

the United States, or for through railway passengers or freight passing over said bridge, than the rate per mile paid for their transmission over the railroads leading to said bridge; and the United States shall have the right of way across said bridge and its approaches for postal-telegraph purposes, and all telegraph or telephone companies shall have equal rights.

SEC. 4. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains over the same and over the approaches thereto upon payment of a reasonable compensation for such use, and in case the owner or owners of said bridge, and the several railroad companies, or any one of them, desiring such use, fail to agree upon the sum or sums to be paid, and upon rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties, and all telephone and telegraph companies shall have equal rights and privileges in constructing and operating their lines across said bridge.

SEC. 5. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date hereof.

SEC. 6. That such alterations or changes as may be required by the Secretary of War or Congress in the bridge constructed under the provisions of this act shall be made by the said railroad company at its own expense, and at any time after the completion of the bridge; and the right to alter, amend, or repeal this act is hereby expressly reserved; and the right to require the entire removal of the bridge constructed under the provisions of this act, at the expense of the owners thereof, whenever Congress shall decide that the public interests require it, is also expressly reserved.

Approved, January 10, 1893.

CHAP. 29.—An act to admit free of duty the wreckage of the ships Trenton and Vandalia, presented by the United States to the King of Samoa.

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 is hereby, directed to admit free of duty the wreckage from the ships Trenton and Vandalia, presented by the United States Government to the King of Samoa for the benefit of the Samoan people, and to refund the sum of seven thousand one hundred and twenty-eight dollars, being the amount of duties paid to the collector of San Francisco, to the proper parties in interest.

Approved, January 10, 1893.

CHAP. 32.—An act granting to the Blue Mountain Irrigation and Improvement Company a right of way for reservoir and canals through the Umatilla Indian Reservation in the State of Oregon.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Blue Mountain Irrigation and Improvement Company, a corporation organized and existing under the laws of the State of Oregon, may purchase so much of sections one (1) and two (2) in township one (1) south of range thirty-three (33) east Willamette meridian, in the Umatilla Indian Reservation in the State of Oregon, as may be required by said company for the purpose of a reservoir, dam and grounds accompanying, out of lands allotted to or which may have been selected for allotment by any Indians, if said company shall be able to agree with the Indian owners or allottees thereof upon the terms of such sale and the Secretary of the Interior shall approve and ratify the same; but the said company shall

Postal telegraph.

Use by other companies.

Compensation.

Telephone and telegraph lines.

Commencement and completion.

Changes.

Amendment, etc.

January 10, 1893.

Wreckage of "Trenton" and "Vandalia" to be admitted free of duty.

Refund of amount collected.

January 12, 1893.

Blue Mountain Irrigation and Improvement Company.

Purchase of lands on Umatilla Indian Reservation for reservoir and dam authorized.

have no right to compel the sale by any Indian owner or allottee of any lands for the purposes of reservoir or dam, or accompanying grounds. And said company may also take of the lands in said sections one and two in said reservation which have not yet been allotted, so much additional land as shall be required for the purposes of a reservoir and dam and necessary grounds appurtenant thereto, upon making payment as hereafter provided in respect to the right of way. And upon and after acquiring by purchase as aforesaid, with the approval of the Secretary of the Interior, the necessary grounds for reservoir and dam, the right of way is hereby granted to said Blue Mountain Irrigation and Improvement Company for a main ditch or canal to commence at a point on McKay Creek north, six degrees west of corner to sections one, two, eleven and twelve, township one south, range thirty-three east, Willamette meridian, thence running across said Indian reservation to the city of Pendleton, and to the Umatilla River, with the right to divert the waters of McKay Creek and its tributaries and for such other purposes to construct and maintain reservoirs, dams, flumes, ditches, and such other structures and devices as may be necessary for storing, conveying, and distributing water at such points as said company may desire to use the same. But all the rights herein granted are upon the express condition that during their continuance, the grantees or their assigns shall furnish to occupants of said lands on said reservation, so situated as to be capable of irrigation or supply from any ditch constructed by them hereunder, water sufficient for purposes of agricultural and domestic uses and irrigation under such rules and regulations and on such terms as the Secretary of the Interior shall prescribe, and shall not divert or diminish the volume of water in said streams or exhaust either of them, so far as to impair vested rights, or to hinder, or prevent the occupants of lands on said reservation from the full enjoyment of said streams either for power, irrigation, or domestic purposes.

Right of way for irrigating canal. For the purpose of determining the fairness of any agreement of sale negotiated with any of said Indian owners or allottees, and the wisdom of their making such sale to said company, the Secretary of the Interior shall appoint such commissioners, not exceeding three in number, as he shall think fit, to personally inquire into and report to him the facts in respect to said matter, and he shall approve and ratify or disapprove any such agreement as he shall think the best interests of the Indians may require; and all expenses attending such inquiry shall be paid by the said Blue Mountain Irrigation and Improvement Company, security for the payment of which may be required in advance by the Secretary of the Interior.

