

over and across said reservation, now occupied by the Cedar Rapids, Iowa Falls and Northwestern Railway Company, as well as the damage to the balance of the lands of said reservation by reason of the taking and occupying of said strip for railroad purposes; and said commissioners shall also appraise and report the value of any improvements that may be found on any of said lands with the name of the person who made the same.

Right of way reserved.

SEC. 2. That any person who has heretofore resided on and made improvements on any of said lands, but who was compelled by the military authorities of the United States to abandon the same, shall be entitled to the prior right for the period of six months after the filing of the said report, to enter and purchase the land (not exceeding one hundred and sixty acres) so occupied and improved by such person at the price at which the same was appraised by said commissioners, exclusive of improvements. But if the person entitled to make such purchase shall fail to avail himself of his prior right within the time stated, then the Secretary of the Interior shall cause said lands, or such thereof as remain unentered, to be sold to the highest bidder, and at a price not less than the appraised valuation of such lands and improvements; such sale to be held at the local land office for the district in which they are located; and the said railroad company shall be entitled to enter and purchase the aforesaid strip of land of the width aforesaid, now occupied by its road-bed by paying the amount so assessed as the value thereof together with the amount of damages assessed as aforesaid.

Prior right to former dispossessed settlers.

Auction sale of land

SEC. 3. This act shall take effect and be in force and authorize the entry and sale of the said right of way, or of any tract or parcel of land so appraised, so soon as, and not until, a majority of the adult male Indians of the Yankton tribe of Sioux Indians consent to the entry and sale of such right of way, or of said appraised lands, or of any part of the same. And if said Indians shall at any future time consent in the manner above stated, to the sale or disposal of any tract or parcel of said appraised land, to the sale of which their consent had not theretofore been given, such tract or parcel shall then be sold in the manner hereinbefore provided. Patents shall be issued in due form for any lands, or the right of way, entered or sold by virtue of this act, and the moneys arising from the sale of said land, right of way, and damages, after deducting the expense of said appraisement, shall be covered into the annuity fund of said Indians, or expended in such manner as the Indians may determine, subject to the approval of the Secretary of the Interior; that the commissioners hereunder shall be paid the sum of five dollars per day for the time actually occupied in performing the duties conferred upon them by this act; *Provided*, That any officer or employee of the Government detailed to act as commissioner shall be paid his actual and necessary traveling and other expenses only.

Consent of Indian requisite.

Patents to issue.

Proceeds.

Compensation.

Proviso.
Employees of the Government.

SEC. 4. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of five hundred dollars, or so much thereof as may be necessary, to defray the expense of procuring the consent of said Indians, and to pay said commissioners.

Appropriation for expenses.

Approved, March 2, 1889.

CHAP. 422.—An act to provide for allotment of land in severalty to United Peorias and Miamies in Indian Territory, and for other purposes.

March 2, 1889.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of chapter One hundred and Nineteen of the acts of eighteen hundred and eighty seven, entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations,

Lands in severalty to Wea, Peoria, Kaskaskia, Piankeshaw, and Western Miami Indians.
Vol. 24, pp. 388, 391.

and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," are hereby declared to extend to and are made applicable to the Confederated Wea, Peoria, Kaskaskia, and Piankeshaw tribes of Indians, and the Western Miami tribe of Indians, now located in the northeastern part of the Indian Territory and to their reservation, in the same manner and to the same extent as if said tribes had not been excepted from the provisions of said act, except as to section six of said act, and as otherwise hereinafter provided.

