

February 28, 1899.

CHAP. 222.—An Act Providing for the sale of the surplus lands on the Pottawatomie and Kickapoo Indian reservations in Kansas, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That with the consent of a majority of the chiefs, headmen and male adults of the Prairie band of Pottawatomie tribe of Indians and the Kickapoo tribe of Indians in the State of Kansas, expressed in open council by each tribe, the Secretary of the Interior be, and hereby is, authorized and directed to cause to be sold in trust for said Indians the surplus or unallotted lands of the reservations of the Pottawatomie tribe of Indians in Jackson County, Kansas, and the Kickapoo tribe of Indians in Brown County, Kansas. The said lands shall be appraised in tracts of one-half quarter section each by three competent commissioners, one of whom shall be selected by the two Indian tribes, and the other two shall be appointed by the Secretary of the Interior: *Provided,* That either tribe may consent to the sale of its own lands and select a commissioner without the consent of the other, and when one tribe does consent to the sale of its surplus lands the Secretary of the Interior shall proceed to sell the same.

SEC. 2. That after the appraisement of said lands as herein provided the Secretary of the Interior shall be, and hereby is, authorized and directed to offer and sell the same through the United States public land office at Topeka, Kansas, at public sale, to the highest bidder: *Provided,* That no portion of such lands shall be sold at less than the appraised value thereof, and in no case for less than five dollars per acre, and to none except to heads of families or persons over twenty-one years of age. Each purchaser of said lands at such sale shall be entitled to purchase two half quarter sections and no more: *Provided,* That any member of either of said tribes of the age of twenty-one years may purchase not exceeding one quarter section of such lands at the appraised value. All purchasers shall pay one-third of the purchase price at the time said land is bid off, and if not paid immediately the bid shall be rejected and the land reoffered, and one-third in two years from the date of such sale, and one-third in four years from the date of sale, with interest on deferred payments at the rate of six per centum per annum; and all sums, when paid to the receiver of the public land office at Topeka, Kansas, shall, under rules prescribed by the Secretary of the Interior, be paid to such Indians upon the recognized rolls upon which moneys are paid them by the United States in other cases the said purchase money of such lands: *Provided,* That in the case of minors the money shall be placed in the Treasury of the United States and held for such minors, respectively, until they have attained the age of twenty-one years. No patents shall issue until all payments shall have been made; and on failure of any purchaser to make payment as required by this Act he shall forfeit the land purchased, and the same shall be subject to entry and sale at the appraised value thereof, or shall be again offered at public sale, as the Secretary of the Interior may determine.

SEC. 3. That there shall be excepted from the provisions of this Act the lands for two boarding or industrial schools located on these reservations, not exceeding three hundred and twenty acres for each school, the amount and location to be determined and designated, after the assent of the tribe or tribes, by the Secretary of the Interior.

SEC. 4. That for the purpose of carrying this Act into effect the sum of two thousand dollars, or so much thereof as may be necessary, be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, which sum shall be reimbursed to the United States out of the proceeds of the sales of the lands made under the provisions hereof, each tribe to be charged only with the expenses attending the sale of its own lands.

SEC. 5. That before any of the surplus lands belonging to either of said tribes of Indians shall be sold under the provisions of this Act there shall be allotted by the Secretary of the Interior eighty acres to

Pottawatomie and Kickapoo Indian reservations, Kana. Sale authorized of surplus lands in.

Appraisement.

Proviso. Consent of tribes.

Lands offered for public sale.

Provisos. —minimum price, etc.

—purchases by Indians.

Payment, etc.

Purchase money to be paid Indians.

—minors.

Patents. Forfeiture for non-payment.

Schools excepted.

Appropriation, reimbursable.

Allotments to absentees, etc., to preclude sale.

each absentee of either of said tribes, and also to each of the children of the members of the respective tribes born since the allotments heretofore made were closed and to whom allotments have never been made, but all allotments shall be made and accepted subject to existing leases: *Provided*, That in making these allotments the said Pottawatomie children and absentees shall be restricted to the Pottawatomie lands and the Kickapoo children and absentees to the Kickapoo lands: *Provided further*, That this paragraph relating to allotments may be adopted or rejected by either tribe separate and apart from and without affecting the other provisions of this Act.

Approved, February 28, 1899.

Allotments subject to existing leases.
Provisos.
Absentees, etc., restricted to lands of their tribe.

Segregation of paragraph.

February 28, 1899.

CHAP. 223.—An Act To grant to the Pasadena and Mount Wilson Railway Company right of way and certain lands for railroad purposes through the San Gabriel Forest Reserve.

Pasadena and Mount Wilson Railway granted right of way through San Gabriel Forest Reserve.

Vol. 27, p. 1049.

Location.

Vol. 18, p. 482.

Provisos.
Timber cutting restricted.
Bond.

Sale to company of additional land for hotels, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby granted to the Pasadena and Mount Wilson Railway Company, a corporation organized and existing under the laws of the State of California, and to its successors and assigns, authority to construct, maintain, and operate a railway for a distance of nine miles, more or less, over and through the San Gabriel Forest Reserve (heretofore reserved from entry and settlement and set apart as a public reservation by Benjamin Harrison, President of the United States, by proclamation of date the twentieth day of December, anno Domini eighteen hundred and ninety-two), from the place in said forest reserve known as Rubio to the summit of the mountain known as Mount Lowe, in the Sierra Madre Mountains, in the county of Los Angeles and State of California, the course of said railway to be the same as that of the railroad now operated by said railway company from Rubio aforesaid to Alpine Tavern, the present terminus of said railroad, and from thence to the summit of said Mount Lowe, by the most practicable route; said right of way being hereby granted to said Pasadena and Mount Wilson Railway Company, but subject to the rights, privileges, rules, and restrictions of an Act entitled "An Act granting to railroads the right of way through the public lands of the United States," approved March third, anno Domini eighteen hundred and seventy-five, said Act being hereby made applicable to the right of way hereby granted: *Provided*, That no timber shall be cut by said railway company for any purpose outside of the right of way herein granted: *And provided further*, That said company shall give bond as provided by the regulations of the Secretary of the Interior prescribed under the law relating to forest reserves.

SEC. 2. That in addition to such of the public round as said railway company will be entitled to take, under and in accordance with the provisions of the said Act entitled "An Act granting to railroads the right of way through the public lands of the United States," approved March third, anno Domini eighteen hundred and seventy-five, for station buildings, depots, machine shops, side tracks, turn-outs, and water stations, the Secretary of the Interior is hereby authorized to sell, at the rate of one dollar and twenty-five cents per acre, to the said Pasadena and Mount Wilson Railway Company, its successors and assigns, for stations, hotels, astronomical observatories, seminaries of learning, and such other buildings and purposes as may be required in connection with said railway line, the following-described parcels of land along said right of way, to wit: The unsurveyed land described as the west half of the northwest quarter of the northwest quarter of section two, when regularly protracted, in township one north, range twelve west, San Bernardino meridian, containing twenty acres, more or less.

Also the tract or parcel of land described as follows, to wit: Beginning at a point in the easterly line of the two-hundred-foot right of way