

July 1, 1902.

[Public, No. 225.]

Tacoma and Seattle, Wash. Immediate transportation privileges granted to. Vol. 21, p. 173.

CHAP. 1359.—An Act Relating to transportation of dutiable merchandise at sub-ports of Tacoma and Seattle, State of Washington.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the privileges of the first section of the Act approved June tenth, eighteen hundred and eighty, relating to the transportation of dutiable merchandise without appraisement, be, and the same are hereby, extended to Tacoma and Seattle, subports of entry in the customs collection district of Puget Sound, State of Washington.

Approved, July 1, 1902.

July 1, 1902.

[Public, No. 226.]

District of Columbia. East Washington Heights Railroad Company. Construction time extended. Vol. 31, p. 165. *Proviso.* Track across Pennsylvania avenue bridge.

Approval of plans.

Bridge repairs.

Amendment.

CHAP. 1360.—An Act To extend the time for the construction of the East Washington Heights Traction Railroad Company.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time within which the East Washington Heights Traction Railroad Company is required to complete and put in operation its railway be, and the same is hereby, extended for the term of twelve months from the eighteenth day of June, nineteen hundred and two: *Provided,* That the said railroad company is authorized and empowered to extend its lines by single track across the Pennsylvania avenue bridge to connect with the eastern terminus of the Capital Traction Company, under such conditions as the Commissioners of the District of Columbia may prescribe, the plans and specifications to be approved by and the construction to be under the supervision of the Commissioners of the District of Columbia, and the said railway company shall bear one-half of the cost of maintenance and repair of said bridge in like manner and under the same conditions as are now provided by law as to bridges across Rock Creek occupied by the tracks of street railways.

SEC. 2. That Congress reserves the right to alter, amend, or repeal this Act.

Approved, July 1, 1902.

July 1, 1902.

[Public, No. 227.]

Kansas Indians, Oklahoma. Ratification, etc., of agreement submitted by. Preamble. Agreement.

CHAP. 1361.—An Act To accept, ratify, and confirm a proposed agreement submitted by the Kansas or Kaw Indians of Oklahoma, and for other purposes.

Whereas the Kansas or Kaw tribe of Indians of Oklahoma Territory has submitted the following proposed agreement to Congress, with the request that the same be accepted, ratified, and confirmed, to wit:

AGREEMENT OF THE KANSAS OR KAW INDIANS OF OKLAHOMA TERRITORY AMONG THEMSELVES RELATIVE TO THEIR TRIBAL LANDS AND FUNDS, AND MEMORIAL TO CONGRESS.

Indian representa-tives.

This agreement and memorial of the Kansas or Kaw Indians, entered into on behalf of said Indians by Wah-shun-gah, Wah-moh-o-e-ke, Forrest Chouteau, Mitchel Fronkier, William Hardy, Akan Pappan, and Gen. W. E. Hardy, duly authorized to represent said tribe by a vote of a majority of the adult members thereof, at a general council held for the purpose of selecting representatives to enter into this agreement and memorial, witnesseth:

Agreement. Roll of the tribe.

SECTION 1. The roll of the Kansas or Kaw tribe of Indians, as shown by the records of the United States in the office of the United States Indian agent at the Osage Indian Agency, Oklahoma Territory, now in charge of said tribe, as it existed on the first day of December, 1901, and all descendants born between December first, 1901, and December

first, 1902, to persons whose names were on said roll on December first, 1901, is hereby declared to be the roll of said tribe, and to constitute the legal membership of said tribe, and the lands and money of said tribe shall be divided among the members of said tribe, as shown by the roll made up, as directed herein, and the lands and moneys of said tribe shall be divided among said members as hereinafter provided.

