

CHAP. 298.—An Act Authorizing the Campbell-Lynch Bridge Company to construct a bridge across the Arkansas River at or near Webbers Falls, Indian Territory.

May 14, 1898.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for the Campbell-Lynch Bridge Company, a corporation organized under the laws of the State of Arkansas, its successors or assigns, to build, construct, and maintain a bridge and approaches thereto for the passage of wagons, cars, and vehicles of all kinds, for animals, horseback and foot passengers, across the Arkansas River at or near Webbers Falls, in said Cherokee Nation, Indian Territory, upon and from the land owned, claimed, and occupied by William W. Campbell and Susan F. Lynch, members and citizens of the Cherokee tribe of Indians, and the owners, claimants, and occupants of the land on both sides of the Arkansas River at the point where said bridge is to be built.

Campbell-Lynch Bridge Company may bridge Arkansas River, Indian Territory.

SEC. 2. That said bridge shall be built with such length of spans and at such elevation as the Secretary of War may require, and the said company shall, at its own expense, build and maintain such dikes, wing dams, booms, and other work as may, in the opinion of the Secretary of War, be necessary to maintain the channel of the river within the draw or main span of the bridge: *Provided,* That if said bridge be built as a drawbridge it shall be opened promptly upon reasonable signal for the passage of boats and other water craft; and whatever kind of bridge is constructed the company shall maintain thereon, at its own expense, such lights and other signals as the Light-House Board may prescribe: *Provided also,* That said bridge shall be recognized and known as a post route, upon which no higher charge shall be made for the transmission over the same of the mails, troops, and munitions of war of the United States than the rate per mile paid for their transportation over the railroads or highways leading to said bridge, and the United States shall have the right of way for a postal telegraph across said bridge: *And provided further,* That the company availing itself of the privilege of this Act shall submit to the Secretary of War for his approval drawings showing the plan and location of the said bridge, and until he has approved the said plan and location the bridge shall not be commenced or built; and no change in the said plans, either before or after completion, shall be made without the consent of the Secretary of War; but any change whatever in said bridge that he may order in the interests of navigation, either during construction or after construction, shall be made by the owners thereof at their own cost and expense.

Maintenance, etc., of channel.

Provisos. Drawbridge.

Lights.

Post route.

Secretary of War to approve plans.

—changes.

SEC. 3. That said Campbell-Lynch Bridge Company, its successors and assigns, is hereby authorized to take and use for all purposes of a highway or approaches to said bridge a right of way not exceeding one hundred feet in width on each side of the Arkansas River over the lands owned, claimed, and occupied by individuals under the laws and usages of the Cherokee Indians, or under the laws of the United States, and may contract for and obtain the same from such Indian or Indians by purchase: *Provided,* That no part of the lands herein authorized to be taken be leased or sold by the said Campbell-Lynch Bridge 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 highway; and when any portion thereof shall cease to be used such portion shall revert to the individual Indian or Indians from which the same shall have been taken.

Right of way for highway.

Proviso.—limitations

—reversion.

SEC. 4. That before said highway shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of the Cherokee Nation, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such highway. In case of failure to make amicable settlements with any occupant, such compensation shall be determined by the appraisement of three disinterested referees, to be appointed, one, who shall act as chairman, by the President of the United States, one by the chief of the nation to which said occupant belongs, and one by the said Campbell-Lynch Bridge Company, who, before entering

Compensation for land taken.

Referees.

—appointment.

upon the duties of their appraisements, shall take and subscribe before a district judge, clerk of a district court, or United States commissioner, an oath that they will faithfully and impartially discharge the duties of their appraisalment, 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 United States court held at Muskogee, Indian Territory, upon the application of the other party. The chairman of said board shall appoint the time and place of all hearings within the nation to which such occupant belongs. Each of said referees shall receive for his services the sum of four dollars per day for each day he is engaged in the trial of any cause submitted to him under this Act, with mileage at five cents per mile. Witnesses shall receive the usual fees allowed by the court of said nation.

—failure to appoint. Costs, including compensation of said referees, shall be made a part of the award, and be paid by the said Campbell-Lynch Bridge Company. In case the referees do 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 district court held at Fort Smith, Arkansas, which court shall have jurisdiction to hear and determine the subject-matter of the petition, according to the laws of the State of Arkansas for determining the damage when property is taken for railroad purposes. If, upon the hearing of said appeal, the judgment of the court shall be for a larger sum than the award of the referees, the costs of said appeal shall be adjudged against the said Campbell-Lynch Bridge Company. If the judgment of the court shall be for the same or a less sum than the award made by the referees, then the costs shall be adjudged against the party claiming damages. When proceedings have been commenced in court the said Campbell-Lynch Bridge 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 said bridge.

