

have been in the actual occupation and possession of said Indians, and which shall be sufficient in extent to meet their just requirements;" and

Whereas said commissioners were authorized to appraise the value of the improvements belonging to any person to whom valid existing rights had attached under the public-land laws of the United States, where such improvements were situated within the limits of any reservation selected by the commissioners, subject to the approval of the Secretary of the Interior; and

Whereas it was further provided in said act that, in case any land should be selected to which any railroad company should be entitled to receive a patent, such railroad company should, upon releasing all claim and title thereto and on the approval of the President and Secretary of the Interior, be allowed to select an equal quantity of other land in lieu thereof; and

Whereas no provision was made whereby lands claimed by private persons through titles derived or sought to be derived from railroad companies or other sources than the public-land laws could be so released and exchanged; and

Whereas the commissioners appointed under said act have reported, among other things, that certain lands are in the occupation of Indians and are needed for their use which certain persons have improved, and on which they have developed valuable water rights, expecting to obtain title from the railroad companies or to which they had obtained title from the State of California, and that said persons are willing to exchange said lands for other lands heretofore reserved for the use of the Mission Indians, but which lands are no longer needed for such purpose; and

Whereas the report and recommendations of said commissioners have been approved by the Secretary of the Interior and the President, "except so much thereof as relates to the purchase of lands from and exchange of lands with private individuals which is also approved subject to the condition that Congress shall authorize the same." Therefore,

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 hereby is, authorized and empowered to carry into effect the recommendations of the said Mission Indian commissioners relating to the exchange of lands with private individuals, as the same has been approved by the President, and to cause patents in the usual form to issue for the lands recommended to be given to such individuals in exchange for lands and improvements released and relinquished for the use of the Indians.

SEC. 2. That the sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to enable the Secretary of the Interior to purchase certain lands and improvements for the use and benefit of said Mission Indians, as approved by said Secretary and the President, and to be applied to such purposes in accordance with the said report of said Mission Indian commissioners as the same has been approved by the President.

Approved, July 1, 1892.

Mission Indians,
Cal.

Exchange of lands
occupied by private
persons.

Appropriation to
purchase lands for In-
dians.

July 1, 1892.

CHAP. 140.—An act to provide for the opening of a part of the Colville Reservation, in the State of Washington, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subject to the reservations and allotment of lands in severalty to the individual members of the Indians of the Colville Reservation in the State of Washington herein provided for, all the following described tract or portion of said

Colville Indian Res-
ervation, Wash.,
opened to settlement.

Colville Reservation, namely: Beginning at a point on the eastern boundary line of the Colville Indian Reservation where the township line between townships thirty-four and thirty-five north, of range thirty-seven east, of the Willamette meridian, if extended west, would intersect the same, said point being in the middle of the channel of the Columbia River, and running thence west parallel with the forty-ninth parallel of latitude to the western boundary line of the said Colville Indian Reservation in the Okanagon River, thence north following the said western boundary line to the said forty-ninth parallel of latitude, thence east along the said forty-ninth parallel of latitude to the northeast corner of the said Colville Indian Reservation, thence south following the eastern boundary of said reservation to the place of beginning, containing by estimation one million five hundred thousand acres, the same being a portion of the Colville Indian Reservation created by executive order dated July second, eighteen hundred and seventy-two, be, and is hereby, vacated and restored to the public domain, notwithstanding any executive order or other proceeding whereby the same was set apart as a reservation for any Indians or bands of Indians, and the same shall be open to settlement and entry by the proclamation of the President of the United States and shall be disposed of under the general laws applicable to the disposition of public lands in the State of Washington.

Lands set apart for Colvilles.

Proclamation to issue.

SEC. 2. That the net proceeds arising from the sale and disposition of the lands to be so opened to entry and settlement shall be set apart in the Treasury of the United States for the time being, but subject to such future appropriation for public use as Congress may make, and that until so otherwise appropriated may be subject to expenditure by the Secretary of the Interior from time to time, in such amounts as he shall deem best, in the building of schoolhouses, the maintenance of schools for such Indians, for the payment of such part of the local taxation as may be properly applied to the lands allotted to such Indians, as he shall think fit, so long as such allotted lands shall be held in trust and exempt from taxation, and in such other ways as he may deem proper for the promotion of education, civilization, and self-support among said Indians.

