

CHAP. 95.—An Act Granting the right of way to the Albany and Astoria Railroad Company through the Grand Ronde Indian Reservation, in the State of Oregon.

June 6, 1894.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a right of way not exceeding one hundred feet in width and such additional width as may be required at any point on account of the formation of the ground for necessary cuts and fills through the Grand Ronde Indian Reservation, in the State of Oregon, shall be, and is hereby, granted to the Albany and Astoria Railroad Company, a corporation duly organized under the laws of the State of Oregon, or its assigns, according to the plans and surveys of the route to be filed in the Department and approved by the Secretary of the Interior; and said company shall also have the right to take from said lands adjacent to the line of said railroad, 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, turn-outs, and water stations, not to exceed in amount two 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.

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Material. Stations, etc.

SEC. 2. That it shall be the duty of the Secretary of the Interior to fix the amount of compensation to be paid to the Indians for such right of way, and provide the time and manner of payment thereof, and also to ascertain and fix the amount of compensation to be made to the 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 company in or to any part of the right of way herein provided 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, turn-outs, 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 to the inspection of any party interested therein, and until all compensation aforesaid has been fixed and paid; and the surveys, construction, and operation of such railroad, including the 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 and compensation shall be obtained by said railroad company in such manner as the Secretary of the Interior shall prescribe before any right in this act shall accrue to said company.

Compensation.

Secretary of Interior to approve location, etc.

Proviso. Consent of Indians.

SEC. 3. That whenever said right of way shall cease to be used for the purposes of the said railroad company, the same shall revert to the United States: *Provided, however*, That said company may be, and hereby is, granted three years to complete its railroad across said reservation after filing the maps of definite location thereof in the Department of the Interior.

Reversion.

Proviso. Construction.

SEC. 4. That said railroad 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 of 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.

Condition of acceptance.

SEC. 5. That any failure in the performance of the conditions required by this act shall be taken and deemed to be a forfeiture of all the rights and privileges herein granted, without any act of Congress or judgment of court declaring the same.

Forfeiture.

SEC. 6. That this act may be at any time altered, amended, or repealed by Congress.

Amendment, etc.

Approved, June 6, 1894.