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SEC. 2. That said tunnel shall be so constructed as not in any manner to interfere with the navigation of ships, steamboats, and other water-craft in the said bay of New York; that the upper surface of the covering arch of the said tunnel shall be placed at a depth below the bed of the said bay sufficient to save and protect the waters of the said bay and the currents and channels thereof from any change or alteration by reason of the construction of the said tunnel or any part thereof; and no obstruction, either of a temporary or permanent character, to the free and unrestricted navigation of the said bay of New York shall be built anywhere within the waters of said bay in connection with the construction of the tunnel or any part thereof. Security of navigation. Depth below bed. No obstruction in waters.

SEC. 3. That any tunnel constructed under this act together with the approaches thereto, and according to its terms and limitations, shall be a lawful structure, and shall be recognized and known as a post-route, upon which no higher charge shall be made for the transportation over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for their transportation over the railroads or public highways leading to said tunnel; and the United States shall have the right of way for postal telegraph purposes through and in said said tunnel, and over the approaches thereto. Lawful structure and post-route. Postal telegraph.

SEC. 4. That the plan and location of said tunnel, with a detailed map of the bay of New York at, over, and near to the proposed site of the said tunnel, exhibiting the depth of water and the currents and channel thereof, shall be submitted to the Secretary of War for his approval, and until he shall approve the plan and location of said tunnel, it shall not be built, but upon the approval of said plans by the Secretary of War the said company may proceed to the building of the said tunnel in conformity with said approved plan; and no change shall be made in the plan or location of said tunnel during the progress of the work thereon, except the same be first approved by the Secretary of War. Secretary of War to approve plan, location, etc. Change of plan, etc.

If the Secretary of War shall at any time deem any change or alterations necessary in the said tunnel, so that the same shall not interfere with or endanger the navigation of ships, steam-boats, and other water-craft, or if he shall deem the disuse of the whole structure necessary for the preservation of the harbor for the purpose of navigation, the alteration so required shall be made at the expense of the parties owning said structure. Structural changes, etc.

SEC. 5. That if work shall not be commenced upon said tunnel within three years and completed within ten years after the passage of this act, the rights and privileges hereby granted shall determine and cease. Commencement and completion.

SEC. 6. That the right to alter, amend, or repeal this act is hereby expressly reserved. Amendment, etc.

Approved, February 13, 1891.

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**CHAP. 165.**—An act to ratify and confirm agreements with the Sac and Fox Nation of Indians, and the Iowa tribe of Indians, of Oklahoma Territory, and to make appropriations for carrying out the same. February 13, 1891.

Whereas David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, duly appointed commissioners on the part of the United States, did on the twelfth day of June, eighteen hundred and ninety, conclude an agreement with the Sac and Fox Nation of Indians, occupying a reservation in the Territory of Oklahoma, formerly a part of the Indian Territory, which said agreement is in words and figures as follows, to wit,: Preamble.

Articles of Agreement made and entered into at the seat of Government of the Sac and Fox Nation in the Indian Territory on the twelfth day of June eighteen hundred and ninety, by and between Articles of Agreement with the Sac and Fox Nation of Indians, Oklahoma Territory, June 12, 1890.

David H. Jerome, Alfred M. Wilson and Warren G. Sayre, Commissioners on the part of the United States, appointed for the purpose and the Sac and Fox Nation, witnesseth:

ARTICLE I. Cession to the United States of certain lands in Indian Territory by Sac and Fox Nation.

ARTICLE I. The said the Sac and Fox Nation hereby cedes, conveys, transfers, surrenders and forever relinquishes to the United States of America, all their title, claim or interest, of every kind or character, in and to the following described tract of land or country, in the Indian Territory, to-wit:

Description.

