

Massachusetts; one at or near Lynn Haven Inlet, Virginia; two between Ocracoke Inlet and Cape Lookout, North Carolina, at such points as the General Superintendent of the Life-Saving Service may recommend; one at or near Ashtabula, Ohio; one at or near Marquette, Michigan; one between the Ocean House, south of the entrance to the harbor of San Francisco, and Point San Pedro, California, at such point as the General Superintendent of the Life-Saving Service may recommend.

Approved, October 13, 1888.

October 17, 1888.

CHAP. 1186.—An act granting to the Duluth and Winnipeg Railway Company the right of way through the Fond du Lac Indian Reservation in the State of Minnesota, and for other purposes.

Duluth and Winnipeg Railway Company granted right of way through Fond du Lac Indian Reservation, Minn.

Width.

Buildings, etc.

Compensation.

Damages to Indian tribe.

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

Proviso.
Rights of Indians.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That there is hereby granted to the Duluth and Winnipeg Railway Company, commencing at Duluth and running by the most practicable route to a point at or near Grand Rapids, on Mississippi River, a corporation organized and existing under the laws of the State of Minnesota, and its assigns, the right of way for the extension of its railroad through the Fond du Lac Indian Reservation in said State. Such right of way shall be fifty feet in width on each side of the central line of said railroad, and said company shall also have the right to take from the lands adjacent to the line of said road material, stone, and earth necessary for the construction of said railroad; also grounds adjacent to such right of way, for station buildings, depots, machine-shops, side-tracks, turn-outs, 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 two stations within the limits of said reservation.

SEC. 2. 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 be made such occupant or claimant for all property to be taken or damage done by reason of the construction of said railway. In case of failure to make satisfactory settlement with any such claimant, the just compensation shall be determined as provided for by the laws of Minnesota, enacted for the settlement of like controversies in such cases. The amount of damages resulting to the Fond du Lac tribe of Indians in their tribal capacity by reason of the construction of said railway through such lands of the reservation as are not occupied in severalty, shall be ascertained and determined in such manner as the Secretary of the Interior may direct, and to be subject to his final approval; 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 grounds for station buildings, depots, machine-shops, side-tracks, turn-outs, and water-stations, shall have been approved by the Secretary of the Interior, and until the compensation aforesaid shall have been fixed and paid, and the consent of the Indians on said reservation as to the amount of said compensation shall have been first obtained in a manner satisfactory to the President of the United States. Said company is hereby authorized to enter upon such reservation for the purpose of surveying and locating its line of railroad: *Provided*, That said railroad shall be located, constructed, and operated with due regard to the rights of the Indians and under such rules and regulations as the Secretary of the Interior shall prescribe.

SEC. 3. That the rights herein granted shall be forfeited by said company unless the road is constructed through said reservation within three years.

Completion.

SEC. 4. That there be, and is hereby, granted to the Oregon Railway and Navigation Company, a corporation organized and existing under the laws of the State of Oregon for the purposes of station-buildings, depots, machine-shops, side-tracks, turn-outs and water-stations, and other railroad purposes, and for the purpose of access to and egress from said station the following described tracts of land, being a portion of the Indian reservation in the State of Oregon known as the Umatilla Reservation, namely: Commencing at a point one thousand and thirty-eight and one half feet north of the southeast corner of section four, township three north, range thirty-four east, Willamette meridian, and on the east line of said section four; thence north fifty-seven degrees west two hundred and fifty and three tenths feet to a point three hundred and fourteen and eight tenths feet from the main track of the Oregon Railway and Navigation Company's railroad; thence north thirty-three degrees east one thousand and fifty feet in a line parallel with the main track of said railroad at this point; thence south fifty-seven degrees east four hundred and fourteen and eight tenths feet; thence south thirty-three degrees west one thousand and fifty feet; thence north fifty-seven degrees west one hundred feet to the center of the main track of said railroad; thence north fifty-seven degrees west sixty-four and one half feet to the place of beginning, containing ten acres. Also a strip of land sixty-two and two tenths feet wide on each side of a line commencing at a point on the northwest side of said ten-acre tract, one hundred and fifty feet from its northwest corner, and running thence north ten degrees and four minutes west seven hundred feet to the center of Wild Horse Creek.