That the Secretary of the Interior is hereby authorized and directed, within ninety days from and after the passage of this act, to cause to be allotted to each and every member of the said Confederated Wea, Peoria, Kaskaskia, and Piankeshaw tribes of Indians, and the Western Miami tribe of Indians, upon lists to be furnished him by the chiefs of said tribes, duly approved by them, and subject to the approval of the Secretary of the Interior, an allotment of land not to exceed two hundred acres, out of their common reserve, to each person entitled thereto by reason of their being members of said tribes by birth or adoption; all allotments to be selected by the Indians, heads of families selecting for their minor children, and the chiefs of their respective tribes for each orphan child. All differences arising between members of said tribes, in making said allotments, shall be settled by the chiefs of the respective tribes, subject to the approval of the Secretary of the Interior: *Provided*, That before any of the allotments herein provided for shall be made, there shall be set apart, not to exceed twenty acres in all, for school, church, and cemetery purposes; the location of the same to be selected by the chiefs of said tribes, subject to the approval of the Secretary of the Interior, in such quantities and at such points as they shall deem best, which, together with all improvements now existing or that may hereafter be made by the tribes thereon, shall be held as common property of the respective tribes. If in making the selections as herein provided for, the sites of present school buildings should not be retained, then all improvements thereon may be removed. If not removed, then they shall be sold after appraisement by the chiefs of the tribes; the sale to be approved by the Secretary of the Interior and the proceeds placed to the credit of the proper tribe. If any religious denomination, with the consent of either or both of said tribes, should erect any building for church or school purposes upon any of the land selected for church use, the said building, together with the land, shall be held the property of such religious denomination so long as they shall occupy the same for religious or school purposes. And should such denomination at any time desire to move said church or school house to any other place on their reservation, they may do so; or, if they prefer, may sell the same with or without the lands upon which said house is situate, and apply the proceeds to their new building.

The land so allotted shall not be subject to alienation for twenty five years from the date of the issuance of patent therefor, and said lands so allotted and patented shall be exempt from levy, sale, taxation, or forfeiture for a like period of years. As soon as all the allotments or selections shall have been made as herein provided, the Secretary of the Interior shall cause a patent to issue to each and every person so entitled, for his or her allotment, and such patent shall recite in the body thereof that the land therein described and conveyed shall not be alienated for twenty-five years from the date of said patent, and shall also recite that such land so allotted and patented is not subject to levy, sale, taxation, or forfeiture for a like period of years, and that any contract or agreement to sell or convey such land or allotments so patented entered into before the expiration of said term of years shall be absolutely null and void. SEC. 2. That in making allotments under this act no more in the aggregate

Allotments.

Lists to be furnished.

Distribution.

Settlement of differences.

Proviso.

School, etc., reservation.

Sale of school buildings.

Building for church or school.

Removal, etc.

Land inalienable for twenty-five years.

Patents.

than seventeen thousand and eighty-three acres of said reservation shall be allotted to the Miami Indians, nor more than thirty-three thousand two hundred and eighteen acres in the aggregate to the United Peoria Indians; and said amounts shall be treated in making said allotments in all respects as the extent of the reservation of each of said tribes, respectively. If, in making said allotments any difference shall arise between said tribes, all such matters of difference shall be determined by the Secretary of the Interior. After the allotments herein provided for shall have been completed, the residue of the lands, if any, not allotted, shall be held in common under present title by said United Peorias and Miamies in the proportion that the residue, if any of each of the said allotments shall bear to the other. And said United Peorias and Miamies shall have power, subject to the approval of the Secretary of the Interior, to lease for grazing, agricultural, or mining purposes from time to time and for any period not exceeding ten years at any one time, all of said residue, or any part thereof, the proceeds or rental to be divided between said tribes in proportion to their respective interests in said residue. And after said allotments are completed each allottee may lease or rent his or her individual allotment for any period not exceeding three years, the father acting for his minor children, and in case of no father then the mother, the chief acting for orphans of the tribe to which said orphans may belong.

At the expiration of twenty-five years from the date of the passage of this act, all of said remaining or unallotted lands may be equally divided among the members of said tribes, according to their respective interests, or the same may be sold on such terms and conditions as the President and the adult members of said tribe may hereafter mutually agree upon, and the proceeds thereof divided according to ownership as hereinbefore set forth: *Provided*, That before any division of the land is made, or sale had, that three-fourths of the bona fide adult members of said tribes shall petition the Secretary of the Interior for such division or sale of said land: *Provided further*, That sections one and two of this act shall not take effect until the consent thereto of each of said tribes separately shall have been signified by three-fourths of the adult male members thereof, in manner and form satisfactory to the President of the United States.

SEC. 3 That any act or part of acts of Congress heretofore passed that may conflict with the provisions of this act, either as to land or money, are hereby repealed.

