

**CHAP. 35.**—An Act To change and fix the time for holding the district and circuit courts of the United States for the northern division of the eastern district of Tennessee.

February 27, 1896.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the terms of the circuit and district courts of the United States for the northern division of the eastern district of Tennessee, held at Knoxville, Tennessee, shall commence on the first Mondays in March and September of each year, instead of the second Mondays in January and July, as is now provided by law; and each of said terms shall continue as long as the presiding judge may deem necessary.

Tennessee eastern  
judicial district.  
Terms, Knoxville.  
R. S., secs. 572, 658,  
pp. 101, 122.

**SEC. 2.** That no action, suit, proceeding, information, indictment, recognizance, bail bond, or other process in either of said courts shall abate or be rendered invalid by reason of the change of time in the holding of the terms of said courts, but the same shall be deemed to be returnable to, pending, and triable at the terms herein provided for.

Pending causes.

**SEC. 3.** That this Act take effect from and after its passage, the public welfare requiring it; and that all laws and parts of laws conflicting with this Act be, and are hereby, repealed.

Repeal, etc.

Approved, February 27, 1896.

**CHAP. 36.**—An Act Authorizing and directing the Secretary of the Navy to donate one condemned cannon and four pyramids of condemned cannon balls to W. H. Wallace Post, Numbered Sixty-six, Grand Army of the Republic, of Eldorado, Kansas, and for other purposes.

February 27, 1896.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Navy be, and he is hereby, authorized and directed to donate one condemned cannon and four pyramids of condemned cannon balls to W. H. Wallace Post, Numbered Sixty-six, Grand Army of the Republic, of Eldorado, Kansas, for the soldiers' monument to be erected in said town: *Provided,* That in the judgment of the Secretary of the Navy, such articles can be spared without detriment to the public interest: *And provided further,* That the United States shall not be subjected to any expense on account of such donation.

Condemned cannon.  
Donated to Grand  
Army Post, Eldorado,  
Kans.

Provisos.  
Condition.

Expenses.

Approved, February 27, 1896.

**CHAP. 37.**—An Act To amend section fifty-two hundred and ninety-four of the Revised Statutes of the United States relative to the power of the Secretary of the Treasury to remit or mitigate fines, penalties, and forfeitures, and for other purposes.

March 2, 1896.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section fifty-two hundred and ninety-four of the Revised Statutes of the United States, approved December fifteenth, eighteen hundred and ninety-four, be, and the same is hereby, amended so as to read as follows:

Remission of fines,  
etc.  
R. S., sec. 5294, p.  
1098, amended.  
Vol. 28, p. 595.

“**SEC. 5294.** The Secretary of the Treasury may, upon application therefor, remit or mitigate any fine, penalty, or forfeiture provided for in laws relating to vessels or discontinue any prosecution to recover penalties or relating to forfeitures denounced in such laws, excepting the penalty of imprisonment or of removal from office, upon such terms as he, in his discretion, shall think proper; and all rights granted to informers by such laws shall be held subject to the Secretary's powers of remission, except in cases where the claims of any informer to the share of any penalty shall have been determined by a court of competent jurisdiction prior to the application for the remission of the penalty or forfeiture; and the Secretary shall have authority to ascertain the facts upon all such applications in such manner and under such regulations as he may deem proper.”

Remission of fines,  
etc., on vessels ex-  
tended to forfeitures.

Approved, March 2, 1896.

March 2, 1896.

**CHAP. 38.**—An Act To grant the Fort Smith and Western Coal Railroad Company a right of way through the Indian Territory, and for other purposes.

Fort Smith and Western Coal Railroad Company granted right of way, Indian Territory.

Location.

Bridge.

Width.

Stations, etc.

Provisos.  
Limit for stations.

Reversion, etc.

Damages.

Referees.

Oath, etc.

Appeal.

On depositing double  
award work may be  
gin.

Expenses.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Fort Smith and Western Coal Railroad Company, a corporation created under and by virtue of the laws of the State of Arkansas, be, and the same is hereby, vested and empowered with the right of locating, constructing, equipping, operating, using, and maintaining a railway, telegraph, and telephone line through the Indian Territory, beginning at a point to be selected by said company on the Western boundary line of the State of Arkansas, at or near the city of Fort Smith, Sebastian County, and running thence by the most practicable route through that part of the Indian Territory occupied by and known as the Choctaw Nation, in a south-westerly direction through the counties of Scullyville, Sans Bois, Gaines, and Tobucksy, to a point on the Missouri, Kansas and Texas Railway, in said Choctaw Nation, between McAlester and South Canadian, with a switch from a point on said line to form a connection with the Saint Louis and San Francisco Railway at a point on that railroad, to be located between Cedars Station and the Backbone Tunnel. And with the right to build in the line of said railroad, a bridge across the Poteau River, whose plan of construction shall be first approved by the Secretary of War.

**SEC. 2.** That a right of way of one hundred feet in width through said Indian Territory is hereby granted to the said Fort Smith and Western Coal Railroad Company, and a strip of land one hundred feet in width with a length of two thousand feet in addition to the right of way is granted for such stations as may be established, but no such grant shall be allowed but once in every ten miles of the road, no portion of which shall be sold or leased by the company, with the right to use such additional grants where there are heavy cuts or fills as may be necessary for the construction and maintenance of the roadbed, not exceeding fifty feet in width on each side of the right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than such addition of land shall be taken for any one station: *Provided further*, That no part of the lands herein granted shall be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railway, telegraph, and telephone lines, and when any portion thereof shall cease to be used such portion shall revert to the said Choctaw Nation.

**SEC. 3.** That before said railway shall be constructed through any lands held by individual occupants according to laws, customs, or usages of the Choctaw Nation through which it may be constructed, full compensation shall be made to such occupant for all property to be taken or damage done by reason of the construction of said railway. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisement of three disinterested referees, to be appointed by the President of the United States, 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 being 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 district court for the central district of the Indian Territory, sitting at the place nearest and most convenient to the property sought to be condemned, where the case shall be tried de novo. When proceedings have been commenced in court the railway 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. Each of said referees shall receive for his services the sum of four dollars per day for each