

INDIAN AFFAIRS

LAWS AND TREATIES

VOL. III

(L A W S)

COMPILED TO DECEMBER 1, 1913

COMPILED, ANNOTATED, AND EDITED

BY

CHARLES J. KAPPLER, LL. M.

OF THE BAR OF THE DISTRICT
OF COLUMBIA



WASHINGTON
1913

IN THE SENATE OF THE UNITED STATES,

March 3, 1911.

Resolved, That the Committee on Indian Affairs is hereby authorized to have prepared for the use of the Senate a compilation of the laws, agreements, Executive orders, proclamations, and so forth, relating to Indian affairs passed and proclaimed since December first, nineteen hundred and two.

Attest:

CHARLES G. BENNETT,
Secretary.

August 14, 1912.

Resolved, That the manuscript of the laws, agreements, Executive orders, proclamations, and so forth, relating to Indian affairs, be printed as a Senate document.

Attest:

CHARLES G. BENNETT,
Secretary.

November 6, 1913.

Resolved, That the illustrations accompanying the proclamations of the President and included in the manuscript of Senate Document No. 719, 62d Congress, "Laws, Agreements, Executive Orders, Proclamations, etc., relating to Indian Affairs," be printed therewith, and that 500 additional copies of said document be printed for sale by the Superintendent of Documents of the Government Printing Office.

Attest:

JAMES M. BAKER,
Secretary.

PREFACE.

I have the honor to present to the Congress, in compliance with its resolution, the third volume of my compilation of Indian Laws and Treaties. The former volumes were first published under a resolution of the Senate in 1902, and shortly thereafter a second edition was ordered by a concurrent resolution of the two Houses. This third volume brings down to date all laws relative to Indian affairs passed by Congress since 1902, together with all Executive proclamations, departmental orders, etc., relating to Indian reservations to date, a list of Indian trust funds standing to the credit of various tribes, and also several old Indian treaties which it was not possible to procure when the volume containing the treaties was prepared.

It was the compiler's purpose when he began the work on the third volume to make it superior, if possible, to the first two volumes, and thinks he has succeeded at least in making it more comprehensive and useful by inserting annotations and citations from the opinions of the Supreme Court of the United States, the Federal and State Courts, the Court of Claims, the Interior Department, the Attorney General, and the Comptroller of the Treasury, wherever it was found that the laws had been construed. In addition, the compiler was successful in obtaining the consent of the publishers of the *Cyclopedia of Law and Procedure* (Cyc) to allow the reprinting in the third volume of the article on "Indians," which covers fully and completely the general law relating to Indians and will be found extremely useful as a ready reference. This, in connection with the annotations and the citations to court decisions and a thorough index will enable the freest investigation of any question relating to Indians and Indian affairs.

Necessarily the compiling, annotating, and indexing of this volume have involved much time and entailed considerable hard work, and I desire to acknowledge the services rendered by Mr. Lee Warner, formerly clerk of the Senate Committee on Indian Affairs; Mr. William E. Richardson, attorney at law, who assisted the compiler in compiling the first two volumes and whose assistance in collating the data for the third was extremely valuable; Mr. R. J. McNeil, also formerly connected with the Senate Committee on Indian Affairs; as well as suggestions made by various Senators and Representatives, officials of the Interior Department and the Indian Bureau; Mr. C. L. Thomas, of Muskogee, Okla.; Mr. James V. Townsend, clerk of the House Committee on Indian Affairs; and Mr. Ansel Wold, printing clerk of the Senate.

If the third volume proves as useful to the Congress and the public as have the first two volumes, the compiler will feel amply compensated for his labors.

CHARLES J. KAPPLER,
Compiler.

WASHINGTON, D. C., *November 15, 1913.*

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PART I.
LAWS RELATING TO INDIAN AFFAIRS.

PUBLIC ACTS OF FIFTY-SEVENTH CONGRESS, SECOND SESSION, 1903.

