

March 2, 1885.

CHAP. 316.—An act to protect the fish in the Potomac River in the District of Columbia, and to provide a spawning-ground for shad and herring in the said Potomac River.

Protection of fish in District of Columbia.

Use of nets and other contrivances in waters of Potomac unlawful.

Any offense against this act a misdemeanor.

Punishment.

Proceeds of fines and seizures to be paid into United States Treasury.

Proviso.

Angling and taking of fish for propagation and scientific purposes excepted.

Depositing, or allowing flow of tar, oil, or other waste product into Potomac River or tributaries within the District of Columbia, a misdemeanor.

Punishment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after date of passage of this act, for a term of five years, it shall not be lawful to fish with fyke-net, pound-net, stake-net, weir, float-net, gill-net, haul-seine, or any other contrivance, stationary or floating, in the waters of the Potomac River within the District of Columbia.

SEC. 2. That any person who shall offend against any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon sufficient proof thereof in the police court or other court of the District of Columbia, shall be punished by a fine of not less than ten dollars no more than one hundred dollars for each and every such offense and shall forfeit to the District his nets, boats, and all other apparatus and appliances used in violation of law, which shall be sold; and the proceeds of such sales, and all fines accruing under this act, shall be paid into the Treasury: *Provided,* That nothing in this act shall be construed to prohibit angling or fishing with the outline or to prevent the United States Commissioner of Fish and Fisheries, or his agents, from taking from said waters of the Potomac River in the District of Columbia, in any manner desired, fish of any kind for scientific purposes or for the purposes of propagation.

SEC. 3. That from and after three months from the date of the passage of this act it shall be unlawful to allow any tar, oil, ammoniacal liquor or other waste products of any gas-works or of works engaged in using such products or any waste product whatever of any mechanical, chemical, manufacturing or refining establishment to flow into or be deposited in Rock Creek or the Potomac River or any of its tributaries within the District of Columbia or into any pipe or conduit leading to the same; and any one guilty of violating this section shall on conviction as provided in Section two of this act, be fined not less than ten dollars nor more than one hundred dollars for each and every day during which said violation shall continue, to be prosecuted for and recovered as provided in the preceding section.

Approved, March 2, 1885.

March 3, 1885.

CHAP. 318.—An act authorizing the President of the United States to appoint one passed assistant engineer, now on the retired-list of the Navy, a chief engineer on the retired-list of the Navy.

President authorized to promote one passed assistant engineer on the retired-list of the Navy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint one passed assistant engineer, now on the retired-list of the Navy, a chief engineer on the retired-list of the Navy, with the highest retired pay of that grade.

Approved, March 3d, 1885.

March 3, 1885.

CHAP. 319.—An act providing for allotment of lands in severalty to the Indians residing upon the Umatilla Reservation, in the State of Oregon, and granting patents therefor, and for other purposes.

Allotments of lands to certain Indians.

Preamble.

Whereas the confederated bands of Cayuse, Walla-Walla, and Umatilla Indians, residing upon the Umatilla Reservation, in the State of Oregon, have expressed a willingness to settle upon lands in severalty on their said reservation, and to have the residue of their lands not needed for such allotment sold for their benefit: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States cause lands to be allotted to the confederated bands of Cayuse, Walla-Walla, and Umatilla Indians, residing upon the Umatilla Reservation, in the State of Oregon, as follows, of agricultural lands :

To each head of a family, one hundred and sixty acres; to each single person over the age of eighteen years, eighty acres; to each orphan child being under eighteen years of age, eighty acres; and to each child under eighteen years of age not otherwise provided for, forty acres.

