

CHAP. 803.—An act extending the time of payment to purchasers of land of the Omaha tribe of Indians in Nebraska, and for other purposes.

August 19, 1890.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to extend the time of payments of the purchase money due for land sold on the Omaha Indian reservation under the sales made by virtue of "An act to provide for the sale of a part of the reservation of the Omaha tribe of Indians in the State of Nebraska, and for other purposes," approved August seventh, eighteen hundred and eighty-two, as follows: The time for the first payment is hereby extended until the first day of December, eighteen hundred and ninety-four, the second payment to become due in one year thereafter, and the third payment to be due and payable in one year from the time fixed for the second payment: *Provided*, That the interest on said payments shall be paid annually at the time said payments of interest are due; and the Secretary of the Treasury shall retain in the Treasury all moneys heretofore and that may hereafter be paid as principal under the act approved August seventh, eighteen hundred and eighty-two, and shall pay over five per centum thereof annually to the Secretary of the Interior, to be expended by him annually for the benefit of said Indians, as prescribed in section three of said act, and the Secretary of the Treasury shall pay all interest that has been paid on land sold under said act to the Secretary of the Interior, to be by him paid over to said tribe, to be distributed to the members thereof pro rata by the agent of said tribe, and all interest hereafter coming into the Treasury shall be paid over and distributed to said tribe annually in like manner: *And provided*, That the said act of August seventh, eighteen hundred and eighty-two, except as changed or modified by this act, shall remain in full force and effect.

SEC. 2. That any entryman who has taken less than one hundred and sixty acres of land on this reservation and has made payments on the same according to law, may purchase, at the appraised price and upon the conditions prescribed in the act of August seventh, eighteen hundred and eighty-two, such additional lands lying contiguous to the lands included in his original entry as he may desire: *Provided*, That the land so purchased, together with the land included in his original entry, shall in no case exceed one hundred and sixty acres: *And provided further*, That no forfeiture shall be deemed to have been incurred on account of the failure to make the payments on said lands that were due July first, eighteen hundred and ninety, under the act of August seventh, eighteen hundred and eighty-two, and acts amendatory thereof.

Approved, August 19, 1890.

Sale of portion of Omaha Indian reservation, Nebr.
Time of payments of purchase money extended.

Vol. 22, p. 341.
First payment.
Second payment.
Third payment.

Provisos.
Interest on payments.
Retention in Treasury, of principal.

Vol. 22, p. 341.
Five per centum annual expenditure for Indians.

Distribution to tribe of interest paid in.

Existing legislation affirmed, except where modified by this act.

Rights of certain entrymen to purchase additional contiguous lands.

Vol. 22, p. 341.

Provisos.
Limit of purchase.

Limit of forfeiture for default in payments.

Vol. 22, p. 341.

CHAP. 804.—An act to ratify and confirm an agreement entered into by commissioners on the part of the States of New York and Pennsylvania, in relation to the boundary line between said States.

August 19, 1890.

Whereas commissioners duly appointed on the part of the State of New York and commissioners duly appointed on the part of the State of Pennsylvania for the purpose of settling and remarking the boundary line between said States did execute an agreement in the words following, namely:

Preamble.

"First. The channel of the Delaware River, from a line drawn across said channel, from a granite monument erected upon the eastern bank of said river in the year eighteen hundred and eighty-two, by the joint boundary commission of the States of New Jersey and New York to mark the western extremity of the boundary line between the States of New Jersey and New York, in a westerly pro-

longation of said boundary line up and along said channel of said Delaware River as it winds and turns, for a distance of eighty-five miles or thereabouts, to a line drawn east across said river from a granite monument erected upon the west bank of said river in the year eighteen hundred and eighty-four, by H. W. Clarke and C. M. Gere, to mark the eastern extremity of the first line hereinafter described, shall continue to be a part of the boundary or partition line between the said two States: *Provided, however,* That the limit of territory between the said two States shall be the center of the said main channel: *And provided further,* That each State shall enjoy and exercise a concurrent jurisdiction within and upon the water of said main channel between the lines of low water at either bank thereof, between the limits hereinbefore mentioned.