SEC. 4—That full jurisdiction is hereby conferred upon the Court of Claims, subject to an appeal to the Supreme court of the United States, as in other cases, to hear and determine what are the just rights at law, or in equity, of those Wea, Peoria, Kaskaskia, and Piankeshaw Indians and of their children, or heirs at law, or legal representatives, who became citizens of the United States under the provisions of article twenty-eight of the treaty of February twenty-third, eighteen hundred and sixty seven, made with the confederated tribes of Peorias, Kaskaskias, Weas, and Piankeshaw in the invested funds and other common property of the said confederated tribes. And the exercise of such jurisdiction shall not be barred by any lapse of time heretofore, nor shall the rights of said Indians be impaired by any ruling or determination upon such rights heretofore made. Suit may be instituted against the United States in said court of Claims within twelve months after the passage of this act, but not later, on behalf of said Indians who so become citizens of the United States, their heirs and legal representatives, in the name and style of "The Citizen Wea, Peoria, Kaskaskia, and Piankeshaw Indians," in accordance with the practice of said Court, for the hearing and determination of such rights at law and in equity as are claimed for said citizen Indians, or any of them, in such suit, which rights or

Allotment to Miamies.

To United Peorias.

Residue to be held in common.

Leases authorized.

Lease of allotments.

Division of unallotted lands after twenty-five years.

Provisos.
Petition of Indians.

Consent of Indians.

Repeal.

Court of Claims to determine rights of citizen Indians to tribal funds.

Vol. 15, p. 520.

Action not barred by limitation, etc.

Style of proceeding.

Confederated tribes may be made defendant

Determination of rights.

Payment.

Compensation to counsel.

Records, etc.

equities arise out of the provisions of said treaty, or any law of the United States relating to the invested funds and common property of said confederated tribes. Said "confederated tribes of Peorias, Kaskaskias, Weas, and Piankeshaws" may be made a party defendant in said suit, on petition in that name to be made such party defendant, to be filed within three months from the date of the bringing of such suit, but the United States, through its proper officers, shall defend said suit on behalf of said Indians, whether or not they shall become parties to the same. Said courts shall determine what are the legal and equitable rights and interests of the Indians who separated from the tribes to which they belonged, and became citizens of the United States under said treaty, and of the heirs and legal representatives of such of them as are dead, and shall ascertain the value thereof, after deducting what has been paid to each of said Indians on account of such invested funds and common property. And such sums shall be paid to the persons who are respectively entitled to the same out of any money or funds held in trust by the United States for and on account of said confederated tribes of Peoria, Kaskaskia, Wea, and Piankeshaw Indians. Out of the funds so found due to said citizen Indians said Court of Claims may allow a reasonable compensation to the counsel or attorneys of such Indians, to be ratably apportioned upon and paid out of the sums due them, respectively; and the court may ascertain the reasonable value of the services of counsel employed by said confederated tribes to represent the tribes on such examination, not to exceed ten per centum of the aggregate sum actually in controversy, and the Secretary of the Interior shall cause to be paid to said counsel so much of the sum so ascertained as in equity and justice he may consider to be due them for such services, out of any money in the Treasury of the United States now due to such tribes arising from the sale of the lands of said tribe in Kansas.

SEC. 5 That the Secretary of the Interior shall transmit to said Court of Claims, upon its request, certified copies of any records, documents, or papers that relate to the rights of any of said Indians involved in such suit

Approved, March 2, 1889.

March 2, 1889.

CHAP. 423.—An act providing for the erection of sundry light-houses and fog-signals in Lakes Erie, Huron, Michigan, and Superior.

Light-houses established. Point Peninsular, Mich.

Squaw Island, Mich.

Old Mackinaw Point, Mich.

Ashtabula, Ohio.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a light-house be established at or near Eleven-foot Shoal, off Point Peninsular, Lake Michigan, Michigan, at a cost not exceeding sixty thousand dollars, and when said light shall be completed the light now maintained at Point Peninsular shall be discontinued.

That a light-house and fog-signal be established at Squaw Island, Lake Michigan, at a cost not exceeding twenty-five thousand dollars.

That there be established a light-house at or near Old Mackinaw Point, at a cost not exceeding twenty-five thousand dollars, and when the same shall be completed the light maintained at McGulpin's Point, shall be discontinued.

That a fog-signal and range-lights be placed on the end of the west pier at Ashtabula, Ohio, Lake Erie, at a cost not exceeding seven thousand dollars.

Approved, March 2, 1889.