Allotments to heads of families and to children under eighteen years of age belonging to families shall be made upon the selections made by the head of the family; allotments to persons over eighteen years of age not classed as heads of families shall be made upon the selection of such persons; and allotments to orphans shall be made upon selections made by the agent in charge, or other person duly authorized by the Department. In addition to the allotments of agricultural lands to said Indians in severalty as herein provided, there shall be reserved a reasonable amount of pasture and timber lands for their use, to be used by said Indians in common, and there shall also be selected and set apart for an industrial farm and school six hundred and forty acres of agricultural lands. Before any allotments are made, a commission of three disinterested persons to be appointed by the President shall go upon said reservation and ascertain as near as may be the number of Indians who will remain on said reservation, and who shall be entitled to take lands in severalty thereon, and the amount of land required to make the allotments; and thereupon said commission shall determine and set apart so much of said reservation as shall be necessary to supply agricultural lands for allotments in severalty, together with sufficient pasture and timber lands for their use, and six hundred and forty acres for an industrial farm and school, not exceeding one hundred and twenty thousand acres in the aggregate for all purposes; and the same shall be in as compact a form as possible. Said commission shall report to the Secretary of the Interior the number and classes of persons entitled to allotments, as near as they may be able to, the metes and bounds of the tract by them selected for said Indians, and designate the particular tract selected for an industrial farm and school; and if the same shall be approved by the Secretary of the Interior the said tract shall thereafter constitute the reservation for said Indians, and within which the allotments herein provided for shall be made. The said tract shall be surveyed, or so much thereof as shall be required for allotments, and as soon as such surveys are approved the selections and allotments shall be made. The President shall cause patents to issue to all persons to whom allotments of lands shall be made under the provisions of this act, which shall be of the legal effect, and declare that the United States does and will hold the land thus allotted, for the period of twenty-five years, in trust for the sole use and benefit of the Indian to whom such allotment shall have been made, or in case of his decease, of his heirs according to the laws of the State of Oregon, and that at the expiration of said period the United States will convey the same by patent to said Indian, or his heirs as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever: *Provided*, That the law of alienation and descent in force in the State of Oregon shall apply thereto after patents have been executed, except as hereinotherwise provided: *Provided further*, That any Indian or Indians residing upon said reservation hereafter provided for them who may desire to remove to or settle upon any other reservation shall be permitted to do so, and shall retain their right to share their equal proportion of benefits to be derived from any fund that may arise from the sale of any of the lands of said Umatilla Reservation, and in addition the equitable value of the right to take lands in severalty on said reservation, to be determined by the Secretary of the Interior and taken

President to allot agricultural lands to the confederated bands of Cayuse, Walla-Walla, and Umatilla Indians in Oregon.

Persons entitled to allotments.

Allotments; how made.

Industrial farm and school.

Appointment of commission.

Duties defined.

Commission to report to Secretary of Interior.

If selected tract be approved by Secretary of the Interior, it shall constitute the reservation of said Indians.

Survey and patents.

United States to hold land in trust for a period of twenty-five years.

Proviso.

Law of alienation and descent in Oregon to apply after execution of patents.

Proviso, as to removal to other reservations.

out of said fund; and the same shall be expended from time to time for their benefit in establishing them in their new homes in such manner as the Department shall direct.

Lands not included in new reservations to be surveyed, appraised, and classified.

Improvements to be separately appraised.

No appraisement less than \$1.25 per acre.

Sale of lands.
Condition of sale.

Purchase of lands to be for use and occupation of purchaser.

Any conveyance, contract or lien, made before patent is issued to be void.

Conditions for issuing patents.

Proviso.

Persons having settled upon, or acquired title under pre-emption or homestead laws to fractional subdivisions of adjacent lands, to have prior right to purchase.

SEC. 2. That as soon as the report of said commission in respect to the new boundaries of said reservation shall be approved, the residue of said reservation lands not included in said new lines shall be surveyed, if not already surveyed, or if the stakes and monuments, if surveyed, have become so obliterated that the lines cannot be ascertained, and the same shall be appraised and classified into timbered and untimbered lands; and in case where improvements have been made by any Indian or for the United States upon such lands, such improvements shall be separately appraised, and if the same belong to an Indian, such Indian shall be reimbursed the value of such improvements, in money; but no lands shall be appraised at less than one dollar and twenty-five cents per acre. The said lands, when surveyed and appraised, shall be sold at the proper land-office of the United States, by the register thereof, at public sale, to the highest bidder, at a price not less than the appraised value thereof, such sale to be advertised in such manner as the Secretary of the Interior shall direct. Each purchaser of any of said lands at such sale shall be entitled to purchase one hundred and sixty acres of untimbered lands and an additional tract of forty acres of timbered lands, and no more. He shall pay one-third of the purchase-price of untimbered lands at the time of purchase, one-third in one year, and one-third in two years, with interest on the deferred payments at the rate of five per centum per annum, and shall pay the full purchase-price of timbered lands at the time of purchase. And where there are improvements upon the lands purchased which shall have been separately appraised, the purchaser shall pay the appraised value of such improvements at the time of purchase, in addition to the amounts hereinbefore required to be paid.

