

May 6, 1890.

CHAP. 197.—An act fixing the rate of interest to be charged on arrearages of general and special taxes now due the District of Columbia if paid within a time specified.

District of Columbia.
Interest, etc., on tax
arrearages, etc., re-
duced.
Post, p. 686.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the rate of interest to be collected of any person owing arrearages of general taxes prior to July first, eighteen hundred and eighty-eight, or assessments for special improvements, including the laying of water mains, now due to and the liens for which are held by the District of Columbia, shall be six per centum per annum, in lieu of the rate and penalties now fixed by law and of all accrued costs: *Provided,* That this provision shall only apply to taxes and assessments paid on or before the thirtieth day of June, eighteen hundred and ninety.

Approved, May 6, 1890.

Proviso.
Limited to June 30,
1890.

May 8, 1890.

CHAP. 198.—An act granting the Spokane Falls and Northern Railway Company the right of way through the Colville Indian Reservation.

Spokane Falls and
Northern Railway
Company granted
right of way through
Colville Indian Reser-
vation, Wash.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Spokane Falls and Northern Railway Company, a corporation created under and by virtue of the laws of the Territory of Washington, be, and the said corporation is hereby, authorized, invested, and empowered with the right to locate, construct, equip, operate, use, and maintain a railway and telegraph and telephone line through the Indian reservation situated in the State of Washington known as the Colville Reservation, occupied by the Colville Indians, beginning at a point on the Columbia River at or near Kettle Falls, in the North-eastern portion of the State of Washington, running thence in a northwesterly direction by the most practicable route through said reservation, with the right to construct, use, and maintain such tracks, turn-out, and sidings as said company may deem it to their interest to construct along and upon the right of way and depot grounds hereby granted.

Railway, telegraph
line, etc.

Location.

Width.

SEC. 2. That a right of way one hundred feet in width through said Indian reservation is hereby granted to the said Spokane Falls and Northern Railway Company, and a strip of land two hundred feet in width, with a length of three thousand feet, in addition to said right of way, is granted for stations for every ten miles of road, no portion of which shall be sold or leased by the company, with the right to use such additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the road-bed not exceeding one hundred feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided,* That no more than said addition of land shall be taken for any one station: *Provided further,* That no part of the lands granted shall be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad and telegraph and telephone lines; and when any portion thereof shall cease to be so used such portions shall revert to the tribe or tribes of Indians from which the same shall have been taken, or, in case they shall have ceased to occupy the same, to the United States: *And provided further,* That before any such lands shall be taken for the purposes aforesaid the consent of the Indians thereto shall be obtained in a manner satisfactory to the President of the United States.

Stations.
Not to be sold, etc.

Road-bed.

Provisos.
Limit.

Not to be used for
other purposes, etc.

Consent of Indians.

Compensation for
property taken.

SEC. 3. That before said railway shall be constructed through any lands held by said tribe or by individual occupants according to the laws, customs, and usages of any of the Indian Tribes through which

it may be constructed full compensation shall be made to such tribe or occupants for all property to be taken or damage done by reason of the construction of such railway, the amount of such compensation to be ascertained and determined in such manner as the Secretary of the Interior may direct, and to be subject to his final approval.

SEC. 4. That said company shall cause maps showing the route of its located line through and station grounds upon said Indian Reservation to be filed in the office of the Secretary of the Interior, and that said location shall be approved by the Secretary of the Interior before any grading or construction on any section or part of said located line shall be begun: *Provided*, That said railway shall be located and constructed with a due regard for the rights of the Indians, and especially so as not to interfere with their irrigating ditches.

Secretary of Interior to approve location, etc.

Proviso.
Rights of Indians; irrigation.

SEC. 5. That the officers, servants, and employees of said company necessary to the construction and management of said road shall be allowed to reside while so engaged upon said right of way upon the lands herein granted, but subject to the provisions of the Indian intercourse laws and such rules and regulations as may be established by the Secretary of the Interior in accordance with the said intercourse laws.

