

Proviso.
Condition.

thousand dollars to one hundred and ninety thousand dollars; and to enable the Secretary of War to make this increase in the price of this work and to make payment therefor the sum of forty thousand dollars is hereby appropriated: *Provided*, That if in the judgment of the Secretary of War the carriage, emplacement, and loading mechanism can be completed for the sum hereby appropriated, and when completed will be of service to the Government, the appropriation herein made shall be available.

Approved, March 3, 1903.

March 3, 1903.

[Public, No. 151.]

CHAP. 1001.—An Act Authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Vancouver Barracks and Military Reservation, in the State of Washington, to the Portland, Vancouver and Yakima Railway Company, its successors and assigns.

Vancouver Bar-
racks, etc., Wash.
Portland, Van-
couver and Yakima
Railway granted right
of way through.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War is hereby authorized and empowered to locate a right of way, not exceeding one hundred feet in width, through the lands of the Vancouver Barracks and Military Reservation if in his judgment it can be done in such a manner as not to interfere with the uses of said reservation for military purposes by the United States; and when said right of way shall be so located it is hereby granted during the pleasure of Congress to the Portland, Vancouver and Yakima Railway, a corporation organized under the laws of the State of Washington, its successors and assigns, for the purpose of constructing a railroad and telegraph line thereon: *Provided*, That the said right of way and the width and location thereof through said lands, the compensation therefor, and the regulations for operating said railroad within the limits of the said military reservation so as to prevent all damage to public property or for public uses shall be prescribed by the Secretary of War prior to any entry upon said lands or the commencement of the construction of said works: *Provided also*, That whenever said right of way shall cease to be used for the purposes aforesaid the same shall revert to the United States.

Provisos.
Secretary of War to
prescribe use, etc.

Reversion.

Amendment.

SEC. 2. That Congress reserves the right to alter, amend, or repeal this Act.

Approved, March 3, 1903.

March 3, 1903.

[Public, No. 152.]

CHAP. 1002.—An Act To amend section one of the Act of Congress approved May fourteenth, eighteen hundred and ninety-eight, entitled "An Act extending the homestead laws and providing for a right of way for railroads in the district of Alaska."

Alaska.
Homestead laws ex-
tended to.
Vol. 30, p. 409,
amended.
Restriction as to in-
demnity, etc., selec-
tions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the provisions of the homestead laws of the United States not in conflict with the provisions of this Act, and all rights incident thereto, 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 land selections pertaining to any land grant outside of the district of Alaska shall be made, and no land scrip or land warrant of any kind whatsoever shall be located within or exercised upon any lands in said district except as now provided by law; and provided further that no more than one hundred and sixty acres shall be entered in any single body by such scrip, lieu selection, or soldier's additional homestead right;

Maximum entries.

and provided further that no location of scrip, selection, or right along any navigable or other waters shall be made within the distance of eighty rods of any lands, along such waters, theretofore located by means of any such scrip or otherwise; and provided further that no commutation privileges shall be allowed in excess of one hundred and sixty acres included in any homestead entry under the provisions hereof: *Provided*, That no entry shall be allowed extending more than one hundred and sixty 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 no patent shall issue hereunder until all the requirements of sections twenty-two hundred and ninety-one, twenty-two hundred and ninety-two, and twenty-three hundred and five of the Revised Statutes of the United States have been fully complied with as to residence, improvements, cultivation, and proof except as to commuted lands as herein provided: *And it is further provided*, That every person who is qualified under existing laws to make homestead entry of the public lands of the United States who has settled upon or who shall hereafter settle upon any of the public lands of the United States situated in the district of Alaska, whether surveyed or unsurveyed, with the intention of claiming the same under the homestead laws, shall, subject to the provisions and limitations hereof, be entitled to enter three hundred and twenty acres or a less quantity of unappropriated public land in said district of Alaska. If any of the land so settled upon, or to be settled upon, is unsurveyed, then the land settled upon, or to be settled upon, must be located in a rectangular form, not more than one mile in length, and located by north and south lines run according to the true meridian; that the location so made shall be marked upon the ground by permanent monuments at each of the four corners of the said location, so that the boundaries of the same may be readily and easily traced; that the record of said location shall, within ninety days from the date of settlement, be filed for record in the recording district in which the land is situated. Said record shall contain the name of the settler, the date of the settlement, and such a description of the land settled upon, by reference to some natural object or permanent monument, as will identify the same; and, if after the expiration of the said period of five years or at such date as the settler may desire to commute the public surveys of the United States have not been extended over the land located, a patent shall nevertheless issue for the land included within the boundaries of said location as thus recorded, upon proof to be submitted to the register and receiver of the proper land office, upon proof that he is a citizen of the United States, and upon the further proof required by section twenty-two hundred and ninety-one of the Revised Statutes of the United States as heretofore and herein amended, and under the procedure in the obtaining of patents to the unsurveyed lands of the United States, as provided for by section ten of the Act hereby amended, and under such rules and regulations as shall be prescribed by the Secretary of the Interior as hereinbefore provided, without the payment of any purchase price or other charges, except the ordinary office fees and commissions of the register and receiver except one dollar and twenty-five cents per acre on land commuted: *And provided always*, That no title shall be obtained hereunder to any of the mineral or coal lands of the district of Alaska: *And it is further provided*, That the right of any homestead settler to transfer any portion of the land so settled upon, as provided by section twenty-two hundred and eighty-eight of the Revised Statutes of the United States, shall be restricted and limited within the district of Alaska as follows: For church, cemetery, or school purposes to five acres, and

