

Feb. 23, 1890.  
25 Stat., 687.

CHAP. 203.—An act to accept and ratify the agreement submitted by the Shoshones, Bannocks, and Sheepaters of the Fort Hall and Lemhi Reservation in Idaho May fourteenth, eighteen hundred and eighty, and for other purposes.<sup>a</sup>

Preamble.  
Fort Hall and Lemhi Indian reservations, Idaho.

Whereas certain of the chiefs of the Shoshone, Bannock, and Sheepater tribes of Indians have agreed upon and submitted to the Secretary of the Interior an agreement for the sale of a portion of their lands in the Territory of Idaho, their settlement upon lands in severalty, and for other purposes: Therefore,

Agreement with Shoshoni and Bannock Indians.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That said agreement be, and the same is hereby, accepted, ratified, and confirmed. Said agreement is assented to by a duly-certified majority of the adult male Indians of the Shoshone and Bannack tribes occupying or interested in the lands of the Fort Hall Reservation, in conformity with the eleventh article of the treaty with the Shoshones and Bannacks of July third, eighteen hundred and sixty-eight (fifteenth Statutes at Large, page six hundred and seventy), and in words and figures as follows, namely:

Vol. 2, p. 1028.

Surrender of Lemhi Reservation.

First. The chiefs and head men of the Shoshones, Bannacks, and Sheepaters of the Lemhi Agency hereby agree to surrender their reservation at Lemhi, and to remove and settle upon the Fort Hall Reservation in Idaho, and to take up lands in severalty of that reservation as hereinafter provided.

Surrender of part of Fort Hall Reservation.

Second. The chiefs and head men of the Shoshones and Bannacks of Fort Hall hereby agree to the settlement of the Lemhi Indians upon the Fort Hall Reservation in Idaho, and they agree to cede to the United States the following territory, namely: Beginning where the north line of township nine south intersects with the eastern line of their reservation; thence west with the extension of said line to the Port Neuf River; thence down and with Port Neuf River to where said township line crosses the same; thence west with said line to Marsh Creek; thence up Marsh Creek to where the north line of township number ten south intersects with the same; thence west with said line to the western boundary of said reservation; thence south and with the boundaries of said reservation to the beginning, including also such quantity of the north side of Port Neuf River as H. O. Harkness may be entitled to under existing law, the same to be conformed to the public surveys, so as to include the improvements of said Harkness.

Payment to be made.

Third. In view of the cessions contained in the above articles the United States agrees to pay to the Lemhi Indians the sum of four thousand dollars per annum for twenty years and to the Fort Hall Indians the sum of six thousand dollars per annum for twenty years, the same to be in addition to any sums to which the above-named Indians are now entitled by treaty, and all provisions of existing treaties, so far as they relate to funds, to remain in full force and effect.

Allotments.

Fourth. Allotments in severalty of the remaining lands on the Fort Hall Reservation shall be made as follows:

To each head of family not more than one-quarter of a section, with an additional quantity of grazing land, not exceeding one-quarter of a section.

To each single person over eighteen years, and each other person under eighteen years now living, or may be born prior to said allotments, not more than one-eighth, with an additional quantity of grazing land, not exceeding one-eighth of a section; all allotments to

<sup>a</sup> Other agreements with the Shoshoni, etc., are ratified by the acts of December 15, 1874; chapter 2 (ante, p. 153); July 3, 1882, chapter 268 (ante, p. 199); September 1, 1888, chapter 936 (ante, p. 292); June 7, 1897, chapter 3 (post, p. 624), and June 6, 1900 (post, p. 704).

be made with the advice of the agent of the said Indians, or such other person as the Secretary of the Interior may designate for that purpose, upon the selections of the Indians, heads of families selecting for their minor children and the agent making allotments for each orphan child.

Fifth. The Government of the United States shall cause the lands of the Fort Hall Reservation above named to be properly surveyed and divided among the said Indians in severalty and in the proportions hereinbefore mentioned, and shall issue patents to them respectively therefor so soon as the necessary laws are passed by Congress. The title to be acquired thereto by the Indians shall not be subject to alienation, lease or incumbrance, either by voluntary conveyance of the grantee, or his heirs, or by the judgment, order or decree of any court, or subject to taxation of any character, but shall be and remain inalienable and not subject to taxation for the period of twenty-five years, and until such time thereafter as the President may see fit to remove the restriction, which shall be incorporated in the patent.

Survey of Fort Hall Reservation.

Done at the city of Washington this fourteenth day of May, anno Domini one thousand eight hundred and eighty.

TEN DOY, his x mark.  
 TESEDEMIT, his x mark.  
 GROUSE PETE, his x mark.  
 JACK GIBSON, his x mark.  
 TY HEE, his x mark.  
 CAPTAIN JIM, his x mark.  
 JACK TEN DOY, his x mark.

