

consent of the Senate, appoint Andrew J. Smith, late colonel of the Seventh United States cavalry and a major-general of volunteers, a colonel of cavalry in the army of the United States, and thereupon to place him, the said Andrew J. Smith, upon the retired list of the army, with the rank and grade of colonel, without regard and in addition to the number now authorized by law of said retired list.

Approved, December 24, 1888.

CHAP. 18.—An act granting to Citrous Water Company right of way across Papago Indian Reservation in Maricopa County, Arizona.

January 1, 1889.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Citrous Water Company, a corporation organized under the laws of the State of California, and transacting business in the Territory of Arizona, is hereby granted the right of way, one hundred feet in width, across, through, and out of township south five, range west five, Gila and Salt River base and meridian, the said described land being a part of the Papago Indian Reservation in Maricopa County, Arizona, for the sole purpose of constructing a ditch or canal, to be used in conveying water across said reservation for use in irrigating lands and supplying water to owners of land below: *Provided,* That so long as said reservation shall continue for the use and occupation of said Indians, said Indians shall, free of cost, be supplied with water from said ditch or canal in such quantity and under such regulations as shall be prescribed by the Secretary of the Interior, and that reasonable compensation only, subject at all times to the control of Congress, shall be charged to those supplied with water for use upon land held under the United States: *Provided further,* That said right of way herein granted shall not be mortgaged, sold, transferred, or assigned except for the purposes of construction: *And provided further,* That unless said canal for which this right of way is granted be completed within two years after the approval of this act the provisions of this act shall be null and void.

Citrous Water Company may construct irrigating ditch through Papago Indian Reservation, Ariz.

Provisos.

Indians to receive water free.

Not to be sold, etc.

Commencement and completion.

Amendment.

SEC. 2. This act, and all rights acquired under the same, shall be subject at all times to modification, revocation, amendment, or repeal by Congress.

Approved, January 1, 1889.

CHAP. 19.—An act to regulate appointments in the Marine Hospital Service of the United States.

January 4, 1889.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That medical officers of the Marine Hospital Service of the United States shall hereafter be appointed by the President, by and with the advice and consent of the Senate; and no person shall be so appointed until after passing a satisfactory examination in the several branches of medicine, surgery, and hygiene before a board of medical officers of the said service. Said examination shall be conducted according to rules prepared by the Supervising Surgeon-General, and approved by the Secretary of the Treasury and the President.

Marine Hospital Service. Appointment of surgeons.

Original appointments.

SEC. 2. That original appointments in the service shall only be made to the rank of assistant surgeon; and no officer shall be promoted to the rank of passed assistant surgeon until after four years' service and a second examination as aforesaid; and no passed assistant surgeon shall be promoted to be surgeon until after due examination: *Provided,* That nothing in this act shall be so construed as to affect the

Proviso.

Promotion.

rank or promotion of any officer originally appointed before the adoption of the regulations of eighteen hundred and seventy-nine; and the President is authorized to nominate for confirmation the officers in the service on the date of the passage of this act.

Approved, January 4, 1889.

January 4, 1889.

CHAP. 20.—An act to incorporate the American Historical Association.

American Historical Association. Incorporators.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Andrew D. White, of Ithaca, in the State of New York; George Bancroft, of Washington, in the District of Columbia; Justin Winsor, of Cambridge, in the State of Massachusetts; William F. Poole, of Chicago, in the State of Illinois; Herbert B. Adams, of Baltimore, in the State of Maryland; Clarence W. Bowen, of Brooklyn, in the State of New York, their associates and successors, are hereby created in the District of Columbia a body corporate and politic, by the name of the American Historical Association, for the promotion of historical studies, the collection and preservation of historical manuscripts, and for kindred purposes in the interest of American history and of history in America. Said association is authorized to hold real and personal estate in the District of Columbia so far only as may be necessary to its lawful ends to an amount not exceeding five hundred thousand dollars, to adopt a constitution, and to make by-laws not inconsistent with law. Said association shall have its principal office at Washington, in the District of Columbia, and may hold its annual meetings in such places as the said incorporators shall determine. Said association shall report annually to the Secretary of the Smithsonian Institution concerning its proceedings and the condition of historical study in America. Said Secretary shall communicate to Congress the whole of such reports, or such portion thereof as he shall see fit. The Regents of the Smithsonian Institution are authorized to permit said association to deposit its collections, manuscripts, books, pamphlets, and other material for history in the Smithsonian Institution or in the National Museum; at their discretion, upon such conditions and under such rules as they shall prescribe.

Purpose.

Reports.

Manuscripts, etc., to be deposited in Smithsonian Institution.

Approved, January 4, 1889.

January 8, 1890.

CHAP. 21.—An act to authorize the Cairo and Tennessee River Railroad Company to construct bridges across the Tennessee and Cumberland Rivers.

Cairo and Tennessee River Railroad Company may bridge Tennessee and Cumberland Rivers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Cairo and Tennessee River Railroad Company, organized under act of the general assembly of the Commonwealth of Kentucky, be, and is hereby, authorized to construct and maintain bridges, and approaches thereto, over the Tennessee River at any point below Aurora, south boundary of Calloway County, in the State of Kentucky, and the Cumberland River at any point in Trigg County, State of Kentucky, and at any point in Monroe or Cumberland Counties, Kentucky, or in Clay County, Tennessee, on said river. Said bridges shall be constructed to provide for the passage of railway trains, and, at the option of the corporation by which they may be built, may be used for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot-passengers.

Railway, wagon, and foot bridges.

To be lawful structures and post-routes.

SEC. 2. That any bridge built under this act and subject to its limitations shall be a lawful structure, and shall be recognized and known