

April 6, 1876. **CHAP. 47.**—An act to supply a deficiency in the appropriations for certain Indians.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of supplying the "Sioux Indians of different tribes, including the Santee Sioux of Nebraska," with necessary subsistence, namely, beef, bacon, flour and corn, and for the necessary transportation thereof, the sum of one hundred and fifty thousand dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

Approved, April 6, 1876.

April 10, 1876. **CHAP. 50.**—An act to suspend the sale of the jail on Judiciary Square and for other purposes.

Post, p. 224.

Sale of jail on Judiciary Square suspended.

Use of jail.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Chief Engineer of the Army be and he is hereby directed to suspend the sale of the jail on Judiciary Square in the city of Washington, and that the same be turned over to the use of the authorities of the District of Columbia, temporarily or until other jail facilities are provided, and that it shall be lawful for the courts of said District of Columbia to order the confinement of prisoners therein.

Approved, April 10, 1876.

April 10, 1876. **CHAP. 51.**—An act to authorize the sale of the Pawnee Reservation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That with the consent and concurrence of the Pawnee tribe of Indians, expressed in open council in the usual manner, the Secretary of the Interior be, and he is hereby, authorized to cause to be appraised and sold the entire reservation set apart for said Indians, in the State of Nebraska, by the provisions of the first article of a treaty with them, concluded September twenty fourth, eighteen hundred and fifty-seven, in the following manner: The said Secretary shall appoint three disinterested and competent persons, who, after being duly sworn to perform said service faithfully and impartially, shall personally examine and appraise said lands at their actual cash value, by legal subdivisions of one hundred and sixty acres, separately from the value of any improvements on the same, and shall also examine and appraise the value of said improvements, and make return thereof to the Commissioner of Indian Affairs. After the appraisement of said lands as herein provided, the Secretary of the Interior shall be, and he is hereby, authorized to offer the same for sale on the following terms and conditions, to wit: After advertising the time of sale for three months in one newspaper published in each of the cities of New York, Washington, Chicago, Saint Louis, Cincinnati, Columbus, Nebraska, and Omaha, he shall offer the lands at public sale to the highest bidder for one third cash in hand, the balance in two equal annual payments, drawing interest at the rate of six per centum per annum from the day of sale. Said land shall be sold in separate tracts of one hundred and sixty acres, and none of it shall be sold for less than its appraised value, or for less than two dollars and fifty cents per acre. Said sale to take place at some point in Nebraska as near as may be to said land, to be fixed by the Secretary of the Interior. If any person shall commit waste or damage upon said lands before full payment therefor, his rights to the lands purchased by him shall cease, and the same, together with all of said lands not sold at said public sale, shall be sold under the direction of the Secretary of the Interior, at private sale, on the same terms and subject to the same conditions as those sold at

Sale of Pawnee reservation authorized.

Appraisement.

Advertisement.

Terms of purchase.

Subdivisions.

Place of sale.

Waste to forfeit purchase.

said public sale: *Provided*, That said lands shall not be sold for less than their appraised value, or for less than two dollars and fifty cents per acre. And patents in fee-simple shall be issued to the purchasers of lands under the seals herein provided for upon the payment to the Secretary of the Interior in full of the purchase price of the same: *Provided*, That if any of said tracts of land shall contain valuable improvements thereon, made by or for the Indians, or for Government purposes, said improvements may be sold separately from the lands on which they are situated, or may be sold with the land, as the Secretary of the Interior may deem best: *And provided further*, That the second section of the act of Congress, approved June tenth, eighteen hundred and seventy two, making provision for the sale of a portion of these lands, be, and the same is hereby, repealed.

SEC. 2. That there be, and hereby is, appropriated out of any moneys in the Treasury not otherwise appropriated, the sum of three hundred thousand dollars, out of which not more than one hundred and fifty thousand dollars shall be used in defraying expenses already incurred for the subsistence of said Pawnee tribe of Indians, and for their removal to the Indian Territory, and other necessary expenses connected with their establishment and settlement therein: *Provided*, That the accounts for said expenses heretofore incurred shall not be paid until after they have been examined and approved by the Secretary of the Interior, who is directed to settle said expenses upon principles of equity and justice as between the claimants and the Indians. And the residue of said three hundred thousand dollars after the payment of expenses heretofore incurred shall be applied to defray the expenses of appraisal and sale of the lands referred to in the first section of this act, and to the settlement of said Indians, and to their further subsistence, until they can become self-sustaining, and also in the purchase of agricultural implements and live stock, and in establishing and supporting schools, and for other beneficial objects including expenditures made for the above mentioned purposes during the fiscal year ending June thirtieth, eighteen hundred and seventy-six; said sums to be available for the purposes hereinbefore specified immediately after the approval of this act: *Provided*, That the said three hundred thousand dollars herein appropriated shall be reimbursed to the United States out of the funds arising from the sale of the lands described in the first section of this act: *And provided also*, That so much of the residue of the three hundred thousand dollars aforesaid as may be needed for the immediate necessities of the aforesaid Pawnee Indians may be expended in the purchase of supplies therefor in open market.

