

of and for said railway, but nothing herein contained shall be construed to prevent any such railway company from building upon such lands houses for the accommodation of their employees.

SEC 3. That said location may be made by said company upon a survey made by themselves. And upon the final survey of said lands by the United States, and the approval of the plats thereof by the Secretary of the Interior, the said railway company shall, within ninety days, pay for said rights to take land as hereinbefore provided: *Provided*, That within three years from the passage of this act the said railway and navigation company, at their own cost and charge, shall construct a standard gauge railway from the terminus of the Red River and Lake of the Woods Railway, at Saint Hilaire, in the county of Polk, in said State, to the lands so selected and entered and maintain the same in good condition for railroad purposes; otherwise all the rights herein granted shall become null and void, and forfeited to the United States without further action of Congress: *Provided further*, That before these privileges shall become operative the consent of a majority of the male adults of the said Red Lake Chippewa Indians shall be obtained in such form and manner as the President shall prescribe: *And provided further*, 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 may prescribe.

SEC. 4. That Congress may at any time amend, add to, alter, or repeal, this act.

Approved, October 1, 1890.

Buildings for employees.

Survey, etc.

Provisos.

Construction of railway.

Consent of Indians.

Secretary of Interior to prescribe rules, etc., for location, etc.

Amendment, etc.

CHAP. 1274.—An act to extend and amend "An act to authorize the Fort Worth and Denver City Railway Company to construct and operate a railway through the Indian Territory, and for other purposes."

October 1, 1890.

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 approved February twenty-fourth, eighteen hundred and eighty-seven, granting the right of way through the Indian Territory to the Fort Worth and Denver City Railway Company, and other purposes, shall be extended for a period of three years from February twenty-fourth, eighteen hundred and ninety, so that said company shall have until February twenty-fourth, eighteen hundred and ninety-three, to build the first fifty miles of its railway: *Provided*, That said railway shall start its line on the Fort Worth and Denver City Railway Company at a point between Henrietta and Iowa Park, near the southern boundary of the Indian Territory, and that said railway shall enter and cross into the Indian Territory between the ninety-eighth and ninety-ninth meridians of longitude, and that the said act of February twenty-fourth, eighteen hundred and eighty-seven, be, and the same is hereby, amended accordingly, and is in all things else except as herein amended continued in force.

Approved, October 1, 1890.

Right of way to Fort Worth and Denver City Railway Company through Indian Territory.

Vol. 24, p. 419, amended

Time for construction extended.

Proviso.

Change of route.

CHAP. 1275.—An act granting to the Northern Pacific and Yakima Irrigation Company a right of way through the Yakima Indian Reservation in Washington.

October 1, 1890.

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 Northern Pacific and Yakima Irrigation Company, a corporation organized and existing under the laws of the State of Washington, for the construction of an irrigating canal through the Yakima Indian Reservation from a point on the boundary of said reservation in either

Northern Pacific and Yakima Irrigation Company granted canal right of way through Yakima Indian Reservation, Wash. Location.

sections four, eight, nine or ten, township twelve north, range eighteen east, of the Willamette meridian, in Yakima County, in the State of Washington; thence extending in a southeasterly direction to a point on the boundary of said reservation at section seventeen, township twelve north, range nineteen east, of the said meridian.

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 canal as aforesaid; and said company shall also have the right to take from said lands adjacent to the line of said canal material, stone, earth, and timber necessary for the construction of said canal.

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 for whatever property of said Indians may be taken in the construction of said canal, 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 canal; but no right of any kind shall vest in said irrigation company in or to any part of the right of way herein provided for until plats thereof, made upon actual surveys for the definite location of such canal, shall be filed with and approved by the Secretary of the Interior, which approval shall be made in writing, and be opened 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 canal 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 and compensation shall be obtained by said irrigation company, in such manner as the Secretary of the Interior shall prescribe, before any right under this act shall accrue to said company.

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

SEC. 5. That said irrigation company shall accept this right of way upon the express condition, binding upon itself, its successors or assigns, that they will neither aid, advise, nor assist in any effort looking toward 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 irrigation company under this act.

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

Approved, October 1, 1890.

October 1, 1890.

CHAP. 1276.—An act for the protection of actual settlers who have made homesteads or pre-emption entries upon the public lands of the United States in the State of Florida upon which deposits of phosphate have been discovered since such entries were made.

Florida.
Settlers in good faith
on phosphate lands
may complete their
entries.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who has in good faith entered upon any lands of the United States in the State of Florida, subject at the date of said entry to homestead