Beginning at a point on the left bank of the North fork of the Canadian River, where the West boundary line of the Creek Reservation crosses the same; thence North with said West boundary line to the right bank of the Cimarron River; thence up the said Cimarron River along the right bank thereof to a point on said right bank of said river, where the Section line between Sections Nineteen and Twenty (20) of Township Eighteen (18) North, of Range (4) East of the Indian Meridian strikes the same; thence South on the Section line between Sections Nineteen (19) and Twenty (20) Twenty nine (29) and Thirty (30) Thirty-one (31) and Thirty-two (32), of said Township Eighteen (18), and between Sections Five (5) and Six (6), Seven (7) and Eight (8) Seventeen (17) and Eighteen (18) Nineteen (19) and Twenty (20) Twenty-nine (29) and Thirty (30) Thirty-one (31) and Thirty two (32), of Townships Seventeen (17), Sixteen (16) Fifteen (15), Fourteen (14) North, and between Sections Five (5) and Six (6) Seven (7) and Eight (8) and Sections Seventeen (17) and Eighteen (18) of Township Thirteen (13) North, all in range Four (4) East of the Indian Meridian, to the Southeast corner of Section Eighteen (18) in said Township Thirteen (13); thence West on the Section line between Sections Eighteen (18) and Nineteen (19), to the Range line between Ranges Three (3) and Four (4), East of said Indian Meridian, thence South on said Range line to a point on the left bank of the North Fork of the Canadian River, where the said Range line strikes the said river; thence down the said North fork of the Canadian River, along the left bank thereof to the place of beginning:

Cession of other lands.

Also the tract of land situated in Township Ten (10) North of Range Four (4) East of said Indian Meridian, North of the North fork of the Canadian River, (not within the limits of the tract of country above-described), and bounded as follows:

Description.

Beginning at the point on the left bank of the North Fork of the Canadian River where the Range line between the Ranges Three (3) and Four (4) East strikes the said river; thence up said river along the left bank thereof to a point on said left bank where the said range Line again intersects said river; thence South on said Range Line to a point on the left bank of said River where said Range line again intersects said River; thence down said river along the left bank thereof to the place of beginning—and all other land or country in Indian Territory, in which said Sac and Fox Nation has or claims any title, claim or interest.

*Provisos.*

Agency quarter section excepted from cession.

*Provided however* the quarter section of land on which is now located the Sac and Fox Agency shall not pass to the United States by this cession, conveyance, transfer, surrender and relinquishment, but shall remain the property of said Sac and Fox Nation, to the full extent that it is now the property of said Nation—subject only to the

Existing rights.

rights of the United States therein, by reason of said Agency being located thereon, and subject to the rights, legal and equitable, of those persons that are now legally located thereon. And it is agreed that the National Council of the said Sac and Fox Nation shall have the right at any time, subject to the approval of the Secretary of the

Sacs and Foxes may sell Agency quarter section.

Interior for the time being, to sell and convey said quarter section of land, or any part thereof, saving in such conveyance the rights of the United States and of persons legally located thereon—for the benefit of

Exempted from allotment and homestead entry.

said Sac and Fox Nation, but shall not be subject to be taken by any citizen of the Sac and Fox Nation, in allotment, nor subject to home-

stead entry under any law of the United States. And the section of land now designated and set apart near the Sac and Fox Agency, for a school and farm, shall not be subject either to allotment to an Indian or to homestead entry under the laws of the United States—but shall remain as it now is and kept for school and farming purposes, so long as said Sac and Fox Nation shall so use the same,—*Provided however*, that at the time allotments are being taken, as hereinafter provided for, the National Council of said Sac and Fox Nation may release from the operation of this part of the agreement one or more quarters of said school section of land and such part or parts so released, shall thereby become subject to allotment hereunder, or to homestead entry. And for each quarter of said school section so released, the said National Council shall have the right to select anywhere in said Reservation another quarter section of land, except in Section Sixteen (16) and Section Thirty-six (36) of any Congressional Township—to be held as said school section is provided herein to be held,—so long as said Sac and Fox Nation shall use the same for school purposes or for farming purposes in connection with this said school.

School and farm section.

Release of exemption.

School and farm lieu lands.

ARTICLE II. In consideration of the cession, conveyance, transfer, surrender and relinquishment by said Sac and Fox Nation of all of their title, claim and interest, of every kind and character in and to the lands described in the preceding Article, the United States of America hereby agrees with said Sac and Fox Nation that each and every citizen thereof over the age of Eighteen (18) years shall have the right to select for himself one fourth of a section of land in one body, in a square form, to conform in boundaries to the legal surveys, anywhere in the tract of country hereinbefore described, except in Sections Sixteen (16) and Thirty-six (36) in each Congressional Township and said one quarter section of land where said Agency is located and said school section or other lands selected in lieu thereof.

ARTICLE II. Consideration.

Rights of Sacs and Foxes to select lands in severalty.

Size, shape, etc.

Location.