Signatures.

Witnesses:

J. F. STOCK.  
 JOS. T. BENDER.  
 A. F. GENTES.  
 CHARLES RAINEY,  
 Acting Interpreter.  
 JOHN A. WRIGHT,  
 United States Indian Agent.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized to cause to be surveyed a sufficient quantity of land on the Fort Hall Reservation to secure the settlement in severalty to said Indians as provided in said agreement. Upon the completion of said survey, he shall cause allotments of land to be made to each and all of said Indians in quantity and character as set forth in the agreement above mentioned; and upon the approval of said allotments by the Secretary of the Interior, he shall cause patents to issue to each and every allottee for the lands so allotted, with the conditions, restrictions, and limitations mentioned therein as are provided in the agreement.

Allotment in severalty to Indians on Fort Hall Reservation.

Patents.

SEC. 3. That for the purpose of carrying the provisions of this act into effect, the following sums, or so much thereof as may be necessary, be, and the same is hereby, set aside, out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Interior, as follows:

Appropriations.

For the expense of the survey of the land as provided in section second of this act, twelve thousand dollars.

For survey.

For the first of twenty installments as provided in said agreement, to be used by the Secretary of the Interior for the benefit of the Indians in such manner as the President may direct: For the Lemhi Indians, four thousand dollars, and for the Fort Hall Indians, six thousand dollars.

First installment.

For the expense of removing the Lemhi Indians to the Fort Hall Reservation, five thousand dollars.

Expense of removal.

Lemhi Reservation. SEC. 4. That this act, so far as the Lemhi Indians are concerned, shall take effect only when the President of the United States shall have presented to him satisfactory evidence that the agreement herein set forth has been accepted by the majority of all the adult male members of the Shoshone, Bannack, and Sheepeater tribes occupying the Lemhi Reservation, and shall have signified his approval thereof.

Approved, February 23, 1889.

Feb. 25, 1889.  
25 Stat., 694.

CHAP. 238.—An act to authorize Court of Claims to hear, determine, and render final judgment upon the claim of the Old Settlers or Western Cherokee Indians.

Old Settlers (Western Cherokee) claims. To be determined by Court of Claims.

27 Ct. Cls., 1; 148 U.S., 427.  
See also Mar. 3, 1883, ante, p. 218; Oct. 1, 1890, post, p. 372; July 6, 1892, post, p. 446; Mar. 2, 1895, post, p. 558; June 28, 1898, ante, p. 100.

Attorney-General to appear.

Appeal.  
Proviso.  
Time for appeal.  
No liability confessed.

Form of action.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Claim of that part of the Cherokee Indians, known as the Old Settlers or Western Cherokees, against the United States, which claim was set forth in the report of the Secretary of the Interior to Congress of February third, eighteen hundred and eighty-three (said report being made under act of Congress of August seventh, eighteen hundred and eighty-two), and contained in Executive Document Number Sixty of the second session of the Forty-seventh Congress, be, and the same hereby is, referred to the Court of Claims for adjudication; and jurisdiction is hereby conferred on said court to try said cause, and to determine what sum or sums of money, if any, are justly due from the United States to said Indians, arising from or growing out of treaty stipulations and acts of Congress relating thereto, after deducting all payments heretofore actually made to said Indians by the United States, either in money or property; and after deducting all offsets, counter claims, and deductions of any and every kind and character which should be allowed to the United States under any valid provision or provisions in said treaties and laws contained, or to which the United States may be otherwise entitled, and after fully considering and determining whether or not the said Indians have heretofore adjusted and settled their said claim with the United States, it being the intention of this act to allow the said Court of Claims unrestricted latitude in adjusting and determining the said claim, so that the rights, legal and equitable, both of the United States and of said Indians may be fully considered and determined; and to try and determine all questions that may arise in such cause on behalf of either party thereto and render final judgment thereon; and the Attorney-General is hereby directed to appear in behalf of the Government; and if said court shall decide against the United States, the Attorney-General shall, within sixty days from the rendition of judgment, appeal the cause to the Supreme Court of the United States; and from any judgment that may be rendered, the said Indians may also appeal to said Supreme Court: *Provided*, That the appeal of said Indians shall be taken within sixty days after the rendition of said judgment, and said courts shall give such cause precedence: *Provided further*, That nothing in this act shall be accepted or construed as a confession that the Government of the United States is indebted to said Indians.

SEC. 2. That said action shall be commenced by a petition stating the facts on which said Indians claim to recover, and the amount of their claim; and said petition may be verified by the authorized agent or attorney of said Indians as to the existence of such facts, and no other statement need be contained in said petition or verification.

Approved, February 25, 1889.