

ing free navigation.

Plan and location to be approved by Secretary of War

Penalty for obstruction to free navigation.

Specified rights of United States reserved.

scribe; and to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of the bridge and a map of the location, giving for the space of one mile above and one mile below the proposed location the topography of the banks of the river, the shore-lines at high and low water, the direction and strength of the currents at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be built or commenced; and should any change be made in the plan of said bridge during the progress of construction such change shall be subject to the approval of the Secretary of War.

SEC. 6. That whenever the Secretary of War shall have good reason to believe that the bridge hereby authorized to be constructed is an obstruction to the free navigation of such waters, by reason of difficulty in passing the draw-opening of said bridge, by rafts, steamboats, or other water-craft, it shall be the duty of the said Secretary, on satisfactory proof thereof, to require the company or persons owning said bridge to cause such aids to the passage of said draw-opening to be constructed, placed, and maintained, at their own cost and expense, in the form of booms, dikes, piers, or other suitable and proper structures for the guiding of said rafts, steamboats, and other water-craft safely through said opening as shall be specified in his order in that behalf; and on failure of the company or persons aforesaid to make and establish such additional structures within a reasonable time, the said Secretary shall proceed to cause the same to be built or made at the expense of the United States, and shall refer the matter without delay to the Attorney-General of the United States, whose duty it shall be to institute, in the name of the United States, proceedings in the district court of the United States in which said bridge, or any part thereof, is located, for the recovery of the cost thereof; and all moneys accruing from such proceedings shall be covered into the Treasury of the United States.

SEC. 7. That the right to alter, amend, or repeal this act is hereby expressly reserved, and the right to require any changes in said structure or its entire removal, at the expense of the owners thereof, whenever Congress shall decide that the public interest requires it, is also expressly reserved.

Approved, July 3, 1882.

July 3, 1882.

CHAP. 267.—An act to authorize the Rock Island and Southwestern Railway Company to construct a bridge over the Mississippi River at New Boston, State of Illinois.

Rock Island and Southwestern Railway Company to construct bridge over Mississippi River at New Boston, Ill.

Rates of toll.

Proviso.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it shall be lawful for the Rock Island and Southwestern Railway Company, a corporation organized under the general incorporation laws of the State of Illinois, its successors and assigns, to construct, under and subject to the conditions and limitations hereinafter provided, a bridge across the Mississippi River at or near the city of New Boston, and lay on and over said bridge a railway track or tracks, for the more perfect connection of its road to be constructed, and such other roads as may now be or hereafter may be constructed to said river from its east and west banks, and to build and lay on and over said bridge ways for wagons and vehicles of all kinds, and for the transit of passengers on foot, and also of live stock for such reasonable rates of toll as may be approved from time to time by the Secretary of War, and to keep up and maintain said bridge for the purposes aforesaid. *Provided,* That Congress may at any time pre-

scribe such rules and regulations in regard to toll and otherwise as may be deemed reasonable.

SEC. 2. That said bridge shall be built with a draw, so as not to impede the navigation of said river; said draw shall be a pivot draw, over the channel of said river usually navigated, and with spans of not less than two hundred feet in length in the clear on each side of the central or pivot pier of the draw, and the next adjoining span or spans shall not be less than two hundred and fifty feet, and said spans shall not be less than ten feet above extreme high water mark and not less than thirty feet above low-water mark, measured to the bottom chord of the bridge, and the piers of said bridge shall, as nearly as practicable, be parallel with the current of said river: *Provided*, That said draw shall always be opened promptly upon reasonable signal; and said company, or its successors and assigns, shall at all proper times keep and maintain all proper lights on said bridge during nights, so that its presence may always be noticed by vessels and craft navigating the channel of said river. And all plans for the construction of said bridge and approaches thereto must first be submitted to the Secretary of War for his approval; and when the same shall be approved by said Secretary the work thereon may be commenced and prosecuted to completion: *And provided further*, That said bridge shall, as nearly as may be, be constructed at right angles with said river or the current thereof; *And provided further*, That any change in the mode of construction of said bridge shall be first submitted to the said Secretary for his approval, and when approved the said company may then proceed with the construction according to said change; *And provided further*, That if said bridge when constructed shall, in the opinion of the Secretary of War, be a substantial obstruction to the navigation of said river, the said Secretary shall require said company to change the construction thereof so as to avoid any serious and substantial obstruction to the navigation of said river at the expense of the owners of said bridge.

SEC. 3. That the bridge hereby authorized shall be a lawful structure, and shall be a post-route, upon which no higher charge shall be made for the transportation of the mails of the United States, and the troops, and munitions of war, or for passengers or freight passing over said bridge than the rate per mile paid to railroads and transportation companies leading to said bridge.

