

Jurisdiction.

SEC. 2. That full jurisdiction is hereby conferred on the Court of Claims to hear and determine such suit and to make all interlocutory and final decrees therein, as the evidence may warrant, according to the principles of equity and justice, and to enforce the same by injunction or any proper final process, and in all respects to proceed in said cause according to law and the rules of said court, so far as the same are applicable. And the Secretary of State shall certify to the said court copies of all proofs admitted by the said Mixed Commission on the original trial of said claim, and the said court shall receive and consider the same in connection with such competent evidence as may be offered by either party to said suit.

Evidence.

Appeal to Supreme Court.

SEC. 3. That an appeal from any final decision in such cause to the Supreme Court of the United States may be taken by either party within ninety days from the rendition of such final decree, under the rules of practice which govern appeals from said court; and the Supreme Court of the United States is hereby authorized to take jurisdiction thereof and decide the same.

Disposition of award on final judgment.

SEC. 4. That in case it shall be finally adjudged in said cause that the award made by said Mixed Commission, so far as it relates to the claim of La Abra Silver Mining Company, was obtained through fraud effectuated by means of false swearing, or other false and fraudulent practices of said company or its assigns, or by their procurement, and that the said La Abra Silver Mining Company, its legal representatives or assigns, be barred and foreclosed of all claim to the money or any part thereof so paid by the Republic of Mexico for or on account of such award, the President of the United States is hereby authorized to return to said Government any money paid by the Government of Mexico on account of said award, remaining in the custody of the United States, that has not been heretofore distributed to said La Abra Mining Company or its successors and assigns, which such court shall decide that such persons are not entitled, in justice and equity, to receive out of said fund.

Payment to claimants during pendency of suit forbidden.

SEC. 5. That, during the pendency of said suit and until the same is decided, it shall not be lawful for the Secretary of State to make any further payments out of said fund, on account of said award, to La Abra Silver Mining Company, or its legal representatives, attorneys, or assigns; and in case it shall be finally adjudged in said cause either in the Court of Claims or in the Supreme Court of the United States that the award made by said Mixed Commission, so far as it relates to the claim of La Abra Silver Mining Company, or any definable and severable part thereof, was not obtained through fraud as aforesaid, then the Secretary of State shall proceed to distribute so much of the said award as shall be found not so obtained through fraud, or the proceeds thereof remaining for distribution, if any, to the persons entitled thereto.

Payment if claim allowed.

Approved, December 28, 1892.

December 28, 1892.

CHAP. 15.—An act to amend and enlarge the act approved June eighteenth, eighteen hundred and seventy-eight, entitled "An act to provide for the distribution of the awards made under the convention between the United States of America and the Republic of Mexico, concluded on the fourth day of July, eighteen hundred and sixty-eight."

Preamble.

Whereas the Secretary of State, after investigating the charge of fraud presented by the Mexican Government as to the case of Benjamin Weil, has heretofore reported that the "honor of the United States requires" that said case "should be further investigated by the United States, to ascertain whether this Government has been made the means of enforcing upon a friendly power claims of our citizens based upon or exaggerated by fraud," but that "the Executive Government is not furnished with the means of instituting and pursuing methods of investigation which can coerce the production of evidence

or compel the investigation of parties and witnesses," and that "the authority for such an examination must proceed from Congress." Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in further execution of the purpose of said act of June eighteenth, eighteen hundred and seventy-eight, the Attorney-General of the United States be, and he is hereby, authorized and directed to bring a suit or suits, in the name of the United States, in the Court of Claims, against Benjamin Weil, or his legal representatives or assigns, to determine whether the award made by the United States and Mexican Mixed Commission in respect to the claim of the said Benjamin Weil was obtained, as to the whole sum included therein or as to any part thereof, by fraud effectuated by means of false swearing, or other false and fraudulent practices on the part of said Benjamin Weil, or his agents, attorneys, or assigns; and, in case it be so determined, to bar and foreclose all claim in law or equity on the part of said Weil, his legal representatives or assigns, to the money, or any such part thereof, received from the Republic of Mexico for or on account of such award; and any defendant to such suit not served with process and who can not be found in the District of Columbia shall be notified and required to appear in such suit by such publication as the court may direct, in accordance with law, as applicable to cases in equity.

SEC. 2. That full jurisdiction is hereby conferred on the Court of Claims to hear and determine such suit, and to make all interlocutory and final decrees therein as the evidence may warrant, according to the principles of equity and justice, and to enforce the same by injunction or any proper final process, and in all respects to proceed in said cause according to law and the rules of said court, so far as the same are applicable. And the Secretary of State shall certify to the said court copies of all proofs admitted by the said Mixed Commission on the original trial of said claim, and the said court shall receive and consider the same in connection with such competent evidence as may be offered by either party to said suit.