- CHAP. 195.**—An act to amend an act entitled “An act to provide for the use of timber and stone for domestic and industrial purposes in the Indian Territory,” approved June sixth, nineteen hundred. Jan. 21, 1903.
[Public, No. 32.]
32 Stat., 774.
- Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the act entitled “An act to provide for the use of timber and stone for domestic and industrial purposes in the Indian Territory,” approved June sixth, nineteen hundred, be amended so as to read as follows:
- “That the Secretary of the Interior is authorized to prescribe rules and regulations for the procurement of timber and stone for domestic and industrial purposes, including the construction, maintenance, and repairs of railroads and other highways, to be used only in the Indian Territory, or upon any railroad outside of the said Territory which is part of any continuous line of railroad extending into the said Territory, from lands belonging to either of the Five Civilized Tribes, and to fix the full value thereof to be paid therefor and collect the same for the benefit of said tribes: *Provided, however,* That nothing herein contained shall be construed to prevent allottees from disposing of timber and stone on their allotments, as provided in section sixteen of an act entitled ‘An act for the protection of the people of the Indian Territory, and for other purposes,’ approved June twenty-eighth, eighteen hundred and ninety-eight, from and after the allotment by the Commission to the Five Civilized Tribes.
- “**SEC. 2.** That every person who unlawfully cuts, or aids or is employed in unlawfully cutting, or wantonly destroys, or procures to be wantonly destroyed, any timber standing upon the lands of either of said tribes contrary to the provisions of this act and the regulations prescribed thereunder by the Secretary of the Interior, shall pay a fine of not more than five hundred dollars, or be imprisoned not more than twelve months, or both, in the discretion of the court trying the same.”¹
- Indian Territory.
Use of timber and stone for industrial purposes.
Vol. 1, p. 108, 31 Stat., 660, amended.
Secretary of the Interior to prescribe rules, etc.
Use by railroads.
Proviso.
Right of allottees to dispose of timber, etc., not affected.
Vol. 1, p. 97, 30 Stat., 501.
Penalty for unlawfully cutting, etc.
32 Stat., 775.
- Approved, January 21, 1903.

- CHAP. 350.**—An act fixing the punishment for the larceny of horses, cattle, and other live stock in the Indian Territory, and for other purposes. Feb. 2, 1903.
[Public, No. 50.]
32 Stat., 792.
- Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That any person, whether an Indian or otherwise, who shall hereafter be convicted in the Indian Territory of stealing any horse, mare, gelding, filly, foal, mule, ass, or jenny, or of stealing, or marking, killing, or wounding with intent to steal, any kind of cattle, pigs, hogs, sheep, or goats, shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than fifteen years, or by both such fine and imprisonment, at the discretion of the court.
- Indian Territory.
Penalty for horse stealing, etc.
See R. S., sec. 2156, and act of Mar. 3, 1891, vol. 1, p. 58.

¹ This act was extended to the Osage Reservation by the act of April 23, 1904, 33 Stat., 289, post, p. 76.

32 Stat., 793.
Repeal.
Provisos.
Prior offenses.

Pending cases not
affected.

SEC. 2. That all acts and parts of acts inconsistent with this act are hereby repealed: *Provided, however,* That all such acts and parts of acts shall remain in force for the punishment of all persons who have heretofore been guilty in the Indian Territory of the offense or offenses herein mentioned: *And provided further,* That this act shall not affect or apply to any prosecution now pending or the prosecution of any offense already committed.

Approved, February 2, 1903.

Feb. 2, 1903.

CHAP. 351.—An act conferring jurisdiction upon the circuit and district courts for the district of South Dakota in certain cases, and for other purposes.

[Public, No. 51.]
32 Stat., 793.

South Dakota.
Crimes on Indian
reservations in, triable
in United States
courts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the circuit and district courts of the United States for the district of South Dakota are hereby given jurisdiction to hear, try, and determine all actions and proceedings in which any person shall be charged with the crime of murder, manslaughter, rape, assault with intent to kill, arson, burglary, larceny, or assault with a dangerous weapon committed within the limits of any Indian reservation in the State of South Dakota.