Limitations.

The father of any child, or if the father be dead, the mother, shall have the right to select for each of his or her children, under Eighteen (18) years of age, one quarter section of land, in one body, in a square form, under the same restrictions, only as above provided for citizens over the age of Eighteen (18) years. If there shall be a child under Eighteen (18) years of age, and having neither father nor mother, then the agent for the time being, at said Sac and Fox Agency, shall select for such child the same amount of land, under the same restrictions and limitations, as are above provided for other children.

ARTICLE III. It is further agreed that when the allotments to the citizens of the Sac and Fox Nation are made, the Secretary of the Interior shall cause patents to issue therefor in the name of the allottees which patent shall be of the legal effect and declare that Eighty (80) acres of land to be designated and described by the allottee, his or her agent as above provided, at the time the allotment is being made, shall be held in trust by the United States of America, for the period of Twenty-five years, for the sole use and benefit of the allottee, or his or her heirs, according to the laws of the State or Territory where the land is located; and that the other Eighty (80) acres shall be so held in trust by the United States of America for the period of five (5) years, or if the President of the United States will consent, for fifteen (15) years for like use and benefit; and that at the expiration of the said periods respectively the United States will convey the same by patent to said allottee, or his or her heirs as aforesaid, in fee, discharged of said trust and free from all incumbrances; *Provided*, that in no case shall a patent in fee be issued to a person who is an orphan at time allotment is made and un-married, until he or she shall have arrived at the age of Twenty-one (21) Years or shall marry. In order that the question of the age of any

ARTICLE III. Patents for allotments.

In trust.

In fee.

*Proviso.*

Orphan allottees.

orphan allottee as aforesaid shall not be subject to future inquiry, it is agreed that the age of each orphan allottee, under the age of Twenty-one (21) years shall be fixed and ascertained by the person making the allotment and reported by him to the Department of the Interior and such report of the age of any allottee shall be held and deemed conclusive in carrying out this agreement.

ARTICLE IV. Additional consideration.

ARTICLE IV. As a further and only additional consideration for the cession, conveyance, transfer, surrender and relinquishment of all title, claim and interest in and to the tract of land described in Article I hereof, the United States agrees to pay the Sac and Fox Nation, the Sum of Four Hundred and Eighty-five Thousand $(485,000) Dollars: *Provided*, the entire number of allotments hereunder shall not exceed Five Hundred and Twenty-eight (528) and should the allotments exceed in number Five Hundred and Twenty eight (528) then there shall be deducted from said sum of Four Hundred and Eighty-five Thousand $(485,000) Dollars, the sum of Two Hundred ($200) Dollars for each allotment in excess of said number.

Money payment.

*Proviso.*

Limitation of allotments.

Deductions for excess.

Said sum of Four Hundred and Eighty-five Thousand ($485,000) Dollars shall be paid as follows: Three Hundred Thousand Dollars thereof shall be retained in the Treasury of the United States to the credit of the said Sac and Fox Nation, and bear interest at the rate of five per centum (5%) per annum—which interest shall become due and payable on the first day of March in each year.

Distribution of money.

Retained in Treasury.

Interest.

Five thousand ($5,000) Dollars thereof shall be paid to the United States Indian Agent at the Sac and Fox Agency, to be paid out and expended by him under the direction and authority of the National Council of the Sac and Fox Nation.

To be paid out by Agent.

The residue of said sum of Four Hundred and Eighty-five Thousand Dollars shall be paid out in currency to the citizens of the said Sac and Fox Nation, per capita, at the Sac and Fox Agency in the Indian Territory, within three months after the ratification of this agreement by Congress, as follows: Each person over the age of Twenty-one years shall receive and receipt for his or her share thereof; each person that is married shall receive and receipt for his or her share thereof whether Twenty-one years of age or not.

Per capita distribution of residue.

The United States Indian Agent at the Sac and Fox Agency shall retain and pay out the share thereof, belonging to any insane or imbecile citizen of said Nation, for his or her sole use and benefit, either for necessary support or for the improvement of his or her land; the share thereof belonging to orphan children under Twenty-one years of age and un-married, shall be retained in the Treasury of the United States, until he or she shall marry or become Twenty-one years of age, when he or she shall be entitled to receive and receipt for the same at said Sac and Fox Agency, free of charge; or if the National Council shall at any time deem any orphan child capable of taking proper care of his or her money, said Council may make an order to that effect, upon which order being made the United States Indian Agent at said Sac and Fox Agency shall make requisition for such persons money, which at the ensuing annuity payment shall be paid to such person. It is the purpose and intention and agreement that no part of this fund shall ever pass under the control of any guardian appointed by or acting under any State or Territorial authority.

