

ling and necessary exposure, the duty, if paid, shall be assessed according to the appraised value at the time of withdrawal for consumption and all penalties prescribed by law shall be applied and enforced against the person who may be guilty of any illegal sale or withdrawal."

Penalty for illegal sale, etc.

Approved, April 28, 1904.

CHAP. 1819.—An Act To permit the construction of a smelter on the Colville Indian Reservation, and for other purposes.

April 28, 1904.
[H. R. 11586.]

[Public, No. 251.]

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 is hereby, authorized and directed to permit the Kellar and Indiana Consolidated Smelting Company, a corporation organized under the laws of the State of Washington, to construct a smelter in the immediate vicinity of the San Poil River, in the south half of the Colville Indian Reservation; that the smelter shall be located on the San Poil River, and that permission be granted to construct a flume from the site of the smelter to a point on the San Poil River where a water supply can be made available; that six acres of land be set aside for the site of the smelter, and a strip of land of sufficient width allowed for the erection and construction of the flume; that permission shall be given to the Kellar and Indiana Consolidated Smelting Company to purchase timber and stone necessary for the work of construction; that the Secretary of the Interior shall permit the work to be done under such rules and regulations as he may prescribe, and he shall also prescribe the prices the said Kellar and Indiana Consolidated Smelting Company shall pay for the land, the stone, and the timber used in the construction work: *Provided*, That the laws regulating intercourse with Indians shall be applicable to the lands set aside under this Act, so long as the south half of the Colville Reservation remains as an Indian reservation.

Colville Indian Reservation.
Kellar and Indiana Consolidated Smelting Company may construct a smelter on San Poil River, in.

Flume.

Site.

Purchase of timber and stone.

Price of land, stone, etc.

Proviso.
Laws regulating intercourse with Indians applicable.

Approved, April 28, 1904.

CHAP. 1820.—An Act To ratify and amend an agreement with the Indians located upon the Grande Ronde Reservation, in the State of Oregon, and to make an appropriation to carry the same into effect.

April 28, 1904.
[H. R. 11966.]

[Public, No. 252.]

Whereas James McLaughlin, United States Indian inspector, acting in behalf of the United States, did, on the twenty-seventh day of June, nineteen hundred and one, conclude an agreement with the Indians residing on the Grande Ronde Reservation, in the State of Oregon, which said agreement is as follows:

Grande Ronde Reservation, Oreg.
Preamble.

This agreement made and entered into on the twenty-seventh day of June, nineteen hundred and one, by and between James McLaughlin, U. S. Indian inspector, on the part of the United States, and the Willamette tribes and other Indians belonging on the Grande Ronde Reservation in the State of Oregon, witnesseth:

Agreement with Willamette tribes, etc.

ARTICLE I. The said Indians belonging on the Grande Ronde Reservation, Oregon, for the consideration hereinafter named, do hereby cede, surrender, grant, and convey to the United States all their claim, right, title, and interest in and to all that part of the Grande Ronde Reservation remaining unallotted on the date of this agreement, excepting the four hundred and forty acres of land reserved for Government uses at the time their allotments in severalty were made,

Lands ceded.

Exception.

the land hereby ceded and relinquished approximating twenty-five thousand seven hundred and ninety-one (25,791) acres.

Price.

ART. II. In consideration of the lands ceded, relinquished, and conveyed by Article I of this agreement, the United States stipulates and agrees to pay to the said Indians the sum of twenty-eight thousand five hundred (28,500) dollars, in cash pro rata, share and share alike, to each man, woman, and child belonging on the said Grande Ronde Reservation, as follows, to wit: To adults of eighteen years of age or more, within one hundred and twenty days from and after the date of the ratification of this agreement, and to each minor as they arrive at the age of eighteen years; and that the pro rata shares thus retained until the beneficiaries attain the age aforesaid shall be deposited in lump sum in the Treasury of the United States to the credit of said Indians, and shall draw interest at the rate of five per centum per annum, which interest shall be paid to the parents or guardians of said minors annually per capita, in cash, until said minors arrive at the age of eighteen years, and as each of such beneficiaries arrive at the age of eighteen years they shall be paid their share in full.

