

**CHAP. 366.**—An act granting to the Rocky Fork and Cooke City Railway Company the right of way through a part of the Crow Indian Reservation, in Montana Territory, Mar. 3, 1887.

*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 Rocky Fork and Cooke City Railway Company, a corporation organized and existing under the laws of the Territory of Montana, for the construction, operation, and maintenance of its railroad through the lands set apart for the use of the Crow Indians, and commonly known as the Crow Indian Reservation, beginning at a point at or near Laurel, in Yellowstone County, Montana Territory running thence by the most practicable route to or near the mouth of Rock Creek, commonly called Rocky Fork; thence up said creek to the coal mines near Red Lodge Post-Office in Gallatin County, in said Territory; thence by the most practicable route to Cooke City, in said Gallatin County.

**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 said right of way for station-buildings, depots, machine-shops, side tracks, turnouts, 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 its road.
- 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; 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, turnouts, 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 President of the United States may, in his discretion, require that the consent of the Indians to said right of way shall be obtained by said railroad company, in such manner as he may prescribe, before any right under this act shall accrue to said company.
- Compensation. 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 through that part of said reservation through which it shall be constructed: *Provided*, That the company may mortgage said franchise, together with the rolling-stock, for money to construct and complete said road: *And provided further*, That the right granted herein shall be lost and forfeited by said company unless the road is constructed and in running order through said reservation on said line within two years from the passage of this act: *And provided further*, That no part of said line shall touch any portion of the National Park.
- Location, etc., to be approved by the Secretary of the Interior. SEC. 5. That said railway company shall accept this right of way upon the expressed condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking towards 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 railway company under this act.
- Proviso.* Consent of Indians may be required. SEC. 6. That Congress may at any time amend, add to, alter, or repeal this act.
- Not assignable till completion. Approved, March 3, 1887.
- Provisos.* Mortgage. Forfeited if not used in two years. Not to enter National Park. Conditions. *Proviso.* Violation to forfeit it.