"Second. The line extending from the Delaware River aforesaid, at a point upon said river fixed and marked with monuments (which have since disappeared) by David Rittenhouse and Samuel Holland, in the month of November, in the year seventeen hundred and seventy-four, west as the same was surveyed and marked with monuments in the year seventeen hundred and eighty-six, as far as the ninetieth milestone, by James Clinton and Simon De Witt, commissioners on the part of the State of New York, duly appointed for that purpose by the governor of said State, in pursuance of an act of the legislature of said State entitled 'An act for running out and marking the jurisdiction line between this State and the Commonwealth of Pennsylvania,' passed seventh March, seventeen hundred and eighty-five, and David Rittenhouse, Andrew Porter, and Andrew Ellicott, commissioners on the part of the Commonwealth of Pennsylvania, duly appointed for that purpose by the supreme executive council of said Commonwealth in pursuance of an act of the general assembly of said Commonwealth, entitled 'An act to authorize and enable the supreme executive council to appoint commissioners to join with the commissioners appointed, or to be appointed, on the part of the State of New York, to ascertain the northern boundary of this State from the river Delaware westward to the north-west corner of Pennsylvania,' passed thirty-first March, seventeen hundred and eighty-five, and from the said ninetieth milestone west, as the same was surveyed and marked with monuments and posts in seventeen hundred and eighty-seven, by Abraham Hardenbergh and William W. Morris, commissioners on the part of the said State of New York, duly appointed in the place of Simeon De Witt and James Clinton aforesaid, by the governor of this State, in pursuance of the act aforesaid, and the act supplementary thereto, passed by the legislature of said State twenty-first April, seventeen hundred and eighty-seven, and Andrew Ellicott and Andrew Porter aforesaid, commissioners on the part of the Commonwealth of Pennsylvania, to the point at which said line is intersected by the line of cession or meridian boundary hereinafter described, which said line so surveyed and marked in the years seventeen hundred and eighty-six and seventeen hundred and eighty-seven has since been acknowledged and recognized by the said two States as a part of the limit of their respective territory and jurisdiction, shall, notwithstanding any want of conformity to the verbal description as written in the charter of the province of Pennsylvania, granted to William Penn in the year sixteen hundred and eighty-two, or as recited by the commissioners aforesaid, continue to be the boundary or partition line between the two said States, from the Delaware River aforesaid to the said point of intersection with the said line of cession: *Provided,* That wherever upon said line the locations of any of the monuments, or posts, erected by the said commissioners in seventeen hundred and eighty-six and seventeen hundred and eighty-seven have been lost and cannot otherwise be definitely fixed, then

and in that case, and in every case where it is required to establish intervening points in said line, a straight line drawn between the nearest adjacent monuments whose localities are ascertained shall be understood to be, and shall be, the true boundary line.

“Third. The line of cession, described as a meridian line drawn from the forty-fifth degree of north latitude south through the most westerly bent or inclination of Lake Ontario, in the deed of cession to the United States of certain territory claimed by the State of New York, lying west of said line, executed first of March, seventeen hundred and eighty-one, by James Duane, William Floyd, and Alexander McDougal, delegates in Congress of said United States from the said State of New York, in pursuance of an act of the legislature of said State, entitled ‘An act to facilitate the completion of the articles of confederation and perpetual union among the United States of America,’ passed February nineteenth, seventeen hundred and eighty, which said territory was afterward conveyed by the United States aforesaid to, and became a part of the territory and jurisdiction of the said Commonwealth of Pennsylvania, as the said line was surveyed and marked with posts and monuments of stone in the year seventeen hundred and ninety, by Andrew Ellicott, who was duly appointed for that purpose by the President of the United States, in pursuance of a resolution of Congress passed nineteenth August, seventeen hundred and eighty-nine, which said line, and its prolongation due north into the waters of Lake Erie until it intersects the northern boundary of the United States aforesaid, have since been acknowledged and recognized by the said two States, as a part of the limit of their respective territory and jurisdiction, shall, notwithstanding any possible want of conformity to the verbal description thereof, as contained in said deed of cession, continue to be the boundary or partition line between the said two States, so far as said line so surveyed and marked in seventeen hundred and ninety shall extend.

