of the water works supplying the District of Columbia, or any part thereof, and the operations of said company shall always be subject to the control and direction, in this respect, of the Secretary of War, and subject to the right of the Secretary of War, or other lawful public authority, to interrupt the construction or use of said railway whenever necessary for the protection or repair of such water works, or in respect of any increase thereof or additions thereto. If in the course of construction of said railway, or at any time thereafter, it shall be deemed by the Secretary of War necessary for the better protection of such water pipes, fixtures, or apparatus, or for other water pipes, fixtures or apparatus that may be laid or applied, to raise or otherwise fix or adjust any avenue, street, road, alley or public place containing or to contain such pipes, or to otherwise adjust the same so as to produce absolute security for all such pipes and apparatus existing or to be laid or arranged at any point or points on or contiguous to the line of said railway, such changes in grade and otherwise, or works, as shall be deemed necessary by the Secretary of War shall be made, done and performed by and at the expense of said railway company, and its successors and assigns, to the satisfaction of the Secretary of War; and the remainder of width of any avenue, street, alley, road, or other public place, at all such points or places, shall be raised, adjusted, repaved and put in condition, safe for all such pipes and apparatus, and in a manner satisfactory to the Secretary of War, and in conformity to any order of the Secretary of War in the matter, and at the expense of said company, and its successors and assigns. Any structure, work in or change in the condition of any such avenue, street, road, alley or public place, not made in conformity with the provisions in this act contained, shall be unlawful.

Amendment, etc.

SEC. 16. That Congress hereby reserves to itself the right at any and all times to alter, amend, or repeal this act.

Approved, February 28, 1891.

CHAP. 383.—An act to amend and further extend the benefits of the act approved February eighth, eighteen hundred and eighty-seven, entitled "An act to provide for the allotment of land in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States 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 section one of the act entitled "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," approved February eighth, eighteen hundred and eighty-seven, be, and the same is hereby, amended so as to read as follows:

"SEC. 1. 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 be, and he hereby is, authorized, whenever in his opinion any reservation, or any part thereof, of such Indians is advantageous for agricultural or grazing purposes, to cause said reservation, or any part thereof, to be surveyed, or resurveyed, if necessary, and to allot to each Indian located thereon one-eighth of a section of land: Provided, That in case there is not sufficient land in any of said reservations to allot lands to each individual in quantity as above provided the land in such reservation or reservations shall be allotted to each individual pro rata, not reduced."

To each located Indian one-eighth of a section.

Allotment pro rata, if lands insufficient, as per legal subdivisions.

Allotment by treaty or act, not reduced.
where the treaty or act of Congress setting apart such reservation provides for the allotment of lands in severalty to certain classes in quantity in excess of that herein provided the President, in making allotments upon such reservation, shall allot the land to each individual Indian of said classes belonging thereon in quantity as specified in such treaty or act, and to other Indians belonging thereon in quantity as herein provided: Provided further, That where existing agreements or laws provide for allotments in accordance with the provisions of said act of February eighth, eighteen hundred and eighty-seven, or in quantities substantially as therein provided, allotments may be made in quantity as specified in this act, with the consent of the Indians, expressed in such manner as the President, in his discretion, may require: And provided further, That when the lands allotted, or any legal subdivision thereof, are only valuable for grazing purposes, such lands shall be allotted in double quantities.

SEC. 2. That where allotments have been made in whole or in part upon any reservation under the provisions of said act of February eighth, eighteen hundred and eighty-seven, and the quantity of land in such reservation is sufficient to give each member of the tribe eighty acres, such allotments shall be revised and equalized under the provisions of this act: Provided, That no allotment heretofore approved by the Secretary of the Interior shall be reduced in quantity.

SEC. 3. That whenever it shall be made to appear to the Secretary of the Interior that, by reason of age or other disability, any allottee under the provisions of said act, or any other act or treaty can not personally and with benefit to himself occupy or improve his allotment or any part thereof the same may be leased upon such terms, regulations and conditions as shall be prescribed by such Secretary, for a term not exceeding three years for farming or grazing, or ten years for mining purposes: Provided, That where lands are occupied by Indians who have bought and paid for the same, and which lands are not needed for farming or agricultural purposes, and are not desired for individual allotments, the same may be leased by authority of the Council speaking for such Indians, for a period not to exceed five years for grazing, or ten years for mining purposes in such quantities and upon such terms and conditions as the agent in charge of such reservation may recommend, subject to the approval of the Secretary of the Interior.

