

**CHAP. 344.**—An act granting to the Billings, Clark's Fork and Cooke City Railroad Company the right of way through the Crow Indian Reservation.

June 4, 1888.

*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 Billings Clark's Fork and Cooke City Railroad Company, a corporation organized and existing under the laws of the Territory of Montana, for the extension of its railroad through the lands in Montana Territory set apart for the use of the Crow Indians, commonly known as the Crow Indian Reservation, beginning at a point on the northern line of said reserve at or near where Clark's Fork empties into the Yellowstone River, and thence following in a southerly direction

Billings, Clark's Fork and Cooke City Railroad Company granted right of way through Crow Indian Reservation, Montana.

Location.

to a point at or near where said Clark's Fork crosses the southern line of the said Crow Reserve; also a branch line of railway to be constructed for a distance of ten miles up Bear Creek, and commencing from the point where said Bear Creek empties into said Clark's Fork; with the right to construct, use, and maintain tracks, turn-outs, and sidings.

Width.	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.
Material.	
Stations; etc.	
Compensation.	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 material, 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 filed 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: <i>Provided</i> , 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 railway company, in such manner as he may prescribe, before any right under this act shall accrue to said company.
Survey, etc.	
Proviso.	
Consent of Indians.	
Not transferable till completion.	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: <i>Provided</i> , That the company may mortgage said franchise, together with the rolling-stock, for money to construct and complete said road: <i>And provided further</i> , That the right granted herein shall be lost and forfeited by said company unless the road is constructed and in running order within two years from the passage of this act: <i>And provided further</i> , That no part of said line shall touch any portion of the Yellowstone National Park.
Provisos.	
Mortgage.	
Commencement and completion.	
Not to touch Yellowstone Park.	
Condition of acceptances.	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, assist, nor advise 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 heretofore provided: <i>Provided</i> , 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.	
Violation to forfeit.	
Amendment.	SEC. 6. That Congress may at any time amend, add to, alter, or repeal this act. That this act shall be in force from its passage.

Approved, June 4, 1888.