AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Station, etc.
Provisos.
Damages.
Taxation.

said Thirteenth street to block two hundred and ninety-nine, and to establish and erect depot or station buildings upon either or any of the before-mentioned blocks: *Provided*, That any injury or damage caused to property of individuals by the construction of said tracks or depot buildings shall be paid by the said Richmond and Danville Railroad Company: *And provided further*, That all property owned and held by said railroad company within the District of Columbia shall be subject to taxation.

Use, etc., of real estate.

SEC. 2. That it shall be lawful for said Richmond and Danville Railroad Company to hold, use, occupy, and convey any real estate heretofore purchased or which may hereafter be purchased by it for corporate uses and purposes.

Amendment.

SEC. 3. That Congress reserves the right to alter, amend, or repeal this act or any part thereof at any time.

Approved, August 27, 1888.

September 1, 1888.

CHAP. 936.—An act to accept and ratify an agreement made with the Shoshone and Bannack Indians, for the surrender and relinquishment to the United States of a portion of the Fort Hall Reservation, in the Territory of Idaho, for the purposes of a town-site, and for the grant of a right of way through said reservation to the Utah and Northern Railway Company, and for other purposes.

Fort Hall Reservation, Idaho.
Agreement with Shoshone and Bannack Indians for cession of part of, ratified.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a certain agreement made and entered into by the United States of America represented as therein mentioned, with the Shoshone and Bannack Indians resident in the Fort Hall Reservation, in the Territory of Idaho, and now on file in the office of Indian Affairs, be, and the same is hereby, accepted, ratified, and confirmed. Said agreement is executed by a duly certified majority of all the adult male Indians of the Shoshone and Bannack tribes occupying or interested in the lands therein more particularly described, in conformity with the provisions of article eleven of the treaty concluded with said Indians July third, eighteen hundred and sixty-eight (Statutes at Large, volume fifteen, page six hundred and seventy-three), and is in the words and figures following, namely:

Vol. 15, p. 673.

Agreement.

"Memorandum of an agreement made and entered into by the United States of America, represented by Robert S. Gardner, U. S. Indian Inspector, and Peter Gallagher, U. S. Indian Agent, specially detailed by the Secretary of the Interior for this purpose, and the Shoshone and Bannack tribes of Indians, occupying the Fort Hall Reservation in the Territory of Idaho, as follows:

Cession of Reservation.

ART. I. The said Indians agree to surrender and relinquish to the United States all their estate, right, title, and interest in and to so much of the Fort Hall Reservation as is comprised within the following boundaries, that is to say: and comprising the following lands, all in town six (6) south of range thirty-four (34) east of Boise Meridian.

Boundaries of lands ceded.

West one-half section twenty-five (25); all of section twenty-six (26); east one-half section twenty-seven (27); northwest quarter section thirty-six (36); north one-half section thirty-five (35); northeast quarter of southwest quarter section thirty-five (35); northeast quarter of the northeast quarter of section thirty-four (34); comprising an area of eighteen hundred and forty (1840) acres, more or less, saving and excepting so much of the above-mentioned tracts as has been heretofore and is hereby relinquished to the United States for the use of the Utah and Northern and Oregon Short Line Railways.

To be sold at auction.

The land so relinquished to be surveyed (if it shall be found necessary) by the United States and laid off into lots and blocks as a town-site, and after due appraisement thereof, to be sold at public auction

to the highest bidder, at such time, in such manner, and upon such terms and conditions as Congress may direct.

Disposal of funds.

The funds arising from the sale of said lands, after deducting the expenses of survey, appraisement, and sale, to be deposited in the Treasury of the United States to the credit of the said Indians, and to bear interest at the rate of five per centum per annum; with power in the Secretary of the Interior to expend all or any part of the principal and accrued interest thereof, for the benefit and support of said Indians in such manner and at such times as he shall see fit.