“Fourth. The monumental marks by which the said boundary line, except such portions thereof as may be within the waters of the Delaware River and Lake Erie shall hereafter be known and recognized, are hereby declared to be:

“First. The original monuments of stone, erected in the years seventeen hundred and eighty-six and seventeen hundred and eighty-seven by the Commissioners aforesaid, and in the year seventeen hundred and ninety by Andrew Ellicott, aforesaid, as the same have been restored and re-established in their original positions, or have been replaced by granite monuments erected in the years eighteen hundred and eighty-one, eighteen hundred and eighty-two, eighteen hundred and eighty-three, eighteen hundred and eighty-four, and eighteen hundred and eighty-five, by H. Wadsworth Clarke, surveyor on the part of New York, and Christopher M. Gere, surveyor on the part of Pennsylvania, duly appointed by the parties hereto.

“Second. The new monuments of granite, erected in the years eighteen hundred and eighty-one to eighteen hundred and eighty-five, inclusive, by the aforesaid surveyors, at intervals of one mile, more or less, and numbered consecutively along said line originally surveyed and marked in the years seventeen hundred and eighty-six and seventeen hundred and eighty-seven, beginning from the Delaware river, and severally marked on the north side with the letters ‘N. Y.,’ and on the south side with the letters ‘PA.,’ and along said line originally surveyed and marked in the year seventeen hundred and ninety, beginning at the shore of Lake Erie and severally marked on the east side with the letters ‘N. Y.,’ and on the west side with the letters ‘PA.’

“Third. The new monuments of granite erected by the said surveyors in the years eighteen hundred and eighty-one to eighteen

hundred and eighty-five, inclusive, aforesaid, at the intervening points on said line, and at its intersection with public roads, railroads, and rivers, and at other points, and severally marked at the one side with the letters 'N. Y.' and on the other side with the letters 'PA.'

"Fourth. A large monument of granite, erected in the year eighteen hundred and eighty-four by the said surveyors six hundred feet west of the center of the Delaware River in the said line originally fixed in the year seventeen hundred and eighty-six, to mark its eastern terminus, a large monument of granite erected in the year eighteen hundred and eighty-four by the said surveyors in the said line or meridian boundary, as originally fixed in the year seventeen hundred and ninety, one hundred feet north from its intersection with the line originally surveyed as aforesaid in the year seventeen hundred and eighty-seven, which said point of intersection is marked by a small monument of granite buried in the center of the highway in eighteen hundred and eighty-four by the said surveyors; and also a large monument of granite erected in the year eighteen hundred and sixty-nine by John V. L. Pruyn, George R. Perkins, Samuel B. Woolworth, and George W. Patterson, on the part of the State of New York, and William Evans on the part of the State of Pennsylvania, four hundred and forty feet south of the original monuments erected in the year seventeen hundred and ninety by Andrew Ellicott aforesaid, upon the south shore of Lake Erie in the line originally surveyed and marked by him as aforesaid.

"Fifth. The field book of said surveyors containing the notes of the resurveys along said line in the years eighteen hundred and seventy-seven, eighteen hundred and seventy-eight, and eighteen hundred and seventy-nine; also the 'record of monuments' prepared by said surveyors, containing the descriptions of the locations of the several monuments erected by them, and of the witness mark thereto; also the maps of said line and the vicinity thereof, showing the locations of said monuments; and also the 'diary operations' of said surveyors under the direction of the parties hereto, the same having been duly authenticated by the signature of the said surveyors, and the several documents and books of record containing the transactions of the parties hereto; all of which being placed on file in the office of the secretary of state of New York and the office of the secretary of internal affairs of Pennsylvania, shall constitute the permanent and authentic records of said boundary line, and are hereby adopted by the parties hereto and made a part of this agreement.