Limitations.

It is further agreed that no part of said sum of Four Hundred and Eighty-five Thousand Dollars shall be applied in payment of any claim preferred against said Sac and Fox Nation, alleged to have accrued prior to the ratification of this agreement.

ARTICLE V. Allotting agents and assistants.

ARTICLE V. It is further agreed that the Department of the Interior, shall, as soon as practicable, after the ratification of this agreement by the Congress of the United States, send to said Sac and Fox Agency a competent corps of allotting agents and necessary assistants, to make, survey, designate and describe, the allotments herein provided for—who shall give a notice in writing to the prin-

Allotment procedure.

Notice.

cipal Chief of the Sac and Fox Nation, that they are prepared and ready to proceed in making such allotments—and said Sacs and Foxes shall then have four months from the time of giving such notice to complete the taking of their allotments, and if, at the end of such period of four months, it shall be ascertained that any of the citizens of said nation, have failed or refused to take their said allotments, then the United States Indian Agent, for the time being, at said Sac and Fox Agency, shall make selections for such persons, which shall have the same effect, as if such persons had made such selections for themselves. It is further agreed that as soon as such allotments are so made, and approved by the Department of the Interior, and the provisional patents herein-before provided for are issued, then the residue of said tract of country, shall, as far as said Sac and Fox Nation is concerned, become public lands of the United States, and under such restrictions as may be imposed by law, be subject to white settlement.

Agent to make selections in certain cases.

Residue of lands, after allotments, to be open to white settlement.

ARTICLE VI. It is further agreed that whenever any citizen of said Sac and Fox Nation shall have made and owns valuable improvements on any lands in said reservation, he or she shall have the preference over any other citizen of said Nation to take his or her allotments so as to embrace said improvements, provided they shall be limited as herein-before provided as to boundaries and area.

ARTICLE VI. Preferred rights of owners of improvements.

ARTICLE VII. It is further agreed that the beneficiaries of this agreement shall be limited to those persons whose names are now on the roll as Sacs and Foxes at the said Sac and Fox Agency; and those that may be born to them, and entitled by the laws and customs of said Sac and Fox Nation to go upon said roll before said allotments are made; and those that may be adopted into said Nation according to law by the National Council, before said allotments are made.

ARTICLE VII. Limitation of beneficiaries.

ARTICLE VIII. This agreement shall be in force and have effect from and after its ratification by the National Council of the Sac and Fox Nation and the Congress of the United States.

ARTICLE VIII. Operation.

In witness whereof the said David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, Commissioners on the part of the United States, have hereunto set their hands the day and year aforesaid, and the principal Chief and the First Assistant Principal Chief of the said Sac and Fox Nation have hereunto set their hand and the Seal of said Nation the day and year aforesaid.

And the Secretary of said Sac and Fox Nation now attests the same.

[SEAL.]

DAVID H. JEROME.
ALFRED M. WILSON.
WARREN G. SAYRE.
Commissioners for United States.

MAH-KO-SAH-TOE, His X mark.
Principal Chief.

MOSES KEOKUK, His X mark.
First Ass't Prin. Chief.

Attest:

WALTER BATTICE,
Secretary of Sac & Fox Nation.

Attestation.

And,

Whereas David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, duly appointed commissioners on the part of the United States, did, on the twentieth day of May eighteen hundred and ninety, conclude an agreement with the Iowa tribe of Indians residing on the Iowa Reservation, in the Territory of Oklahoma, formerly part of the Indian Territory, which said agreement is in words and figures as follows, to wit:

Preamble.

"Articles of agreement made and entered into on the twentieth day of May, in the year of our Lord, eighteen hundred and ninety, at the Iowa Village in what is known as the Iowa Reservation, in

Articles of agreement with the Iowa tribe of Indians, Oklahoma Ter., May 20, 1890.

the Indian Territory, by David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, Commissioners on the part of the United States, appointed for the purpose, and the Iowa tribe of Indians residing on said Reservation.

ARTICLE I.

