

into the Union, the Senators and Representatives shall be entitled to be admitted to seats in Congress, and to all the rights and privileges of Senators and Representatives of other States in the Congress of the United States; and the officers of the State governments formed in pursuance of said constitutions, as provided by the constitutional conventions, shall proceed to exercise all the functions of such State officers; and all laws in force made by said Territories, at the time of their admission into the Union, shall be in force in said States, except as modified or changed by this act or by the constitutions of the States, respectively.

Existing laws.

Repeal provision.

SEC. 25. That all acts or parts of acts in conflict with the provisions of this act, whether passed by the legislatures of said Territories or by Congress, are hereby repealed.

Approved, February 22, 1889.

February 23, 1889.

CHAP. 201.—An act granting the title of the United States in certain lands to the county of Randolph and State of Illinois, on certain conditions.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all right, title, and interest of the United States in and to all lands in the Mississippi bottom, between the line of bluffs and the Mississippi River, in the county of Randolph and State of Illinois, be, and the same are hereby, granted to the said county of Randolph: *Provided,* That the legal authorities of said county, on the discovery of any such lands within said boundaries, shall have the same surveyed at the expense of said county, and file plats of said surveys with the Commissioner of the General Land Office, at Washington, District of Columbia. If, upon examination by said Commissioner, it shall appear that the title of the United States has not heretofore been alienated in any tract shown on said plat or plats, he shall so notify the authorities of said county; and upon payment by the authorities of said county into the Treasury of the United States of the sum of one dollar and twenty-five cents for every acre shown on said plat or plats, it shall be the duty of said Commissioner of the General Land Office to prepare and have executed patents for every tract so paid for, and to deliver the same on application to the legal authorities of said county: *Provided further,* That nothing in this act shall be so construed as to include any accretions formed to lands bordering on the Mississippi River and owned by private individuals.

Approved, February 23, 1889.

February 23, 1889.

CHAP. 202.—An act granting the right of way to the Yankton and Missouri Valley Railway Company through the Yankton Indian Reservation in Dakota.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Yankton and Missouri Valley Railway Company, a corporation duly organized under the laws of the Territory of Dakota, its successors or assigns, are hereby invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway, telegraph, and telephone line through the Yankton Indian Reservation in said Territory, beginning at any point to be selected by said railway company on the east line of said reservation between the northeast corner thereof and a point one mile south of the junction of the west fork of Choteau Creek with the east fork thereof, and running thence westerly or northwesterly through said reservation, but at no point farther than fifteen miles to the south of the northerly boundary thereof: *Provided,* That if said right of way be so located

Location.

Proviso.

Yankton and Missouri Valley Railway Company granted right of way through Yankton Indian Reservation, Dak.

as to begin on the eastern boundary of said reservation at any point south of said fifteen-mile limit, it shall run thence northwesterly so as to come within said fifteen-mile limit at some point not more than ten miles westward from the eastern line of said reservation.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway, and for no other purpose, a right of way one hundred feet in width through said reservation, and to take and use a strip of land two hundred feet in width, with a length of three thousand feet, in addition to right of way, for stations, for every ten miles of road, with the right to use such additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the road-bed, not exceeding one hundred feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided further*, That no part of the lands herein authorized to be taken shall be leased or sold by the company, its successors or assigns, and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone lines; and when any portion thereof shall cease to be so used, such portion shall revert to the Indians of said reservation, or, in case they shall have ceased to occupy the same, to the United States: *And provided further*, That before any such lands shall be taken for the purposes aforesaid the consent of the Indians thereto shall be obtained in a manner satisfactory to the President of the United States.

SEC. 3. That before said railway shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of any of the said Indians, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway, the amount of such compensation to be ascertained and determined in such manner as the Secretary of the Interior may direct, and to be subject to his final approval.

SEC. 4. That said railroad company shall not charge the inhabitants of said Territory a greater rate of freight than the rate authorized by the laws of the Territory of Dakota for services or transportation of the same kind: *Provided*, That passenger rates on said railway shall not exceed three cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railway, and messages on said telegraph and telephone lines, until a State government or governments shall exist in said Territory within the limits of which said railway, or a part thereof, shall be located; and then such State government or governments shall be authorized to fix and regulate the cost of transportation of persons and freights within their respective limits by said railway; but Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railway or said company whenever such transportation shall extend from one state into another, or shall extend into more than one State: *Provided, however*, That the rate of such transportation of passengers, local or interstate, shall not exceed the rate above expressed: *And provided further*, That said railway company shall carry the mail at such prices as Congress may by law provide; and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

SEC. 5. That said railway company shall pay to the Secretary of the Interior, for the benefit of the Indians of said reservation, the sum of fifty dollars, in addition to compensation provided for in this act for property taken and damages done to individual occupants by the construction of the railway, for each mile of railway that it may construct in said reservation, said payments to be made in installments of five hundred dollars as each ten miles of road is graded.

Alternate location.

Width.

Stations, etc.

*Provisos.*  
Limit.

Not to be sold, etc.

Consent of Indians.

Compensation for  
property taken.

Freight rates.