SEC. 3. That an appeal from any final decision in such cause to the Supreme Court of the United States may be taken by either party, within ninety days from the rendition of such final decree, under the rules of practice which govern appeals from said court; and the Supreme Court of the United States is hereby authorized to take jurisdiction thereof and decide the same.

SEC. 4. That in case it shall be finally adjudged in said cause either in the Court of Claims, or in the Supreme Court of the United States, that the award made by said Mixed Commission, so far as it relates to the claim of Benjamin Weil, was effectuated by means of fraud, false swearing, or other false and fraudulent practices of said Benjamin Weil, or his assigns, or by their procurement, and that the said Weil, his legal representatives or assigns, be barred and foreclosed of all claim to the money or any part thereof so paid by the Republic of Mexico for or on account of such award, the President of the United States is hereby authorized to return to said Government any money paid by the Government of Mexico on account of said award remaining in the custody of the United States that has not been heretofore distributed to said Benjamin Weil, his legal representatives or assigns, which such court shall decide that such persons are not entitled, in justice and equity, to receive out of said fund.

SEC. 5. That during the pendency of said suit and until the same is decided it shall not be lawful for the Secretary of State to make any further payments out of said fund, on account of said award, to Benjamin Weil, or his legal representatives, attorneys, or assigns; and in case it shall be finally adjudged in said cause either in the Court of Claims or in the Supreme Court of the United States that the award made by said Mixed Commission, so far as it relates to the claim of

Benjamin Weil.
Claim to award
against Mexico to be
tried in Court of
Claims.
Vol. 20, p. 146.

Determination
whether award was
obtained by fraud.

Notification of ab-
sented defendants.

Jurisdiction.

Evidence.

Appeal to Supreme
Court.

Disposition of award
on final judgment.

Payments to claim-
ants during pendency
of suit forbidden.

Payments if claim
allowed.

Benjamin Weil, or any definable and severable part thereof, was not obtained through fraud as aforesaid, then the Secretary of State shall proceed to distribute so much of the said award as shall be found not so obtained through fraud, or the proceeds thereof remaining for distribution, if any, to the persons entitled thereto.

Approved, December 28, 1892.

December 28, 1892.

CHAP. 16.—An act to authorize the Alabama Grand Trunk Railroad Company to bridge across the Tallapoosa and Coosa rivers.

Alabama Grand Trunk Railroad Company may bridge Tallapoosa and Coosa rivers, Alabama.

Railway, wagon and foot bridges.

Lawful structures and post routes.

Postal telegraph. Use by other companies.

Compensation.

Secretary of War to approve plans, etc.

Changes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Alabama Grand Trunk Railroad Company, organized under the laws of the State of Alabama, be, and is hereby, authorized to construct, maintain, and use a bridge, and approaches thereto, over the Tallapoosa River, near Hatchett Ferry, and also a bridge, and approaches thereto, over the Coosa River, at some point between Cedar Bluff and Tripp Ferry, both of said proposed bridges being in the State of Alabama. Said bridges shall be constructed to provide for the passage of railway trains, and, at the option of the corporation by which either of said bridges may be built, may be used for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot passengers.

SEC. 2. That any bridge built under this act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post route, and it shall enjoy the rights and privileges of other post roads in the United States; and, upon just compensation being paid to said company, equal privileges in the use of said bridge or bridges shall be granted to all telegraph and telephone companies; and the United States shall have the right of way, free of cost, over said bridge or bridges for postal-telegraph purposes.

SEC. 3. That all railroad companies desiring the use of said bridge or bridges shall have and be entitled to equal rights and privileges relative to the passage of railway trains over the same, and over the approaches thereto, upon the payment of a reasonable compensation to the said Alabama Grand Trunk Railroad Company, its successors and assigns, for such use; and in case the owner or owners of said bridge or bridges, and the several railroad companies, or any of them, desiring such use shall fail to agree upon the sum or sums to be paid, and upon rules and conditions to which each shall conform in using said bridge or bridges, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties.

SEC. 4. That the bridges authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said rivers as the Secretary of War shall prescribe; and to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of each of said bridges, when necessary to construct either of them, and a map of the location, giving for the space of one mile above and one mile below the proposed location the topography of the banks of the river, the shore lines at high and low water, the direction and strength of the currents at all stages, and the soundings accurately showing the bed of the stream, the location of any other bridge or bridges, and furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge or bridges is approved by the Secretary of War the bridge shall not be commenced or built; and should any change be made in the plan of either of said bridges during the progress of construction, such changes shall be subject to the approval of the Secretary of War; and the expense of such change, and of any other changes at any time required by the Secretary of War