

paying to John T. Hill the sum of five thousand one hundred and seventy-two dollars for services rendered said Kickapoo Indians and in discharge of a written contract made with said Indians and recommended by the Secretary of the Interior, the remainder to be expended for the use of said Indians as stipulated in said contract; Provided that should said Indians elect to leave any portion of said remaining balance in the Treasury, the amount so left shall bear interest at the rate of five per cent per annum." *Provided*, That none of the money or interest thereon, which is by the terms of said agreement to be paid to said Indians, shall be applied to the payment of any judgment that has been or may hereafter be rendered under the provisions of the act of Congress approved March third, eighteen hundred and ninety-one, entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations."

John T. Hill.

Interest.
Proviso.
 Restriction as to
 Indian depredation
 claims.

Vol. 26, p. 851.

SEC. 2. That for the purpose of making the allotments and payments provided for in said agreement, including the preparation of a complete roll of said Indians, the pay and expenses of a special agent, if the President thinks it necessary to appoint one for the purpose, and the necessary surveys or resurveys, there be, and hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of five thousand dollars, or so much thereof as may be necessary.

Expenses of allotments, etc.

SEC. 3. That whenever any of the lands, acquired by this agreement shall, by operation of law or proclamation of the President of the United States, be open to settlement or entry, they shall be disposed of (except sections sixteen and thirty-six in each township thereof) to actual settlers only, under the provisions of the homestead and town-site laws (except section twenty-three hundred and one of the Revised Statutes of the United States, which shall not apply) : *Provided, however*, That each settler on said lands shall, before making a final proof and receiving a certificate of entry, pay to the United States for the land so taken by him, in addition to the fees provided by law, and within five years from the date of the first original entry, the sum of one dollar and fifty cents an acre, one-half of which shall be paid within two years; 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. Until said lands are opened to settlement by proclamation of the President of the United States, no person shall be permitted to enter upon or occupy any of said lands; and any person violating this provision shall never be permitted to make entry of any of said lands or acquire any title thereto: *Provided*, That any person having attempted to, but for any cause failed to acquire a title in fee under existing law, or who made entry under what is known as the commuted provision of the homestead law, shall be qualified to make homestead entry upon said lands.

Ceded lands open to settlement.

R.S., sec. 2301, p. 421.

Provisos.

Additional payment.

Soldiers' and sailors'
 homestead, etc.
 R.S., secs. 2304, 2305,
 p. 422.

No settlement until proclamation made.

Violation.

Further qualification for homestead entry.

Approved, March 3, 1893.

CHAP. 204.—An act regulating the sale of intoxicating liquors in the District of Columbia.

March 3, 1893.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no person shall sell, offer for sale, or keep for sale or traffic in, barter, or exchange for goods, in the District of Columbia, any intoxicating liquor, except as hereinafter provided; but this shall not apply to sales made by a person under a provision of law requiring him to sell personal property, nor to sales by the maker, brewer, or distiller thereof not to be drunk on the premises. Wherever the term "intoxicating liquors" is used in this act, it shall be deemed to include whisky, brandy, rum, gin, wine, ale, porter, beer, and all other fermented and distilled liquors.

District of Columbia
 Regulations of sale
 of intoxicating liquors.

Meaning of "intoxicating liquors."

Excise board
created.
Composition.
Duties.

Issue of license to
sell.
Rules, etc.

Annual report.

Clerk.

Record of applica-
tion, etc.

Duties, etc., of clerk.

Petitions for license
to sell in District.

Contents of petition:
Name, etc., of appli-
cant.

Place of business.

Owner of premises.

Statement of citi-
zenship, etc.

Oath.

False statements
constitute perjury.

Penalties.

Not an existing
licensee.

Not an agent, etc.

Will personally
manage business, etc.

In cities, written
consent of adjacent
real-estate owners and
residents to be filed
with petition.

SEC. 2. That there shall be, and there is hereby, constituted an excise board for the District of Columbia, which shall consist of the three Commissioners of the District, and the duty of which shall be to take up and consider all applications for license to sell intoxicating liquors and to take action on such applications, and the action of said board shall be final and conclusive, and only on the granting by said board of a license to an applicant to sell intoxicating liquor shall the assessor issue a license to such applicant; and said board shall make such rules and regulations for carrying into effect this act as they may deem requisite and proper. And said board shall make an annual report to Congress, setting forth the number of applications for license both favorably and unfavorably acted on, the number of persons convicted for violation of this statute and the amount of fines collected and uncollected.

