

B. 548
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Office Public No 43

Forty-Ninth Congress of the United States of America;

At the Second Session,

Began and held at the City of Washington on Monday, the sixth day of December, one thousand eight hundred and eighty-six.

AN ACT

To provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases where any tribe or band of Indians has been, or shall hereafter be, located upon any reservation created for their use, either by treaty stipulation or by virtue of an act of Congress or executive order setting apart the same for their use, the President of the United States, and he hereby is, authorized, whenever in his opinion any reservation or any part thereof of such Indians is unsuitable for agricultural and grazing purposes, to cause said reservation, or any part thereof, to be surveyed, or resurveyed if necessary, and to allot the lands in said reservation in severalty to any Indian located thereon in quantities as follows:

- To each head of a family, one quarter of a section;
 - To each single person over eighteen years of age, one eighth of a section;
 - To each orphan child under eighteen years of age, one eighth of a section; and
 - To each other single person under eighteen years of age, or who may be born prior to the date of the order of the President directing an allotment of the lands embraced in any reservation, one sixteenth of a section.
- Provided, That in case there is not sufficient land in any of said reservations to allot lands to each individual of the classes above named in quantities as above provided, the lands embraced in such reservation or reservations shall be allotted to each individual of each of said classes pro rata in accordance with the provisions of this act; and provided further, That where the treaty or act of Congress setting apart such reservation provides for the allotment of lands in severalty in quantities in excess of those herein provided, the President, in making an allotment upon such reservation, shall allot the lands to each individual Indian belonging thereon in quantity as specified in such treaty or act, and provided further, That where the lands allotted are only valuable for grazing

persons and apart from any tribe of Indians therein, and has retained the benefits of civilized life, is hereby declared to be a citizen of the United States, and is entitled to all the rights, privileges, and immunities of such citizens, whether such Indian has been or not, by birth or otherwise, a member of any tribe of Indians within the territorial limits of the United States without in any manner impairing or otherwise affecting the right of any such Indian to tribal or other benefits.

Sec. 7. That in cases where the use of water for irrigation is necessary to render the lands within any Indian reservation available for agricultural purposes, the Secretary of the Interior be, and he is hereby, authorized to prescribe such rules and regulations as he may deem necessary to secure a just and equal distribution thereof among the Indians residing upon any such reservation; and no other appropriation or grant of water by any riparian proprietor shall be authorized or permitted to the damage of any other riparian proprietor.

Sec. 8. That the provisions of this act shall not extend to the territory occupied by the Cherokee, Creek, Choctaw, Chickasaw, Delaware, and Seneca, Miami and Powhatan, and Tuscarora Indians, in the Indian Territory, nor to any of the reservations of the Seneca, Cayuga, and Oneida Indians in the State of New York, nor to that strip of territory in the State of Arkansas adjoining the Delaware Valley on the north and by Louisiana on the south.

Sec. 9. That for the purpose of making the disbursement necessary mentioned in section six of this act, there be, and hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of one hundred thousand dollars, to be repaid proportionately out of the proceeds of the sales of such land as may be required from the Indians under the provisions of this act.

Sec. 10. That nothing in this act contained shall be so construed as to affect the right and power of Congress to grant the right of way through any lands granted to an Indian, or a tribe of Indians, for railroads or other highways, or telegraph lines, for the public use, or to condemn such lands to public uses, upon making just compensation.

Sec. 11. That nothing in this act shall be so construed as to prevent the removal of the Southern and Western Indians from their present reservations in the Western Territories to a new reservation by and with the consent of a majority of the adult male members of said tribe.

Copied February 8, 1887
George Huntington

John G. Charles
Speaker of the House of Representatives.
Wm. Sherman
President of the Democratic Party.