Disposition of proceeds.

SEC. 3. That each entryman under the homestead laws shall, within five years from the date of his original entry and before receiving a final certificate for the land covered by his entry, pay to the United States for the land so taken by him, in addition to fees provided by law, the sum of one dollar and fifty cents per acre, one third of which shall be paid within two years after the date of the original entry; but the rights of honorably discharged Union soldiers and sailors, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes of the United States, shall not be abridged, except as to the sum to be paid as aforesaid.

Settlement under homestead laws.

Rights of Union soldiers, etc.
R. S., secs. 2304, 2305, p. 422.

SEC. 4. That each and every Indian now residing upon the portion of the Colville Indian Reservation hereby vacated and restored to the public domain, and who is so entitled to reside thereon, shall be entitled to select from said vacated portion eighty acres of land, which shall be allotted to each Indian in severalty. No restrictions as to locality shall be placed upon such selections other than that they shall be so located as to conform to the Congressional survey or subdivisions of said tract or country, and any Indian having improvements may have the preference over any other person in and to the tract of land containing such improvements, so far as they are within a legal subdivision not exceeding in area the quantity of land that he or she may be entitled to select and locate. All such allotments shall be made at the cost of the United States, under such rules and regulations as the Secretary of the Interior may from time to time prescribe. Such selections shall be made within six months after the date of the President's proclamation opening the

Allotments in severalty to Indians.

Selections.

lands hereby vacated to settlement and entry, and after the same have been surveyed, and when such allotments have been selected as aforesaid and approved by the Secretary of the Interior, the titles thereto shall be held in trust for the benefit of the allottees, respectively, and afterwards conveyed in fee simple to the allottees or their heirs, as provided in the act of Congress 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 and Territories over the Indians, and for other purposes," approved February eighth, eighteen hundred and eighty-seven, and an act in amendment and extension thereof, approved February twenty-eighth, eighteen hundred and ninety-one, entitled "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:'" *Provided*, That such allotted lands shall be subject to the laws of eminent domain of the State of Washington, and shall, when conveyed in fee simple to the allottees or their heirs, be subject to taxation as other property in said State.

Titles held in trust.

Vol. 24, p. 388.

Vol. 26, p. 794.

Proviso.

Laws of Washington.

Right of Indians to remain on reservation.

SEC. 5. That all Indians residing in the lands hereby vacated and restored, shall have the right, if they so prefer, under the direction of the Indian agent, to occupy and reside upon such portions of the Colville Indian Reservation not hereby vacated as are not occupied by or in the possession of any other Indian or Indians.

Reservation for Tonasket school.

SEC. 6. That the land used and occupied for school purposes at what is known as Tonasket school, on Bonaparte Creek, and the site of the sawmill, gristmill, and other mill property on said reservation, is hereby reserved from the operation of this act, unless other lands are selected in lieu thereof: *Provided*, That such reserved lands shall not exceed in the aggregate two sections, and must be selected in legal subdivisions conformably to the public surveys, such selection to be made by the Indian agent of the Colville Agency, under the direction of the Secretary of the Interior and subject to his approval: *Provided, however*, That said Indians may, in lieu of said sites or either of them, select other lands of equal quantity, for such purposes, either on the vacated or unvacated portions of said reservation, the same to be designated in legal subdivisions by said Indian agent, under the direction of and subject to the approval of the Secretary of the Interior, in which case said first-designated tracts shall not be exempt from the operation of this act; such selection to be made and approved within six months after the survey of said lands and the proclamation of the President.

Provisos.

Limit.

Selection of other lands by Indians.

Appropriation for making allotments, etc.

SEC. 7. That for the purpose of making the allotments and selections in this act provided, including surveys of the lands provided to be vacated and restored to the public domain, thirty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury of the United States not otherwise appropriated, which said sum shall be reimbursable from the proceeds of the lands when sold as hereinbefore provided.

Reimbursable.

Indian title not recognized.

SEC. 8. That nothing herein contained shall be construed as recognizing title or ownership of said Indians to any part of the said Colville Reservation, whether that hereby restored to the public domain or that still reserved by the Government for their use and occupancy.

Received by the President June 20, 1892.

[NOTE BY THE DEPARTMENT OF STATE.—The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the house of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]