Whereas it is provided in the ninth article of the treaty of July
nineteenth, eighteen hundred and sixty-six, between the United
States and the Cherokee Nation of Indians, that freedmen who have
been liberated by voluntary act of their former owners, or by law,
as well as all free colored persons who were in the (Cherokee) coun-
try at the commencement of the rebellion, and were then residents
therein, or who might return within six months, and their descend-
ants, shall have all the rights of native Cherokees; and,
Whereas by the fifteenth article of the aforesaid treaty certain
terms were provided under which friendly Indians might be settled
upon unoccupied lands in the Cherokee country east of the ninety-
sixth degree of west longitude; and the Indians thus settled were,
upon full compliance with the provisions of said article, to be incor-
porated into and ever after remain a part of the Cherokee Nation,
on equal terms in every respect with native citizens; and,
Whereas under the provisions of the aforesaid fifteenth article an
agreement was entered into between the Cherokee Nation and the
Delaware tribe of Indians, on the eighth day of April, eighteen hun-
dred and sixty-seven, which agreement was approved, respectively,
by the Secretary of the Interior and the President of the United
States on the eleventh day of April, eighteen hundred and sixty-seven,
and by the terms of which the Delaware Indians "became members
of the Cherokee Nation, with the same rights and immunities and
the same participation (and no other) in the national funds as native
Cherokees;" and
Whereas under the provisions of the aforesaid fifteenth article an
agreement was entered into between the Cherokee Nation and the
Shawnee tribe of Indians, on the seventh day of June, eighteen hun-
dred and sixty-nine, and approved by the Secretary of the Interior
and the President of the United States, respectively, on the ninth
day of June, eighteen hundred and sixty-nine, by the terms of which
the Shawnee Indians were incorporated into and became a part of the
Cherokee Nation on equal terms in every respect, and with all the
privileges and immunities of native citizens of the Cherokee Nation;
and
Whereas it is provided by the sixth article of the aforesaid treaty
that all laws of the Cherokee Nation shall be uniform throughout
said nation; and
Whereas by an item in the act making appropriations for sundry
civil expenses of the Government for the fiscal year ending June
thirtyith, eighteen hundred and eighty-four, and for other purposes,
approved March third, eighteen hundred and eighty-three, the sum
of three hundred thousand dollars was "appropriated, to be paid
into the treasury of the Cherokee Nation, out of the funds due under
appraisal for Cherokee lands west of the Arkansas River, which
sum shall be expended as the acts of the Cherokee legislature direct;"
and
Whereas by an act of the Cherokee legislature, which was passed
over the veto of the principal chief and became a law on the nine-
teenth day of May, eighteen hundred and eighty-three, the principal
chief was directed to cause the said sum of three hundred thousand
dollars to be paid out per capita to the citizens of the Cherokee
Nation by blood and which sum has been paid out only to Cherokee
citizens by blood, as directed by said act; and
Whereas by the said act of the Cherokee legislature the aforesaid
freedmen, Delaware and Shawnee Indians have been deprived of
their legal and just dues guaranteed them by treaty stipulations:
Therefore,
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of seventy-five thousand dollars, or so much thereof as may be necessary, to carry out the provisions of this act; and the amount actually expended shall be charged against the Cherokee Nation, on account of its lands west of the Arkansas River, and shall be a lien on said lands, and which shall be deducted from any payment hereafter made on account of said lands. The said sum, or so much thereof as may be necessary, shall be by the Secretary of the Interior distributed per capita, first, among such freedmen and their descendants as are mentioned in the ninth article of the treaty of July nineteenth, eighteen hundred and sixty-six, between the United States and the Cherokee Nation of Indians; second, among the Delaware tribe of Indians incorporated into the Cherokee Nation by the terms of a certain agreement entered into between said Cherokee Nation and Delaware Indians, under the provisions of the fifteenth article of the aforesaid treaty, on the eighth day of April, eighteen hundred and sixty-seven; and, third, among the Shawnee tribe of Indians incorporated into the Cherokee Nation by the terms of a certain agreement entered into between said Cherokee Nation and Shawnee Indians, under the provisions of the aforesaid article and treaty, on the seventh day of June, eighteen hundred and sixty-nine, in such manner and in such amount or amounts as will equalize the per capita payment made to Cherokees by blood in accordance with the act of the Cherokee legislature aforesaid, out of the sum of three hundred thousand dollars appropriated by the act of March third, eighteen hundred and eighty-three, aforesaid.

Approved, October 19, 1888.

Chap. 1212.—An act granting the right of way for the construction of a railroad through the Hot Springs Reservation, State of Arkansas.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right of way is hereby granted to the Mountain View Railway Company, of Hot Springs, Arkansas, incorporated under the laws of the State of Arkansas, beginning at such point east of the line of the bath-houses, between the Army and Navy Hospital and the Arlington Hotel as the Secretary of the Interior may approve, thence by the most eligible route to the east line of Hot Springs Mountain, thence westerly down North Mountain and West Mountain to the west line of reservation.

SEC. 2. That the right of way hereby granted shall not exceed thirty feet in width, and no part of the right of way herein granted shall in any way interfere with or obstruct the full flow of the hot waters, or be so located as to cause the United States Government, or any citizen thereof, any expense of any kind or character, save and except the projectors of said road, its heirs and assigns.

SEC. 3. That it shall be the duty of the United States Government's superintendent of the Hot Springs Reservation to see that said railroad, to be constructed under this act, shall not obstruct or in any manner interfere with the springs, hot-water pipes, roads or paths now existing or contemplated to be located upon said reservation, but

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