Each purchaser shall, at the time of making his purchase, make and subscribe an oath or affirmation that he is purchasing said lands for his own use and occupation, and not for or on account of or at the solicitation of any other, and that he has made no contract whereby the title thereto shall, directly or indirectly, inure to the benefit of another. And if any conveyance is made of the lands set apart and allotted as herein provided, or any contract made touching the same, or any lien thereon created before the issuing of the patent herein provided, such conveyance, contract, or lien shall be absolutely null and void. And before a patent shall issue for untimbered lands the purchaser shall make satisfactory proof that he has resided upon the lands purchased at least one year and has reduced at least twenty-five acres to cultivation. No patent shall issue until all payment shall have been made; and on the failure of any purchaser to make any payment when the same becomes due, the Secretary of the Interior shall cause said land to be again offered at public or private sale, after notice to the delinquent; and if said land shall sell for more than the balance due thereon, the surplus, after deducting expenses, shall be paid over to the first purchaser: *Provided*, That persons who settled upon or acquired title under the pre-emption or homestead laws of the United States to fractional subdivisions of lands adjacent to the lines of said reservation, as now and heretofore existing, and at the time of the sale herein provided for are residing on such fractions, and have been unable to secure the full benefit of such laws by reason that the lands settled upon were made fractional by the boundary-line of said reservation crossing such subdivision, shall have a right, at any time after advertisement and before sale at public auction, to purchase, at their appraised value, so much of said lands as shall, with the fractional lands already settled upon, make in the aggregate one hundred and sixty acres; and no additional residence shall be required of such settler, but he shall take and subscribe the oath required of other purchasers at the time of purchase. All controversies between settlers and purchasers in respect to settle-

ment and the right of purchase shall be heard and determined, upon their priorities and equities, by the like officers and in the same manner as like contests are heard and determined under existing pre-emption laws: *Provided also*, That the State of Oregon shall be entitled to select from the public lands of the United States in said State lands in lieu of the sixteenth and thirty-sixth sections contained in said Umatilla Reservation as now set apart and established: *Provided further*, That the water right across a portion of said reservation from the town of Pendleton granted by the Interior Department July seventh, eighteen hundred and seventy on the application of George A. La Dow, Lot Livermore and other citizens of Pendleton for manufacturing, irrigating and other purposes be confirmed and continued to W. S. Byers and Company their successors: *Provided*, That this act shall in no way impair or affect any existing right to a reasonable use of the water of said stream for agricultural purposes, nor shall confirm or grant any right to use the water thereof in any manner nor to any extent beyond or different from that to which it has been heretofore appropriated.

Proviso.
State of Oregon entitled to select U. S. public lands, in exchange.

Proviso.
Water right granted July 17, 1870, to be continued.

Proviso.

Funds to be deposited at interest in United States Treasury.

SEC. 3. That the funds arising from the sale of said reservation lands, after paying the expenses of survey, appraisalment, and sale, and reimbursing any Indian or Indians for the value of any improvements belonging to such Indian or Indians, and the equitable share of any Indian to the funds arising from the sale of said reservation lands as herein provided, and reimbursing the United States for improvements made by the Government and under the provisions herein, shall be placed in the Treasury of the United States to the credit of said Indians, and the same shall draw such rate of interest as is now or may be hereafter provided by law. Twenty per centum of the principal of said funds may be used, under the direction of the President, in assisting said Indians to establish themselves upon their several allotments, in such manner as he shall direct, and twenty thousand dollars of the residue thereof shall be devoted to the establishment and support of an industrial farm and school for the training and education of the children of said Indians in the arts and methods of civilized life, and the increase from the funds thereafter to be devoted to the support of said industrial farm and school, and to such other beneficial purposes as in the judgment of the Secretary of the Interior may be for the best interest of said Indians: *Provided*, That the said Indians shall pledge themselves to compel their children, male and female, between the ages of seven and fifteen years, to attend said school.

Twenty per cent. to be used for assisting establishment of Indians; and \$20,000 for industrial farm and school.

Proviso.
Indians to pledge themselves that children shall attend school.

Appropriation for carrying act into effect.

SEC. 4. That for the purpose of carrying into effect the provisions of this act the sum of thirty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, which said sum shall be reimbursed to the Treasury out of the sales of said lands; and ten thousand dollars of said sum so appropriated shall be expended toward establishing said industrial farm and school herein provided for.

Consent of majority of Indians to be obtained.

SEC. 5. That before this act shall be executed in any part, the consent of said Indians shall be obtained to the disposition of their lands as provided herein, which consent shall be expressed in writing and signed by a majority of the male adults upon said reservation, and by a majority of their chiefs in council assembled for that purpose, and shall be filed with the Secretary of the Interior.

SEC. 6. That the Secretary of the Interior shall have power to make needful rules and regulations to carry into effect the provisions of this act, and shall have power to determine all disputes and questions arising between Indians respecting their allotments, and shall fix the compensation to be allowed to the commissioners provided for in section two.

Secretary of Interior to make rules, determine disputes between Indians, and fix compensation of commissioners.

Approved, March 3, 1885.