lateral lines from the main pipe line establishing connection with oil and gas wells on the individual allotments of citizens may be constructed without securing authority from the Secretary of the Interior and without filing maps of definite location, when the consent of the allottee upon whose lands oil or gas wells may be located and of all other allottees through whose lands said lateral pipe lines may pass has been obtained by the pipe line company: *Provided further*, That in case it is desired to run a pipe line under the line of any railroad, and satisfactory arrangements can not be made with the railroad company, then the question shall be referred to the Secretary of the Interior, who shall prescribe the terms and conditions under which the pipe line company shall be permitted to lay its lines under said railroad. The compensation to be paid the tribes in their tribal capacity and the individual allottees for such right of way through their lands shall be determined in such manner as the Secretary of the Interior may direct, and shall be subject to his final approval. And where such lines are not subject to State or Territorial taxation the company or owner of the line shall pay to the Secretary of the Interior, for the use and benefit of the Indians, such annual tax as he may designate, not exceeding five dollars for each ten miles of line so constructed and maintained under such rules and regulations as said Secretary may prescribe. But nothing herein contained shall be so construed as to exempt the owners of such lines from the payment of any tax that may be lawfully assessed against them by either State, Territorial, or municipal authority. And incorporated cities and towns into and through which such pipe lines may be constructed shall have the power to regulate the manner of construction therein, and nothing herein contained shall be so construed as to deny the right of municipal taxation in such towns and cities, and nothing herein shall authorize the use of such right of way except for pipe line, and then only so far as may be necessary for its construction, maintenance, and care: *Provided*, That the rights herein granted shall not extend beyond a period of twenty years: *Provided further*, That the Secretary of the Interior, at the expiration of said twenty years, may extend the right to maintain any pipe line constructed under this Act for another period not to exceed twenty years from the expiration of the first right, upon such terms and conditions as he may deem proper.

Indian lands.
Right of way granted to oil, etc., pipe lines through.

Secretary of Interior to approve location.

Provisos.
Lateral pipe lines.

Pipe lines laid under railroads.

Compensation.

Annual tax.

No exemption from State, etc., taxes.

Rights of incorporated cities.

Use of right of way restricted.

Time limit.

Extension.

Amendment.

SEC. 2. The right to alter, amend, or repeal this Act is expressly reserved.

Approved, March 11, 1904.

March 11, 1904.
[S. 3204.]

[Public, No. 46.]

CHAP. 506.—An Act Permitting the Kiowa, Chickasha and Fort Smith Railway Company to sell and convey its railroad and other property in the Indian Territory to the Eastern Oklahoma Railway Company, and the Eastern Oklahoma Railway Company to lease all its railroad and other property in the Indian Territory to the Atchison, Topeka and Santa Fe Railway Company, and thereafter to sell its railroad and other property to said the Atchison, Topeka and Santa Fe Railway Company.

Indian Territory,
Kiowa, Chickasha
and Fort Smith Rail-
way Company.
Sale to Eastern Okla-
homa Railway Com-
pany authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Kiowa, Chickasha and Fort Smith Railway Company may sell and convey to the Eastern Oklahoma Railway Company the railway of the Kiowa, Chickasha and Fort Smith Railway Company extending from Lindsay to Pauls Valley, in the Indian Territory, and the rights, privileges, and franchises relating thereto, such sale and conveyance to be made upon such terms and conditions as may be agreed upon by the boards of directors of the respective companies.

Eastern Oklahoma
Railway Company.
Lease of portion to
Atchison, Topeka and
Santa Fe Railway
Company allowed.

SEC. 2. That the Eastern Oklahoma Railway Company may lease to the Atchison, Topeka and Santa Fe Railway Company the portion of the railroad of the Eastern Oklahoma Railway Company extending from Pauls Valley, in the Indian Territory, to the southern boundary of Oklahoma Territory, together with the rights, privileges, and franchises of the Eastern Oklahoma Railway Company relating thereto, such lease to be made upon such terms and conditions as may be agreed upon by the boards of directors of the respective companies. In case such lease shall be made, the Eastern Oklahoma Railway Company thereafter may sell and convey the said portion of its railroad in the Indian Territory, together with the rights, privileges, and franchises relating thereto, to the Atchison, Topeka and Santa Fe Railway Company, upon such terms and conditions as may be agreed upon by the boards of directors of the respective companies.

Subsequent sale.

Kiowa, Chickasha
and Fort Smith Rail-
way.

SEC. 3. That in case the Kiowa, Chickasha and Fort Smith Railway Company shall sell and convey to the Eastern Oklahoma Railway Company the aforesaid railway of the Kiowa, Chickasha and Fort Smith Railway Company, and the rights, privileges, and franchises relating thereto, then the Eastern Oklahoma Railway Company may lease to the Atchison, Topeka and Santa Fe Railway Company said railway of the Kiowa, Chickasha and Fort Smith Railway Company extending from Lindsay to Pauls Valley, in the Indian Territory, together with the rights, privileges, and franchises of the Kiowa, Chickasha and Fort Smith Railway Company relating thereto, such lease to be made upon such terms and conditions as may be agreed upon by the boards of directors of the respective companies. And in case such lease shall be made, then the Eastern Oklahoma Railway Company may sell and convey the said railway of the Kiowa, Chickasha and Fort Smith Railway Company extending from Lindsay to Pauls Valley, in the Indian Territory, together with the rights, privileges, and franchises relating thereto, to the Atchison, Topeka and Santa Fe Railway Company upon such terms and conditions as may be agreed upon by the boards of directors of the respective companies.

Lease to Atchison,
Topeka and Santa Fe
Railway Company al-
lowed.

Subsequent sale.

Approved, March 11, 1904.

March 12, 1904.
[H. R. 9308.]

[Public, No. 47.]

Mississippi River,
Minnesota Power
and Trolley Company
may dam, in Minne-
sota.

CHAP. 542.—An Act Permitting the building of a dam across the Mississippi River between the counties of Wright and Sherburne, in the State of Minnesota.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the Minnesota Power and Trolley Company (a Minnesota corporation), its successors or assigns, to construct and maintain across the Mississippi River a dam, canal, and works necessarily incident thereto, for water-power purposes, at any point between section seventeen or eighteen, in township one hundred and twenty-

Location.