Or said lands so relinquished to be disposed of for the benefit of said Indians in such other manner as Congress may direct; and

Utah and Northern Railway Company.

Whereas in or about the year 1878 the Utah and Northern Railroad Company constructed a line of railroad running north and south through the Fort Hall Reservation, and has since operated the same, without payment, of any compensation whatever to the said Indians, for or in respect of the lands taken for right of way and station purposes; and

Vol. 15, p. 673.

Whereas the treaty between the United States and the Shoshone and Bannack Indians, concluded July 3, 1868 (15 Stat. at Large, page 673) under which the Fort Hall Reservation was established, contains no provisions for the building of railroads through said reservation: Now, therefore,

Terms for ceding right of way.

ART. II. The Shoshone and Bannack Indians, parties hereto, do hereby consent and agree that upon payment to the Secretary of the Interior for their use and benefit of the sum of ($8.00) eight dollars for or in respect of each and every acre of land of the said reservation, taken and used for the purposes of its said railroad, the said Utah and Northern Railroad Company shall have and be entitled to a right of way not exceeding two hundred (200) feet in width, through said reservation extending from Blackfoot River, the northern boundary of said reservation, to the southern boundary thereof, together with necessary grounds for station and water purposes according to maps and plats of definite location, to be hereafter filed by said company with the Secretary of the Interior, and to be approved by him, the said Indians, parties hereto, for themselves and for the members of their respective tribes, hereby promising and agreeing to, at all times hereafter during their occupancy of said reservation, protect the said Utah and Northern Railroad Company, its successors or assigns, in the quiet enjoyment of said right of way and appurtenances and in the peaceful operation of its road through the reservation.

Existing treaties.

ART. III. All unexecuted provisions of existing treaties between the United States and the said Indians not affected by this agreement to remain in full force; and this agreement to take effect only upon ratification hereof by Congress.

Signatures.

Signed at the Fort Hall Agency, in the Territory of Idaho, by the said Robert S. Gardner and Peter Gallagher on behalf of the United States, and by the undersigned chiefs, headmen, and heads of families and individual members of the Shoshone and Bannack tribes of Indians, constituting a clear majority of all the adult male Indians of said tribes occupying or interested in the lands of the Fort Hall Reservation, in conformity with article eleven of the treaty of July 3, 1868, this twenty-seventh (27) day of May, A. D. one thousand eight hundred and eighty-seven (1887)."

[Here follow the signatures.]

Reservation to be surveyed and platted.

SEC. 2. That the Secretary of the Interior be, and he hereby is, authorized to cause to be surveyed and laid out into lots and blocks so much of the Fort Hall Reservation in the Territory of Idaho, at or near Pocatello Station, on the Utah and Northern Railway, as when the sectional and subdivisional lines are run and established shall be found to be within the following descriptions, to wit: The west half of section twenty-five, all of section twenty-six, the east

Boundaries.

half of section twenty-seven, the northwest quarter of section thirty-six, the north half of section thirty-five, the northeast quarter of the southwest quarter of section thirty-five, and the northeast quarter of the northeast quarter of section thirty-four, all in township six south, of range thirty-four east, of Boise meridian, in the Territory of Idaho, and containing an area of one thousand eight hundred and forty acres, or thereabouts; saving and excepting thereout so much of the above described tracts as has heretofore been, or is hereby, granted for the use of the Utah and Northern Railway Company.

Map to be sent to General Land Office.

SEC. 3. That such survey shall describe the exterior boundaries of the said town according to the lines of the public surveys, also giving the name of such city or town, and exhibiting the streets, squares, blocks, lots, and alleys, the size of the same, with measurements and area of each municipal subdivision, the lots in which shall each not exceed four thousand two hundred square feet, with a statement of the extent and general character of the improvements; such map and statement shall be verified under oath by the party making the survey; and within one month after making such verification there shall be transmitted to the General Land Office a verified transcript of such map and statement; a similar map and statement shall be filed with the register and receiver, and a similar copy shall be filed in the office of the recorder of the county wherein such town is situate.

