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bridges, or either of them, by reason of their obstructing navigation, the same shall be had in the circuit court of the United States within whose territorial jurisdiction said bridges or any part thereof may be located; and it is hereby expressly provided that Congress reserves the right at any time to alter, amend, or repeal this act. Amendment.

SEC. 6. No tramway, track, road-bed, wharf, pier, or other structure shall be built upon the United States military reservation on Dauphin's Island, without the approval and consent of the Secretary of War first had, and the said structure shall be removed by the parties owning or controlling the same, at their own expense, when the Secretary of War so requires: *Provided, also*, That the United States may use such structure when built without charge. Right of way, etc., military reservation, Dauphin's Island. *Proviso.* Use by Government.

SEC. 7. That this act shall be null and void if actual construction of the bridge or bridges herein authorized be not commenced within one year and completed within three years from the date thereof. Commencement and completion.

Approved, March 2, 1889.

CHAP. 390.—An act for the relief of certain volunteer and regular soldiers of the late war and the war with Mexico. March 2, 1889.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, SEC. 1. That the charge of desertion now standing on the rolls and records in the office of the Adjutant General of the United States Army against any soldier who served in the late war in the volunteer service shall be removed in all cases where it shall be made to appear to the satisfaction of the Secretary of War, from such rolls and records, or from other satisfactory testimony, that such soldier served faithfully until the expiration of his term of enlistment, or until the first day of May, anno domini eighteen hundred and sixty five, having previously served six months or more, and, by reason of absence from his command at the time the same was mustered out, failed to be mustered out and to receive an honorable discharge, or that such soldier absented himself from his command, or from hospital while suffering from wounds, injuries, or disease received or contracted in the line of duty and was prevented from completing his term of enlistment by reason of such wounds, injuries, or disease. Charges of desertion removed from record of certain volunteers.

SEC. 2. That the Secretary of War is hereby authorized to remove the charge of desertion from the record of any regular or volunteer soldier in the late war upon proper application therefor, and satisfactory proof in the following cases: Applications for removal.

First. That such soldier, after such charge of desertion was made, and within a reasonable time thereafter, voluntarily returned to his command and served faithfully to the end of his term of service, or until discharged. Return to duty.

Second. That such soldier absented himself from his command or from hospital while suffering from wounds, injuries, or disease, received or contracted in the line of duty, and upon recovery voluntarily returned to his command and served faithfully thereafter, or died from such wounds, injuries, or disease while so absent, and before the date of muster out of his command, or expiration of his term of service, or was prevented from so returning by reason of such wounds, injuries, or diseases before such muster out, or expiration of service. Absence while sick or wounded.

Third. That such soldier was a minor, and was enlisted without the consent of his parent or guardian, and was released or discharged from such service by the order or decree of any court of competent jurisdiction on habeas corpus or other proper judicial proceedings; and in any such case, no pay, allowance, bounty, or pension, shall be allowed or granted. Minors discharged by order of court.

Removal of charge where soldier re-enlisted.

SEC. 3. That the charge of desertion now standing on the rolls and records in the office of the Adjutant General of the Army against any regular or volunteer soldier who served in the late war of the rebellion by reason of his having enlisted in any regiment, troop, or company, or in the United States Navy or Marine Corps, without having first received a discharge from the regiment, troop, or company in which he had previously served, shall be removed in all cases wherein it shall be made to appear to the satisfaction of the Secretary of War, from such rolls and records, or from other satisfactory testimony, that such re-enlistment was not made for the purpose of securing bounty or other gratuity that he would not have been entitled to, had he remained under his original term of enlistment; that the absence from the service did not exceed four months, and that such soldier served faithfully under his re-enlistment.

Limitation.

Return to duty without trial, etc.

SEC. 4. That whenever it shall appear from the official records in the office of the Adjutant General, United States Army, that any regular or volunteer soldier of the late war was formally restored to duty from desertion by the Commander competent to order his trial for the offense, or, having deserted and being charged with desertion, was, on return to the service, suffered, without such formal restoration, to resume his place in the ranks of his command, serving faithfully thereafter until the expiration of his term, such soldier shall not be deemed to rest under any disability, because of such desertion, in the prosecution of any claim for pension on account of disease contracted, or wounds or injuries received in the line of his duty as a soldier.

Disability removed in prosecuting pension, etc., claim.

Pay and bounty.

SEC. 5. That when the charge of desertion shall be removed under the provisions of this act from the record of any soldier, such soldier, or, in case of his death, the heirs or legal representatives of such soldier, shall receive the pay and bounty due to such soldier: *Provided, however*, That this act shall not be so construed as to give to any such soldier, or, in case of his death, to the heirs or legal representatives of any such soldier, any pay, bounty, or allowance for any time during which such soldier was absent from his command without proper authority, nor shall it be so construed as to give any pay, bounty, or allowance to any soldier, his heirs or legal representatives, who served in the Army a period of less than six months.

