

Section granted for State militia camp-ground, etc.

Proviso.

Reversion.

Remainder granted to State.

Limitations.

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Patents.

Provisos.

Existing rights.

Lands subject to entry, unselected by State, one year after survey.

Remaining lands, after completed selections.

No waiver of right to forfeit Northern Pacific R. R. lands.

SEC. 2. That there is hereby granted to the State of Montana, one section of said reservation, to be selected according to legal subdivisions so as to embrace the buildings and improvements thereon to be used by said State as a permanent militia camp-ground, or for other public purpose in the discretion of the State Legislature: *Provided*, That whenever the State shall cease to use said lands for public purposes the same shall revert to the United States.

SEC. 3. That the remainder of said reservation, or any portion thereof may be selected by the State of Montana at any time within one year after the approval of the survey thereof, in tracts of not less than one section, in square form and according to legal subdivisions as a part of the lands granted to said State under the provision of "An act to provide for the admission of the State of Montana into the Union," approved February twenty-second, eighteen hundred and eighty-nine. And the Secretary of the Interior shall cause patents for the lands so selected to be issued to the said State: *Provided*, That no existing lawful rights to any of said lands initiated under any of the laws of the United States shall be invalidated by this act: *Provided*, That if any portion of said reservation shall remain unselected by said State for a period of one year after the approval of the survey, that portion remaining unselected shall be subject to entry under the general land and mining laws of the United States: *Provided further*, That if within said period of one year the Governor of said State shall officially notify the Secretary of the Interior that the State has completed its selections, then the Secretary shall at once proclaim the remaining lands open to entry as aforesaid: *And provided further*, That nothing in this act shall be construed to waive or release in any way, any right of the United States to have the lands granted to the Northern Pacific Railroad Company forfeited, for any failure past or future, to comply with the conditions of the grant.

Approved, February 13, 1891.

February 13, 1891.

CHAP. 164.—An act to authorize the construction of a tunnel under the waters of the bay of New York, between the town of Middletown, in the county of Richmond, and the town of New Utrecht, in the county of Kings, in the State of New York, and to establish the same as a post-road.

New Jersey and Staten Island Junction Railroad Company may tunnel New York Bay from Middletown to New Utrecht, N. Y.

Railroad tunnel.

Tracks, etc.

Use by other companies.

Terms.

Proviso.

Disagreement.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for the New Jersey and Staten Island Junction Railroad Company, a corporation existing under the laws of the State of New York, to build and maintain a tunnel under the waters of the bay of New York, from a point in the town of Middletown, in the county of Richmond, in said State, to a point in the town of New Utrecht, in the county of Kings, in said State, for the passage of railroad trains, engines, and cars in and through the same, and to lay in and through said tunnel such and so many railway tracks as may be necessary for the use of said company, and such connections or extensions thereof as may be made, and for the use and more perfect connection of any and all railroads that are or shall be constructed to the said points, and that all railway companies desiring to use the said tunnel shall have and be entitled to equal rights and privileges in the passage through the same, and in the use of the tracks and fixtures thereof, and of all the approaches thereto, for a reasonable compensation, to be paid to the owners of said tunnel, under and upon such terms and conditions as shall be agreed to by the owners of said tunnel and such other railway companies: *Provided, however*, That in case such parties can not so agree then, and in such case, such other railway companies shall have the right to so use the tunnel under such terms and conditions as shall be prescribed by the Secretary of War, after hearing the allegations and proof of the respective parties.

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.

Lawful structure and post-route.

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 tunnel, and over the approaches thereto.

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.

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.