

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.

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.

Condition of acceptance.

Violation to forfeit.

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.

Record of mortgages.

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.

Amendment, etc.

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.

*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.

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

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.

*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:

Appropriation for certain employees in Chicago custom-house.

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

To David M. Bannister, the sum of two hundred and seventy-five dollars and sixty-two cents.

To Robert Ayers, the sum of seventy-six dollars and twenty-five cents.

To Michael Crawford, John Howard, Alexander Brown, and A. J. Sherming, each the sum of forty-five dollars and seventy-five cents.

To Henry Erbe, the sum of thirty-four dollars and fifty cents.

To John N. Ford, the sum of fifty-nine dollars and twenty-five cents.

To John Hanson, the sum of ninety-one dollars and twenty-five cents.

To Henry Jones, the sum of fifty-nine dollars and seventy-five cents.

To Mathias Steger, the sum of eighty-eight dollars and twenty-five cents.

To John Regan, the sum of one hundred and twenty-four dollars and sixty-nine cents.

To George R. Carpenter, the sum of seventy-four dollars and eighty-one cents.

To Michael Murray, the sum of one hundred and fifteen dollars.

To John Degnan, the sum of sixty-nine dollars.

To Noble Hillard, the sum of eighty-two dollars and fifty cents.

To Anton Nieman, one hundred and nineteen dollars.

To C. E. Putnam, sixty-four dollars and fifty-one cents.

To F. G. Harlan, ninety-eight dollars and thirty-nine cents.

To James H. White, one hundred and thirty-six dollars and fifty cents.

To E. C. McCune, one hundred and fifty dollars; the same being the amounts shown upon the original pay-rolls of the custom-house, Chicago, Illinois, signed by the officers in charge, to be due said persons for service rendered in the said custom-house building.

Approved, June 4, 1888.

June 4, 1888.

**CHAP. 340.**—An act to amend section fifty-three hundred and eighty-eight of the Revised Statutes of the United States, in relation to timber deprecations.

Punishment for timber deprecations.  
R. S., sec. 5388, p. 1044, amended.

Extended to Indian lands.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section fifty-three hundred and eighty-eight of the Revised Statutes of the United States be amended so as to read as follows: "Every person who unlawfully cuts, or aids or is employed in unlawfully cutting, or wantonly destroys or procures to be wantonly destroyed, any timber standing upon the land of the United States which, in pursuance of law, may be reserved or purchased for military or other purposes, or upon any Indian reservation, or lands belonging to or occupied by any tribe of Indians under authority of the United States, shall pay a fine of not more than five hundred dollars or be imprisoned not more than twelve months, or both, in the discretion of the court."

Approved, June 4, 1888.

June 4, 1888.

**CHAP. 341.**—An act to establish a port of delivery at Grand Rapids, Michigan.

Grand Rapids, Mich., made port of delivery.

Immediate transportation privileges.  
Vol. 21, p. 174.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That Grand Rapids, in the State of Michigan, be, and the same is hereby, constituted a port of delivery; and that the privileges of immediate transportation of dutiable merchandise conferred by the act of June tenth, eighteen hundred and eighty, entitled "An act to amend the statutes