## ARTICLE I.

Relinquishment, etc., to the United States, of lands in Indian Territory, by the Iowa tribe of Indians.

The said Iowa Tribe of Indians, residing and having their homes thereon, upon the conditions hereinafter expressed, do hereby surrender and relinquish to the United States all their right, title, claim and interest in and to and over the following described tract of country in the Indian Territory, namely:

Description.

Beginning at the point where the Deep Fork of the Canadian River intersects the west boundary of the Sac and Fox Reservation; thence north along said west boundary to the south bank of the Cimarron River; thence up said Cimarron River to the Indian Meridian; thence south along said Indian Meridian to the Deep Fork of the Canadian River; thence down said Deep Fork to the place of beginning," set apart for the permanent use and occupation of the Iowa and such other Indians as the Secretary of the Interior may see fit to locate thereon, by Executive Order made and dated the fifteenth day of August, in the year of our Lord eighteen hundred and eighty-three.

ARTICLE II.

## ARTICLE II.

Land to be allotted in severalty to every Indian of the Iowa tribe.

Each and every member of said Iowa Tribe of Indians shall be entitled to select and locate upon said Reservation or tract of Country eighty acres of land which shall be allotted to such Indian in severalty.

Location.

No other restriction as to locality shall be placed upon such selections than that they shall be so located as to conform to the Congressional survey or subdivision of said tract of country, and

Preferred rights of owners of improvements.

any Indian having improvements may have the preference over any other Indian in and to the tract of land containing such improvements so far as they are within a legal subdivision not exceeding in area the quantity of land that he is entitled to select and locate.

Selection of allotments.

Each member of said tribe of Indians over the age of eighteen years, shall select his or her land, and the father, or if he be dead the mother, shall select the land herein provided for, for each of his or her children who may be under the age of eighteen years, and if both father and mother of a child under eighteen years of age shall be dead, then the nearest of kin, over eighteen years of age and an Iowa Indian, shall select and locate his or her land—or if such person shall be without kindred as aforesaid, then the Commissioner of Indian Affairs, or some one by him authorized, shall select and locate the land of such child.

ARTICLE III.

## ARTICLE III.

Special allotment agents to be appointed.

That the allotments provided for in this Act shall be made at the cost of the United States by special agents appointed by the President for such purpose, under such rules and regulations as the Secretary of the Interior may from time to time prescribe, and within sixty days after such special agent or agents shall appear upon said

Notice of procedure, etc.

reservation and give notice to the acting and recognized chief of said Iowa Tribe of Indians, that he is ready to make such allotments; and if any one entitled to an allotment hereunder shall fail

Failure to select.

to make his or her selection within said period of sixty days, then such special agent shall proceed at once to make such selection for such person or persons—which shall have the same effect as if made by the person so entitled; and when all of said allotments are made

and approved, then the residue of said reservation, except as hereinafter stated, shall, as far as said Iowa Indians are concerned, become public land of the United States. Residue of reservation to become public land.

ARTICLE IV. ARTICLE IV.

Upon the approval of the allotments provided for herein by the Secretary of the Interior, he shall cause patents to issue therefor in the name of the allottees, which patents shall be of the legal effect and declare that the United States does and will hold the land thus allotted for the period of twenty-five years in trust for the sole use and benefit of the Indian to whom such allotment shall have been made, or in case of his or her decease, of his or her heirs or devisees according to the laws of the state or territory where such land is located, and that at the expiration of said period, the United States will convey the same by patent to said Indian or his heirs or devisees as aforesaid in fee, discharged of said trust and free of all incumbrance whatsoever. Patents of allotment. In trust. In fee.

And if any conveyance shall be made of the lands set apart and allotted, as herein provided, or any contract made touching the same, before the expiration of the time above mentioned such conveyance or contract shall be absolutely null and void. Prior conveyances, etc. void.

And during said period of twenty-five years said lands, so allotted and the improvements thereon shall not be subject to taxation for any purpose by any State or Territory or any municipal subdivision thereof nor subject to be seized upon any execution or other mesne or final process issued out of any court of any State or Territory, and shall never be subject to be seized or sold upon any execution or other mesne or final process issued out of any court of any State or Territory upon any judgment rendered upon any debt or liability incurred, the consideration of which, immediate or remote passed prior to the expiration of said period of twenty-five years. And the law of descent and partition in force in the State or Territory where such lands are situated shall apply thereto. Allotments, etc., nontaxable, etc., for certain period.