SEC 3. That the said board shall appoint a clerk and shall keep a full record of all applications for license, of all recommendation for and remonstrances against the granting of licenses, and of their action thereon.

The clerk of the board shall be ex-officio the inspector of license issued under this act, and it shall be his duty to make the inspection required by this act under the orders of the board and make full report of such inspection to the board at such times as it may order. The salary to be paid such clerk and inspector shall be fixed by the board, and the same, with the expenses necessarily incident to the business of the board, shall be paid out of the fund arising from the license fees paid under this act.

SEC 4. That every person applying for a license to sell intoxicating liquors in said District shall file with the said board a petition for such license, and such petition shall be considered and acted on by the board in the order in which such petition is filed and numbered. Said petition shall contain:

First. The name and residence of the applicant and how long he has resided there

Second. The particular place for which a license is desired, designating the same by street and number, if practicable, and if not, by such other apt description as definitely locates it.

Third. The name of the owner of the premises upon which the business liceness is to be carried on.

Fourth. A statement that the applicant is a citizen of the United States, and not less than twenty-one years of age and that such applicant has never since the passage of this act been adjudged guilty of violating the laws governing sale of intoxicating liquors, or laws for the prevention of gambling in the District of Columbia.

Fifth. This petition must be verified by the affidavit of the petitioner made before a notary public of the District of Columbia, or any person duly authorized by law to administer oaths. If any false statement is made in any part of said petition, the petitioner or petitioners shall be deemed guilty of perjury, and upon conviction thereof his license shall be revoked and he shall be subject to the penalties provided by law for that crime.

Sixth. That he is not the owner of or licensee named in any such license then in force.

Seventh. That he intends to carry on such business for himself and not as an agent of any other person, and that, if so licensed, he will carry on such for himself, and not as the agent of any other person.

Eighth. That he intends to superintend in person the management of the business licensed and that, if so licensed, he will so superintend in person the management of the business so licensed.

SEC. 5. That in the cities of Washington and Georgetown it shall be the duty of every applicant for a barroom license to present to the excise board with his application the written permission of a majority of the persons owning real estate, and a majority of the residents

keeping house on the side of the square where it is desired to locate such business and on the confronting side of the square fronting opposite the same; and if the location of such barroom is on a corner and has an entrance thereon, such consent will be required from such owners and residents on both streets, and in that portion of the District of Columbia lying outside of the said cities of Washington and Georgetown such applicant shall present such permission from a majority of the persons owning real estate and of residents keeping house within the space of two hundred and fifty feet of the street or road on each side of the place where it is desired to locate such business, and within a similar space on the side of the street or road fronting opposite such place. The fact of such ownership of real estate shall be certified by the assessor of the District of Columbia, and the fact of the required residence and the genuineness of the signatures of the residents aforesaid shall be certified by the lieutenant or acting lieutenant of the police precinct which embraces such proposed location. Every place where intoxicating liquors are sold to be drunk on the premises shall, for the purpose of this act be regarded and considered a barroom, and the possession of intoxicating liquors and the selling or disposing of the same to be drunk on the premises shall constitute and make the place a barroom: *Provided*, That any established hotel or tavern having twenty chambers for lodging guests shall always have the right to obtain for itself a license for a barroom on complying with the provisions of this act, and the petition in such case must be made by the owner or lessee of such hotel or tavern: *And provided further*, That after such applicant shall have obtained and filed with his petition the consent aforesaid and obtained from the board the license required by this act, it shall not be necessary for such licensee, after the expiration of the period for which such license is issued, to obtain again such consent for a renewal of the license unless the majority of the real estate owners and resident housekeepers aforesaid shall petition the board stating in such petition that said barroom is not necessary and is objectionable, and the fact that such parties so petitioning and objecting are real-estate owners and resident housekeepers as aforesaid and the genuineness of their signatures shall be certified in the same manner as is above provided in reference to their written consent: *Provided further*, That upon a conviction of such licensee of keeping a disorderly or disreputable place it shall be the duty of said excise board to revoke such licensee's license, but until such conviction such licensee's license shall not be revoked or taken away from him.