Proviso.
Not entitled to pay, etc., while absent without leave.

Mexican war soldiers.
Application for removal of charge of desertion.

SEC. 6. That the Secretary of War be, and he hereby is authorized and directed to amend the military record of any soldier who enlisted for the war with Mexico, upon proper application, where the rolls and records of the Adjutant General's office show the charge of desertion against him, when such rolls and records show the facts set out in the following cases:

Length of service.

First. That said soldier served faithfully the full term of his enlistment, or having served faithfully for six months or more, and until the fourth day of July anno domini eighteen hundred and forty eight, left his command without having received a discharge.

Voluntary return.

Second. That such soldier, after said charge of desertion was entered on the rolls, voluntarily returned to his command within a reasonable time, and served faithfully until discharged.

Cases excepted.

SEC. 7. That the provisions of this act shall not be so construed as to relieve any soldier from the charge of desertion who left his command from disaffection or disloyalty to the Government, or to evade the dangers and hardships of the service, or whilst in the presence of the enemy (not being sick or wounded), or while in arrest or under charges for breach of military duty, or in case of a soldier of the Mexican War, who did not actually reach the seat of war.

Military record corrected and honorable discharge to issue.

SEC. 8. That when such charge of desertion is removed under the provisions of this act, the soldier shall be restored to a status of honorable service, his military record shall be corrected as the facts may require, and an honorable discharge shall be issued in those cases

where the soldier has received none; and he shall be restored to all his rights as to pension, pay, or allowances as if the charge of desertion had never been made; and in case of the death of said soldier, his widow or other legal heir shall be entitled to the same rights as in case of other deceased honorably discharged soldiers: *Provided*, That this act shall not be construed to give to any soldier, or his legal representatives or heir, any pay or allowance for any period of time he was absent without leave, and not in the performance of military duty.

Pension, etc., claims.

Proviso. No pay while absent.

SEC. 9. That all applications for relief under this act shall be made to and filed with the Secretary of War within the period of three years from and after July first, eighteen hundred and eighty nine, and all applications not so made and filed within said term of three years shall be forever barred, and shall not be received or considered.

Claims to be filed within three years from July 1, 1889.

SEC. 10. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Repeal.

Approved, March 2, 1889.

CHAP. 391.—An act to provide for the sale of lands patented to certain members of the Flathead band of Indians in Montana Territory, and for other purposes.

March 2, 1889.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior, with the consent of the Indians severally, to whom patents have been issued for lands assigned to them in the Bitter Root Valley, in Montana Territory, under the provisions of an act of Congress approved June fifth, eighteen hundred and seventy-two, entitled "An act to provide for the removal of the Flathead and other Indians from the Bitter Root Valley, in the Territory of Montana" or the heirs at law of such Indians, be, and he hereby is, authorized to cause to be appraised and sold, in tracts not exceeding one hundred and sixty acres, all the lands allotted and patented to said Indians; said lands shall be appraised as if in a state of nature, but the enhanced value thereof, by virtue of the settlement and improvement of the surrounding country, shall be considered in ascertaining their value: *Provided*, That the improvements thereon shall be appraised separate and distinct from land: *Provided, further*, That where any such patentee has died leaving no heirs, the lands and improvements of such deceased patentee shall be appraised and sold in like manner for the common benefit of the tribe to which said patentee belonged.

Bitter Root Valley, Mont. Sale of lands assigned to Indians.

Vol. 17, p. 227.

Proviso. Improvements.

Death of patentee without heirs.

SEC. 2. That after the appraisement herein authorized shall have been completed, and after due notice, the Secretary of the Interior shall offer said lands for sale through the proper land-office, in tracts not exceeding one hundred and sixty acres, which shall be the limit of the amount any one person shall be allowed to purchase, except in cases, if any, where a tract contains a fractional excess over one hundred and sixty acres to the highest bidder: *Provided*, That no portion of said lands shall be sold at less than the appraised value thereof: *Provided*, That the said Secretary may dispose of the same on the following terms as to payment, that is to say, one-third of the price of any tract of land sold unter the provisions of this act to be paid by the purchaser on the day of sale, one third in one year, and one-third in two years from said date, with interest on the deferred payments at the rate of five per centum per annum; but in case of default in either of said payments, or the interest thereon, the person so defaulting for a period of sixty days shall forfeit absolutely the right to the tract which he has purchased, with any payment or payments he may have made; and the land thus forfeited shall again be sold as in the first instance: *Provided further*, That before the second

To be sold in 160 acre tracts.

Provisos. Minimum price.

Terms of sale.