

upon private property, either by overflow or otherwise, in a court of competent jurisdiction. The person, company, or corporation owning or operating any such dam shall maintain, at their own expense, such lights and other signals thereon and such fishways as the Secretary of Commerce and Labor shall prescribe.

Lights, etc.

SEC. 4. That all the rights acquired under this Act shall cease and be determined if the person, company, or corporation acquiring such right shall at any time fail to comply with any of the provisions or requirements of this Act, or with any of the stipulations that may be prescribed by the Chief of Engineers and the Secretary of War, or in case a person, company, or corporation authorized by the laws of the State of Alabama to erect and maintain a dam and improvements as contemplated by this Act shall fail to begin the erection of said dam and improvements within two years after being so authorized and shall fail to complete the same within five years after obtaining such authority.

Failure to comply with stipulations, etc.

Time of construction.

SEC. 5. That the provisions of this Act shall in no manner interfere with or impair the rights of any person, company, or corporation heretofore authorized by Congress to erect a dam or other structures for the development of water power on the Tennessee River.

Existing rights not affected.

SEC. 6. That the right to alter, amend, or repeal this Act is expressly reserved.

Amendment.

Approved, March 6, 1906.

CHAP. 518.—An Act Authorizing the disposition of surplus and allotted lands on the Yakima Indian Reservation, in the State of Washington, which can be irrigated under the Act of Congress approved June seventeenth, nineteen hundred and two, known as the reclamation Act, and for other purposes.

March 6, 1906.
[H. R. 10067.]

[Public, No. 36.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if within the limits of the Yakima Indian Reservation, in the State of Washington, as described in the Act approved December twenty-first, nineteen hundred and four, entitled "An Act to authorize the sale and disposition of surplus or unallotted lands of the Yakima Indian Reservation, in the State of Washington," there shall be found surplus or unallotted lands under irrigation projects deemed practicable and undertaken under the provisions of the Act of Congress approved June seventeenth, nineteen hundred and two, known as the reclamation Act, the Secretary of the Interior is hereby authorized to exclude from the provisions of said Act of December twenty-first, nineteen hundred and four, such surplus or unallotted lands which can be irrigated under such project and to dispose of the same in the manner hereinafter provided, and he is further authorized to make withdrawals of such lands for the purposes provided in said reclamation Act.

Yakima Indian Reservation, Wash.
Withdrawal, etc., of irrigable lands for reclamation.
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SEC. 2. That the irrigable surplus and unallotted lands in any such project shall be subject to homestead entry under all the provisions of the reclamation Act at such time as may be fixed by the Secretary of the Interior and at a price determined by appraisal as provided in said Act of December twenty-first, nineteen hundred and four. Payments for the land shall be made in annual installments, the number and time of beginning being fixed by the Secretary of the Interior, and shall be deposited in the Treasury of the United States and credited to the Yakima Indian fund, and disposed of as provided by section four of the said Act of December twenty-first, nineteen hundred and four. Such payments shall be in addition to the charges for construction and maintenance of the irrigation system made payable into the reclamation fund by the provisions of the reclamation Act. In case of failure to make any payment for such lands when due the Secretary of the

Lands subject to homestead entries.

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Payments.

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Forfeiture

Interior shall have power to cancel the entry and the corresponding water right and declare forfeited to the said Yakima Indian fund and the reclamation fund, respectively, the amounts paid on such entry and water right. The lands embraced within such canceled entry shall be subject to further entry under the reclamation Act at the appraised value until otherwise directed by the President, who may by proclamation, as provided by said Act of December twenty-first, nineteen hundred and four, from time to time fix such price as he may deem most advantageous upon all lands within such projects not disposed of.

Canceled entries.

Disposal of allotted irrigable lands.

Payments.

Forfeiture.

Use of proceeds of sales.

Balance credited to individual Indians.

Maintenance, etc., charges.

Water supply.

Proviso. Perpetual water rights.

Use of funds.

Patent in fee.

SEC. 3. That if any lands heretofore allotted or patented to Indians on said Yakima Indian Reservation shall be found irrigable under any project the Secretary of the Interior is hereby authorized, upon the request or with the consent of such allottee or patentee, to dispose of all land in excess of twenty acres in each case, in tracts of an area approved by him and subject to all the provisions of the reclamation Act to any person qualified to acquire water rights under the provisions of the reclamation Act at a price satisfactory to the allottee or patentee and approved by the Secretary of the Interior, or at public sale to the highest bidder. The payments shall be made in annual installments, the number and terms being approved by the Secretary of the Interior. Such payments shall be in addition to the charges for construction and maintenance of the irrigation system made payable into the reclamation fund by the provisions of the reclamation Act. In case of failure to make any payment for such lands when due or the charges under the reclamation Act the Secretary of the Interior shall have power to cancel the entry and the corresponding water right and again dispose of the land in the manner hereinbefore provided.