SEC. 2. All lands belonging to said Kansas or Kaw tribe of Indians located in the Territory of Oklahoma, except as herein provided, shall be divided among the members of said tribe, giving to each his or her fair share thereof, in acres, as follows:

First. There shall be set aside to each member of said tribe, as shown by the roll of membership December first, 1901, and their descendants born between that date and December first, 1902, one hundred and sixty (160) acres of land for an homestead, which shall be nontaxable and inalienable for the period of twenty-five years from the first day of January, 1903, except as hereinafter provided. Where the members of said tribe have already selected their homesteads of one hundred and sixty acres, the same are hereby confirmed, and the members who have not selected their homesteads shall do so within thirty days after the ratification of this agreement; and if any member fails to make such selection within said time, then it shall be the duty of the United States Indian agent in charge of said tribe to make the selection for such member or members: *Provided*, That selections of homesteads for minors shall be made by his or her parents, and the selections of homesteads for others than minors, who are unable for any reason to make their selections, shall be made by the United States Indian agent in charge of said tribes: *Provided further*, That in case there are any children born to members of said tribe between the ratification of this agreement and the first day of December, 1902, selection shall be made for them within thirty days after their birth, and all selections must be made on or before January first, 1903.

Second. After each member has selected his or her homestead the remaining lands in Oklahoma Territory belonging to said tribe, except as herein provided, shall be divided equally, in acres, among said members, giving to each, as nearly as practicable, the same number of acres of farming and grazing lands, and the share of each member shall be given to him or her as near as possible to his or her homestead selections. The lands, other than the homestead, set aside to each member shall be free from taxation as long as the title remains in said member, but in no event to exceed twenty-five years, and the same shall not be sold or encumbered in any way before the expiration of ten years from the date of the deed to said member, except as herein provided and with the approval of the Secretary of the Interior, and it shall be his duty to carefully investigate each sale or transaction before he approves the same: *Provided*, That the lands of minors shall be inalienable during their minority: *Provided further*, That all selections and allotments made under this agreement shall conform to existing surveys of said reservation in tracts of not less than eighty (80) acres.

SEC. 3. It shall be the duty of the United States Indian agent, the clerk in charge of the Kaw subagency, together with a committee of three members of the tribe, to be selected jointly by the agent, clerk in charge, and the council of the tribe, to divide the surplus lands among the members of the tribe, in accordance with this agreement.

SEC. 4. In selecting his or her homestead, a member shall not be permitted to select lands already selected by another member of said tribe, unless such other member is in possession of more lands than he and his family are entitled to under this agreement; in such case, the member in possession shall have the right to make the first selection.

SEC. 5. The Secretary of the Interior shall furnish the head chief of said tribe deeds, properly filled out, for the conveyances herein

Division of tribal lands.

Allotments, nontaxable and inalienable.

Period.

Selection of homesteads.

Providos.
Minors, etc.

Children born after ratification.

Allotment of remaining lands.

Providos.
Lands of minors.

Existing surveys.

Division of surplus lands.

Prior selections.

Deeds.

provided for, and said head chief shall thereupon, and in the presence of the agent in charge of said tribe, proceed to execute said deeds, and when the same are executed they shall be delivered to the United States Indian agent in charge of said tribe, and it shall be his duty to see that said deeds are properly delivered to the members entitled to the same: *Provided*, That a separate deed shall be given to each member for the lands conveyed as a homestead: *Provided further*, That if, for any cause, any member of said tribe is unable to receive his or her deed, then it shall be the duty of such United States Indian agent to see that such deed is properly recorded with the register of deeds for the county in Oklahoma Territory to which the Kansas Reservation is attached.

Proviso.
Separate deeds.
Recording deeds.

Secretary of Interior
to approve deeds.

SEC. 6. All deeds shall be approved by the Secretary of the Interior, which approval, and the signing of the same by the head chief, shall operate as a relinquishment to the individual member of all the right, title, and interest of the United States and of the Kansas or Kaw tribe of Indians (as a tribe) in and to the lands embraced in his or her deed. All disputes between the members of said tribe as to the right of possession in the selection of homesteads shall be adjudicated and settled by the United States Indian agent in charge of said tribe, subject to the approval of the Commissioner of Indian Affairs.

School lands.