Hearings. **Construction to proceed on payment of double the award, etc.**

Costs. **Regulations**

Appeal. **Jurisdiction of controversies.**

SEC. 5. That the bridge authorized to be constructed under this Act shall be built and located under and subject to such regulations for the security of the navigation of said river as the Secretary of War shall prescribe. The jurisdiction is hereby vested in the United States court at Muskogee or Tahlequah, or in any United States court which may hereafter be established nearer to said bridge, over all controversies between the owners of said bridge, or between the owners and individuals, or between the members of any company which may hereafter be organized to own and operate said bridge, without regard to the race of the parties and the amount in controversy.

Tolls. **SEC. 6.** That the said bridge company, its successors or assigns, may charge such reasonable rate of tolls for the transit or passage over the same of wagons and vehicles of every description, for animals and foot passengers as shall be approved by the Secretary of War.

Commencement and completion. **SEC. 7.** That this Act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date of its approval.

Amendment. **SEC. 8.** That the right of Congress to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, May 14, 1898.

CHAP. 299.—An Act Extending the homestead laws and providing for right of way for railroads in the District of Alaska, and for other purposes.

May 14, 1898.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the homestead land laws of the United States and the rights incident thereto, including the right to enter surveyed or unsurveyed lands under provisions of law relating to the acquisition of title through soldiers' additional homestead rights, are hereby extended to the District of Alaska, subject to such regulations as may be made by the Secretary of the Interior; and no indemnity, deficiency, or lieu lands pertaining to any land grant whatsoever originating outside of said District of Alaska shall be located within or taken from lands in said District: *Provided*, That no entry shall be allowed extending more than eighty rods along the shore of any navigable water, and along such shore a space of at least eighty rods shall be reserved from entry between all such claims, and that nothing herein contained shall be so construed as to authorize entries to be made, or title to be acquired, to the shore of any navigable waters within said District: *And it is further provided*, That no homestead shall exceed eighty acres in extent.

Alaska.
Homestead laws extended to.

Location of lieu lands, etc.

Provisos.
Entries on navigable water.
Alternate spaces reserved.

Limit of homestead entry.

Right of way to railroads.

SEC. 2. That the right of way through the lands of the United States in the District of Alaska is hereby granted to any railroad company, duly organized under the laws of any State or Territory or by the Congress of the United States, which may hereafter file for record with the Secretary of the Interior a copy of its articles of incorporation, and due proofs of its organization under the same, to the extent of one hundred feet on each side of the center line of said road; also the right to take from the lands of the United States adjacent to the line of said road, material, earth, stone, and timber necessary for the construction of said railroad; also the right to take for railroad uses, subject to the reservation of all minerals and coal therein, public lands adjacent to said right of way for station buildings, depots, machine shops, side tracks, turn-outs, water stations, and terminals, and other legitimate railroad purposes, not to exceed in amount twenty acres for each station, to the extent of one station for each ten miles of its road, excepting at terminals and junction points, which may include additional forty acres, to be limited on navigable waters to eighty rods on the shore line, and with the right to use such additional ground as may in the opinion of the Secretary of the Interior be necessary where there are heavy cuts or fills: *Provided*, That nothing herein contained shall be so construed as to give to such railroad company, its lessees, grantees, or assigns the ownership or use of minerals, including coal, within the limits of its right of way, or of the lands hereby granted: *Provided further*, That all mining operations prosecuted or undertaken within the limits of such right of way or of the lands hereby granted shall, under rules and regulations to be prescribed by the Secretary of the Interior, be so conducted as not to injure or interfere with the property or operations of the road over its said lands or right of way. And when such railway shall connect with any navigable stream or tide water such company shall have power to construct and maintain necessary piers and wharves for connection with water transportation, subject to the supervision of the Secretary of the Treasury: *Provided*, That nothing in this Act contained shall be construed as impairing in any degree the title of any State that may hereafter be erected out of said District, or any part thereof, to tide lands and beds of any of its navigable waters, or the right of such State to regulate the use thereof, nor the right of the United States to resume possession of such lands, it being declared that all such rights shall continue to be held by the United States in trust for the people of any State or States which may hereafter be erected out of said District. The term "navigable waters," as herein used, shall be held to include all tidal waters up to the line of ordinary high tide and all nontidal waters navigable in fact up to the line of ordinary high-water mark. That all charges for the transportation of freight and passengers on railroads in the District of Alaska shall be printed

—width.
Materials for construction.

Stations.

—limit.

Provisos.
Minerals excepted.

Mining operations not to interfere with road.

Wharves.

Rights of future States.

"Navigable waters," defined.

Railroad charges to be printed and posted.