

provided also, That the United States reserves the unrestricted right of way for irrigation purposes over said land to be conveyed to said company as herein provided.

Approved, October 1, 1890.

Right of way for irrigation reserved.

ACTS OF FIFTY-FIRST CONGRESS—SECOND SESSION, 1891.

CHAP. 65.—An act for the relief of the Mission Indians in the State of California.

Jan. 12, 1891.

26 Stat., 712.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That immediately after the passage of this act the Secretary of the Interior shall appoint three disinterested persons as commissioners to arrange a just and satisfactory settlement of the Mission Indians residing in the State of California, upon reservations which shall be secured to them as hereinafter provided.

Mission Indians, Cal Settlement upon reservations. Appointment of commission. 1892, c. 139, post, p. 440.

SEC. 2. That it shall be the duty of said commissioners to select a reservation for each band or village of the Mission Indians residing within said State, which reservation shall include, as far as practicable, the lands and villages which have been in the actual occupation and possession of said Indians, and which shall be sufficient in extent to meet their just requirements, which selection shall be valid when approved by the President and Secretary of the Interior. They shall also appraise the value of the improvements belonging to any person to whom valid existing rights have attached under the public-land laws of the United States, or to the assignee of such person, where such improvements are situated within the limits of any reservation selected and defined by said commissioners subject in each case to the approval of the Secretary of the Interior. In cases where the Indians are in occupation of lands within the limits of confirmed private grants, the commissioners shall determine and define the boundaries of such lands, and shall ascertain whether there are vacant public lands in the vicinity to which they may be removed. And the said commission is hereby authorized to employ a competent surveyor and the necessary assistants.

Duties of commissioners. Selection of reservations.

Appraisal of improvements.

Removals from confirmed private grants.

Surveyor and assistants.

SEC. 3. That the commissioners, upon the completion of their duties, shall report the result to the Secretary of the Interior, who, if no valid objection exists, shall cause a patent to issue for each of the reservations selected by the commission and approved by him in favor of each band or village of Indians occupying any such reservation, which patents shall be of the legal effect, and declare that the United States does and will hold the land thus patented, subject to the provisions of section four of this act, for the period of twenty-five years, in trust, for the sole use and benefit of the band or village to which it is issued, and that at the expiration of said period the United States will convey the same or the remaining portion not previously patented in severalty by patent to said band or village, discharged of said trust, and free of all charge or incumbrance whatsoever: *Provided,* That no patent shall embrace any tract or tracts to which existing valid rights have attached in favor of any person under any of the United States laws providing for the disposition of the public domain, unless such person shall acquiesce in and accept the appraisal provided for in the preceding section in all respects and shall thereafter, upon demand and payment of said appraised value, execute a release of all title and claim thereto; and a separate patent, in similar form, may be issued for any such tract or tracts, at any time thereafter. Any such person shall be permitted to exercise the same right to take land under the public-land laws of the United States as though he had not made settlement on the lands embraced in said reservation; and a separate patent.

Report. Issue of reservation trust-patents in common.

Terms of trust.

Provisos. Existing valid rights.

Lieu-lands to accepting settlers.

Settlers' rights.