Murder, etc.
Penalty.

SEC. 2. That any person convicted of the crime of murder, manslaughter, rape, arson, or burglary committed within the limits specified in section one of this act shall be subject to the same penalties and punishment as are all other persons convicted of the commission of any of said crimes within the sole and exclusive jurisdiction of the United States: *Provided, however,* That any Indian who shall commit the crime of rape within the limits of any Indian reservation mentioned in this act shall be punished by imprisonment at the discretion of the court.

Proviso.
Rape.

Assault with intent
to kill, etc.
Penalty.

SEC. 3. That any person convicted of the crime of assault with intent to kill, assault with a dangerous weapon, or larceny, committed within the limits specified in section one of this act shall be subject to the same penalties and punishment as are all other persons convicted of either of said crimes under the laws of the State of South Dakota.

Cession of State jurisdiction.

SEC. 4. That this act is passed in pursuance of the cession of jurisdiction contained in chapter one hundred and five, Laws of South Dakota, nineteen hundred and one.

Approved, February 2, 1903.

Feb. 3, 1903.

CHAP. 399.—An act providing for allotments of lands in severalty to the Indians of the Lac Courte Oreille and Lac du Flambeau Reservations, in the State of Wisconsin.

[Public, No. 54.]
32 Stat., 795.

Lac Courte Oreille
Reservation, Wis.
Allotment of lands to
Indians of.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. That with the consent of the Chippewa Indians of Lake Superior, located on the Lac Courte Oreille Reservation in the State of Wisconsin, to be obtained in such manner as the Secretary of the Interior may direct, the President may allot to each Indian now living and residing on said reservation and entitled to so reside, and who has not heretofore received an allotment not exceeding eighty acres of land, such allotments to be subject in all respects, except as to the age and condition of the allottee, to the provisions of the third article of the treaty with the Chippewas of Lake Superior and the Mississippi, concluded September thirtieth, eighteen hundred and fifty-four.

Vol. 2, p. 648, 10 Stat.,
1109.

Lac du Flambeau
Reservation, Wis.
Allotment of lands to
Indians of.

SEC. 2. That the provisions of section one of this act shall also under same terms and conditions apply to the Chippewa Indians of Lake Superior located on the Lac du Flambeau Reservation in the State of Wisconsin.

Approved, February 3, 1903.

CHAP. 514.—An act providing for free homesteads on the public lands for actual and bona fide settlers in the north one-half of the Colville Indian Reservation, State of Washington, and reserving the public lands for that purpose. Feb. 7, 1903.

[Public, No. 65.]
32 Stat., 803.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all settlers under the homestead laws of the United States upon the agricultural public lands in the north one-half of the Colville Indian Reservation, in the State of Washington, opened to settlement by Executive order on the tenth day of October, nineteen hundred, who have resided or shall hereafter reside upon the tract entered in good faith for the period required by existing law, shall be entitled to a patent for the land so entered upon the payment to the local land officers of the usual and customary fees, and no other or further charge of any kind whatsoever shall be required from such settler to entitle him to a patent for the land covered by his entry: *Provided,* That the right to commute any such entry and pay for said lands in the option of any such settler and in the time and at the prices now fixed by existing laws shall remain in full force and effect: *Provided, however,* That all sums of money so released which if not released would belong to any Indian tribe shall be paid to such Indian tribe by the United States, and that in the event that the proceeds of the annual sales of the public lands shall not be sufficient to meet the payments heretofore provided for agricultural colleges and experimental stations by an act of Congress approved August thirtieth, eighteen hundred and ninety, for the more complete endowment and support of the colleges for the benefit of agriculture and mechanic arts established under the provisions of an act of Congress approved July second, eighteen hundred and sixty-two, such deficiency shall be paid by the United States: *And provided further,* That no lands shall be herein included on which the United States Government had made valuable improvements, or lands that have been sold at public auction by said Government.