Appraisal of lots.

SEC. 4. That at the time of the said survey, the Secretary of the Interior shall cause the said lots and blocks to be appraised by three disinterested persons, one of whom shall be designated by said Indians in open council and the other two by the Secretary of the Interior, who, after taking and subscribing an oath before some competent officer to faithfully and impartially perform their duties as appraisers of said lots and blocks under the provisions of this act, which oaths shall be returned with their appraisement, shall go in person upon the ground and determine the value of each lot and parcel thereof; making lists thereof, particularly describing each lot, block, and parcel, with the appraised value thereof, as by them determined, which said list shall be verified by the affidavit of at least two of said appraisers, to the effect that said list is a correct list of the said lots, blocks, and parcels appraised by them, and that the appraisements thereof are the true value of each parcel appraised, and that the same were determined by them after due and full inspection of each and every parcel thereof: *Provided*, That no lot or parcel shall be appraised at less than ten dollars, and that all improvements shall be appraised separate and distinct from the land.

Proviso. Minimum price.

Lots to be sold at auction.

SEC. 5. That upon the return of said survey, and the appraisement of said lands, if the same shall be approved by him, the Secretary of the Interior shall cause said lands to be offered for sale at public auction, at the door of the "Pocatello House," Pocatello Junction, to the highest bidder, for cash, which sale shall be advertised for at least three months previous thereto, in such manner as the said Secretary shall direct, and shall be conducted by the register of the land office in the district in which said lands are situate, in accordance with the instructions of the Commissioner of the General Land Office. Said sale shall continue from day to day until all of the said lands shall have been sold or offered for sale. The said lands shall be offered in single lots and parcels, and no bid shall be received for any lot or parcel less than the appraised value of the same. All blocks, lots, and parcels of said lands not sold at public sale shall thereafter be subject to private entry at the appraised value thereof: *Provided*, That any person who has been residing upon any of said land, and has made valuable improvements thereon, shall, upon proof to that effect to the satisfaction of the Secretary of the Interior, be permitted to purchase at such sale, for cash, at the appraised value thereof, the lot or parcel so resided upon and improved by him, and in default of his exercising the preference right so conferred upon him by this

Lots not sold subject to private entry.

Provisos.

Settlers to have first choice.

section, such lot or parcel shall be sold to the highest bidder, for cash, as hereinbefore provided: *Provided further*, That such last-mentioned purchaser shall pay the owner of such improvements the appraised value thereof, as determined under the provisions of this act: *And provided further*, That any right heretofore acquired by the Utah and Northern Railway Company for right of way and the use and occupancy of lands for station and depot purposes, through and upon the lands above described, shall not be affected by this act.

Improvements.

Rights of Utah and Northern Railway Company.

SEC. 6. That the funds arising from the sale of said lands, after deducting the expenses of survey, appraisement, and sale, shall be deposited in the Treasury of the United States to the credit of the Shoshone and Bannack tribes of Indians belonging on said reservation, and shall bear interest at the rate of five per centum per annum; and the Secretary of the Interior is hereby authorized and empowered to expend all or any part of the principal and accrued interest of such fund for the benefit and support of said Indians, in such manner, and at such times as he may deem expedient and proper.

Funds to be deposited to credit of Indians.

Interest.

SEC. 7. That the Secretary of the Interior shall make all needful rules and regulations necessary to carry this act into effect; he shall determine the compensation of the surveyor for his services in laying out said lands into town lots, also the compensation of the appraisers provided for in section four, and shall cause patents in fee-simple to be issued to the purchasers of the lands sold under the provisions of this act in the same manner as patents are issued for the public lands.

Secretary of the Interior to make rules, etc.

SEC. 8. That the sum of five thousand dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of carrying this act into effect, which said sum, or so much thereof as may be expended, shall be reimbursed to the Treasury out of the sales of said lands.