SEC. 6. That under the license issued in accordance with this act, no intoxicating liquors shall be sold, given, or in any way disposed of to any minor or intoxicated person, or to an habitual drunkard, nor to any person who is in the habit of becoming intoxicated if such person's wife, mother, or daughter shall in writing request that the saloon keeper shall not sell to such person above age of sixteen years, or between twelve o'clock midnight and four o'clock in the morning, during which last-named hours and on Sundays every barroom and other place where intoxicating liquors are sold shall be kept closed and no intoxicating liquor sold: *Provided*, That the keeper of any hotel or tavern having a license under this act may sell intoxicating liquors to bona fide registered guests in his hotel or tavern at the meals or in the rooms of such guests: *And provided further*, the said excise board may in its discretion issue a license to any duly incorporated club on the petition of the officers of the club, and that the said excise board may in its discretion grant a permit to such club to sell intoxicating liquors to members and guests between such hours as the board aforesaid may designate in said permit: *Provided further however*, That any licensed dealer may, with the permission of the excise board, at any bona fide entertainment of any society, club, or corporation, sell intoxicating liquors between such hours as the board aforesaid may designate in said permit.

Corner barrooms.

In District outside of Washington and Georgetown.

Assessor to certify ownership.

Police to certify residence, etc.

What constitutes a barroom.

Proviso.
Hotels and taverns.

Consent of residents, etc., not necessary to renewal.

Unless a majority of same protest, etc.

License revoked on conviction of keeping disorderly house.

No intoxicating liquors to minors, etc.

Prohibited hours for sale, etc.

Sunday closing.

Provisos.
Guests at hotels, etc., excepted.

Incorporated clubs.

Sales at entertainments.

Limit of license.	SECT. 7. That no license under this act shall be issued for a greater period than one year, and no license can be transferred by the licensee to any other person except with the written consent of the excise board upon application thereto in writing, and then only on the proposed transferee's obtaining the consent of a majority of the real estate owners and resident housekeepers as provided in section five of this act, and the fee to be paid by the party making such transfer shall be two dollars, which shall be paid to the collector of taxes of the District, for the use of the District, which fee shall be paid before such transfer is made.
Transfer.	
Written consent required.	
<i>Ante</i> , p. 565.	
Fee.	
Payment to precede transfer.	
Classification licenses.	SEC. 8. That the liquor licenses authorized and provided for by this act shall be of two classes—wholesale liquor licenses and barroom licenses. Every applicant for a liquor license shall deposit the amount of the license fee with the collector of taxes of the District of Columbia at the time of filing his application with the excise board. If, upon consideration of the application for license by the board as provided for in this act, the board should decide to grant the license prayed for, they shall notify the assessor and the applicant of such decision in writing, and the applicant shall thereupon receive his or her license. The fee for a wholesale license shall be two hundred and fifty dollars per annum, and for a barroom license four hundred dollars per annum. A barroom license shall be required for every hotel, tavern, barroom, or other place in which intoxicating liquors are sold by retail. A wholesale liquor license shall only authorize the licensee to sell distilled, malt, or fermented liquors, wines, and cordials in quantities not less than one pint, not to be drunk upon the premises where sold; and no such license shall be granted until it is satisfactorily shown that the place where it is intended to carry on such business is properly arranged for selling such liquors as merchandise. Every place where distilled, malt, or fermented wines, liquors, or cordials are sold in quantities as prescribed for retail dealers by section thirty two hundred and forty-four, Revised Statutes of the United States, to be drunk upon the premises, shall be regarded as a barroom; and the possession of malt, distilled, fermented, or any intoxicating liquors with the means and appliances for carrying on the business of dispensing the same to be drunk where sold, shall be prima facie evidence of a barroom within the meaning of this act, and the license therefor shall be known as a barroom license.
Fee to be deposited upon application.	
Subsequent procedure.	
Fees.	
Barroom license.	
Wholesale liquor licenses.	
Further definition of a barroom.	
R. S., sec. 3244, p. 623.	
Licenses to be framed and conspicuously displayed.	SEC. 9. That every person receiving a license to sell under this act shall frame it under glass and place it in a conspicuous place in his or her chief place of sale of such liquor, so that any one entering such place of sale may easily read such license.
Premises must be open to inspection.	SEC. 10. That all applicants for license and persons holding licenses shall allow the duly authorized agent or officer of the excise board full opportunity and every facility to examine, at any time during business hours, the premises where intoxicating liquor is sold and for which a license is asked or has been granted.
Sales of liquors by druggists.	SEC. 11. That druggists and apothecaries shall not be required to obtain license under the provisions of this act, but they shall not sell intoxicating liquors, nor compound nor mix any composition thereof, except upon the written prescription of a reputable physician, nor more than once on any one prescription of the physician; and every druggist or apothecary shall keep a book for the special purpose, and enter therein the date of every sale of intoxicating liquor made by him, the person to whom sold, the kind, quantity, and price thereof, and purpose for which it was sold, and such book shall be at all times open to the said board, or of any person designated and authorized by them to make such inspection, and shall be produced before such board when required; and any failure to comply with the provisions of this section shall render such druggist or apothecary so failing liable to the same penalties as if he had sold intoxicating liquors without a license.
Entry book must be kept.	
Open to official inspection, etc.	
Penalties of non-compliance.	