Colville Indian Reservation.
Issue of patents to settlers on north one-half part of.
31 Stat., 1965.
Vol. 1, p. 1000.

Provisos.
Right to commute entry continued.

Payments to certain Indian tribes.

Deficiency to be paid by United States.

25 Stat., 417.

12 Stat., 503.

Exceptions.

Repeal.

SEC. 2. That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved, February 7, 1903.

CHAP. 531.—An act to extend the provisions of chapter eight, title thirty-two, of the Revised Statutes of the United States, entitled "Reservation and sale of town sites on the public lands," to the ceded Indian lands in the State of Minnesota. Feb. 9, 1903.

[Public, No. 74.]
32 Stat., 820.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter eight, title thirty-two, of the Revised Statutes of the United States, entitled "Reservation and sale of town sites on the public lands," be, and is hereby, extended to and declared to be applicable to ceded Indian lands within the State of Minnesota. This act shall take effect and be in force from and after its passage.¹

Public lands.
Town-site entries extended to ceded Indian lands in Minnesota.
R. S., Title XXXII, ch. 8, p. 435.

Approved, February 9, 1903.

CHAP. 542.—An act granting to the State of California six hundred and forty acres of land in lieu of section sixteen, township seven south, range eight east, San Bernardino meridian, State of California, now occupied by the Torros band or village of Mission Indians. Feb. 11, 1903.

[Public, No. 80.]
32 Stat., 822.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and is hereby, granted to the State of California six hundred and forty acres of land, to be selected by said State, under the direction of the Secretary of the Interior, from any of the unappropriated public lands of nonmin-

Mission Indians, Cal.
Land granted to California in lieu of land occupied by.

eral character in said State, in lieu of section sixteen, township seven south, range eight east, San Bernardino meridian, State of California; and the selection by said State of the lands hereby granted, upon the approval of same by the Secretary of the Interior, shall operate as a waiver by the State of its right to said section sixteen, and thereupon said section sixteen shall become a part of the reservation heretofore set apart for the use and occupancy of the Torros band or village of Mission Indians, of southern California, under the provisions of the act of Congress approved January twelfth, eighteen hundred and ninety-one, entitled "An act for the relief of the Mission Indians in the State of California," according to the terms and subject to the conditions imposed by said act.

Approved, February 11, 1903.

26 Stat., 712.
Vol. 1, 383.

Feb. 19, 1903.
[Public, No. 102.]
32 Stat., 841.

CHAP. 707.—An act providing for record of deeds and other conveyances and instruments of writing in Indian Territory, and for other purposes.

Indian Territory.
Recording of deeds,
etc., in.
Laws of Arkansas
extended to.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter twenty-seven of the Digest of the Statutes of Arkansas, known as Mansfield's Digest of eighteen hundred and eighty-four, is hereby extended to the Indian Territory, so far as the same may be applicable and not inconsistent with any law of Congress: ¹ *Provided,* That the clerk or deputy clerk of the United States court of each of the courts of said Territory shall be ex officio recorder for his district and perform the duties required of recorder in the chapter aforesaid, and use the seal of such court in cases requiring a seal, and keep the records of such office at the office of said clerk or deputy clerk.

32 Stat., 842.
Clerks, etc., to be ex
officio recorders.

Duties of clerks.
1905, ch. 1479, 33 Stat.,
1077, post, p. 153.

It shall be the duty of each clerk or deputy clerk of such court to record in the books provided for his office all deeds, mortgages, deeds of trust, bonds, leases, covenants, defeasances, bills of sale, and other instruments of writing of or concerning lands, tenements, goods, or chattels; and where such instruments are for a period of time limited on the face of the instrument they shall be filed and indexed, if desired by the holder thereof, and such filing for the period of twelve months from the filing thereof shall have the same effect in law as if recorded at length. The fees for filing, indexing, and cross indexing such instruments shall be twenty-five cents, and for recording shall be as set forth in section thirty-two hundred and forty-three of Mansfield's Digest of eighteen hundred and eighty-four.