Appropriation.

To be re-imbursed.

SEC. 9. That the exterior lines of the land by this act authorized to be laid out into town lots and separating the same from the lands of said reservation shall, from the date of the approval of said survey by the Secretary of the Interior, be, and constitute, the line of said reservation between the same and said town.

Boundary line between reservation and town.

SEC. 10. That the citizens of the town hereinbefore provided for shall have the free and undisturbed use in common with the said Indians of the waters of any river, creek, stream, or spring flowing through the Fort Hall Reservation in the vicinity of said town, with right of access at all times thereto, and the right to construct, operate, and maintain all such ditches, canals, works, or other aqueducts, drain, and sewerage pipes, and other appliances on the reservation, as may be necessary to provide said town with proper water and sewerage facilities.

Rights of citizens.

SEC. 11. That there be, and is hereby, granted to the said Utah and Northern Railway Company a right of way not exceeding two hundred feet in width (except such portion of the road where the Utah and Northern and the Oregon Short Line Railways run over the same or adjoining tracks, and then only one hundred feet in width) through the lands above described, and through the remaining lands of the Fort Hall Reservation, extending from Blackfoot River, the northern boundary of said reservation, to the southern boundary thereof; and in addition to such right of way, grounds adjacent thereto for station buildings, depots, machine shops, side-tracks, turn-outs, and water-stations, not to exceed in amount twenty acres for each station, to the extent of one station for each ten miles of its road, according to maps and plats of definite location thereof respectively, to be filed by said company with, and approved by, the Secretary of the Interior, except that at and near its station at Pocatello, in Idaho Territory, said railway company is granted for its use for station grounds, depot buildings, shops, tracks, side-tracks, turn-outs, yards, and for water purposes, not to exceed one hundred and fifty acres, as shown by maps and plats of the definite location thereof; and said company

Right of way to Utah and Northern Railway Company.

Stations, etc.

Pocatello station.

Payment.

shall pay for said one hundred and fifty acres, in addition to the eight dollars per acre provided in said agreement, a further sum equal to the average appraisal of each acre of town lots in the proposed townsite of Pocatello, outside of said one hundred and fifty acres, provided for in section four of this act, said eight dollars per acre to be paid within one year from the passage of this act, and said additional sum immediately upon the completion of the appraisement aforesaid:

Provisos.

Provided, That all lands acquired by said railway company near its station at Pocatello for its use for station grounds, depot buildings, shops, tracks, side-tracks, turn-outs, yards, and for water purposes, as hereinbefore provided, shall, whenever used by said railway company, or its assigns, for other purposes, be forfeited and revert to the United States, and be subject to the other provisions of this act:

Forfeiture.

Provided further, That the said Utah and Northern Railway Company shall first pay to the Secretary of the Interior, for the use and benefit of the said Shoshone and Bannack tribes of Indians, the sum of eight dollars per acre for, or in respect of each and every acre of land so taken and used for said right of way and station grounds, in conformity with said maps of definite location, the moneys derived from this source to be deposited in the Treasury of the United States, to the credit of the said Shoshone and Bannack Indians, bearing interest at five per centum per annum, with like power in the Secretary of the Interior, from time to time, to apply all or any part of the principal and accrued interest thereof, for the benefit and support of said Indians in the same manner as is hereinbefore provided with regard to the funds arising from the sale of lands of the Fort Hall Reservation:

Payment for lands taken.

Disposition of funds.

And provided further, That no part of the lands herein authorized to be taken shall be leased or sold by the company, and they shall not be used, except in such manner and for such purposes only as shall be necessary for the construction, maintenance, and convenient operation of a railway, telegraph or telephone lines, and when any portion thereof shall cease to be so used, such portion shall revert to the tribe or tribes of Indians from which the same shall have been taken, or in case they shall have ceased to occupy said reservation, to the United States; and the construction, maintenance, and operation of said railway shall be conducted with a 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.