SEC. 7. There shall be set aside and reserved from selection or allotment one hundred and sixty (160) acres of land, including the school and agency buildings, to conform to the public survey, which said one hundred and sixty (160) acres of land said tribe cedes to the United States, including the improvements; and the United States agrees to maintain a school for the education of children of Indian blood at said place for the period of ten (10) years, and as much longer as it deems necessary, the land and improvements to be subject to final disposition by Congress. Said land shall be exempt from taxation. There shall be reserved from allotment twenty (20) acres of land, including the present cemetery, to be used as a cemetery, and the same shall be exempt from taxation. There shall be reserved from allotment eighty (80) acres, including the dwellings now used by agency trader, and other buildings at said agency not used by the employees of the Government, which said eighty (80) acres shall be set aside as a town site, which shall be surveyed and laid off into town lots. The lots in said town site are to be sold at public auction to the highest bidder, under such rules and regulations as may be prescribed by the Secretary of the Interior, and the proceeds of said sale, after deducting the cost of the survey and sale, shall be placed in the Treasury to the credit of said Indians: *Provided*, That the Secretary of the Interior may reject any and all bids for such town lots: *Provided further*, That if any member of said tribe is in possession of any town lot or lots, and has any building and other improvements thereon, he shall have the right to purchase one lot seventy-five (75) feet wide by one hundred and sixty (160) feet deep, including his or her improvements, at such price as the council of said tribe may fix on the lots, exclusive of improvements: *Provided*, That the lots unsold shall be exempt from taxation as long as the title remains in the tribe.

Cemetery.

Town site.
Sale of lots.

Proviso.
Rejection of bids.
Purchase of im-
proved lots.

Tax exemption.

Pro rata division of
tribal funds.

Vol. 9, p. 842.

Vol. 21, p. 70.

SEC. 8. The funds of said tribe, including the one hundred and thirty-five thousand dollars (\$135,000) due said tribe under the treaty of June 14, 1846 (see Ninth U. S. S., page 842); the Kansas school fund, amounting to twenty-seven thousand one hundred seventy-four dollars and forty-one cents (\$27,174.41) (see 21st U. S. S., page 70), and the Kansas general fund, amounting to twenty-six thousand nine hundred seventy-eight dollars and eighty-nine cents (\$26,978.89), derived from the sale of lands in Kansas and all other moneys now due, or that may be found to be due said Indians; all money that may be received from the sale of their lands in Kansas, the money received

from the sale of town lots in Oklahoma Territory, as hereinbefore provided, and all money found to be due to said tribe on claims against the United States, shall be segregated and placed to the credit of the individual members of said Kansas or Kaw tribe of Indians on a basis of a pro rata division among the members of said tribe, as shown by the roll of membership of said tribe, as provided, on the first day of December, 1902, said credits to draw interest, as now authorized by law, at the rate of five (5) per centum per annum, and the interest that may accrue thereon shall be paid annually to the members entitled thereto, except in cases of minors, in which cases the interest shall be paid annually to the parent until the child for whom the interest is so paid arrives at the age of twenty-one (21) years: *Provided*, That if the Commissioner of Indian Affairs becomes satisfied that the interest and payment of any minor is being misused or squandered, he may withhold the payment of such interest. In case of minors whose parents have died the interest shall be paid to the legal guardian, as above provided: *Provided*, That the amount placed to the credit (together with the accrued interest) of each member of the tribe of the age of twenty-one (21) years may be paid to such member in ten (10) equal payments, one payment each year: *Provided further*, That if the Secretary of the Interior deems it advisable, he may pay to any member of said tribe, over the age of twenty-one years, the full amount of the principal and interest that may be credited to such member: *Provided further*, That the sum ascertained to be due said tribe shall be segregated as soon as possible after December 1, 1902: *Provided further*, That when the children whose shares have been placed to their credit shall arrive at the age of twenty-one (21) years, before the expiration of ten (10) years from the date of the ratification of this agreement, then the share due such member or members may be paid to them at the annual payments after they arrive at the age of (21) years in equal amounts, so that such share will be fully paid at the expiration of said ten years; and where such children arrive at the age of twenty-one (21) years at or after the expiration of said ten years, then the full amount due such member may be paid to them at the next annual payment after they arrive at the age of twenty-one (21) years: *Provided further*, That the Secretary of the Interior may withhold any of the payments provided for in this section if, in his judgment, it would be to the best interest of the member entitled to said payment to do so: *Provided further*, That the Secretary of the Interior shall offer at public sale all tracts or parcels of the Kansas trust and diminished reserve lands, within the State of Kansas, belonging to said Kansas or Kaw tribe of Indians, for which no application has been filed under the provisions of existing laws in relation thereto. Such lands shall be offered for sale by advertisement for not less than thirty (30) days, in two newspapers in the proper land district, one of which shall be published in Morris County, Kansas, and by posting in the local land office notice for the same period, and, upon the day named in such notice, such lands shall be sold for cash to the highest bidder at not less than the price fixed by law.

