

CHAP. 141.—An Act To grant to railroad companies in Indian Territory additional powers to secure depot grounds.

April 25, 1896.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any railroad company operating a railroad in the Indian Territory may acquire the right to use such additional ground as may be necessary for railway purposes at stations now existing, or for the establishment of new stations or depots, by making it appear to the Secretary of the Interior that such additional ground is necessary for railway purposes, and that the convenience of the people and the public interests will be promoted thereby: *Provided,* That the lands so acquired shall be subject to all the conditions and limitations as to use as are the lands for right of way and station purposes, as contained in the original Acts, respectively, granting the companies rights of way through the Indian Territory.

Indian Territory. Railroad companies may acquire lands for stations, etc.

Proviso. Conditions.

SEC. 2. That the Secretary of the Interior may, when convinced that such application is proper, and after allowing opportunity for all parties in interest to be heard before him, grant the use of such additional lands held by the Indians in common as may be necessary for depot purposes; but before taking possession of and using such lands the railroad company shall deposit with the treasury of the tribe to which the lands belong compensation in cash at the rate of twenty-five dollars per acre: *Provided,* That if such tribe shall not be satisfied with the compensation herein provided, and the same can not be amicably determined, the amount to be paid by such railroad company to such tribe and the necessity for such taking shall be ascertained in the same manner as is prescribed by section three of this Act with respect to compensation to be paid individual occupants on any land so taken: *Provided further,* That before taking possession of and using such additional lands the railroad company in interest shall file a map of definite location of the same with the Secretary of the Interior, which map shall be subject to the approval of such Secretary.

Lands held in common.

Payment to tribes.

Provisos. Appeal.

Approval of location.

SEC. 3. That when lands desired by a railroad company under the provisions of this Act are held by individual occupants according to the laws, customs, and usages of any of the nations or tribes through whose lands the road is constructed, full compensation, in addition to the compensation to be paid the nation or tribe herein provided for, shall be paid to such occupant for all property taken and damage done by reason of the occupancy of the lands by the company for station purposes; and where the compensation can not be agreed upon between the company and the occupant, the company may apply to the Secretary of the Interior, who shall thereupon appoint three disinterested referees, who, 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 can not agree, then any two of them are authorized to make the award. Either party 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 United States court for the Indian Territory in and for the district wherein the land sought to be so taken may be situate, where the case, both as to the necessity for the taking as well as the amount of damages, shall be tried de novo. When proceedings have been commenced in court and the court has determined the necessity for such taking, the railroad company shall pay double the amount of the award into court to abide the judgment thereof, and then to have the right to enter upon the property sought to be condemned and proceed with the construction of such depot with the necessary tracks. Each of said referees shall receive for his 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 of five cents per mile for each mile actually traveled. Witnesses shall receive the usual fees allowed by the court, and all

Payment to individual occupants.

Referees.

Award.

Appeal.

Building may begin on depositing double the award.

Pay of referees, etc.

costs, including compensation of the referees, shall be made a part of the award and be paid by such railroad company.

Limitations.

SEC. 4. That all lands acquired under the provisions of this Act shall be used for railroad purposes strictly, and not more than twenty acres of land at any one station shall be acquired hereunder by any one railroad company; nor shall any additional land be so acquired which is not contiguous to land already occupied for railroad purposes.

Received by the President, April 14, 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.]

May 1, 1896.

CHAP. 147.—An Act To provide for reimbursement of the expense of constructing a sewer upon the permanent reservation at Hot Springs, Arkansas.

Hot Springs, Ark.
Payment for sewer.

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 be, and he is hereby, authorized and directed to pay to Albert B. Gaines, S. H. Stitt, and A. S. Garnett, of Hot Springs, Arkansas, S. W. Fordyce, of Saint Louis, Missouri, and Charles B. Platt, of the city of New York, out of any money under his control derived from leases of bath-house sites and from the sale of lots on the Hot Springs Reservation, Arkansas, and available for the protection and improvement of said reservation, the sum of nine hundred and thirty dollars, in reimbursement of the amount actually expended by said persons in the construction of a sewer upon the permanent reservation at Hot Springs, Arkansas.

Approved, May 1, 1896.

May 4, 1896.

CHAP. 150.—An Act To amend an Act entitled "An Act to authorize the Oregon and Washington Bridge Company to construct and maintain a bridge across the Columbia River, between the State of Oregon and the State of Washington, and to establish it as a post road."

Oregon and Wash-
ington Bridge Com-
pany.

Time extended for
bridging Columbia
River.
Vol. 26, p. 25.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That "An Act to authorize the Oregon and Washington Bridge Company to construct and maintain a bridge across the Columbia River, between the State of Oregon and the State of Washington, and to establish it as a post road," approved March twenty-fourth, eighteen hundred and ninety, be, and the same is hereby, extended, revived, and declared to be in full force and effect from and after March twenty-fourth, eighteen hundred and ninety-two. Section twelve of said Act, which provides that said Act shall be null and void if actual construction of the bridge therein authorized be not commenced within two years and completed within four years from the date of the approval thereof, shall be, and the same is hereby, so amended that the time within which said bridge is required to be commenced shall be within two years from June twenty-fourth, eighteen hundred and ninety-five, and the time within which it is required that said bridge be completed shall be within four years from the twenty-fourth day of June, eighteen hundred and ninety-five.

Approved, May 4, 1896.