To be used only for railway, etc., purposes.

Employees may live on right of way.

SEC. 12. That the officers, servants, and employees of said company necessary to the construction and management of said road, shall, while so engaged, be allowed to reside upon said right of way, and station grounds hereby granted, but subject, in so far as the reservation lands are concerned, to the provisions of the Indian intercourse laws, and such rules and regulations as may be established by the Secretary of the Interior in accordance with the said intercourse laws.

Fences, crossings, etc.

SEC. 13. That said railway company shall fence, and keep fenced, all such portions of its road as may run through any improved lands of the Indians, and also shall construct and maintain continually all road and highway crossings and necessary bridges over said railway, wherever said 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.

Bond to secure payment of damages.

SEC. 14. That said railway company shall execute a bond to the United States, to be filed with and approved by the Secretary of the Interior, in the penal sum of ten thousand dollars, for the use and benefit of the Shoshone and Bannack tribes of Indians, conditioned for the due payment of any and all damages which may accrue by reason of the killing or maiming of any Indian belonging to said tribes, or either of them, or of their live-stock, in the construction or operation of said railway, or by reason of fires originating

thereby; the damages in all cases, in the event of failure by the railway company to effect an amicable settlement with the parties in interest, 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 all moneys so recovered by the United States attorney under the provisions of this section, shall be covered into the Treasury of the United States, to be placed to the credit of the particular Indian or Indians entitled to the same, and to be paid to him or them, or otherwise expended for his or their benefit, under the direction of the Secretary of the Interior.

Proviso. Disposition of money recovered.

SEC. 15. That the said Utah and Northern 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 remaining lands, 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.

Condition of acceptance.

Proviso. Violation to forfeit.

SEC. 16. That Congress may, at any time, amend, add to, alter, or repeal this act.

Amendment.

Approved, September 1, 1888.

CHAP. 948.—An act to authorize the construction and operation of a street-railway and wagon bridge across the Rio Grande, between the city of El Paso, Texas, and Paso del Norte, Mexico.

September 6, 1888.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to the Santa Fe Street Railway Company, a corporation organized and created under and by virtue of the laws of the State of Texas, to construct, own, maintain and operate a street railway and wagon bridge across the Rio Grande, between the city of El Paso, in the State of Texas, and Paso del Norte, State of Chihuahua, Mexico, at such point as may be most convenient to said corporation to unite and connect a street railway to be constructed by it in the said city of El Paso with any street railway that may be constructed by any person, persons or company in said Paso del Norte; and to build and lay on and across said bridge ways for the passage of animals, foot-passengers, and vehicles of all kinds, and for the transit of freight, goods, wares and merchandise, for which said corporation may charge a reasonable toll, which charge shall be subject to revision and regulation from time to time by the Secretary of War.

Santa Fe Street Railway Company may bridge Rio Grande at El Paso, Texas.

Street-railway, wagon, and foot bridge.

Toll.

SEC. 2. That said bridge shall be built of good, substantial material, and of such strength and dimensions as may be sufficient to render the passage of all such vehicles, animals and persons as are herein mentioned perfectly safe at any and all times.

Construction.

SEC. 3. That said bridge shall not interfere with the free navigation of said river, and in case of any litigation arising from an obstruction or an alleged obstruction to the free navigation thereof, caused or alleged to be caused by said bridge, the case may be tried before the circuit or district court of the United States for the State in which any portion of said bridge may be situated.

Free navigation.

SEC. 4. That equal privileges in the use of said bridge shall be granted to all telegraph companies, and the United States reserves the right for the establishment of a postal telegraph across said bridge.

Telegraph lines.

SEC. 5. That the consent of the State of Chihuahua, United States of Mexico, and of the proper authorities of the Republic of Mexico

Consent of Mexican authorities necessary.