

Reimbursement of residents of reservation for damages.

Completion of construction.

Authority to remove structures, etc.

Amendment.

be appointed by the Secretary of the Navy: *And provided further*, That said company shall reimburse the residents of said reservation for any damages to their property or tenements caused by the construction, excavation, or operation of said road, such damage in all cases to be fixed by the said board: *And provided further*, That the right of way and other privileges granted in this section shall be subject to the regulation and control of the said Secretaries, and shall be inoperative, null, and void unless the said railroad company shall complete the construction of and have in use its tracks within five years from the date of the passage of this Act.

SEC. 3. That the Secretaries of the Navy and War, at any time they shall deem it necessary for the public good, may cause to be removed or destroyed all or any of the tracks, embankments or other structures hereby permitted on the naval and military reservations near Pensacola, Florida, without liability for damages; and the said company shall not erect or allow the use of any residences on said reservation, nor shall it erect any structures of any kind thereon except such as the Secretaries of the Navy and War shall approve; and all approvals in this Act required shall be in writing.

SEC. 4. That Congress expressly reserves the right to alter, amend, or repeal this Act, in whole or in part, without any liability on the part of the United States for any damages or losses sustained by said company.

Approved, February 28, 1899.

February 28, 1899.

**CHAP. 225.**—An Act Authorizing the Sioux City and Omaha Railway Company to construct and operate a railway through the Omaha and Winnebago Reservation, in Thurston County, Nebraska, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Sioux City and Omaha Railway Company, a corporation created under and by virtue of the laws of the State of Nebraska, be, and the same is hereby, authorized and invested and empowered with the right of locating, constructing, owning, equipping and operating, using and maintaining a railway and telegraph and telephone line through the Omaha and Winnebago Reservation in Nebraska, beginning at a point to be selected by said railway company at or near the town of Decatur, Burt County, Nebraska, and running thence in a northerly and westerly direction, over the most practicable and feasible route, through the Omaha and Winnebago Reservation, to a point on the north line of the Omaha and Winnebago Reserve, in Thurston County, with the right to construct, use, and maintain such tracks, turn-outs, sidings, and extensions as said company may deem to its interests to construct and maintain along and upon the right of way and depot grounds herein provided for.

SEC. 2. That said corporation is authorized to take and use, for all purposes of a railway, for its main line and branch line, and for no other purpose, a right of way one hundred feet in width through said Omaha and Winnebago Reservation, and to take and use a strip of land two hundred feet in width, with a length of three thousand feet, in addition to the right of way, for stations, for every ten miles of road, with the right to use such additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the road-bed, not exceeding one hundred feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided further*, That no part of the lands herein authorized to be taken shall be sold by the 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 railway, telegraph, and telephone lines; and when any portion thereof shall

Width.

Additional land for stations, etc.

*Provided*.

—limit.

Restricted use.

Reversion.

Sioux City and Omaha Railway granted right of way through Omaha and Winnebago Reservation, Nebr.

cease to be used, such portion shall revert to the Omaha and Winnebago tribes of Indians from whom the same shall have been taken.

SEC. 3. That before said railway shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of said Omaha and Winnebago tribes of Indians through which it may be constructed, or by allotments under any law of the United States or agreement with the Indians, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such 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, one (who shall act as chairman) by the Indian agent of the Government stationed at the agency of the Omaha and Winnebago Reservation, one by the chief of the tribe to which said occupant belongs, or, in case of an allottee, by said allottee or by his duly authorized guardian or representative, and one by said railway company, who, before entering upon the duties of their appointment, 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 appointment; 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 any United States court in the State of Nebraska, upon the application of the other party. The chairman of said board shall appoint the time and place for all hearings within the tribe to which such occupant belongs. Each of said referees shall receive for his services the sum of three dollars per day for each day he is engaged in the trial of any case submitted to them under this Act, with mileage at five cents per mile. Witnesses shall receive the usual fees allowed by the courts of said State of Nebraska. Costs, including compensation of the referees, shall be made a part of the award, and be paid by such railway company. In case the referees can not agree, then any two are authorized to make the award. Either party being dissatisfied with the finding of the referees shall have the right, within ninety days after making the award and notice of the same, to appeal by original petition to any district court in the State of Nebraska, which court shall have jurisdiction to hear and determine the subject-matter of said petition. If, upon hearing of the appeal, the judgment of the court shall be for a larger sum than the award of the referees, the cost of said appeal shall be adjudged against the railway company. If the judgment of the court shall be for the same sum as the award of the referees, then the cost shall be adjudged against the appellant. If the judgment of the court shall be for a smaller sum than the award of the referees, then the cost shall be adjudged against the party claiming damages. When proceedings have been commenced in court, the railway 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 the railway.