Date of division.
Interest.

Provisos.
Minors.

Payments.

Adults may be paid
in full.

Segregation.

Children 21 years of
age.

Payment of full
amount.

Withholding pay-
ments.

Sale of tribal lands;
in Kansas.

Notice of sale.

Payment to heirs,
etc.

Permission to sell,
etc.

SEC. 9. That all funds remaining to the credit of or found to be due from the United States to any member of said tribe, at his or her death, shall be paid to his or her heirs under the laws of the Territory or State in which such member resides at the date of his or her death.

SEC. 10. The Secretary of the Interior may, in his discretion, at the request of any adult member of said tribe, issue a certificate to such member authorizing him to sell and convey any or all lands deeded him by reason of this agreement, and may pay such member at the next annual payment his or her pro rata share of the funds of said tribe, if, upon consideration and examination of the request, the said Secretary shall find said member to be fully competent and capable of managing

Proviso.
Taxation.

and caring for his or her individual affairs: *Provided*, That upon the issuance of said certificate, the lands of such member, both homestead and surplus, shall become subject to taxation, and such member shall have the right to manage and dispose of such property the same as any other citizen of the United States, and upon the issuance of said certificate and the payment of the funds due him or her such member shall be dropped from the rolls of said tribe.

Dropped from the rolls.

Adult heirs.

SEC. 11. That the adult heirs of any deceased Kansas or Kaw Indian, whose selection has been made or to whom a deed has been issued for his or her share of the lands of said tribe in Oklahoma Territory, may sell and convey the lands inherited from such decedent; and, if there be both adult and minor heirs of such inherited lands, then such minors may join in a sale thereof by a guardian duly appointed by the proper court of the county in which said minor or minors may reside, upon an order of such court made upon petition filed by such guardian; all conveyances made under this provision to be subject to the approval of the Secretary of the Interior, under such rules and regulations as he may prescribe.

Commission to adjust claims against the United States.

SEC. 12. All claims, of whatever nature, which said Kansas or Kaw tribe of Indians may have or claim to have against the United States shall be submitted to a commission to be appointed by the Secretary of the Interior from the officers or employees of his Department for investigation, consideration, and settlement; and the United States shall, without delay, render to said tribe of Indians a complete accounting of all moneys agreed to be paid to said tribe to which said tribe may be entitled under any treaty or Act of Congress. If the settlement of the claims of said tribe, submitted to said commission (and the accounting) is satisfactory to said tribe, the amount found due shall be placed to the credit of the members of said tribe, according to the terms of this agreement, within one year after the report of said commission is made. But if the settlement of the claims of said tribe or the accounting is not satisfactory to said tribe, or if they are satisfactory and Congress fails to appropriate the money to pay the same within one year after the report of said commission and the accounting, then the said tribe of Indians shall have two years from the date of the report and accounting in which to enter a suit in the Court of Claims, with the right of appeal to the Supreme Court of the United States, by either party, for the amount due or claimed to be due said tribe from the United States under any treaties or laws of Congress, or for the misappropriation of any of the funds of said tribe or the failure of the United States to pay the money due the tribe. And jurisdiction is hereby conferred upon said United States Court of Claims to hear and determine all claims of said tribe against the United States and to enter judgment thereon. If the question is submitted to said court, it shall settle all the rights, both legal and equitable, of both the said Kansas or Kaw tribe of Indians and of the United States. The claims submitted to the commission may be submitted by one or more petitions, to be filed by said tribe with said commission. If an action is brought in the Court of Claims, it shall be presented by a single petition, making the United States party defendant, and shall set forth all the facts on which the said Kansas or Kaw tribe of Indians bases its claim or claims against the United States, and the said petition may be verified by the agent or attorney of said tribe, upon information or belief as to the existence of such facts, and no other statements or verification shall be necessary. Official letters, papers, reports, and public records, or certified copies thereof, may be used as evidence.

