

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 re-
served.

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 Ban-
nock Indians for
sale of portion of
reservation in Ida-
ho 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

Northern Railroad, already constructed at a point about five miles east of Port Neuf Station, on said road, a distance of about thirty-six miles, more or less; thence following said Utah and Northern Railroad already constructed, a distance of ten and seventy-three hundredths miles, to a point on said road about six miles west of said Port Neuf Station, on said road; thence leaving said road already constructed and proceeding northwestward along the Port Neuf River aforesaid, a distance of eight miles, more or less; thence deflecting from said river westward and continuing to the west boundary line of said Fort Hall Indian Reservation, a distance of about nineteen miles, more or less, from the Utah and Northern Railroad, as shown upon the map or plan thereof hereto attached, marked A; the same being intended to be hereafter used by the said Utah and Northern Railroad Company, its successors or assigns, as a right of way and road bed, and containing by actual survey six hundred and seventy acres or thereabouts.

"Also the several pieces or parcels of land situate along and adjoining the said strip of land hereinbefore described as defined in the several plats or maps thereof also hereto attached and marked, respectively, B, C, D, and so forth, the same being intended to be used by the said Utah and Northern Railroad Company, its successors or assigns, for depots, stations, sidings, and so forth, and containing in the whole, by actual survey, one hundred and two acres, more or less.

"In consideration of such cession the United States agrees to pay to the Shoshone and Bannock Indians the sum of six thousand dollars, being at and about the rate of seven and seventy-seven hundredths dollars per acre for the lands so ceded, to be deposited in the United States Treasury to the credit of said Indians upon ratification hereof by Congress and necessary appropriation therefor, and to bear interest at five per centum per annum; the same to be in addition to any and all sums to which the above-named Indians are now entitled by treaty.

"All provisions of existing treaties not affected by this agreement to remain in full force and effect, and this agreement to be subject to ratification by Congress.

Executed at the Fort Hall Agency, Idaho, the day and year first aforesaid."

SEC. 2.—That for the purpose of carrying the provisions of this act into effect the sum of six thousand dollars is hereby set aside, out of any moneys in the United States Treasury not otherwise appropriated, to be deposited in the United States Treasury to the credit of the Shoshone and Bannock Indians, and to bear interest at five per centum per annum, such interest to be expended for the benefit of said Indians in such manner as the Secretary of the Interior may direct.

SEC. 3.—That the right of way over the land relinquished by said agreement to the United States for the construction of said Utah and Northern Railroad, and the use of the several parcels of land so relinquished intended to be used for depots, stations, sidings, and so forth, for said railroad, are hereby granted to said Utah and Northern Railroad Company, its successors and assigns, for the uses and purposes in said agreement set forth; but the land or any part thereof, relinquished to the United States by said agreement shall not be used for said railroad purposes by or for the Utah and Northern Railroad Company, its successors or assigns, except upon the condition precedent that the said company, its successors or assigns, shall, within ninety days from the taking effect of this act, pay to the Treasurer of the United States said sum of six thousand dollars hereby appropriated to be paid by the United States for the lands relinquished to the United States by said agreement, and shall within the same time, file with the Secretary of the Interior its written acceptance of the conditions of this section. Nor shall said land, or any part thereof, be continued to be used for railroad purposes by or for said Utah and Northern Railroad Company, its successors or assigns, except upon the further condition that said company its successors or assigns, will pay any and all damages which the United

Consideration.

Interest.

Ratification.

Appropriation.

Interest.

Right of way.

Payment within ninety days.

Payment for damages.

States or said Indians, individually or in their tribal capacity, or any other Indians lawfully occupying said reservation, may sustain by reason or on account of the act or acts of said company, its successor or assigns, its agents or employees, or on account of fires originating by or in the construction or operation of such railroad, the damages in all cases to be recovered in any court of the Territory of Idaho 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 the said United States attorney may accept such sum of money in satisfaction of any such injury or damage as in his discretion may be just; and if so accepted before suit or action is commenced, no suit or action shall be instituted, and if accepted after commencement of suit or action, the same shall be dismissed at the cost of said company its successors or assigns.

Proviso.

Moneys accepted or recovered to be covered into Treasury; if for damages, to be placed to credit of Shoshone and Bannock Indians; exception.

SEC. 4.—That all moneys accepted or recovered under the provision of section three of this act shall be covered into the Treasury of the United States, and if accepted or recovered on account of damages sustained by said Indians as aforesaid, they shall be placed to the credit of said Indians in their tribal names, to be expended by the Secretary of the Interior, for the benefit of said Indians, in such manner as he may deem for their best interest, except in the case of an individual Indian, when the amount covered into the Treasury shall be expended for his sole benefit.

Approved, July 3, 1882.

July 3, 1882.

CHAP. 269.—An act making an appropriation to construct a road and approaches from Mound City, Illinois, to the National Military Cemetery, and for other purposes.

Appropriation.
Construction of road from Mound City, Ill., to Mound City National Cemetery.

Proviso.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a sum not to exceed fifteen thousand dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of constructing a road from Mound City, Illinois, to the Mound City National Military Cemetery, to be expended under the direction of the Secretary of War: *Provided*, That land necessary for the right of way, not less than one hundred feet in width, shall be granted and ceded to the United States, without charge or cost to the United States.

Approved, July 3, 1882.

July 5, 1882.

CHAP. 270.—An act to authorize the Secretary of War to deliver certain cannon for monumental purposes to the Grand Army of the Republic at Westminster Massachusetts; also to the Danville Light Battery A, Illinois National Guard, at Danville, Illinois, for monumental purposes.

Donation of condemned cannon to G. A. R. post, Westminster, Mass., and to Danville Light Battery A, Illinois National Guard, Danville, Ill.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized to deliver to the Grand Army of the Republic post at Westminster, Massachusetts, four condemned cast-iron cannon, for monumental purposes; also four condemned cast-iron cannon to the Danville Light Battery A, Illinois National Guard, at Danville, Illinois, for monumental purposes.

Approved, July 5, 1882.

July 5, 1882.

CHAP. 271.—An act authorizing the Secretary of War to deliver to the Jeff. C. Davis Post Number Sixteen of the Grand Army of the Republic, at Vincennes, Indiana, six condemned cast-iron guns, for monumental purposes.

Donation of condemned cannon to Jeff. C. Davis Post No. 16, G. A. R., Vincennes, Ind.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to deliver to Captain W. D.