SEC. 3. That any surplus that may remain from the proceeds of the sale of the lands described in said first section, after the reimbursement to the United States of said sum of three hundred thousand dollars, and after the purchase of a suitable reservation in the Indian Territory for the Pawnee tribe of Indians, shall be placed to the credit of said Indians on the books of the Treasury of the United States, and bear interest at a rate not to exceed five per centum per annum, payable semi annually, except such portion thereof as the Secretary of the Interior, with the approval of the President of the United States, may deem necessary to be expended for their immediate use for subsistence or other beneficial objects.

SEC. 4. That the following described reservation in Indian Territory be, and the same is hereby, set apart for the use and occupation of the Pawnee tribe of Indians, namely: All that tract of country between the Cinnarron and Arkansas Rivers embraced within the limits of townships twenty one, twenty two, twenty three, and twenty-four north, of range four east, townships eighteen, nineteen, twenty, twenty-one, twenty-two, twenty three, and twenty-four north, of range five east, townships eighteen, nineteen, twenty, twenty-one, twenty-two, and twenty-three north, of range six east of the Indian meridian: *Provided*, That the terms of the sixteenth article of the Cherokee treaty of July nineteenth,

Selling price.

Patents, when issued.

Improvements, how sold.

1872, ch. 436,
17 Stat., 391, repealed.

Appropriation.

Subsistence and removal of Pawnees.

Accounts for past expenditures.

Application of residue of appropriation.

Re-imbursement of appropriation.

Purchase of immediate supplies.

Surplus of proceeds of sale, how invested and applied.

New reservation for Pawnees.

14 Stat., 804.

eighteen hundred and sixty-six, shall be complied with so far as the same may be applicable, thereto; *And provided further*, That the sum to be paid to the Cherokees by the Pawnees for such quantity of the land herein described as may be within the limits of the Cherokee country west of the ninety-sixth meridian of west longitude shall not exceed seventy cents per acre: *And provided also*, That the portion of the reservation herein described lying within the territory ceded to the United States by the third article of the Creek treaty of June fourteenth, eighteen hundred and sixty-six, shall be paid for by said Pawnees at the rate of thirty cents per acre.

SEC. 5. That the Secretary of the Interior shall cause to be made to each head of a family or single person over twenty-one years of age belonging to said Pawnee tribe, and residing upon said reserve, who shall so elect, an allotment within said reservation, of one hundred and sixty acres of land, as near as may be, to be governed by the lines of public survey; and upon the approval of the Secretary of the Interior of such allotments, certificates shall be issued therefor by the Commissioner of Indian Affairs: *Provided*, That whenever it shall be made to appear to the satisfaction of the Secretary of the Interior that any allottee has occupied and cultivated any portion of his or her allotment for the period of five successive years, and has at least twenty-five acres of the same fenced and in crop, such allottee shall be entitled to receive a patent for his or her allotment, with the condition that the same shall not be aliened or conveyed within fifteen years from the date thereof, and then only with the consent of the Secretary of the Interior and under such rules and regulations as he may prescribe.

Approved, April 10, 1876.

April 10, 1876. **CHAP. 52.**—An act to incorporate the Georgetown and Tennallytown Railroad Company.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Richard W. Carter, Major A. Nicholson, B. K. Swart, A. P. Fardon, Lewis D. Means, Isaiah Shoemaker, Joseph Weaver, Morris Addler, Jacob H. Kengla, John T. Varnell, James Hoffman, Samuel D. Linn, Philip Brooke, Charles Becker, Josiah Dent, and their associates and assigns, are created a body corporate under the name of the Georgetown and Tennallytown Railroad company, with authority to construct and lay down a single railway-track, with the necessary switches, and turn-outs, in the city of Georgetown and the county of Washington, in the District of Columbia, commencing at the corner of High and Bridge streets, Georgetown, along High street to Fourth street, along Fourth street to Fayette street, along Fayette street to High street, and to its intersection with the Georgetown and Rockville turnpike road, and along said road to Tennallytown, with the privilege of extending the said railroad from Tennallytown (along the public road leading to Rockville) as far as the northern boundary line of the District of Columbia. The track shall be laid in the best manner, to be approved by the Secretary of the Interior, and shall be laid on the west side of the turnpike road leading from Georgetown to Tennallytown, so as not to interfere with the centre, or travel, of said road used by the turnpike company, with the right to run public carriages on the road hereby authorized, drawn by horse-power, receiving therefor a rate of fare not exceeding ten cents per passenger for any distance between the termini of said railroad.

SEC. 2. That the said road shall be deemed real estate, and, together with the other real estate and personal property of said company, shall be liable to taxation.

SEC. 3. That the said company shall conform to the grade of the streets and roads in laying rails thereon; and the said company shall keep its track well paved and in good repair. Nothing in this act shall