SEC. 4. That from the payments received from the sale of such individual Indian lands there shall be covered into the reclamation fund the amounts fixed by the Secretary of the Interior as the annual charges on account of the land retained by such Indian for the construction and maintenance of the irrigation system as required under the reclamation Act. The balance, if any, shall be deposited in the Treasury of the United States to the credit of the individual Indians, and may be paid to any of them if, in the opinion of the Secretary of the Interior, such payments will tend to improve the condition and advance the progress of said Indians, but not otherwise.

SEC. 5. That the Secretary of the Interior is hereby authorized to cover into the reclamation fund from the money of any such Indian, either from his individual credit or from the general Yakima Indian fund, for the payment of charges for construction and maintenance for the water rights appurtenant to the land retained by him or for the annual maintenance charges payable on account of such water rights after the construction charge thereon has been paid in full. After unconditional title in fee has passed from the United States for any lands retained by such Indians, the water for irrigating such lands shall be furnished under the same conditions in all respects as for other lands under the project: *Provided*, That any Indian taking advantage of this Act shall have a perpetual water right so long as the maintenance charges are paid, whether he uses the water or not, and the Secretary of the Interior is hereby authorized to use the funds of the tribe to pay such maintenance charges, which in his discretion it is necessary to preserve said water right: *Provided further*, That he may, in his discretion, use said funds to pay for water rights and the maintenance charges on twenty acres of any Indian allotment if the sum obtained from the sale of the allottee's land in excess of twenty acres and his interest in the tribal funds be insufficient for those purposes.

SEC. 6. That the Secretary of the Interior shall be authorized, upon compliance with the provisions of this Act and of the reclamation Act, by any party having purchased such allotted or patented lands as

herein provided, to issue patent passing unconditional title in fee by the United States as trustee for the allottee or patentee, and shall cancel any allotment as to the lands disposed of under this Act.

SEC. 7. That the irrigation works heretofore constructed for the Yakima Indian Reservation may be at a cost to be determined by the Secretary of the Interior included in any project developed under the provisions of the reclamation Act and of this Act, and become a part of said project for all purposes of the reclamation Act, and the cost of same shall be included in the cost of such project and be paid into the Yakima Indian fund out of the proceeds arising from the sale of water rights from time to time, as payments on account thereof are received. The provisions of this Act shall be construed as superseding or amending any provisions of the said Act of December twenty-first, nineteen hundred and four, so far as any conflict may appear.

SEC. 8. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this Act into full force and effect.

Approved, March 6, 1906.

Cost of irrigation works to be paid from sales of water rights.

Amendment.
Vol. 33, p. 595.

Regulations.

CHAP. 629.—An Act Providing for the issuance of patents for lands allotted to Indians under the Moses agreement of July seventh, eighteen hundred and eighty-three.

March 8, 1906.
[H. R. 10697.]

[Public, No. 37.]

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 issue patents to such Indians as have been allotted land under and by virtue of the agreement concluded July seventh, eighteen hundred and eighty-three, by and between the Secretary of the Interior and the Commissioner of Indian Affairs and Chief Moses and other Indians of the Columbia and Colville reservations, commonly known as the Moses agreement, accepted, ratified, and confirmed by the Act of Congress approved July fourth, eighteen hundred and eighty-four (Twenty-third Statutes, pages seventy-nine and eighty), which patents shall be of legal effect and declare that the United States does and will hold the lands thus allotted for the period of ten years from the date of the approval of this Act in trust for the sole use and benefit of the Indian to whom such allotment was made, or in case of his decease, either prior or subsequent to the issuance of such patent, of his heirs, according to the laws of the State of Washington, and that at the expiration of said period the United States will convey the same by patent to the said Indian, or his heirs as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever. And if any conveyance shall be made of the lands so held in trust by any allottee or his heirs, or any contract made touching the same, except as hereinafter provided, before the expiration of the time above mentioned, such conveyance or contract shall be absolutely null and void.

Columbia and Colville reservations, Wash. Patents to Indians for allotted lands in.

Vol. 23, p. 79.

Lands held in trust for ten years.

Patent in fee at expiration.

Prior conveyance, etc., by allottee void.

SEC. 2. That any allottee to whom any trust patent shall be issued under the provisions of the foregoing section may sell and convey all the lands covered thereby, except eighty acres, under rules and regulations prescribed by the Secretary of the Interior. And the heirs of any deceased Indian to whom a patent shall be issued under said section may in like manner sell and convey all of such inherited allotment except eighty acres, but in case of minor heirs their interests shall be sold only by a guardian duly appointed by the proper court upon the order of such court, made upon petition filed by the guardian, but all such conveyances shall be subject to the approval of the Secretary of

Allottees may sell lands.

Restriction.
Sales by heirs.

Approval by Secretary of the Interior.