

That where the original cash purchasers are the present owners this act shall be operative to confirm the title only of such said cash purchasers as the Secretary of the Interior shall be satisfied have purchased without fraud and in the belief that they were thereby obtaining valid title from the United States. That nothing herein contained shall be construed to confirm any sales or entries of lands, or any tract in any such State selection, upon which there were bona fide preemption or homestead claims on the first day of May, eighteen hundred and eighty-eight, arising or asserted by actual occupation of the land under color of the laws of the United States, and all such preemption and homestead claims are hereby confirmed.

Cash purchasers.

Pre-emption and homestead claims.

SEC. 4. That no lands declared forfeited to the United States by this act shall inure to the benefit of any State or corporation to which lands may have been granted by Congress except as herein otherwise provided; nor shall this act be construed to enlarge the area of land originally covered by any such grant, or to waive or release in any way any right of the United States now existing to have any other lands granted by them, as recited in the first section, forfeited for any failure, past or future, to comply with the conditions of the grant. Nor shall the moiety of the lands granted to any railroad company on account of a main and a branch line appertaining to uncompleted road, and hereby forfeited, within the conflicting limits of the grants for such main and branch lines, when but one of such lines has been completed, inure, by virtue of the forfeiture hereby declared, to the benefit of the completed line.

Disposition of forfeited lands.

SEC. 5. That all persons who may have settled upon and are now in possession of any of the lands hereby forfeited, and who may desire to enter the same under the homestead law, shall be allowed, when making final proof, for the time they have already resided upon and cultivated the same.

Present settlers allowed to make entry for time of residence.

Approved, March 2, 1889.

CHAP. 415.—An act to provide for the protection of the salmon fisheries of Alaska

March 2, 1889.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the erection of dams, barricades, or other obstructions in any of the rivers of Alaska, with the purpose or result of preventing or impeding the ascent of salmon or other anadromous species to their spawning grounds, is hereby declared to be unlawful, and the Secretary of the Treasury is hereby authorized and directed to establish such regulations and surveillance as may be necessary to insure that this prohibition is strictly enforced and to otherwise protect the salmon fisheries of Alaska; and every person who shall be found guilty of a violation of the provisions of this section shall be fined not less than two hundred and fifty dollars for each day of the continuance of such obstruction.

Salmon fisheries, Alaska. Erection of dams, etc., in rivers unlawful.

Punishment.

SEC 2. That the Commissioner of Fish and Fisheries is hereby empowered and directed to institute an investigation into the habits, abundance, and distribution of the salmon of Alaska, as well as the present conditions and methods of the fisheries, with a view of recommending to Congress such additional legislation as may be necessary to prevent the impairment or exhaustion of these valuable fisheries, and placing them under regular and permanent conditions of production.

Investigation into habits, etc., of salmon.

SEC 3. That section nineteen hundred and fifty-six of the Revised Statutes of the United States is hereby declared to include and apply to all the dominion of the United States in the waters of Behring Sea; and it shall be the duty of the President, at a timely season in each year, to issue his proclamation and cause the same to be published

Behring Sea. Killing of fu-bearing animals in the dominion of the United States in, prohibited. R. S., sec. 1956, p. 343. Proclamation.

for one month in at least one newspaper if any such there be published at each United States port of entry on the Pacific coast, warning all persons against entering said waters for the purpose of violating the provisions of said section; and he shall also cause one or more vessels of the United States to diligently cruise said waters and arrest all persons, and seize all vessels found to be, or to have been, engaged in any violation of the laws of the United States therein.

Approved, March 2, 1889.

March 2, 1889.

CHAP. 416.—An act granting to the Duluth and Winnipeg Railway Company the right of way through the Leech Lake and White Earth Indian Reservations in the State of Minnesota.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby granted to the Duluth and Winnipeg Railway Company, a corporation organized and existing under the laws of the State of Minnesota, and its assigns, the right of way for the extension of its railroad through the Leech Lake and White Earth Indian Reservations in said State: Commencing at Duluth and running by the most practicable route to some point on the international boundary-line between the Lake of the Woods and the Red River of the North. Such right of way shall be fifty feet in width on each side of the central line of said railroad, and said company shall also have the right to take from the lands adjacent to the line of said road material, stone, and earth necessary for the construction of said railroad; also grounds adjacent to such right of way for station buildings, depots, machine-shops, side-tracks, turn-outs, and water-stations, not to exceed in amount three hundred feet in width and three thousand feet in length for each station, and to an extent not exceeding one station for each six miles of road within the limits of said reservations.

SEC. 2. That before said railway shall be constructed through any land, claim, or improvement held by individual occupants according to any treaties or laws of the United States, compensation shall be made such occupant or claimant for all property to be taken or damage done by reason of the construction of said railway. In case of failure to make satisfactory settlement with any such claimant, the just compensation shall be determined as provided for by the laws of Minnesota, enacted for the settlement of like controversies in such cases. The amount of damages resulting to the tribe or tribes of Indians pertaining to said reservations in their tribal capacity by reason of the construction of said railway through such lands of the reservations as are not occupied in severalty shall be ascertained and determined in such manner as the Secretary of the Interior may direct, and be subject to his final approval; but no right of any kind shall vest in said railway company in or to any part of the right of way herein provided for until plats thereof, made upon actual survey, for the definite location of such railroad, and including the grounds for station buildings, depots, machine-shops, side-tracks, turn-outs, and water-stations, shall have been approved by the Secretary of the Interior, and until the compensation aforesaid shall have been fixed and paid, and the consent of the Indians on said reservations to the provisions of this act shall have been first obtained in a manner satisfactory to the President of the United States. Said company is hereby authorized to enter upon such reservations for the purpose of surveying and locating its line of railroad: *Provided,* That said railroad shall be located, constructed, and operated with due regard to the rights of the Indians and under such rules and regulations as the Secretary of the Interior shall prescribe.

Duluth and Winnipeg Railway Company granted right of way through Leech Lake and White Earth Indian Reservations, Minn.

Location.

Width.

Stations, etc.

Compensation for damages, etc.

Litigation.

Payment to Indians.

Secretary of Interior to approve location, etc.

Survey. Proviso.

Regulations.