

**CHAP. 501.**—An Act Granting right of way through the Pikes Peak Timber Land Reserve and the public lands to the Cripple Creek District Railway Company.

June 27, 1898.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Cripple Creek District Railway Company, a corporation created and existing under the laws of the State of Colorado, be, and it hereby is, authorized to construct and maintain a railway over and through the Pikes Peak Timber Land Reserve (heretofore reserved from entry or settlement and set apart as a public reservation by Executive order), said railway to enter said Pikes Peak Timber Land Reserve at such a point on the eastern or northern boundary thereof in El Paso County, Colorado, as may be found to be the most feasible for the route of said railway, running in a westerly direction from Colorado Springs, Colorado, thence proceeding by the most practicable route through the reserve to the western boundary thereof; also, to proceed by such side tracks, extensions, switches, and spurs as may be necessary to reach any groups of mines in said forest reserve, all in said El Paso County; and the said railway company is hereby also granted right of way through the public lands to the town of Cripple Creek, in the said State of Colorado; said right of way being granted subject to the rules and restrictions and carrying all the rights and privileges of an Act entitled "An Act granting to railroads the right of way through the public lands of the United States," approved March third, eighteen hundred and seventy-five, said Act being hereby made applicable to the right of way hereby granted: *Provided*, That no timber shall be cut by said railroad company for any purpose outside of the rights of way herein granted.

Approved, June 27, 1898.

Cripple Creek District Railway granted right of way through Pikes Peak Timber Land Reserve.  
Amended. *post*, p. 729.

Location.

Right of way to Cripple Creek, Col.

Vol. 18, p. 482.

*Proviso.*  
Cutting of timber limited.

**CHAP. 502.**—An Act To authorize the Missouri, Kansas and Texas Railway Company to straighten and restore the channel of the South Canadian River, in the Indian Territory, at the crossing of said railroad.

June 27, 1898.

Whereas the Missouri, Kansas and Texas Railway Company, heretofore, under and pursuant to authority conferred upon it by an act of Congress of the United States, built and constructed its line of railroad through the Indian Territory and through the Creek and Choctaw nations, and pursuant to said Congressional authority, as a part of its said line of railroad, many years since, at great expense, built and constructed a railroad bridge across the South Canadian River; and

Whereas the said South Canadian River, at the point it is crossed by said railroad bridge, and for a long distance on both sides, forms the established boundary line between the said Creek and Choctaw nations; and

Whereas recently unprecedented floods occurred in the South Canadian Valley, resulting in that river overflowing its banks at many points and flooding the contiguous territory and also resulting in the diversion of that river from its old channel at the point it was so bridged by the Missouri, Kansas and Texas Railway Company and for some distance above and below, and the formation of a new course some distance to the north of said bridge, washing away the railroad and railroad bed for a distance of about two miles, seriously interrupting and impeding the transportation of the mails, troops, munitions of war, and interstate commerce generally; and

Whereas it is important that the course of said river be restored to the old channel at and below the bridge of said Missouri, Kansas and Texas Railway Company, and so established immediately above said bridge as to prevent as far as practicable any further shiftings of the channel of the river and breaking of the railway embankments and

Preamble.

overflows of adjoining farm lands, and make possible the continued and uninterrupted use of said railroad and said railroad bridge: Therefore,

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That said Missouri, Kansas and Texas Railway Company be, and it is hereby, authorized, at its sole expense, to restore the said river to its original channel, under and below said railroad bridge, and to that end to straighten and shorten the river above said bridge by excavating and constructing a channel for the river, commencing at said bridge and extending thence across sections twenty-eight and twenty-nine of township nine north, of range fifteen east, to the South Canadian River, at or near the northwest corner of said section twenty-nine, and for that purpose the said railway company is authorized to enter upon lands adjacent to said railroad.

SEC. 2. That before said channel shall be excavated and constructed through any lands held by individual occupants according to the laws, customs, and usages of the Creek and Choctaw nations, full compensation shall be made to such occupants for all property to be taken or damaged by reason of the construction of said channel. In case of failure to make amicable settlements with any occupant, the railway company may file its petition in the United States court in the Indian Territory for the district in which the lands lie, reciting its failure to make such amicable settlement, and thereupon said court shall appoint a commission of three disinterested persons, having the qualifications of jurors in said court, to view the premises and appraise the damages to be sustained by such occupant, who, before entering upon their duties, shall take and subscribe before said courts or the clerk thereof an oath that they will faithfully and impartially discharge the duties imposed by their appointment, which oath, duly certified, shall be returned with their award. The award of a majority of said commissioners shall be the award of the commission, and such award shall be filed within ten days after the appointment of said commission. Either party being dissatisfied with the award may file exceptions in said court thereto within ten days from the filing of the same, and a trial of the issues raised by such exceptions shall be had in said court as in other cases. If neither party files exceptions the railway company shall pay into court, before entering upon the land condemned, the amount of said award, together with all costs, assessed as in ordinary cases in said court: *Provided*, That said commissioners shall be allowed and paid four dollars per day, with mileage at five cents per mile. If either party files exceptions, then the railway company shall pay into court double the amount of the award to abide the judgment thereof, and may at once proceed with the construction of said channel.

SEC. 3. That the boundary line between the Creek and Choctaw nations shall be and remain unchanged by reason of the work hereinbefore authorized to be done by said railway company.

SEC. 4. That the Missouri, Kansas and Texas Railway Company by such condemnation proceedings and the construction of said channel, and the diversion of the river through same, shall have no other or further rights in and to said river than it now has.

Approved, June 27, 1898.

**CHAP. 503.**—An Act To amend sections one and two of the Act of March third, eighteen hundred and eighty-seven, Twenty-fourth Statutes at Large, chapter three hundred and fifty-nine.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section one of the Act of March third, eighteen hundred and eighty-seven, chapter three hundred and fifty-nine, second session of the Forty-ninth Congress, be

Missouri, Kansas and Texas Railroad may restore South Canadian River to its original channel.

—location.

Damages to Indian occupants.

—appointment of commission to appraise.

—award.

—exceptions to, etc.

*Proviso.*  
—commissioner's compensation, etc.  
—work to commence on deposit to abide judgment.

Boundary line between creek and Choctaw nations to remain unchanged.

Railroad's right to river not enlarged.

June 27, 1898.

Court of Claims.  
Suits by Government officers to recover fees for services.