Locations on water banks.

Commutation.

Provisos.
Reservations on navigable waters.

No entries of shores.

Patent requirements.
R. S., secs. 2291, 2292, 2305, pp. 420, 422.

Maximum entry increased.

Location on unsurveyed lands.

Records to be filed.

Issue of patent.

R. S., sec. 2291, p. 420.

Vol. 30, p. 414.

Payments.

Mineral.

Transfers permitted.
R. S., sec. 2288, p. 419.

Contracts voidable. for the right of railroads across such homestead to one hundred feet in width on either side of the center line of said railroad; and all contracts by the settler made before his receipt of patent from the Government, for the conveyance of the land homesteaded by him or her, except as herein provided, shall be held null and void.

Approved, March 3, 1903.

March 3, 1903. **CHAP. 1003.**—An Act To authorize the President of the United States to appoint
 [Public, No. 153.] Kensey J. Hampton captain and quartermaster in the Army.

Capt. Kensey J. Hampton.
 May be appointed captain and quartermaster, Army.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States in his discretion be, and he is hereby, authorized to appoint Kensey J. Hampton, late captain and assistant quartermaster, United States Volunteers, to the grade of captain and quartermaster, United States Army, to fill the first or any subsequent vacancy in said grade in the Quartermaster's Department occurring after the passage of this Act.

Approved, March 3, 1903.

March 3, 1903. **CHAP. 1004.**—An Act Granting the right of way to the Kenova and Big Sandy Railroad Company through the Government lands at Lock Number Two, Big Sandy River, and at Lock Number Three, Big Sandy River, both in Wayne County, West Virginia.

Locks 2 and 3, Big Sandy River, W. Va.
 Kenova and Big Sandy Railroad* Company granted right of way through.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Kenova and Big Sandy Railroad Company, a corporation created under and by virtue of the law of the State of West Virginia, its successors and assigns, be, and the same are hereby, empowered to locate, construct, and maintain its railroad through the lands belonging to the United States Government at Lock Number Two, Big Sandy River, and at Lock Number Three, Big Sandy River, in Wayne County, in the State of West Virginia, under such conditions and upon such lines, and of such widths, as shall be determined and approved by the Secretary of War: *Provided,* That the said company shall pay to the United States such sum of money as the Secretary of War shall decide to be the value of the lands so occupied.

Proviso.
 Payment.

Time of construction.

SEC. 2. That the right of way granted herein under the provisions contained in this Act shall become inoperative and null and void unless the said company shall, within the term of two years from the first of January, nineteen hundred and three, have so far advanced the construction of said road as to satisfy the War Department that said company is lawfully and successfully established and that said road will be completed as proposed within a reasonable time.

Reversion.

SEC. 3. That if in the future, in the construction or operation by the United States of locks, dams, or other improvements to facilitate navigation on the Big Sandy River, or the tributaries thereof, it shall be necessary to utilize any land or other property of the said railroad company, the privilege shall be granted on such terms as shall be determined by the Secretary of War, and the said railroad company shall execute a valid agreement to that effect to be submitted to and approved by the said Secretary of War.

Amendment.

SEC. 4. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, March 3, 1903.