Damages.

Appraisal.

Hearings.

Costs.

Appeal.

—costs on.

Construction to begin on payment of double award.

Additional compensation.

Provisos. Appeal.

SEC. 4. That said railway company shall pay to the Secretary of the Interior, for the benefit of the particular tribes or individuals through whose lands said line may be located, the sum of fifty dollars, in addition to compensation provided for in this Act, for property taken and damage done to individual occupants by the construction of the railway, for each mile of railway that it may construct in said Omaha and Winnebago Reservation, said payments to be made in installments of one hundred dollars as each ten miles of road is graded: *Provided*, That if the general council of either of the tribes through whose land said railway may be located shall, within four months after the filing of maps of definite location, as set forth in section five of this Act, dissent from

the allowance provided for in this section, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to such dissenting tribes under the provisions of this Act shall be determined as provided in section three for the determination of the compensation to be paid to the individual occupant of the lands, with the right of appeal to the courts upon the same terms, conditions, and requirements as therein provided: *Provided further*, That the amount awarded or adjudged to be paid by the said railway company for dissenting tribes shall be in lieu of the compensation that said tribes would be entitled to receive under the foregoing provisions. Said railway company shall have the right to survey and locate its railway immediately after the passage of this Act.

SEC. 5. That said company shall cause maps showing the entire route of its located lines through the said Omaha and Winnebago Reservation to be filed in the office of the Secretary of the Interior, which maps shall be approved by said Secretary before any rights shall vest in said company under this Act. After the filing of said maps and approval thereof by the Secretary of the Interior no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Provided*, That when a map showing said railway company's located line is filed and approved, as herein provided for, said company shall commence grading said located line within six months thereafter, or such location shall be void.

SEC. 6. That said railway company shall build at least ten miles of its railway in said Omaha and Winnebago Reservation within two years after the passage of this Act, and complete the remainder thereof within three years thereafter, or the rights herein granted shall be forfeited as to that portion not built; that said railway company shall construct and maintain continually all fences, road and highway crossings, and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way or may be by the proper authorities laid out across the same.

SEC. 7. That Congress may at any time amend, add to, or alter this Act.

Approved, February 28, 1899.

February 28, 1899.

**CHAP. 226.**—An Act To amend an Act entitled "An Act to grant the right of way through the Indian Territory to the Denison, Bonham and New Orleans Railway Company for the purpose of constructing a railway, and for other purposes," approved March twenty-eighth, eighteen hundred and ninety-eight, and to vest in The Denison, Bonham and Gulf Railway Company all the rights, privileges, and franchises therein granted to said first-named company.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all the rights of way, privileges, and franchises granted, or which were sought to be granted, to the Denison, Bonham and New Orleans Railway Company by the Act of Congress entitled "An Act to grant the right of way through the Indian Territory to the Denison, Bonham and New Orleans Railway Company for the purpose of constructing a railway, and for other purposes," be, and the same are hereby, fully vested in and granted to The Denison, Bonham and Gulf Railway Company, and said Act is hereby so amended as to insert in lieu of the name of the Denison, Bonham and New Orleans Railway Company that of the said The Denison, Bonham and Gulf Railway Company wherever it occurs in the title or body of said Act, and the same shall hereafter read and be construed in all respects as if the name of the said The Denison, Bonham and Gulf Railway Company had been inserted in the original Act in lieu of that of the Denison, Bonham and New Orleans Railway Company.

Approved, February 28, 1899.

*Ante*, p. 913.

Payment for dissenting tribes, etc.

Surveys, etc.

Maps to be filed.

*Proviso.*  
Grading to begin on filing maps.

Construction.

—forfeiture of rights.

Crossings.

Amendment.

Right of way of Denison, Bonham and New Orleans Railway granted to Denison, Bonham and Gulf Railway.  
*Ante*, p. 341.