SEC. 4. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same, and over the approaches thereto, upon payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies, or any one of them, desiring such use shall fail to agree upon the sum or sums to be paid, and upon rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties; *Provided*, That the provisions of section three in regard to charges for passengers and freight across said bridge shall not govern the Secretary of War in determining any question arising as to the sum or sums to be paid to the owners of said bridge by said companies for the use of said bridge.

SEC. 5. That this act shall be subject, except as above mentioned, to the limitations and provisions of an act entitled "An act to authorize the construction of a bridge across the Mississippi River at or near the town of Clinton, in the State of Iowa, and other bridges across said river, and to establish them as post-roads", approved April first, eighteen hundred and seventy two.

SEC. 6. That it shall be the duty of the Secretary of War, on satisfactory proof that a necessity exists therefor, to require the company or persons owning said bridge to cause such aids to the passage of said bridge to be constructed, placed, and maintained, at their own cost and expense, in the form of booms, dikes, piers, or other suitable and proper

Draw

Spans.

Piers.

*Proviso.*

Lights.

Plan to be approved by Secretary of War.

*Provisos.*

Not to impede free navigation.

Declared a lawful structure, and a post-route.

Railroad companies to have equal rights, etc.; failure to agree on compensation for use of bridge to be decided by Secretary of War.

*Proviso.*

17 Stat., 44.

Special structures as aids to passage of bridge, etc.

Penalty.

structures for the guiding of rafts, steamboats, and other water-craft safely through the passage-way, as shall be specified in his order in that behalf; and on failure of the company or persons aforesaid to make and establish such additional structures within a reasonable time, the said Secretary shall proceed to cause the same to be built or made at the expense of the United States, and shall refer the matter without delay to the Attorney General of the United States, whose duty it shall be to institute, in the name of the United States, proceedings in any district court of the United States in which such bridge or any part thereof, is located, for the recovery of the cost thereof; and all moneys accruing from such proceedings shall be covered into the Treasury of the United States.

Special rights of United States reserved.

SEC. 7. That the right to alter, amend, or repeal this act is hereby expressly reserved. And the right to require any changes in said structure or its entire removal at the expense of the owners thereof whenever Congress shall decide that the public interest requires it, is also expressly reserved.

Approved, July 3, 1882.

July 3, 1882.

CHAP. 268.—An act to accept and ratify an agreement with the Shoshone and Bannock Indians for the sale of a portion of their reservation in Idaho Territory required for the use of the Utah and Northern Railroad, and to make the necessary appropriation for carrying out the same.

Acceptance and ratification of agreement with Shoshone and Bannock Indians for sale of portion of reservation in Idaho to Utah and Northern Railroad Company.

15 Stat., 676.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That a certain agreement made by Joseph K. McCammon, Assistant Attorney-General, on behalf of the United States, with the Shoshone and Bannock Indians resident on the Fort Hall Reservation, in the Territory of Idaho, be, and the same is hereby ratified and confirmed, subject, nevertheless, to the conditions hereinafter mentioned. Said agreement is executed by a majority of all the adult male Indians of the Shoshone and Bannock tribes occupying or interested in the lands therein more particularly described, in conformity with the provisions contained in article eleven of the treaty with said Indians of July third, eighteen hundred and sixty-eight, and is in the words following, namely:

Preamble.

"This agreement, made this eighteenth day of July, eighteen hundred and eighty-one between the Shoshone and Bannock Indians resident on the Fort Hall Reservation in the Territory of Idaho, represented by their chiefs and head men and heads of a majority of families, and being a majority of all the adult male Indians occupying or interested in the lands hereinafter described, of the one part, and the United States of America, represented by Joseph K. McCammon, Assistant Attorney-General, of the other part.

Agreement.

"Whereas the Utah and Northern Railroad Company has applied for permission to construct a line of railroad from east to west through the Fort Hall Reservation, and the said Indians have consented thereto, and for that purpose have agreed, for the consideration hereinafter mentioned, to surrender to the United States their title to so much of land comprised in said reservation as may be necessary for the legitimate and practical uses of said road:

"Now this agreement witnesseth that, for the consideration hereinafter mentioned, the said Shoshone and Bannock Indians do hereby cede to the United States all that part of the present Fort Hall Reservation, in the Territory of Idaho, described as follows, namely:

"A strip of land not exceeding one hundred feet in width (except at Pocatello Station, where it is two hundred feet) as will appear on maps hereto annexed, commencing on the eastern boundary of said reservation, striking the south bank of Port Neuf River, and thence following down Port Neuf Valley, sometimes on the south side and sometimes on the north side of said Port Neuf River, until it reaches the Utah and