Per capita payment in cash.

Excepted lands may be allotted to certain minors, etc.

ART. III. It is understood and agreed that the four hundred and forty acres of land reserved for Government purposes, referred to in Article I of this agreement, shall, when no longer required by the United States for educational or other purposes in the interests of said Indians, be allotted to minor beneficiaries who have not received any allotments of land, or be sold for the benefit of the Indians, parties hereto, in the discretion of the Secretary of the Interior.

Benefits under existing treaties not affected.

ART. IV. It is understood that nothing in this agreement shall be construed to deprive the said Indians of the Grande Ronde Reservation of any benefits to which they may be entitled under existing treaties, not inconsistent with the provisions of this agreement.

Effect.

ART. V. This agreement shall take effect and be in force when signed by James McLaughlin, United States Indian inspector, and by a majority of the male adult Indians, parties thereto, and when approved by the Secretary of the Interior and accepted and ratified by the Congress of the United States.

In witness whereof the said James McLaughlin, United States Indian inspector, on the part of the United States, and the male adults of the Willamette tribes and other Indians, belonging on the Grande Ronde Reservation, Oreg., have hereunto set their hands and seals at Grande Ronde Agency, Oreg., this 27th day of June, A. D. 1901.

JAMES MCLAUGHLIN,
United States Indian Inspector.
(John Warren and 59 others.)

I, the undersigned, do hereby certify that the foregoing agreement between the United States and the Indians of the Grande Ronde Reservation, Oreg., dated June 27, 1901, was thoroughly explained by me to said Indians, and that it was fully understood by them before signing.

JOHN WARREN, Interpreter.

GRANDE RONDE AGENCY, OREG., June 27, 1901.

We, the undersigned, do hereby certify that we witnessed the signatures of James McLaughlin, United States Indian inspector, and of the 60 male adult Indians of the Grande Ronde Reservation, Oreg., to the foregoing agreement.

MAURICE E. PEAIRS, Industrial Teacher.
LUTHER PARKER, Teacher.

GRANDE RONDE AGENCY, OREG., June 27, 1901.

I certify that the total number of male adult Indians over 18 years of age belonging on the Grande Ronde Reservation, Oreg., is 107, of whom 60 have signed the foregoing agreement.

ANDREW KERSHAW,
Superintendent and Special Disbursing Agent.

DEPARTMENT OF THE INTERIOR,
December 20, 1901.

Approved.

E. A. HITCHCOCK, Secretary.

Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the said agreement be, and the same is hereby, accepted, ratified, and confirmed, as herein amended and modified as follows:

Agreement amended and ratified.

ARTICLE I. The said Indians belonging on the Grande Ronde Reservation, Oregon, for the consideration hereinafter named, do hereby cede, surrender, grant, and convey to the United States all their claim, right, title, and interest in and to all that part of the Grande Ronde Reservation remaining unallotted on the date of this agreement, excepting the four hundred and forty acres of land reserved for Government uses at the time their allotments in severalty were made, the land hereby ceded and relinquished approximating twenty-five thousand seven hundred and ninety-one acres.

Lands ceded.

Exception.

ART. II. In consideration of the lands ceded, relinquished, and conveyed by Article I of this agreement, the United States stipulates and agrees to dispose of the same on sealed bids, and to pay to said Indians the proceeds derived from the sale of said lands in cash pro rata, share and share alike, to each man, woman, and child belonging on the said Grande Ronde Reservation, as follows, to wit: To adults of eighteen years of age or more, as soon as practicable from and after the date of the ratification of this agreement, and to each minor as they arrive at the age of eighteen years; and that the pro rata shares thus retained until the beneficiaries attain the age aforesaid shall be deposited in lump sum in the Treasury of the United States to the credit of said Indians, and shall draw interest at the rate of five per centum per annum, which interest shall be paid to the parents or guardians of said minors annually per capita, in cash, until said minors arrive at the age of eighteen years, and as each of such beneficiaries arrive at the age of eighteen years they shall be paid their share in full.

Sale of ceded lands.

Per capita payment in cash.

Minors' shares.

Interest paid to parents, etc.