Employees may reside on right of way.

Regulations.

SEC. 6. That said railway company shall have the right to survey and locate its railway immediately after the passage of this act.

Immediate survey, etc.

SEC. 7. That said railway company shall build its entire line through said reservation within three years after the passage of this act, or this grant shall be forfeited as to that portion not built, and also shall construct and maintain continually all road and highway crossings and necessary bridges over said railway, wherever said roads and highways do now or may hereafter cross said railway's right of way, or may be by the proper authorities laid out across the same.

Completion.

Crossings, etc.

SEC. 8. That said railway company shall prohibit the riding by Indians belonging to said reservation upon any of its trains, unless specially provided with passes signed by the Indian Agent, or by some one duly authorized to to act in his behalf.

Indian passengers limited.

SEC. 9. That said railway company shall execute a bond to the United States, to be filed with and approved by the Secretary of the Interior, in the penal sum of ten thousand dollars, for the use and benefit of the Colville tribe of Indians, or other bands of Indians located on said reservation, conditioned for the due payment of any and all damages which may accrue by reason of the killing or maiming of any Indian belonging to said tribes or either of them, or of their live stock, in the construction or operation of said railway, or by reason of fires originating thereby, the damages in all cases, in the event of failure by the railway company to effect an amicable settlement with the parties in interest to be recovered in any court of the State of Washington having jurisdiction of the amount claimed, upon suit or action instituted by the proper United States attorney in the name of the United States: *Provided*, That all moneys so recovered by the United States attorney under the provisions of this section shall be covered into the Treasury of the United States, to be placed to the credit of the particular Indian or Indians entitled to the same, and to be paid to him or them, or otherwise expended for his or their benefit, under the direction of the Secretary of the Interior.

Bond.

Damages.
Litigation.

Proviso.
Moneys recovered.

SEC. 10. That the said Spokane Falls and Northern Railway Company shall accept this right of way upon the expressed condition, binding upon itself, its successors and assigns, that they 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

Condition of acceptance.

Provisos.
Violation to forfeit.

Consent of Indians. a forfeiture of all the rights and privileges of said railway company under this act. *And provided further,* That the consent of the Indians through whose land said road shall be located shall be obtained to the location of the same and the compensation therefor in manner satisfactory to the President before this act shall take effect.

Amendment, etc. SEC. 11. That Congress may at any time amend, add to, alter or repeal this act.

SEC. 12. That this act shall be in force from its passage.

Approved, May 8, 1890.

May 8, 1890.

CHAP. 199.—An act granting to the Palouse and Spokane Railway a right of way through the Nez Percé Indian Reservation in Idaho.

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 Spokane and Palouse Railway Company, a corporation organized and existing under the laws of the State of Washington, for the extension of its railroad through the Nez Percé Indian Reservation, from a point on the northern boundary of said reservation on the Potlatch Creek, in section sixteen, township thirty seven north, range three west of the Boise meridian, in Nez Percé County, in the Territory of Idaho; thence extending in a southerly and southwesterly direction, following the valley of said Potlatch Creek to the Clear Water River; thence following the valley of said Clear Water River in a southwesterly direction to the western boundary of said reservation.

Palouse and Spokane Railway granted right of way through Nez Percé Indian Reservation, Idaho.

Location.

SEC. 2. That the right of way hereby granted to said company shall be fifty 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, and 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.

Construction material.

Stations, etc.

Compensation for property taken, etc.

Damages.

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 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 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, including 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 under this act shall accrue to said company.

Secretary of Interior to approve location, etc.

Rights of Indians.

Regulations.

Proviso. Consent of Indians.

Right not assignable.

Provisos.

SEC. 4. That said company shall not assign or transfer or mortgage this right of way for any purpose whatever until said road shall be completed: *Provided.* That the company may mortgage