*Provisos.*  
Passenger rates.

Regulation of  
charges.

Maximum rates.

Mails.

Payment to Indians  
on reservation.

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| Annual rent.                                    | Said company shall also pay, so long as that part of said reservation through which said right of way may be located is owned and occupied by the Indians, to the Secretary of the Interior, the sum of fifteen dollars per annum for each mile of railway it shall construct in the said reservation. The money paid to the Secretary of the Interior under the provisions of this act shall be expended by him, in accordance with the laws and treaties now in force, for the benefit of said  |
| <i>Proviso.</i>                                 | Indians or be paid to them as to him shall seem best: <i>Provided</i> , That Congress shall have the right, so long as said lands are occu-   |
| Additional taxes.                               | pied and possessed by said Indians, to impose such additional taxes upon said railroad as it may deem just and proper for their benefit; and any State hereafter formed through which said railway shall have been established may exercise the like power as to such part of said railway as may lie within its limits. Such railway company shall have the right to survey and locate its railway immediately after the passage of this act.  |
| Secretary of Interior to approve location, etc. | SEC. 6. That said company shall cause maps showing the route of its located line through and station grounds upon said Indian reservation to be filed in the office of the Secretary of the Interior, and that said location shall be approved by the Secretary of the Interior before any grading or construction on any section or part of said located line shall be begun: <i>Provided</i> , That said railway shall be located, constructed, and operated with a due regard for the rights of the Indians, and under such rules and regulations as the Secretary of the Interior shall prescribe.                            |
| <i>Proviso.</i><br>Regulations.                 |   |
| Employees may reside on right of way.           | SEC. 7. That the officers, servants, and employees of said company necessary to the construction and management of said road shall be allowed to reside, while so engaged, upon such right of way. but subject 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 said intercourse laws.  |
| Completion.                                     | SEC. 8. That said railway shall be built through said reservation within four years after the passage of this act, or the rights herein granted shall be forfeited as to that portion not built; and 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. |
| Crossings, etc.                                 |   |
| Condition of acceptance.                        | SEC. 9. That the said 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 efforts looking towards the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indians any further grant of land, or its occupancy, than is hereinbefore provided: <i>Provided</i> , 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.         |
| <i>Proviso.</i><br>Violation to forfeit.        |   |
| Mortgages.                                      | SEC. 10. That all mortgages executed by said railway company conveying any portion of its railroad, with its franchises, that may be constructed in said reservation, 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.                                 |   |
| Right not assignable.                           | SEC. 11. 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 mortgages or other liens that may be given or secured thereon to aid in the construction thereof.  |

SEC. 12. 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 Indians of said reservation, 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 reservation, 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 Dakota 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.

Bond.

Litigation.

Proviso.

Moneys recovered.

Approved, February 23, 1889.

**CHAP. 203.**—An act to accept and ratify the agreement submitted by the Shoshones, Bannocks, and Sheepeaters of the Fort Hall and Lemhi Reservation in Idaho May fourteenth, eighteen hundred and eighty, and for other purposes.

February 23, 1889.

Whereas certain of the chiefs of the Shoshone, Bannock, and Sheepeater tribes of Indians have agreed upon and submitted to the Secretary of the Interior an agreement for the sale of a portion of their lands in the Territory of Idaho, their settlement upon lands in severalty, and for other purposes: Therefore,

Preamble.  
Fort Hall and Lemhi  
Indian Reservations,  
Idaho.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That said agreement be, and the same is hereby, accepted, ratified, and confirmed. Said agreement is assented to by a duly-certified majority of the adult male Indians of the Shoshone and Bannack tribes occupying or interested in the lands of the Fort Hall Reservation, in conformity with the eleventh article of the treaty with the Shoshones and Bannacks of July third, eighteen hundred and sixty-eight (fifteenth Statutes at Large, page six hundred and seventy), and in words and figures as follows, namely:

Agreement with  
Shoshone and Ban-  
nack Indians.

Vol. 15, p. 670.

First. The chiefs and head men of the Shoshones, Bannacks, and Sheepeaters of the Lemhi Agency hereby agree to surrender their reservation at Lemhi, and to remove and settle upon the Fort Hall Reservation in Idaho, and to take up lands in severalty of that reservation as hereinafter provided.

Surrender of Lemhi  
Reservation.

Second. The chiefs and head men of the Shoshones and Bannacks of Fort Hall hereby agree to the settlement of the Lemhi Indians upon the Fort Hall Reservation in Idaho, and they agree to cede to the United States the following territory, namely: Beginning where the north line of township nine south intersects with the eastern line of their reservation; thence west with the extension of said line to the Port Neuf River; thence down and with Port Neuf River to where said township line crosses the same; thence west with said line to Marsh Creek; thence up Marsh Creek to where the north line of township number ten south intersects with the same; thence west with said line to the western boundary of said reservation; thence south and with the boundaries of said reservation to the beginning, including also such quantity of the north side of Port Neuf River as H. O. Harkness may be entitled to under existing law, the same to be conformed to the public surveys, so as to include the improvements of said Harkness.

Surrender of part of  
Fort Hall Reservation.