SEC. 12. That anyone engaging in the sale of intoxicating liquors as specified in this act in the District of Columbia, who is required by it to have a license as herein specified, without first having obtained a license to do so as herein provided, or any person who shall engage in such sale in any portion of the District where the sale thereof is prohibited upon conviction thereof shall be fined not less than two hundred and fifty dollars nor more than eight hundred dollars, or be imprisoned in the District jail or workhouse for not less than two months nor more than six months; and upon every subsequent conviction of a like offense shall in addition to the penalty above named, to wit, a fine of not less than two hundred and fifty dollars nor more than eight hundred dollars, be imprisoned in the workhouse of the District of Columbia not less than three months nor more than one year.

Penalties for unlicensed sale, etc.

SEC. 13. That any person, having obtained a license under this act, who shall violate any of its provisions, shall upon conviction of such violation be fined not less than fifty dollars nor more than two hundred dollars, and upon every subsequent conviction of such violation during the year for which such license is issued shall be fined a like amount, and in addition to such fine shall pay a sum equal to twenty-five per cent of the amount of the fine imposed for the offense immediately preceding, and have his license revoked, and in case of nonpayment of the fines and penalties above named shall be imprisoned in the jail of the District or workhouse for a period of time not exceeding six months, or till the same are paid. That after second conviction no license shall thereafter be granted to said party: *Provided*, That no minor under sixteen years of age shall be allowed to enter any place where liquors are sold other than a hotel, without the consent of the parent or guardian of such minor.

Penalties for violations by licensees.

No license after second conviction.
Proviso.
Minors must not enter liquor place without consent, etc.

SEC. 14. That any person assisting in or aiding and abetting the violation of any of the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than fifty dollars nor more than one hundred dollars, or be imprisoned in the District jail or workhouse for not more than one month, for each and every such offense.

Penalty for aiding violations.

SEC. 15. That prosecutions for violations of the provisions of this act shall be on information filed in the police court by the attorney of the District of Columbia or any of his assistants duly authorized to act for him, and said attorney or his assistant shall file such information upon the presentation to him or his assistants of sworn information of two reputable citizens of the District that the law has been violated.

Jurisdiction and procedure.

SEC. 16. That license for any of the purposes specified shall not be granted to any person to conduct such business within four hundred feet of a public schoolhouse, private school or house of religious worship, except in such places of business as may have been located previous to the erection or occupation of such schoolhouse, private school or house of religious worship owned or occupied by the District of Columbia, measured between the nearest entrance to each by the shortest course of travel between such place of business and the schoolhouse private school or house of religious worship.

No license within certain distance of schoolhouses, etc.

Exceptions.

