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## **1899, March 2 - 30 Stat. 990, Act to Acquire Rights of Way by Railroad Companies through Indian Reservations, Lands, Allotments**

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THE  
STATUTES AT LARGE

OF THE  
UNITED STATES OF AMERICA,

FROM  
MARCH, 1897, TO MARCH, 1899,

AND  
RECENT TREATIES, CONVENTIONS, EXECUTIVE PROCLAMATIONS,

AND  
THE CONCURRENT RESOLUTIONS OF THE TWO HOUSES OF CONGRESS.

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EDITED, PRINTED, AND PUBLISHED BY AUTHORITY OF  
CONGRESS, UNDER THE DIRECTION OF  
THE SECRETARY OF STATE.

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VOL. XXX.

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WASHINGTON:  
GOVERNMENT PRINTING OFFICE.  
1899.

Limit of cost. revenue offices, and United States courts, and for other Government uses, in the city of Elmira and State of New York, the cost of the site and the building, including fireproof vaults, heating and ventilating apparatus, and approaches, complete, not to exceed the sum of one hundred and eighty-five thousand dollars.

Proposals for site. Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city for at least fourteen days prior to the date specified in the advertisement for opening the proposals.

Commission to decide on site. The proposals made in response to said public advertisement, at the time named in the advertisement, or within ten days subsequent thereto, shall be received, opened, and considered by a commission of three persons, who shall be appointed by the Secretary of the Treasury; and it shall be the duty of said commissioners to forward to the Secretary of the Treasury, within forty days of the date named in the advertisement for opening the proposals, a written report, with the original proposals, maps, and so forth, and the oaths prescribed by Act of Congress approved June twenty-third, eighteen hundred and seventy-four, and to definitely state in said report the site selected by them, and their selection of the site shall be final; and each commissioner shall be allowed a compensation for his services of an amount within the discretion of the Secretary of the Treasury, said compensation not to exceed two hundred dollars and actual traveling expenses to each member.

—compensation. Fire space. The building shall be unexposed to danger from fire by an open space of at least forty feet on each side, including streets and alleys: *Provided*, That no part of said sum, except ordinary preliminary expenses, shall be expended until a valid title to said site shall be vested in the United States and the State of New York shall cede to the United States exclusive jurisdiction over same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil process therein.

*Proviso.*  
Title, etc.

Approved, March 2, 1899.

March 2, 1899.

**CHAP. 374.**—An Act To provide for the acquiring of rights of way by railroad companies through Indian reservations, Indian lands, and Indian allotments, and for other purposes.

General right of way to railroads through Indian lands granted.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That a right of way for a railway, telegraph and telephone line through any Indian reservation in any State or Territory, or through any lands held by an Indian tribe or nation in Indian Territory, or through any lands reserved for an Indian agency or for other purposes in connection with the Indian service, or through any lands which have been allotted in severalty to any individual Indian under any law or treaty, but which have not been conveyed to the allottee with full power of alienation, is hereby granted to any railroad company organized under the laws of the United States, or of any State or Territory, which shall comply with the provisions of this Act and such rules and regulations as may be prescribed thereunder: *Provided*, That no right of way shall be granted under this Act until the Secretary of the Interior is satisfied that the company applying has made said application in good faith and with intent and ability to construct said road, and in case objection to the granting of such right of way shall be made, said Secretary shall afford the parties so objecting a full opportunity to be heard: *Provided further*, That where a railroad has heretofore been constructed, or is in actual course of construction, no parallel right of way within ten miles on either side shall be granted by the Secretary of the Interior unless, in his opinion, public interest will be promoted thereby.

*Provisos.*  
Approval of Secretary of the Interior, etc.

Parallel rights of way.

Width.

**SEC. 2.** That such right of way shall not exceed fifty feet in width

on each side of the center line of the road, except where there are heavy cuts and fills, when it shall not exceed one hundred feet in width on each side of the road, and may include ground adjacent thereto for station buildings, depots, machine shops, side tracks, turn-outs, and water stations, not to exceed one hundred feet in width by a length of two thousand feet, and not more than one station to be located within any one continuous length of ten miles of road: *Provided*, That this section shall apply to all rights of way heretofore granted to railroads in the Indian Territory where no provisions defining the width of the rights of way are set out in the Act granting the same.

Additional ground for stations, etc.

*Proviso.*  
Applicable to grants Indian Territory, etc.

