

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

or pre-emption entry, and has actually occupied and improved the same for the purpose of making his or her home thereon, under the homestead or pre-emption laws, prior to the first day of April, anno Domini eighteen hundred and ninety, shall have the right, upon complying with the further requirements of the law, in other respects to complete such homestead or pre-emption entry and receive a patent for the land so entered, occupied, and improved, notwithstanding any discovery of phosphate deposits upon or under the surface of any of said lands after such entry was made: *Provided*, That the entryman had no knowledge of the existence of such phosphate deposits upon the land which is the subject of such entry at the date when the settlement thereon was made.

Proviso.
No knowledge of phosphate deposits.

Approved, October 1, 1890.

CHAP. 1277.—An act granting to the Newport and King's Valley Railroad Company the right of way through the Siletz Indian Reservation.

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 to the Newport and Kings Valley Railroad Company, a corporation organized and existing under the laws of the State of Oregon, for the construction of its railroad through the Siletz Indian Reservation, beginning at a point on the easterly line of said reservation where Rock Creek crosses said line and running thence westerly down the valley of Rock Creek and the valley of Siletz River to the western boundary of said reservation at or near the southwest corner thereof.

Newport and King's Valley Railroad Company may cross Siletz Indian Reservation.
Right of way.

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, 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 one station for each ten miles of road.

Width.

Material, etc.

Stations, 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-building, 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 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 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: *And provided further*, That no greater rate shall be charged upon

Compensation to Indians.

Damages.

Secretary of Interior to approve location, etc.

Provisos.
Consent of Indians.

Transportation charges.