"Sixth. This agreement shall become binding upon the two States when ratified by the legislatures thereof, respectively, and when confirmed by the Congress of the United States.

"In witness whereof the said commissioners have hereunto set their hands and seals in duplicate the twenty-sixth day of March, eighteen hundred and eighty-six aforesaid.

"Executed in the presence of witnesses:

"As to Henry R. Pierson—Edward I. Devlin.

"H. R. PIERSON. [L. s.]

"As to E. W. Leavenworth—H. W. Clarke.

"E. W. LEAVENWORTH [L. s.]

"As to Chauncy M. Depew—Edward I. Devlin.

CHAUNCY M. DEPEW. [L. s.]

"As to C. M. Gere—A. D. Birchard.

C. M. GERE. [L. s.]

"As to Robert N. Torrey—Andrew Thompson.

ROBERT N. TORREY. [L. s.];" and

Whereas said agreement has been confirmed by the legislatures of the said States of New York and Pennsylvania, respectively: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of the Congress of the United States be, and hereby is, given to said agreement, and to each and every part thereof; and the boundaries established by said agreement are hereby approved and confirmed.

Boundaries between New York and Pennsylvania, established by agreement, approved and confirmed.

Approved, August 19, 1890.

CHAP. 805.—An act authorizing the city of Charleston, South Carolina, to open Concord street through the grounds of the United States in that city.

August 19, 1890.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the city of Charleston, South Carolina, be, and it is hereby, authorized to open Concord street through the grounds of the United States in that city upon such terms and conditions as the Secretary of the Treasury may prescribe.

Charleston, S.C., may open Concord street through grounds of the United States.

Terms and conditions.

Approved, August 19, 1890.

CHAP. 806.—An act to establish a national military park at the battle-field of Chickamauga.

August 19, 1890.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of preserving and suitably marking for historical and professional military study the fields of some of the most remarkable maneuvers and most brilliant fighting in the war of the rebellion, and upon the ceding of jurisdiction to the United States by the States of Tennessee and Georgia, respectively, and the report of the Attorney General of the United States that the title to the lands thus ceded is perfect, the following described highways in those States are hereby declared to be approaches to and parts of the Chickamauga and Chattanooga National Military Park as established by the second section of this act, to wit: First, The Missionary Ridge Crest road from Sherman Heights at the north end of Missionary Ridge, in Tennessee, where the said road enters upon the ground occupied by the Army of the Tennessee under Major-General William T. Sherman, in the military operations of November twenty-fourth and twenty-fifth, eighteen hundred and sixty-three; thence along said road through the positions occupied by the army of General Braxton Bragg on November twenty-fifth, eighteen hundred and sixty-three, and which were assaulted by the Army of the Cumberland under Major-General George H. Thomas on that date, to where the said road crosses the southern boundary of the State of Tennessee, near Rossville Gap, Georgia, upon the ground occupied by the troops of Major-General Joseph Hooker, from the Army of the Potomac, and thence in the State of Georgia to the junction of said road with the Chattanooga and Lafayette or State road at Rossville Gap; second, the Lafayette or State road from Rossville, Georgia, to Lee and Gordon's Mills, Georgia; third, the road from Lee and Gordon's Mills, Georgia, to Crawfish Springs, Georgia; fourth, the road from Crawfish Springs, Georgia, to the crossing of the Chickamauga at Glass' Mills, Georgia; fifth, the Dry Valley road from Rossville, Georgia, to the southern limits of McFarland's Gap in Missionary Ridge; sixth, the Dry Valley and Crawfish Springs road from McFarland's Gap to the intersection of the road from

Chickamauga and Chattanooga National Military Park established.

Purpose. Conditions. Jurisdiction.

Title.

Highways declared approaches to and parts of park.

Description of roads.