ARTICLE V. ARTICLE V.

There shall be excepted from the operation of this agreement a tract of land, not exceeding ten acres in a square form, including the church and school house and grave-yard at or near the Iowa village, and ten acres of land shall belong to said Iowa tribe of Indians in common so long as they shall use the same for religious, educational, and burial purposes for their said Tribe—but whenever they shall cease to use the same for such purposes for their Tribe, said tract of land shall belong to the United States. Church, school house, and grave-yard lands excepted from allotment, etc.

ARTICLE VI. ARTICLE VI.

When all the allotments are made as aforesaid, the United States, under the direction of the Commissioner of Indian Affairs will expend for said Iowa tribe of Indians described herein as beneficiaries of this agreement for improving their said land, for building houses, providing for said Indians breeding animals, agriculture implements, and seeds, the sum of Twenty-four thousand dollars—*provided*, that said sum shall be paid out as nearly equally per capita as may be, the father, or, if he be dead, the mother, to act for their children under the age of eighteen years—and the Commissioner of Indian Affairs in his own discretion to act for orphan children under the age of eighteen years. Expenditure for houses, animals, seeds, etc., after allotment. *Proviso.* Per capita distribution.

ARTICLE VII.

## ARTICLE VII.

Additional consideration to Iowa Indians.

Annuities.

First five years.

Second five years.

Third five years.

Fourth five years.

Fifth five years.

Receipts.

As a further and only additional consideration for such surrender and relinquishment of title, claim, right and interest, as aforesaid, the United States will pay to said Iowa Indians, the beneficiaries of this agreement, per capita, Three Thousand and Six Hundred Dollars per annum, payable semi-annually, for the first five years after this agreement shall take effect; Three Thousand Dollars per annum payable semi-annually, for the second five years after this agreement shall take effect; Two thousand and Four Hundred Dollars per annum, payable semi-annually for the third five years after this agreement shall take effect; One Thousand Eight Hundred Dollars per annum payable semi-annually, for the fourth five years after this agreement shall take effect, and One Thousand Two Hundred Dollars per annum, payable semi-annually, for the fifth five years after the agreement shall take effect. In all such payments each person over the age of eighteen years shall receive and receipt for his or her share, and the father, or, if he be dead, the mother, of any person entitled, who is under the age of eighteen years, shall receive and receipt for his or her share; and when both father and mother of such person be dead, the person, if an Iowa Indian, with whom such person makes his home, shall receive and receipt for such persons shares; otherwise, it shall be paid to the Indian Agent of the said Iowa Indians for the use of such orphan.

ARTICLE VIII.

## ARTICLE VIII.

All other existing rights, etc., of Iowas, reserved.

It is hereby expressly agreed and understood that nothing herein contained shall in any manner affect any other claim not mentioned herein that said Iowa Tribe of Indians have against the United States; nor shall this agreement in any manner affect any interest that said tribe or its members may have in any reservation of land outside of the Indian Territory, nor shall this agreement in any manner affect any annuities or payments, principal or interest due, to said tribe or its members by existing laws or treaties with the United States.

ARTICLE IX.

## ARTICLE IX.

Chief William Tohee and Maggie, his wife.

Additional provisions.

William Tohee, the chief of the Iowas, is incurably blind and helpless, and has a wife, Maggie Tohee, an Iowa Woman, but by whom William has no child. William is not only helpless but requires and receives the constant care and attention of Maggie, so that neither can give attention to matters of business or labor, or devote their time or energy to procuring a living. Therefore it is mutually agreed in addition to the provisions hereinbefore made for the Iowas, including said William and Maggie, that the United States will pay out to or for the use of said William, under the direction of the Commissioner of Indian Affairs, the sum of Three Hundred and Fifty Dollars. Because of the relation between the said William and Maggie and the care that he requires of her, and that she bestows upon him, it is agreed that the patents to them creating the trust in the United States for them for the period of twenty-five years, shall further recite and provide that in event of the death of either said William or Maggie during said period of twenty-five years—then the possession and use of the lands allotted to both shall be in the survivor and patents for the land allotted to both shall issue to the survivor, discharged of the said trust at the expiration of the said twenty-five years, provided said parties shall be living together as man and wife until the death of either.

ARTICLE X. ARTICLE X.