ART. III. It is understood and agreed that the four hundred and forty acres of land reserved for Government purposes, referred to in Article I of this agreement, shall, when no longer required by the United States for educational or other purposes in the interests of said Indians, be allotted to minor beneficiaries who have not received any allotments of land, or be sold for the benefit of the Indians parties hereto, in the discretion of the Secretary of the Interior, and under such regulations as he may prescribe.

Excepted lands may be allotted to minors.

ART. IV. It is understood that nothing in this agreement shall be construed to deprive the said Indians of the Grande Ronde Reservation of any benefits to which they may be entitled under existing treaties not inconsistent with the provisions of this agreement.

Existing treaty benefits unimpaired.

ART. V. This agreement shall take effect and be in force when accepted and ratified by the Congress of the United States.

Effect.

SEC. 2. That for the purpose of carrying the provisions of this Act into effect, the Secretary of the Interior shall be, and he is hereby, authorized and directed to sell, under such rules and regulations as he

Sale of unallotted lands.

Advertisement.
Exception.

Provisos.
Sales in sections, etc.

Bids.

Restriction.

Proceeds of sale.

Ante, p. 569.

United States not bound to purchase land, etc.

may prescribe, and at such times and places as he may designate, and shall, within thirty days after the ratification of this agreement, advertise all that part of the Grande Ronde Reservation remaining unallotted on the date of the said agreement, excepting the four hundred and forty acres of land reserved for Government uses at the time their allotments in severalty were made, said unallotted lands approximating twenty-five thousand seven hundred and ninety-one acres: *Provided*, That said lands shall be advertised for sale in Government sections or parts of sections, and shall be sold only by separate sealed bids, and the Secretary of the Interior shall reserve the right to reject any or all of said bids: *Provided*, That the Secretary of the Interior may also receive bids in bulk for the whole tract of land thus offered for sale or separate bids for that part of said tract lying on the north side of the reservation and consisting, approximately, of thirteen thousand acres, and for that part of said tract lying on the south side of the reservation and also consisting of, approximately, thirteen thousand acres: *And provided further*, That no bids shall be accepted until the sum of all bids received shall equal or exceed twenty-eight thousand five hundred dollars, all of which said amount, when received, shall be paid to the said Indians in cash pro rata, share and share alike, in accordance with the terms of said agreement.

SEC. 3. That the proceeds received from the sale of said lands in conformity with this Act shall be paid into the Treasury of the United States, and paid to the Grande Ronde Indians or expended on their account only as provided in Article II of said agreement as herein amended.

SEC. 4. That nothing in this Act contained shall in any manner bind the United States to purchase any portion of the land herein described or to dispose of said land except as provided herein, or to guarantee to find purchasers for said lands or any portion thereof, it being the intention of this Act that the United States shall act as trustee for said Indians to dispose of said lands and to expend and pay over the proceeds received from the sale thereof only as received, as herein provided.

Approved, April 28, 1904.

April 28, 1904.
[H. R. 11972.]

[Public, No. 253.]

Missouri River, S. Dak.
Ox Bow Power Company may construct dam across.
Location.

Provisos.
Secretary of War to approve plans, etc.

Booms, etc.

Fishways.

Conveyance of title to United States.

CHAP. 1821.—An Act To authorize the Ox Bow Power Company, of South Dakota, to construct a dam across the Missouri River.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of the Government is hereby given to the Ox Bow Power Company, of South Dakota, its successors or assigns, to construct across the Missouri River, from lot three, in section twenty-six, township fourteen north, range three west of the Montana meridian, to the opposite bank of same river, to be approved by the Secretary of War, a dam, causeway, and the appurtenances thereof for water power and other purposes: *Provided*, That the plans for the construction of said dam and appurtenant works shall be submitted to and approved by the Chief of Engineers and the Secretary of War before the commencement of construction, and when so approved no change shall be made in said plans without the prior approval of the Chief of Engineers and the Secretary of War: *Provided further*, That the said company shall construct and maintain in connection with said dam a suitable boom and log sluice; that suitable fishways, to be approved by the United States Fish Commissioner, shall be constructed and maintained in said dam by said corporation, its successors or assigns: and shall obtain and convey to the United States, whenever requested to do so by the