Oregon Railway and Navigation Company granted lands in Umatilla Indian Reservation, Oregon.

Location.

SEC. 5. 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 tracts of land and to provide the time and manner of the payment thereof, and until the compensation aforesaid has been fixed and paid no right of any kind shall vest in said railway company.

Secretary of Interior to fix compensation.

SEC. 6. That said railway company shall accept this grant 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 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.

Conditions of acceptance.

Proviso.
Violation to forfeit.

SEC. 7. The preceding three sections shall not take effect until the consent of said Indians to the provisions thereof shall have been obtained; which consent shall be expressed in writing, signed, by a majority of the male adults on said reservation and by a majority of their chiefs in council assembled for that purpose, and shall be filed with the Secretary of the Interior.

Consent of Indians.

SEC. 8. That the act entitled "An act providing for allotment of lands in severalty to the Indians residing upon the Umatilla Reservation, in the State of Oregon, and granting patents therefor, and for other purposes," approved March third, eighteen hundred and eighty-five, be, and the same is hereby, amended by repealing so much thereof as limits the total quantity of the diminished reservation proposed to one hundred and twenty thousand acres, and the Secretary of the Interior shall set apart such further quantity of land of the existing Umatilla Reservation, in addition to the one hundred and twenty thousand acres thereof, required by said act to be selected, designated, and reserved for the uses and purposes of said Indians, as therein provided, as shall enable him to fix, define, and establish

Quantity of land in reservation increased.
Vol. 23, p. 341.

the metes and bounds of said reserved tract in a satisfactory manner, and to include therein such portions as he may deem advisable of certain lands in the eastern part of the reservation, which the Indians desire shall be reserved for them; and the said Secretary is authorized by order to establish such diminished reservation accordingly; and in all other respects said act shall continue and remain in force.

Amendment.

SEC. 9. That Congress may at any time amend, add to, alter, or repeal this act.

Approved, October 17, 1888.

October 18, 1888.

CHAP. 1194.—An act to provide for warehousing fruit brandy.

Fruit brandy.
Provisions for warehousing.
Vol. 19, p. 393.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of an act entitled "An act relating to the production of fruit brandy, and to punish frauds connected with the same," approved March third, eighteen hundred and seventy-seven, be extended and made applicable to brandy distilled from apples or peaches, or from any other fruit the brandy distilled from which is not now required or hereafter shall not be required to be deposited in a distillery warehouse: *Provided,* That each of the warehouses established under said act, or which may hereafter be established, shall be in charge either of a storekeeper or of a storekeeper and gauger, at the discretion of the Commissioner of Internal Revenue.

Proviso.

Custody.

Approved, October 18, 1888.

October 18, 1888.

CHAP. 1195.—An act to establish a life-saving station on the Atlantic coast between Indian River Inlet, Delaware, and Ocean City, Maryland.

Life-saving station.
Established on coast of Delaware or Maryland.

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 to establish a life-saving station on the coast of Delaware or Maryland, at such point between Indian River Inlet, Delaware, and Ocean City, Maryland, as the General Superintendent of the Life-Saving Service may direct.

Approved, October 18, 1888.

October 18, 1888.

CHAP. 1196.—An act to incorporate the Brightwood Railway Company of the District of Columbia.

District of Columbia.
Brightwood Railway Company incorporated.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That M. M. Parker, A. A. Thomas, C. M. Anderson, C. B. Pearson, and Joseph Paul, of the District of Columbia, and their associates, successors, and assigns, be, and they are hereby, created a body corporate and politic, under the name of the Brightwood Railway Company of the District of Columbia, and may make and use a common seal, and by that name may sue and be sued, plead and be impleaded, with authority to construct and lay down a single or with the approval of the Commissioners of the District a double track railway, with the necessary switches, turn-outs, and other mechanical devices and sewer connections, necessary to operate the same by horse, cable, or electric power, in the District of Columbia, through and along Brightwood avenue, from Boundary street to the boundary-line of the District of Columbia, with the right to run public carriages thereon propelled by horse, electric, or cable power. Whenever the foregoing route or routes may coincide with the duly authorized route or routes of any other duly

Location.

Coinciding tracks.