Operation. This agreement shall be in force from and after its approval by the Congress of the United States.

In witness whereof, we have hereunto set our hands and seals the day and the year first above written.

DAVID H. JEROME,
A. M. WILSON,
WARREN G. SAYRE,
Commissioners on the part of the United States.

Jefferson White Cloud, his x mark; Kirwan Murray, Victor Dupee, Eliza Heelbolte, Eva White, William Tohee, chief, his x mark; Maggie Tohee, her x mark; Charles Tohee, Emma Tohee, David Tohee, Garrie Squirrel, Susan Squirrel, her x mark; Abrockanie, his x mark; Mary White Cloud, her x mark; Nellie Green, her x mark; Albert Ely, his x mark; Julia Ely, her x mark; Naw-a-tawmy, her x mark; Moses, his x mark; Lucinda R. Moses, her x mark; Willie Dole; Tom Dorian, his x mark; Catharin Dorian, her x mark; Mary Squirrel, her x mark; Widow Tohee, her x mark; Mary Tohee, her x mark; Ellen White Cloud, her x mark; Mary Murray, her x mark; Kis-tom-ie, her x mark; Big Ear, his x mark; Theresa Big Ear, her x mark; Julia Washington, her x mark; Anna Rubedeau, her x mark; Josie Dole, her x mark.

## SUPPLEMENTAL ARTICLES.

SUPPLEMENTAL ARTICLES.

ARTICLE XI. ARTICLE XI.

The President may extend the trust period for allotments of Iowas. It is now further agreed by the Commission, on the part of the United States, at the special instance and request of Chief Tohee, that if the Iowas at the expiration of said term of twenty-five years, during which the United States shall hold the allotments in trust for them shall represent to the President that they desire said trust continued, then the President may, in his discretion, extend said period, during which said lands are so held in trust for any period not exceeding five years.

Limit of extension.

ARTICLE XII. ARTICLE XII.

An additional ten-acre square may be held in common, etc. It is further agreed that when said allotments are being made, the Chief of the Iowas may select an additional ten acres in a square form for the use of said tribe in said reservation, conforming in boundaries to the legal subdivisions of land therein, which shall be held by said tribe in common but when abandoned by said tribe shall become the property of the United States.

DAVID H. JEROME,
A. M. WILSON,
WARREN G. SAYRE,
Commissioners.

Certification. I, Kirwan Murray, do hereby certify that I am the official interpreter chosen by the Iowa tribe of Indians; that I am a member of said tribe; that I interpreted to said Indians the nature and terms and words of the contract to which this is appended, made and entered into by and between David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, Commissioners on the part of the United States,

and the Iowa Indians, residing on their reservation, in the Indian Territory, at the Iowa Village, on the twentieth day of May, in the year of our Lord eighteen hundred and ninety; that said contract was by me fully explained to said Indians and they made to understand the same before it was signed by them; and I further certify that I was personally present when each and every person's name was signed thereto, and witnessed the same and that those whose signatures appear to said contract appended the same thereto understandingly, and where signed by mark or otherwise I attest the same.

Given under my hand at the Iowa Village this May twenty-eighth, eighteen hundred and ninety.

KIRWAN MURRAY.

Therefore,

Ratification, etc., of agreements with Sacs and Foxes, and Iowas, of Indian Territory.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That said agreements be, and the same are hereby, accepted, ratified, and confirmed.

Appropriations for carrying out agreement with Sac and Fox Nation.

Special agents for allotment, etc.

Pay, etc.

Resurveys.

SEC. 2. That for the purpose of making the allotments provided for in the said agreement, with the Sac and Fox Nation of Indians including the pay and expenses of the necessary special agents, not exceeding three in number, hereby authorized to be appointed by the President for the purpose, and the necessary resurveys, there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of six thousand dollars, or so much thereof as may be necessary.

Compensation.

SEC. 3. That for the purpose of making the compensation provided for in said agreement the sum of four hundred and eighty-five thousand dollars be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, of which

Retained in Treasury.

the sum of three hundred thousand dollars shall be retained in the Treasury of the United States, to the credit of the said Sac and Fox Nation, and bear interest at the rate of five per centum per annum,

Interest.

which shall become due and payable on the first day of March in

Application of remainder.

each year, and the remainder shall be disbursed or applied as provided in said agreement

Allotments to Iowas.