Fees for filing, etc.

Compensation in
fees.
1904, ch. 1402, sec. 24,
33 Stat., 224, post, p. 69.

That the said clerk or deputy clerk of such court shall receive as compensation as such ex officio recorder for his district all fees received by him for recording instruments provided for in this act, amounting to one thousand eight hundred dollars per annum or less; and all fees so received by him as aforesaid amounting to more than the sum of one thousand eight hundred dollars per annum shall be accounted to the Department of Justice, to be applied to the permanent school fund of the district in which said court is located.

Limit.
Disposition of sur-
plus fees.

Such instruments heretofore recorded with the clerk of any United States court in Indian Territory shall not be required to be again recorded under this provision, but shall be transferred to the indexes without further cost, and such records heretofore made shall be of full force and effect, the same as if made under this statute.

Prior records trans-
ferred without cost.

Word substitutions.

That wherever in said chapter the word "county" occurs there shall be substituted therefor the word "district," and wherever the words "State" or "State of Arkansas" occur there shall be substi-

¹ Shultis v. McDougal, 170 Fed. 1529; same 225 U. S., 561.

tuted therefor the words "Indian Territory," and wherever the words "clerk" or "recorder" occur there shall be substituted the words "clerk or deputy clerk of the United States court."

All acknowledgments of deeds of conveyance taken within the Indian Territory shall be taken before a clerk or deputy clerk of any of the courts in said Territory, a United States commissioner, or a notary public appointed in and for said Territory.

All instruments of writing the filing of which is provided for by law shall be recorded or filed in the office of the clerk or deputy clerk at the place of holding court in the recording district where said property may be located, and which said recording districts are bounded as follows:

District numbered one shall comprise all of the reservations heretofore existing under the Quapaw Agency, and the place of record shall be at Miami, as provided in the Indian appropriation act for the fiscal year ending June thirtieth, nineteen hundred and three.

District numbered two shall begin at a point where the northern boundary line of the Indian Territory intersects with the western boundary line of the Quapaw Agency, thence in a southerly and easterly direction, following the western and southern boundaries of the Quapaw Agency to the west line of the State of Missouri; thence south along said boundary line to the dividing line between townships twenty-three and twenty-four north; thence west along said line to the dividing line between ranges seventeen and eighteen east; thence north along said dividing line to the northern boundary line of the Indian Territory; thence east along said boundary line to place of beginning. The place of record for district numbered two shall be Vinita.

District numbered three. Beginning at a point where the range line between ranges seventeen and eighteen east crosses the northern boundary line of the Indian Territory, thence south on said range line to the township line between townships twenty-four and twenty-five north; thence west on said township line to the western boundary line of the Indian Territory; thence north along said western boundary line to the northern boundary line of the Indian Territory; thence east to the place of beginning. The place of record for district numbered three shall be Nowata.

District numbered four. Beginning at a point on the western boundary line of the Indian Territory where same is crossed by the township line between townships twenty-four and twenty-five north; thence south along said western boundary line to the township line between townships nineteen and twenty north; thence east on said township line to the range line between ranges seventeen and eighteen east; thence north on said range line to the township line between townships twenty-four and twenty-five north; thence west to the place of beginning. The place of record for district numbered four shall be Claremore.

District numbered five. Beginning at a point on the eastern boundary line of the Indian Territory where same is crossed by the township line between townships twenty-three and twenty-four north; thence south along said eastern boundary line to the township line between townships nineteen and twenty north; thence west on said township line to the range line between ranges seventeen and eighteen east; thence north on said range line to the township line between townships twenty-three and twenty-four north; thence east on said township line to place of beginning. The place of record for district numbered five shall be Pryor Creek.