SEC. 3. That the line of route of said road may be surveyed and located through and across any of said lands at any time, upon permission therefor being obtained from the Secretary of the Interior; but before the grant of such right of way shall become effective a map of the survey of the line or route of said road must be filed with and approved by the Secretary of the Interior, and the company must make payment to the Secretary of the Interior for the benefit of the tribe or nation, of full compensation for such right of way, including all damage to improvements and adjacent lands, which compensation shall be determined and paid under the direction of the Secretary of the Interior, in such manner as he may prescribe. Before any such railroad shall be constructed through any land, claim, or improvement, held by individual occupants or allottees in pursuance of any treaties or laws of the United States, compensation shall be made to such occupant or allottee for all property to be taken, or damage done, by reason of the construction of such railroad. In case of failure to make amicable settlement with any such occupant or allottee, such compensation shall be determined by the appraisement of three disinterested referees, to be appointed by the Secretary of the Interior, 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 to the Secretary of the Interior. If 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 sixty days after the making of the award and notice of the same, to appeal, in case the land in question is in the Indian Territory, by original petition to the United States court in the Indian Territory sitting at the place nearest and most convenient to the property sought to be condemned; and if said land is situated in any State or Territory other than the Indian Territory, then to the United States district court for such State or Territory, where the case shall be tried de novo and the judgment for damages rendered by the court shall be final and conclusive. When proceedings are commenced in court as aforesaid, the railroad company shall deposit the amount of the award made by the referees with the 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 the referees shall receive for his compensation the sum of four dollars per day while engaged in the hearing of any case submitted to them under this Act. Witnesses shall receive the fees usually allowed by courts within the district where such land is located. Costs, including compensation of the referees, shall be made part of the award or judgment, and be paid by such railroad company.

Maps to be filed.

Damages.

Appraisal.

Appeal.

Construction to commence on deposit of the award.

Fees, costs, etc.

Construction—  
forfeiture.

*Proviso.*  
—extension of time for completion.

SEC. 4. That if any such company shall fail to construct and put in operation one-tenth of its entire line in one year, or to complete its road within three years after the approval of its map of location by the Secretary of the Interior, the right of way hereby granted shall be deemed forfeited and abandoned ipso facto as to that portion of the road not then constructed and in operation: *Provided*, That the Secretary may, when he deems proper, extend, for a period not exceeding two years, the time for the completion of any road for which right of way has been granted and a part of which shall have been built.

Annual rental.  
  
Passenger and freight rates, Indian Territory.

SEC. 5. That where a railroad is constructed under the provisions of this Act through the Indian Territory there shall be paid by the railroad company to the Secretary of the Interior, for the benefit of the particular nation or tribe through whose lands the road may be located, such an annual charge as may be prescribed by the Secretary of the Interior, not less than fifteen dollars for each mile of road, the same to be paid so long as said land shall be owned and occupied by such nation or tribe, which payment shall be in addition to the compensation otherwise required herein. And within the Indian Territory upon any railroad constructed under the provisions of this Act the rates and charges for passenger and freight service, if not otherwise prescribed by law, may be prescribed by the Secretary of the Interior from time to time, and the grants herein are made upon condition that the companies shall transport mails whenever required to do so by the Post-Office Department.

Railroad rights on public lands. Vol. 18, p. 482.

SEC. 6. That the provisions of section two of the Act of March third, eighteen hundred and seventy-five, entitled "An Act granting to railroads the right of way through the public lands of the United States," are hereby extended and made applicable to rights of way granted under this Act and to railroad companies obtaining such rights of way.

Regulations.

SEC. 7. That the Secretary of the Interior shall make all needful rules and regulations, not inconsistent herewith, for the proper execution and carrying into effect of all the provisions of this Act.

Amendment.

SEC. 8. That Congress hereby reserves the right at any time to alter, amend, or repeal this Act, or any portion thereof.  
Approved, March 2, 1899.

March 2, 1899.

**CHAP. 375.**—An Act To provide for the purchase of a site and the erection of a public building hereon at Clinton, in the State of Iowa.

Clinton, Iowa. Public building authorized.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post-office and other Government offices, in the city of Clinton and State of Iowa, the cost of said site and building, including said vaults, heating and ventilating apparatus, and approaches, complete, not to exceed the sum of one hundred thousand dollars.

Limit of cost.

Proposals for site.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Investigation of site.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

—commission.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission, of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusions in the premises,