SEC. 4. That for the purpose of making the allotments provided for in said agreement with the Iowa tribe of Indians, including the

Special agents, etc.

pay and expenses of special agents appointed by the President for

Pay, etc.

the purpose, and the necessary surveys, there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of one thousand dollars, or so much thereof as may be necessary.

Appropriations for Iowas.

SEC. 5. That for the purpose of carrying out the terms and provisions of articles six, seven, and nine of said agreement with the Iowa tribe of Indians there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the following sums, to wit:

For animals, seeds, etc.

For this amount, to be expended under the direction of the Commissioner of Indian Affairs, for said Iowa tribe of Indians as provided in article six of said agreement, twenty-four thousand dollars.

For annuities.

For the payment of the first five annual installments, first series, payable semi-annually as provided in article seven, three thousand six hundred dollars.

For Chief William Tohee.

For this amount, to enable the Commissioner of Indian Affairs to carry out the provision of article nine, for the benefit of William Tohee, chief of the Iowas, three hundred and fifty dollars.

Determination of descent.

SEC. 6. That for the purpose of determining the descent of land to the heirs of any deceased Indian, under the provisions of article four of said agreement with the Iowa tribe of Indians or under any law or treaty authorizing the issuance of a patent to an Indian or his heirs, according to the laws of the State or Territory where such land is located, whenever any man and woman, either of whom is in whole or in part of Indian blood, shall have cohabited together

as husband and wife according to the custom and manner of Indian life, the issue of such cohabitation shall be, for the purpose aforesaid, taken and deemed to be the legitimate issue of persons so living together, and every child of Indian blood, in whole or in part, otherwise illegitimate shall for such purpose be taken and deemed to be the legitimate issue of the father of such child.

Opened lands for actual settlers only, under homestead laws.

SEC. 7. That whenever any of the lands acquired by the agreements in this act ratified and confirmed, shall by operation of law or proclamation of the President of the United States, be open to settlement, they shall be disposed of to actual settlers only, under the provisions of the homestead laws, except section twenty-three hundred and one, which shall not apply: *Provided*, however, that each settler, under and in accordance with the provisions of said homestead laws, shall, before receiving a patent for his homestead, pay to the United States for the land so taken by him, in addition to the fees provided by law, the sum of one dollar and twenty-five cents for each acre thereof, and such person, having complied with all the laws relating to such homestead settlement, may at his option receive a patent therefor at the expiration of twelve months from date of settlement upon said homestead and any person otherwise qualified who has attempted to but for any cause failed to secure a title in fee to a homestead under existing law, or who made entry under what is known as the commuted provision of the homestead law, shall be qualified to make a homestead entry upon any of said lands.

R. S., sec. 2301, p. 421, excepted.

*Proviso.*

Pre-payment of additional price by settler.

Issue of patent.

Certain persons failing under existing law, may enter homestead under this.

Sac and Fox Indians in Iowa.

Appropriation to pay all claims.

SEC. 8. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of one hundred thousand dollars to be paid to the Sac and Fox band of Indians now resident in Iowa, in full of all claims of every name and nature which said Indians now have upon the property included in the foregoing agreement of the Sac and Fox Indians in the Indian Territory or upon the United States, for the moneys arising therefrom, said sum to be paid to said Sac and Fox Indians of Iowa by the Secretary of the Interior, per capita, or in such other manner as said Indians shall direct, upon the execution by them, to his satisfaction, of a release as herein required.

Per capita payment.

Release.

Approved, February 13, 1891.

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**CHAP. 166.**—An act to increase the appropriation for the erection of a public building at Portsmouth, Ohio.

February 13, 1891.

Portsmouth, Ohio.

Public building, etc.

Limit of cost increased.

Vol. 25, p. 507.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the amount heretofore fixed as the limit of cost for the erection of a public building by the United States Government at Portsmouth, Ohio, be, and the same is hereby, increased to seventy-five thousand dollars, and that sum is hereby fixed as the limit of cost for the erection of said building, including site.

Limitation on building contracts.

SEC. 2. That the officers of the United States Government having charge of the erection of public buildings are authorized and required to be governed by the limitation hereby prescribed in making contracts for the erection of said building.

Additional appropriation.

SEC. 3. That the additional sum of fifteen thousand dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be used and expended for the purposes provided in this act.

Approved, February 13, 1891.