- Lieu-lands to ac- in similar form, may be issued for any tract or tracts at any time after  
cepting railroads. the appraised value of the improvements thereon shall have been paid:  
*And provided further*, That in case any land shall be selected under  
this act to which any railroad company is or shall hereafter be entitled  
to receive a patent, such railroad company shall, upon releasing all  
claim and title thereto, and on the approval of the President and Secre-  
tary of the Interior, be allowed to select an equal quantity of other  
land of like value in lieu thereof, at such place as the Secretary of the  
Interior shall determine: *And provided further*, That said patents  
declaring such lands to be held in trust as aforesaid shall be retained  
and kept in the Interior Department, and certified copies of the same  
shall be forwarded to and kept at the agency by the agent having  
charge of the Indians for whom such lands are to be held in trust, and  
said copies shall be open to inspection at such agency.
- Custody of trust- patents. Copies. SEC. 4. That whenever any of the Indians residing upon any reser-  
vation patented under the provisions of this act shall, in the opinion of  
the Secretary of the Interior, be so advanced in civilization as to be  
capable of owning and managing land in severalty, the Secretary of  
the Interior may cause allotments to be made to such Indians, out of  
the land of such reservation, in quantity as follows: To each head of a  
family not more than six hundred and forty acres nor less than one  
hundred and sixty acres of pasture or grazing land, and in addition  
thereto not exceeding twenty acres, as he shall deem for the best  
interest of the allottee, of arable land in some suitable locality; to each  
single person over twenty-one years of age not less than eighty nor  
more than six hundred and forty acres of pasture or grazing land and  
not exceeding ten acres of such arable land.
- Allotments in sev- eralty. SEC. 5. That upon the approval of the allotments provided for in  
the preceding section by the Secretary of the Interior he shall cause  
patents to issue therefor in the name of the allottees, which shall be of the  
legal effect and declare that the United States does and will hold the land  
thus allotted for the period of twenty-five years, in trust for the sole use  
and benefit of the Indian to whom such allotment shall have been made,  
or, in case of his decease, of his heirs according to the laws of the  
State of California, 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 set apart and allotted as herein provided, or any contract  
made touching the same, before the expiration of the time above men-  
tioned, such conveyance or contract shall be absolutely null and void:  
*Provided*, That these patents, when issued, shall override the patent  
authorized to be issued to the band or village as aforesaid, and shall  
separate the individual allotment from the lands held in common,  
which proviso shall be incorporated in each of the village patents.
- Head of family. SEC. 6. That in cases where the lands occupied by any band or  
village of Indians are wholly or in part within the limits of any con-  
firmed private grant or grants, it shall be the duty of the Attorney-  
General of the United States, upon request of the Secretary of the  
Interior, through special counsel or otherwise, to defend such Indians  
in the rights secured to them in the original grants from the Mexican  
Government, and in an act for the government and protection of  
Indians passed by the legislature of the State of California April  
twenty-second, eighteen hundred and fifty, or to bring any suit, in the  
name of the United States, in the Circuit Court of the United States  
for California, that may be found necessary to the full protection of  
the legal or equitable rights of any Indian or tribe of Indians in any  
of such lands.
- Single person. SEC. 7. That each of the commissioners authorized to be appointed  
by the first section of this act shall be paid at the rate of eight dollars
- Patents to allottees. In trust. In fee. Prior conveyances, etc., void. Proviso. Power of severalty patents. Rights of Indians on Mexican land grants. Attorney-General to defend, etc. Compensation of commissioners.



per day for the time he is actually and necessarily employed in the discharge of his duties, and necessary traveling expenses; and for the payment of the same, and of the expenses of surveying, the sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

SEC. 8. That previous to the issuance of a patent for any reservation as provided in section three of this act the Secretary of the Interior may authorize any citizen of the United States, firm, or corporation to construct a flume, ditch, canal, pipe, or other appliances for the conveyance of water over, across, or through such reservation for agricultural, manufacturing, or other purposes, upon condition that the Indians owning or occupying such reservation or reservations shall, at all times during such ownership or occupation, be supplied with sufficient quantity of water for irrigating and domestic purposes upon such terms as shall be prescribed in writing by the Secretary of the Interior, and upon such other terms as he may prescribe, and may grant a right of way for rail or other roads through such reservation: *Provided*, That any individual, firm, or corporation desiring such privilege shall first give bond to the United States, in such sum as may be required by the Secretary of the Interior, with good and sufficient sureties, for the performance of such conditions and stipulations as said Secretary may require as a condition precedent to the granting of such authority: *And provided further*, That this act shall not authorize the Secretary of the Interior to grant a right of way to any railroad company through any reservation for a longer distance than ten miles. And any patent issued for any reservation upon which such privilege has been granted, or for any allotment therein, shall be subject to such privilege, right of way, or easement. Subsequent to the issuance of any tribal patent, or of any individual trust patent as provided in section five of this act, any citizen of the United States, firm, or corporation may contract with the tribe, band, or individual for whose use and benefit any lands are held in trust by the United States, for the right to construct a flume, ditch, canal, pipe, or other appliances for the conveyance of water over, across, or through such lands, which contract shall not be valid unless approved by the Secretary of the Interior under such conditions as he may see fit to impose.

Approved, January 12, 1891.

*Executive Order is dated Dec. 29, 1891*

Appropriation.

Rights of way across reservations, prior to patent.

Secretary of Interior may grant.

For water pipes, etc.

Conditions.

For railroads, etc.

Provisos.

Conditional bond etc.

Limit of distance.

Rights of way, after issue of patents.

Subject to approval of Secretary of Interior.

CHAP. 77.—An act to enable the Secretary of the Interior to carry out, in part, the provisions of "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes," approved March second, eighteen hundred and eighty-nine, and making appropriations for the same and for other purposes.

Jan. 19, 1891.

26 Stat., 720.

Whereas in accordance with section twenty-eight of the act of March second, eighteen hundred and eighty-nine, entitled "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes" (public one hundred and forty-eight), the President of the United States has made known, by proclamation, that satisfactory proof has been presented to him that the consent of the different bands of the said Sioux Nation of Indians to the said act has been obtained in the manner and form required by the said twelfth article of the treaty of April twenty-ninth, eighteen hundred and sixty-eight: Therefore,

Preamble. See note, 1876, c. 289, ante, p. 166.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums, or so much thereof as may be necessary, be and they are

Sioux Indian Reservation Act, 1891