

purpose the officers so assigned may associate with themselves the chief of the geological survey of California, and also one other civilian distinguished for his knowledge of the subject.

SEC. 2. That these five persons shall constitute a board, with power to fill vacancies, whose duty it shall be to make a full report to the President on the best system of irrigation for said valleys, with all necessary plans, details, engineering, statistical, and otherwise, which report the President shall transmit to Congress at its next session, with such recommendations as he shall think proper.

Board to consist of whom; their powers and duties.
Report

SEC. 3. That the Secretary of War shall furnish subsistence and transportation for the board while in the field, and the compensation of the members of the board who are not in the service of the United States shall not exceed two thousand dollars each, but the other members of the board shall receive no additional compensation for their services.

Subsistence, transportation, and compensation.

APPROVED, March 3, 1873.

CHAP. CCCXVII. — *An Act for the temporary Relief of the Indians at Camp McDermit, in Humboldt County, Nevada.* March 3, 1873.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War is hereby authorized and directed to issue such rations of food and clothing to the Indians about Camp McDermit, in Humboldt county, Nevada, as may be necessary to save such Indians from destitution and starvation until such time as provision shall be made for them through the Interior Department.

Food and clothing for certain Indians in Humboldt county, Nevada.

APPROVED, March 3, 1873.

CHAP. CCCXVIII. — *An Act to amend the Charter of the Grütli Verein Association.* March 3, 1873.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Grütli Verein Association of Washington, District of Columbia, be authorized to issue building-stock to an amount not exceeding fifty thousand dollars to be divided into shares of the par value of fifty dollars each, payable in such installments, and under such conditions as shall be determined by a building committee of five, to be chosen from the stockholders, by a stock vote, when twenty thousand dollars of said stock shall have been subscribed, and thereafter annually.

Grütli Verein Association of Washington, D.C., may issue building stock. &c.

SECTION 2. That said building committee shall have the entire control and management of said stock and its investment, and of any land purchased or building erected by means thereof, until the subscriptions are paid in, and the building completed, when their functions shall cease, and the said land and building shall thereafter be held and directed by, and be for the use and benefit of, said association in perpetual succession.

Building committee to have control.

APPROVED, March 3, 1873.

CHAP. CCCXIX. — *An Act repealing an Act entitled "An Act for the Relief of certain Indians in the Central Superintendency" approved June tenth eighteen hundred and seventy-two.* March 3, 1873.
1872, ch. 430.
Ante, p. 388.

An Act supplemental to an Act entitled "An Act for the Relief of certain Indians in the Central Superintendency" approved June tenth, eighteen hundred and seventy-two, and to settle by Commission all Rights and Equities respecting the Property to which said Act refers.

Whereas, by an act entitled "An act for the relief of certain Indians in the Central superintendency" approved June tenth, eighteen hundred and seventy-two, the Secretary of the Interior was authorized and directed to appoint three commissioners and to take an inventory of, appraise, and sell certain lands, bonds, notes, accounts, contracts, mortgages, and other property or assets held or acquired in any manner under a trust in respect to education, created and confirmed by treaties with the

Preamble.

Ottawa Indians of Blanchard's Fork and Roche de Bœuf, proclaimed July twenty-eighth, eighteen hundred and sixty-two, and October fourteenth, eighteen hundred and sixty-eight, and to pay the proceeds of such sale to the several members of the said tribe, their heirs or assigns, per capita; and whereas counter-claims of rights and equities in said lands, bonds, notes, accounts, contracts, mortgages, and other property or assets having been set forth and affirmed by the trustees under said trust, and by the American Baptist Home Mission Society, the Secretary of the Interior has referred to Congress the question of further legislation; and whereas representatives of all the said parties have united in an agreement to make friendly application to Congress for legislation providing for the ascertainment of all such property, real and personal, and the severance and satisfaction by commission, of the equitable interests of the contending parties: Now, therefore, in order that the perfect justice may be done in the premises to all the said parties,

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That Walter R. Irwins, Luther R. Smith, commissioner appointed by the Secretary of the Interior under the aforementioned act, together with Henry S. Neal, of Ohio, Joseph Henry, of Washington, D. C., and Emory Washburn, of Massachusetts, be, and they are hereby, constituted a commission to investigate and ascertain all the property, real or personal, rights and interests legal or equitable, held or acquired under such trust, and to determine and award upon the rights and equities of the said parties in the property aforesaid for which purpose they are invested with sufficient power and authority to hear and determine, and to make such rules and orders thereunto as may be necessary, and their award shall be final and conclusive of all the rights and claims of all parties

Commissioners appointed to determine the rights, &c., of parties under a trust in respect to education created by treaties with certain Ottawa Indians.

Their award to be final.

Commission to assemble when and where; and their proceedings, powers, and duties.