SEC. 17. That all applicants who have had a license during the preceding year shall apply for a renewal of such license on or before November first of each license year, and shall be permitted to continue business until license shall be granted or refused by the excise board; but in all cases of refusal to grant license such proportion of the license fee as may have become due shall be deducted and retained from the sum deposited therefor as the time from the first day of November to the date of such refusal bears to the entire license year, and no other person shall be permitted to conduct said business until a license is issued therefor.

Renewals of existing licenses.

Refusals to grant license.

SEC. 18. That nothing in this act shall in any way repeal, conflict, or interfere with the public general laws of the United States imposing

Existing internal-revenue laws not affected.

Employment of females, minors under 16 years, and convicts prohibited.	taxes on the manufacture and sale of intoxicating liquors for the purpose of revenue and known as the "Internal-Revenue laws."
Pool, etc., prohibited.	SEC. 19. That no licensee under a barroom license shall employ, or permit to be employed, or allow any female or minor under sixteen years of age, or person convicted of crime, to sell, give, furnish, or distribute any intoxicating drinks or any admixture thereof, ale, wine, or beer to any person or persons, nor permit the playing of pool, or billiards, or other games in the room where such liquors are sold: <i>Provided</i> , That the excise board may, in its discretion, permit the playing of such games, except cards, in duly licensed places: <i>Provided further</i> , That no licensee in any place shall knowingly sell or permit to be sold in his establishment any intoxicating liquor of any kind to any person under the age of twenty-one years, under the penalty upon due conviction thereof, of forfeiting such license and no person so forfeiting his license shall again be granted a license, for the term of two years.
Proviso. Games permitted.	
Sales to minors prohibited.	SEC. 20. That in the interpretation of this act words of the singular number shall be deemed to include their plurals, and that words of the masculine gender shall be deemed to include the feminine, as the case may be.
Penalty.	SEC. 21. That this act shall be in lieu of and as a substitute for all existing laws and regulations in the District of Columbia in relation to the sale of distilled and fermented liquors in the said District, and that all laws or parts of laws inconsistent with this act, except such laws as are applicable to the sale of liquor within one mile of the Soldiers' Home, be, and they are hereby, repealed.
Interpretation of number and gender of certain words.	
Repeal of existing laws and regulations except "one-mile limit."	
	Approved, March 3, 1893.

March 3, 1893.

CHAP. 205.—An act to provide for the adjustment of certain sales of lands in the late reservation of the confederated Otoe and Missouri tribes of Indians in the States of Nebraska and Kansas.

Confederated Otoe and Missouri Indian lands, Neb. and Kans.	<i>Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled</i> , That the Secretary of the Interior be, and he is hereby, authorized and directed to revise and adjust on principles of equity the sales of lands in the late reservation of the confederated Otoe and Missouri tribes of Indians in the States of Nebraska and Kansas, provided by the act of Congress approved March third, eighteen hundred and eighty-one, to be appraised and sold in the manner specified in said act, and which were sold at public sales at the land office at Beatrice, Nebraska, in May and December, eighteen hundred and eighty-three, and in his discretion, the consent of the Indians having first been obtained, in such manner and under such regulations as the Secretary of the Interior shall prescribe and approve, to allow to the purchasers of said lands at said public sales, their heirs and legal representatives, rebates of the amounts, respectively, paid, or agreed to be paid, by said purchasers: <i>Provided</i> , That such rebates shall in no case exceed the price for which said tracts of land were severally sold in excess of the appraised value thereof, as shown by the appraisal made by the commissioners appointed and designated under said act.
Adjustment of sales.	
Vol. 21, p. 380.	
Consent of Indians.	SEC. 2. As soon as practicable after such adjustments, such rebates, if any shall be allowed, shall be severally indorsed on the certificates and receipts of purchase, and on the records of the General Land Office, and the Secretary of the Interior shall cause notice to be given to said purchasers, severally, of the amounts of the deferred payments found to be due and unpaid on their respective purchases under such adjustments. And in default of the payment in cash of the amounts thus found to be severally due within one year from the date of the issuance of such notice, with interest thereon from the date of such adjustments, the entries of any of said purchasers so in default shall be canceled and the lands shall be resold at no less than the appraised price, and
Regulations.	
Rebates on purchases. Proviso. Maximum.	
Records of rebates.	
Notice of amounts due.	
Resale on default of payments due.	