AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Advertisement.
Exception.
Provisos.
Sales in sections, etc.
Bids.
Restriction.

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.

Proceeds of sale.
Ante, p. 569.

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.

United States not bound to purchase land, etc.

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.]

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

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

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:

Provisos.
Secretary of War to approve plans, etc.

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

Booms, etc.
Fishways.
Conveyance of title to United States.

Secretary of War, clear title to such land as in his judgment may be required for constructions and approaches to said dam for transferring boats and freight around the same, and shall grant to the United States a free use of water power for operating such construction work; and to insure compliance with these conditions the said company shall execute and deliver to the Secretary of War a proper bond, in such amount as may be fixed by him: *And provided further*, That the said company shall be liable for any damage to private property resulting from the construction and operation of said dam and appurtenant works, either by overflow or otherwise, and proceedings to recover compensation for such damage may be instituted either in the State or Federal courts.

Use of water power.

Bond.

Damages.

Proceedings.

SEC. 2. That this Act shall be null and void unless the structures herein authorized shall be commenced within one year and completed within three years from the date of approval hereof.

Time of construction.

SEC. 3. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, April 28, 1904.

CHAP. 1822.—An Act Authorizing the payment of the Choctaw and Chickasaw town-site fund, and for other purposes.

April 28, 1904.
[H. R. 12382.]

[Public, No. 254.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the money now accumulated and which may be hereafter accumulated in the United States Treasury to the credit of the Choctaw and Chickasaw nations, derived from the sale of town lots in the said Choctaw and Chickasaw nations, shall be paid to the members of the Choctaw and Chickasaw tribes (freedmen excepted) in the manner following: That, beginning the first day of May, nineteen hundred and four, or as soon as practicable thereafter, the said town-site money so accumulated shall be divided and paid to the Choctaws and Chickasaws (freedmen excepted), each member to receive an equal portion thereof.

Indian Territory.
Payment of town-site funds to Choctaw and Chickasaw Indians.

Payments.
Date of.

SEC. 2. That no person claiming to be a member of the Choctaw or Chickasaw tribes shall be paid any portion of this fund until he or she has been enrolled as such member and the enrollment has been approved by the Secretary of the Interior: *Provided*, That there shall be reserved from payment of the town-site fund an amount equal to the sum of the pro rata shares of all persons claiming to be members of the Choctaw or Chickasaw tribes, entitled to share in this fund, whose claims are pending at the time said fund is divided for payment; and the money reserved shall be paid to such persons, if they be finally enrolled and their enrollment approved, in the same manner as other payments of town-site fund are made hereunder. That if the fund thus reserved, or any part of it, should not become payable by reason of the failure of the persons claiming citizenship to be enrolled or of their enrollment to be approved as herein provided, said reserved funds shall go back to the general town-site fund to be divided and paid to the members of said tribes of approved enrollment as other town-site funds.

Enrollment.
Post, p. 1071.

Proviso.
Reserved funds for pending claims.

Disposal of unused reserve funds.

SEC. 3. That if any person whose name appears upon the rolls as herein provided shall have died subsequent to the twenty-fifth day of September, nineteen hundred and two, and before receiving his pro rata share of the accumulated town-site fund, the money to which such person would have been entitled if living shall be paid in his name to his legal representative.

Payment of amounts due deceased persons.

SEC. 4. That following the payment to be made beginning the first day of May, nineteen hundred and four, as provided in this Act, payments shall be made each year thereafter in like manner to the mem-

Subsequent payments.