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CHAP. 717.—An act granting to the Oregon Railway and Navigation Company the right of way through the Nez Percé Indian Reservation. July 26, 1888.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right of way is hereby granted, as hereinafter set forth, to the Oregon Railway and Navigation Company, a corporation organized and existing under the laws of the State of Oregon, for the extension of its railroad through the Nez Percé Indian Reservation, from a point on the western boundary of said reservation on the Clear Water River, in Idaho Territory, in an easterly direction, following the valley of said Clear Water River and the south fork of said river and branches of the same in a generally southerly and easterly direction to the eastern boundary of said reservation; also from a point on the northern boundary of said Nez Percé Indian Reservation on Potlack Creek in section sixteen, township thirty-seven north, range three west, Boise meridian, by way of Potlack Creek to the Clear Water River.

Oregon Railway and Navigation Company granted right of way through Nez Percé Indian Reservation, Idaho.

Location.

SEC. 2. That the right of way hereby granted to said company shall be seventy-five feet in width on each side of the central line of said railroad as aforesaid; and said company shall also have the right to take from said lands adjacent to the line of said road material, stone, earth, and timber necessary for the construction of said railroad; also, ground adjacent to such right of way for station-buildings, depots, machine-shops, side-tracks, turnouts, and water-stations, not to exceed in amount three hundred feet in width and three thousand feet in length for each station, to the extent of one station for each ten miles of road.

Width.

Buildings, etc.

SEC. 3. That it shall be the duty of the Secretary of the Interior to fix the amount of compensation to be paid the Indians for such right of way, and provide the time and manner for the payment thereof, and also to ascertain and fix the amount of compensation to be made individual members of the tribe for damages sustained by them by reason of the construction of said road; but no right of any kind shall vest in said railway company in or to any part of the right of way herein provided for until plats thereof, made upon actual survey for the definite location of such railroad, and including the points for station-buildings, depots, machine-shops, side-tracks, turnouts, and water-stations, shall be filed with and approved by the Secretary of the Interior, which approval shall be made in writing and be open for the inspection of any party interested therein, and until the compensation aforesaid has been fixed and paid; and the surveys, construction, and operation of such railroad, including charges of transportation, shall be conducted with due regard for the rights of the Indians, and in accordance with such rules and regulations as the Secretary of the Interior may make to carry out this provision: *Provided*, That the consent of the Indians to said right of way shall be obtained by said railroad company in such manner as the Secretary of the Interior shall prescribe, before any right under this act shall accrue to said company.

Compensation.

Plats, etc., to be approved by Secretary of the Interior.

Proviso.
Consent of Indians.

SEC. 4. That said company shall not assign or transfer or mortgage this right of way for any purpose whatever until said road shall be completed: *Provided*, That the company may mortgage said franchise, together with the rolling stock, for money to construct and complete said road: *And provided further*, That the right granted herein shall be lost and forfeited by said company unless the road is constructed and in running order across said reservation within two years from the passage of this act.

Assignment.

Provisos.
Mortgage.

Completion.

SEC. 5. That said railway company shall accept this right of way upon the expressed condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking towards the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian

Condition of acceptance.

tribes any further grant of land or its occupancy than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

Proviso. Violation to forfeit.

Amendment.

SEC. 6. That Congress may at any time amend, add to, alter, or repeal this act.

Received by the President July 14, 1888.

[NOTE BY THE DEPARTMENT OF STATE.—The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the house of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

July 26, 1888.

CHAP. 718.—An act to grant to the Puyallup Valley Railway Company a right of way through the Puyallup Indian Reservation in Washington Territory, and for other purposes.

Puyallup Valley Railway Company granted right of way through Puyallup Indian Reservation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Puyallup Valley Railway Company, a corporation created under and by virtue of the laws of the Territory of Washington, be, and the same is hereby, invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway, telegraph, and telephone lines through the Puyallup Indian Reservation, or such parts thereof as may be hereinafter designated in this act, said line to begin on the northwestern boundary of the said Indian reservation, near the city of Tacoma, running thence by the most practicable route through said reservation to the southeastern boundary thereof; thence to the town of Sumner, in said Territory of Washington, with the right to construct, use, and maintain such tracks, turn-outs, sidings, and extensions hereinafter mentioned as such company may deem necessary and to their interest to construct along, upon, and in connection with the right of way hereby granted. Before work is begun the definite line and location of said railway is to be submitted to and approved by the Secretary of the Interior.

Location.

Width.

SEC. 2. That a right of way sixty-six feet in width through said Indian reservation, or the designated parts thereof, is hereby granted to the Puyallup Valley Railway Company, and a strip of land one hundred and thirty-three feet in width, with a length of two thousand feet, in addition to the right of way, is granted for such stations, sidings, or junctions as may be established by said railway company for the proper and convenient operating of said railroad, with the right to use such additional ground, where there are heavy cuts or fills, as may be necessary for the proper construction and maintenance of the road-bed; but ground taken or used for such purposes shall not exceed fifty feet in width on each side of the right of way, or only as much thereof as may be included in such cuts and fills: *Provided*, That no part or parts of land included in these grants shall be used for any other purposes than shall be necessary for the construction, maintenance, and convenient operation of said railroad, telegraph, and telephone lines: *Provided further*, That the consent of the Indians to said right of way upon the said Puyallup Indian Reservation shall be obtained in such manner as the President of the United States may prescribe, before any right under this act shall accrue to said company: *And provided further*, That the location, construction, and operation of said road through said reservation shall be subject to such regulations as the Secretary of the Interior may provide.

Stations, etc.

Provisos.

For railroad uses only.

Consent of Indians.

Regulations.

Damages.

SEC. 3. That before said railway shall be constructed through any land, claim, or improvement held by individual occupants, according to any treaties or laws of the United States, compensation shall