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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.

Condition of acceptance.

SEC. 10. That the said Fort Smith and El Paso Railway Company shall accept this right of way upon the express 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 nations 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.

Violation to forfeit.

Record of mortgages.

SEC. 11. That all mortgages executed by said railway company conveying any portion of its railroad, with its franchises, that may be constructed in said Indian Territory, shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution, and shall convey all rights and property of said company as therein expressed.

Amendment, etc.

SEC. 12. That Congress may at any time amend, add to, alter, or repeal this act; and the right of way herein and hereby granted shall not be assigned or transferred in any form whatever, prior to the construction and completion of the road, except as to mortgages or other liens that may be given or secured thereon to aid in the construction thereof.

Received by the President, May 18, 1888.

[NOTE BY THE DEPARTMENT OF STATE.—The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the house of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

CHAP. 338.—An act to revive the grade of General in the United States Army.

June 1, 1888.

Rank of General in the Army revived.
Rank of Lieutenant-General discontinued.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the grade of Lieutenant-General of the Army is hereby discontinued and is merged in the grade of General of the Army of the United States, which grade shall continue during the lifetime of the present Lieutenant-General of the Army, after which such grade shall also cease; and the President of the United States is hereby authorized to appoint, with the advice and consent of the Senate, a General of the Army of the United States.

SEC. 2. That the pay and allowances of the General be the same as heretofore allowed for that grade.

Approved, June 1, 1888.

CHAP. 339.—An act authorizing the Secretary of the Treasury to pay certain citizens of Chicago, employees of the custom-house, for extra time service.

June 4, 1888.

Appropriation for certain employees in Chicago custom-house.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the following-named persons or their assigns the amounts hereinafter set forth, to wit:

To A. W. Irwin, the sum of three hundred and seventy-nine dollars and fifty cents.