Determination by United States Court of Claims.

Evidence.

Ratification, etc., requested.

Proviso.
Amendments.

SEC. 13. The said Kansas or Kaw Indians hereby memorialize Congress to ratify and confirm this agreement and to make provision for carrying it into effect: *Provided*, That if any material amendments are made in this agreement by Congress the same shall not become effect-

ive until such amendments are approved by a majority of the adult members of the Kansas or Kaw tribe of Indians.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the said agreement be, and the same hereby is, accepted, ratified, and confirmed with the following amendments: Strike out section thirteen and change section fourteen so as to read section thirteen.

Ratification.
Amendments.

Approved, July 1, 1902.

CHAP. 1362.—An Act To ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes.

July 1, 1902.

[Public, No. 228.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following agreement, made by the Commission to the Five Civilized Tribes with the commissions representing the Choctaw and Chickasaw tribes of Indians on the twenty-first day of March, nineteen hundred and two, be, and the same is hereby, ratified and confirmed, to wit:

Commission to the
Five Civilized Tribes.
Ratification of
agreement with the
Choctaw and Chicka-
saw Indians.

AGREEMENT BETWEEN THE UNITED STATES AND THE CHOCTAWS
AND CHICKASAWS.

This agreement, by and between the United States, entered into in its behalf by Henry L. Dawes, Tams Bixby, Thomas B. Needles, and Clifton R. Breckinridge, commissioners duly appointed and authorized thereunto, and the Choctaw and Chickasaw tribes of Indians in Indian Territory, respectively, entered into in behalf of such Choctaw and Chickasaw tribes, by Gilbert W. Dukes, Green McCurtain, Thomas E. Sanguin, and Simon E. Lewis in behalf of the Choctaw tribe of Indians; and Douglas H. Johnston, Calvin J. Grant, Holmes Willis, Edward B. Johnson, and Benjamin H. Colbert in behalf of the Chickasaw tribe of Indians, commissioners duly appointed and authorized thereunto—

Commissioners.

Witnesseth that, in consideration of the mutual undertakings herein contained, it is agreed as follows:

DEFINITIONS.

1. Wherever used in this agreement the words "nations" and "tribes" shall each be held to mean the Choctaw and Chickasaw nations or tribes of Indians in Indian Territory.

Definitions.

2. The words "chief executives" shall be held to mean the principal chief of the Choctaw Nation and the governor of the Chickasaw Nation.

3. The words "member" or "members" and "citizen" or "citizens" shall be held to mean members or citizens of the Choctaw or Chickasaw tribe of Indians in Indian Territory, not including freedmen.

4. The term "Atoka agreement" shall be held to mean the agreement made by the Commission to the Five Civilized Tribes with the commissioners representing the Choctaw and Chickasaw tribes of Indians at Atoka, Indian Territory, and embodied in the Act of Congress approved June twenty-eighth, eighteen hundred and ninety-eight. (30 Stats., 495.)

Vol. 30, p. 495.

5. The word "minor" shall be held to mean males under the age of twenty-one years and females under the age of eighteen years.

6. The word "select" and its various modifications, as applied to allotments and homesteads, shall be held to mean the formal application at the land office, to be established by the Commission to the Five Civilized Tribes for the Choctaw and Chickasaw nations, for particular tracts of land.