SEC. 4. That where any Indian entitled to allotment under existing laws shall make settlement upon any surveyed or unsurveyed lands of the United States not otherwise appropriated, he or she shall be entitled, upon application to the local land office for the district in which the lands are located, to have the same allotted to him or her and to his or her children, in quantities and manner as provided in the foregoing section of this amending act for Indians residing upon reservations; and when such settlement is made upon unsurveyed lands the grant to such Indians shall be adjusted upon the survey of the lands so as to conform thereto; and patents shall be issued to them for such lands in the manner and with the restrictions provided in the act to which this is an amendment. And the fees to which the officers of such local land office would have been entitled had such lands been entered under the general laws for the disposition of the public lands shall be paid to them from any moneys in the Treasury of the United States not otherwise appropriated, upon a statement of an account in their behalf for such fees by the Commissioner of the General Land Office, and a certification of such account to the Secretary of the Treasury by the Secretary of the Interior.

SEC. 5. That for the purpose of determining the descent of land to the heirs of any deceased Indian under the provisions of the fifth section of said act, whenever any male and female Indian shall have co-habited together as husband and wife according to the custom and
manner of Indian life the issue of such co-habitation shall be, for
the purpose aforesaid, taken and deemed to be the legitimate issue
of the Indians so living together, and every Indian child, otherwise
illegitimate, shall for such purpose be taken and deemed to be the
legitimate issue of the father of such child: Provided, That the pro-
visions of this act shall not be held or construed as to apply to the
lands commonly called and known as the "Cherokee Outlet": And
provided further, That no allotment of lands shall be made or annui-
ties of money paid to any of the Sac and Fox of the Missouri Indians
who were not enrolled as members of said tribe on January first,
eighteen hundred and ninety; but this shall not be held to impair
or otherwise affect the rights or equities of any person whose claim
to membership in said tribe is now pending and being investigated.
Approved, February 28, 1891.

February 28, 1891.

CHAP. 384.—An act to amend sections twenty-two hundred and seventy-five
and twenty-two hundred and seventy-six of the Revised Statutes of the United
States providing for the selection of lands for educational purposes in lieu of those
appropriated for other purposes.

Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled, That sections
twenty-two hundred and seventy-five and twenty-two hundred and
seventy-six of the Revised Statutes of the United State be amended
to read as follows:

"Sec. 2275. Where settlements with a view to pre-emption or home-
stead have been, or shall hereafter be made, before the survey of the
lands in the field, which are found to have been made on sections
sixteen or thirty-six, those sections shall be subject to the claims of
such settlers; and if such sections, or either of them, have been or
shall be granted, reserved, or pledged for the use of schools or col-
leges in the State or Territory in which they lie, other lands of equal
acreage are hereby appropriated and granted, and may be selected
by said State or Territory, in lieu of such as may be thus taken by
pre-emption or homestead settlers. And other lands of equal acre-
age are also hereby appropriated and granted, and may be selected
by said State or Territory where sections sixteen or thirty-six are
mineral land, or are included within any Indian, military, or other
reservation, or are otherwise disposed of by the United States:
Provided, Where any State is entitled to said sections sixteen and thirty-
six, or where said sections are reserved to any Territory, notwith-
standing the same may be mineral land or embraced within a military,
Indian, or other reservation, the selection of such lands in lieu thereof
shall be a waiver of its right to said sections. And other lands of equal acreage are also hereby appropriated
and granted, and may be selected by said State or Territory to com-
penstate deficiencies for school purposes, where sections sixteen or
thirty-six are fractional in quantity, or where one or both are want-
ing by reason of the township being fractional, or from any natural
cause whatever.” And it shall be the duty of the Secretary of the
Interior, without awaiting the extension of the public surveys, to
certain determined, by protraction or otherwise, the number of
townships that will be included within such Indian, military, or
other reservations, and thereupon the State or Territory shall be
entitled to select indemnity lands to the extent of two sections for
each of said townships, in lieu of sections sixteen and thirty-six
therein; but such selections may not be made within the boundaries
of said reservations: Provided, however, That nothing herein con-
tained shall prevent any State or Territory from awaiting the
extinguishment of any such military, Indian, or other reservation
and the restoration of the lands therein embraced to the public