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where the soldier has received none; and he shall be restored to all his rights as to pension, pay, or allowances as if the charge of desertion had never been made; and in case of the death of said soldier, his widow or other legal heir shall be entitled to the same rights as in case of other deceased honorably discharged soldiers: *Provided*, That this act shall not be construed to give to any soldier, or his legal representatives or heir, any pay or allowance for any period of time he was absent without leave, and not in the performance of military duty.

Pension, etc., claims.

Proviso.
No pay while absent.

SEC. 9. That all applications for relief under this act shall be made to and filed with the Secretary of War within the period of three years from and after July first, eighteen hundred and eighty nine, and all applications not so made and filed within said term of three years shall be forever barred, and shall not be received or considered.

Claims to be filed within three years from July 1, 1889.

SEC. 10. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Repeal.

Approved, March 2, 1889.

CHAP. 391.—An act to provide for the sale of lands patented to certain members of the Flathead band of Indians in Montana Territory, and for other purposes.

March 2, 1889.

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, with the consent of the Indians severally, to whom patents have been issued for lands assigned to them in the Bitter Root Valley, in Montana Territory, under the provisions of an act of Congress approved June fifth, eighteen hundred and seventy-two, entitled "An act to provide for the removal of the Flathead and other Indians from the Bitter Root Valley, in the Territory of Montana" or the heirs at law of such Indians, be, and he hereby is, authorized to cause to be appraised and sold, in tracts not exceeding one hundred and sixty acres, all the lands allotted and patented to said Indians; said lands shall be appraised as if in a state of nature, but the enhanced value thereof, by virtue of the settlement and improvement of the surrounding country, shall be considered in ascertaining their value: *Provided*, That the improvements thereon shall be appraised separate and distinct from land: *Provided, further*, That where any such patentee has died leaving no heirs, the lands and improvements of such deceased patentee shall be appraised and sold in like manner for the common benefit of the tribe to which said patentee belonged.

Bitter Root Valley, Mont.
Sale of lands assigned to Indians.

Vol. 17, p. 227.

Proviso.
Improvements.

Death of patentee without heirs.

SEC. 2. That after the appraisement herein authorized shall have been completed, and after due notice, the Secretary of the Interior shall offer said lands for sale through the proper land-office, in tracts not exceeding one hundred and sixty acres, which shall be the limit of the amount any one person shall be allowed to purchase, except in cases, if any, where a tract contains a fractional excess over one hundred and sixty acres to the highest bidder: *Provided*, That no portion of said lands shall be sold at less than the appraised value thereof: *Provided*, That the said Secretary may dispose of the same on the following terms as to payment, that is to say, one-third of the price of any tract of land sold unter the provisions of this act to be paid by the purchaser on the day of sale, one third in one year, and one-third in two years from said date, with interest on the deferred payments at the rate of five per centum per annum; but in case of default in either of said payments, or the interest thereon, the person so defaulting for a period of sixty days shall forfeit absolutely the right to the tract which he has purchased, with any payment or payments he may have made; and the land thus forfeited shall again be sold as in the first instance: *Provided further*, That before the second

To be sold in 160 acre tracts.

Provisos.
Minimum price.

Terms of sale.

Purchaser to reside on tract bought.

or any subsequent payment shall be received, the purchaser shall prove to the satisfaction of the land office that he is actually residing upon the tract of land so purchased, and that he is entitled under the laws of United States to the benefit of the homestead laws.

Disposition of proceeds.

SEC 3. That the net proceeds derived from the sale of the lands herein authorized shall be placed in the Treasury to the credit of the Indians severally entitled thereto, and the Secretary of the Interior is hereby authorized to pay the same in cash to original allotters and patentees, or the heirs at law of such, or expend the same for their benefit in such manner as he may deem for their best interest.

Patent to issue on full payment.

SEC 4. That when a purchaser shall have made full payment for a tract of land, as herein provided, and for the improvements thereon, patent shall be issued as in case of public lands under the homestead and preemption laws.

Appropriation for expenses.

SEC 5 That for the purpose of carrying out the provisions of this act there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of five hundred dollars, or so much thereof as may be necessary, which sum shall be reimbursed pro rata out of the proceeds of the sale of the lands herein authorized.

Indians to remove to Jocko Reservation.

SEC. 6. That in the event of the sale of the lands herein authorized it shall be the duty of the Secretary of the Interior to remove the Indians whose lands shall have been sold to the general reservation, known as the Jocko Reservation, in the Territory of Montana.

SEC 7 That all acts and parts of acts in conflict herewith are hereby repealed.

Approved, March 2, 1889.

March 2, 1889.

CHAP. 392.—An act to secure for the District of Columbia a compilation of the laws of said District and for other purposes

District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the supreme court of the District of Columbia be, and is hereby, authorized and

Commission to compile laws relating to.

directed to appoint two persons learned in the law as Commissioners to compile, arrange, and classify, with a proper index, all statutes and parts of statutes in force in the said District, including the acts of the second session of the Fiftieth Congress, and relating to all such matters as would properly come within the scope of a civil and criminal code; and the said court shall have power to fill any vacancies occurring in said commission.

Compensation.

SEC. 2—That each of the said commissioners shall receive for his services such sum, not exceeding one thousand five hundred dollars, as said court shall deem reasonable; said sum to be paid upon the completion of the work and the approval thereof in writing by the court; which sums, together with the reasonable costs, incurred by

Expenses.

the commission for clerical assistance and incidental expenses, not exceeding the sum of one thousand dollars, shall be paid by the Secretary of the Treasury out of any moneys not otherwise appropriated, one half to be paid out of the revenues of the District of Columbia.

Printing.

SEC. 3. That of said compilation, when completed, upon the order of the supreme court of the District of Columbia, there shall be printed five thousand copies at the Government Printing Office, said copies to be sold at ten per centum above cost.

Approved, March 2, 1889.