SEC. 2. That the said commission shall assemble on or before the first Wednesday in August, eighteen hundred and seventy-three, at such place as a majority of its members may select, and, upon being duly sworn by any person authorized to administer oaths, they shall proceed to organize by the election of one of their number as president and of another as secretary, with authority to procure rooms and attendance. A majority shall constitute a quorum for all business, and they may adjourn to any place deemed by them more convenient. The Secretary of the Interior shall be authorized to detail a stenographer for the service of the commission. In order to the prompt and easy carrying into effect of their final award the commission shall proceed to demand and take possession of all the lands, bonds, notes, accounts, choses in action, contracts, mortgages, records and other property or assets, held or required under said trust, and in case of the refusal of any person or persons to give possession of and deliver such lands, bonds, notes, accounts, choses in action, contracts, mortgages, records and other property or assets, shall bring suit, or suits in behalf of the parties in interest, in the name of the United States as plaintiff, for the same in the United States circuit court for the eighth judicial circuit, which court shall have power to appoint a receiver; and it shall be the duty of the Attorney-General to prosecute the said suit or suits to final judgment. The commission shall, nevertheless, proceed to inquire, to investigate, determine and award as if in actual possession of the property; and the said commission shall determine and adjudge the various claims according to what they shall deem the rights and equities of the case. After meeting the necessary expenses of this adjudication as hereinafter provided, any lands or other property, interest or equities which may be awarded to the Indians aforesaid shall be sold, paid, or delivered for their benefit as the commission may direct; and any equities which may be awarded to the said trustees and to the said Home Mission Society shall be paid or delivered as the commission may direct. Patents of lands may be issued by the Secretary of the Interior, and he

Quorum.

Stenographer.

Possession to be taken of trust property.

Distribution.

Patents.

shall be authorized and empowered to do any other act necessary, in his judgment, to carry into effect the awards of this commission, on notice to him by the said commissioners of their final award. Lands so patented shall be liable to taxation under the laws of Kansas after five years from the passing of this act, or sooner if sold by the parties to whom they may be patented under the said award: *Provided, however* That the section on which the Ottawa University stands, or any part of it, which may remain as a site of an institution of learning, shall remain free from taxation until the legislature of Kansas shall otherwise order. The said commissioners shall be required to make an award in writing which, within thirty days after the case is finally submitted, shall be filed in the office of the Secretary of Interior, and a copy thereof shall be delivered by the Secretary of the Interior to each of said parties when the same is so filed; and the concurrence of a majority of said commissioners in such award shall be necessary. Said commissioners shall also fix the amount of fees or compensation to be paid to the counsel of said Indians for services already rendered before the passing of this act, and which may be rendered hereafter in the premises, together with their expenses, which compensation and expenses shall be paid out of the funds, property and assets awarded to said Indians; and they shall also audit the costs of proceedings before this commission, which, with the compensation of the commissions to be fixed by the Secretary of the Interior, and their expenses, together with the compensation and expenses of the commission appointed under the act of June tenth, eighteen hundred and seventy-two, to be presented by the Secretary of the Interior shall be paid out of the property as a whole, and in proportion to the several interests as adjudged.

Taxation by Kansas.

Award of commissioners to be filed in the office of the Secretary of the Interior.

Fees for counsel to Indians.

Expenses and pay of commissioners. Costs of proceedings.

SEC. 3. That any vacancy occurring in this commission shall be filled by the President of the United States.

Vacancies in the commission.

SEC. 4. That any person or party interested in the awards to be made under this act shall have the right to institute suit or suits at law, or in chancery, before the circuit court of the United States within the State of Kansas, to carry into effect and enforce any decision made by the commissioners appointed under this act, and for this purpose, jurisdiction is hereby given to said court in all cases thus arising, and from the orders, decrees, and judgments of said court in such cases appeals may be taken as in other cases.

Awards, how may be carried into effect

SEC. 5. That if, at any time before the rendering of a decision by the commission aforesaid, the parties to the questions in controversy shall agree upon a settlement, and the said settlement shall be approved by the Secretary of the Interior, then the Secretary of the Interior is hereby authorized and empowered to issue patents of lands, and to do any other act necessary, in his judgment, to carry such settlement into effect, as if it were an award of the said commission, and each and all of the said parties shall have the right to enforce the terms of the settlement by suit suits in law or in chancery as provided for in section four of this act.

If parties agree upon a settlement before the commissioners render their decision, Secretary of the Interior to carry it into effect, &c.

Rights of parties in such case.

SEC. 6. That upon carrying into effect of the award or settlement aforesaid, the jurisdiction of the United States over the questions and property hereinbefore named, and the trust relating thereto, created by the aforesaid treaties shall cease and determine

Jurisdiction of the United States to cease, upon, &c.

When act takes effect.

SEC. 7. That this act shall be in force from and after its passage
APPROVED, March 3, 1873.

CHAP. CCCXX. — *An Act authorizing the Secretary of War to have a Monument erected at Salisbury, North Carolina, to the Memory of the Soldiers who died in Prison and are there buried.*

March 3, 1873.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War is hereby authorized and directed to have erected in the national cemetery

Monument to be erected in the