Location.

Supplying water.

Commissioners to determine agreement.

Expenses.

Right of way.

Material, etc.

Compensation to Indian allottees.

Commissioners to fix compensation for right of way, etc.

SEC. 2. That the right of way to said company shall be fifty feet in width on each side of the center line of said ditch or canal, together with the ground adjacent to the said right of way for distributing ditches not exceeding ten acres in the aggregate for every ten miles of said ditch or canal. The company shall also have the right to enter upon lands adjacent to said canal or reservoir to take therefrom material, stone, earth, or timber necessary for the construction of said dam, ditch, or canal. But no land belonging to any Indian owner in severalty, or which shall have been selected for allotment by any Indian, shall be taken by the said company, nor shall the company have a right to take therefrom any material, stone, earth, or timber except by agreement with the said Indian owner approved by the Secretary of the Interior, or by first making compensation for the same, and any injury thereby caused to other lands of such Indian owner or allottee, to be determined by the Secretary of the Interior, after appraisal in the manner provided in section one of this act.

SEC. 3. That the Secretary of the Interior may appoint three commissioners to fix the amount of compensation to be paid the Indian owners or allottees for right of way for the said main ditch or canal of the said company, which shall include the value of the land taken therefor and all damages to other lands of such owner or allottee caused by such taking; and also to fix the amount of compensation to be paid

for any lands of the tribe, not allotted or selected for allotment by individuals which may be required by the said company for reservoir and dam and adjacent grounds or for right of way or for distributing ditches, which shall be fixed upon the same principle; and such compensation and damages shall be ascertained and adjusted and all surveys made pursuant to such regulations as the Secretary of the Interior shall prescribe, and shall be in all cases subject to his approval. In case of inability or refusal of any commissioner to act or continue in service, after appointment, the Secretary of the Interior shall by appointment supply such vacancy or vacancies so caused. The Secretary of the Interior shall fix the compensation of such commissioners, not exceeding that allowed to the commissioners appointed under the provisions of an act of Congress entitled "An act providing for the allotment of lands in severalty to the Indians residing upon the Umatilla Indian Reservation in the State of Oregon, and granting patents therefor, and for other purposes," approved March third, eighteen hundred and eighty-five, and the same shall be paid by the said Blue Mountain Irrigation and Improvement Company and the Secretary of the Interior may require security for the payment thereof in advance of their appointment. The consent of the Indians upon said reservation to the granting of this right of way and the diversion of the water necessary to the accomplishment of the purposes of said company shall be obtained by the said company in such manner as the Secretary of the Interior shall prescribe, before any right of way under this act shall accrue to this company. In all cases, all lands which have been selected by any individual Indians upon said reservation for allotment, shall be treated and regarded for the purposes of this act as belonging to such Indian allottee; but the Secretary of the Interior may hold any moneys agreed to be paid, or awarded to him, in compensation for lands sold or taken, or injuries resulting, until the approval by him of the allotment and the issuance of patent therefor; but the same shall then be paid over to, or invested for, such Indian owner as the Secretary of the Interior in his discretion may see fit. Payment for land in said reservation held by the Indians of said tribe in common, and of all damages awarded to them by reason of the construction of the dam and reservoir, ditch or canal, are to be made to the confederated tribe in common occupying the reservation under the direction of the Secretary of the Interior.

Vacancies in commission.

Compensation.

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Consent of Indians.

Payment to Indian allottees.

Payment to tribe.

No assignment before completion.

Proviso. Construction.

Surveys.

Forfeiture.

Amendment, etc.

SEC. 4. That said company shall not assign, transfer, or mortgage its rights of way for any purpose whatever until the said canal shall be completed except however that the company may mortgage said franchise for the purpose of raising money to construct said reservoir and canals: *Provided*, That the right herein granted shall be lost and forfeited by said company unless the canal is constructed across the reservation within three years from the passage of this act.

SEC. 5. That the right of immediate entry upon the lands of said reservation for the purpose of making surveys of the line of the ditch or canal of said company is hereby granted, but no right of any kind in or to any part of the right of way or other grounds above mentioned shall vest in said company until plats thereof, made upon actual survey for the definite location of said ditch or canal, including the points for dams, reservoirs and distributing ditches, with the amount of ground requisite for such purposes, shall be filed with the Secretary of the Interior, and until the compensation for said lands and for the services of said commissioners has been fixed and paid.

SEC. 6. That any failure in the performance of the conditions prescribed in this act shall be taken and deemed to work a forfeiture of the rights herein granted, without any act of Congress or judgment of court declaring the same.

SEC. 7. That the right to alter, amend, or repeal this act is hereby reserved.

Approved, January 12, 1893.