District numbered six. Beginning at a point on the eastern boundary line of the Indian Territory where same is crossed by the township line between townships nineteen and twenty north; thence

Acknowledgment of deeds, etc.

Places of recording.

District No. 1.
Miami.

District No. 2.
Vinita.

32 Stat., 843.

District No. 3.
Nowata.

District No. 4.
Claremore.

District No. 5.
Pryor Creek.

District No. 6.
Tahlequah.

south on said eastern boundary line to the township line between townships fourteen and fifteen north; thence west on said township line to the meridian line between ranges twenty and twenty-one east; thence north on said meridian line to the township line between townships nineteen and twenty north; thence east on said township line to place of beginning. The place of record for district numbered six shall be Tahlequah.

District No. 7.
Wagoner.

District numbered seven. Beginning at a point where the meridian line between ranges twenty and twenty-one east crosses the township line between townships nineteen and twenty north; thence west on said township line to the range line between ranges thirteen and fourteen east; thence south along said range line to the township line between townships fifteen and sixteen north; thence east along said township line to the meridian line between ranges twenty and twenty-one east; thence north along said meridian line to the place of beginning. The place of record for district numbered seven shall be Wagoner.

District No. 8.
Sapulpa.

District numbered eight. Beginning at a point on the range line between ranges thirteen and fourteen east where same is crossed by the township line between townships nineteen and twenty north; thence west on said township line to the western boundary line of the Indian Territory; thence south along said western boundary line to the township line between townships fifteen and sixteen north; thence east on said township line to the range line between ranges thirteen and fourteen east; thence north along said range line to the place of beginning. The place of record for district numbered eight shall be Sapulpa.

District No. 9.
Okmulgee.

32 Stat., 844.

District numbered nine. Beginning at a point on the western boundary line of the Indian Territory where the same is crossed by the township line between townships fifteen and sixteen north; thence south along said western boundary line to the northern boundary line of the Seminole Nation; thence eastwardly along said boundary line of the said Seminole Nation to the northeast corner of the Seminole Nation; thence south along said eastern boundary line of said Seminole Nation to the township line between townships ten and eleven north; thence east along said township line to the range line between ranges thirteen and fourteen east; thence north along said range line to the township line between townships fifteen and sixteen north; thence west along said township line to the place of beginning. The place of record for district numbered nine shall be Okmulgee.

District No. 10.
Muscogee.

District numbered ten. Beginning at a point where the range line between ranges thirteen and fourteen east intersects the township line between townships fifteen and sixteen north; thence south on the said range line to the township line between townships eleven and twelve north; thence east along said township line to the Arkansas River; thence up said Arkansas River to the intersection of said river with the meridian line between ranges twenty and twenty-one east; thence north along said meridian line to the township line between townships fifteen and sixteen north; thence west to the point of beginning. The place of record for district numbered ten shall be Muscogee.

District No. 11.
Sallisaw.

District numbered eleven. Beginning at a point on the eastern boundary line of the Indian Territory where same is crossed by the township line between townships fourteen and fifteen north; thence south along said eastern boundary line to the Arkansas River; thence up said Arkansas River to its intersection with the meridian line between ranges twenty and twenty-one east; thence north along said meridian line to the township line between townships fourteen and fifteen north; thence east to the place of beginning. The place of record for district numbered eleven shall be Sallisaw.

District numbered twelve. Beginning at a point where the township line between townships eleven and twelve north intersects with the Arkansas River; thence down said Arkansas River to the mouth of the Canadian River; thence up said Canadian River to its intersection with the meridian line between ranges twenty and twenty-one east; thence south on said line to its intersection with the township line between townships seven and eight north; thence west along said township line to the range line between ranges eleven and twelve east; thence north on said range line to the township line between townships ten and eleven north; thence east on said township line to the range line between ranges thirteen and fourteen east; thence north on said range line to the township line between townships eleven and twelve north; thence east on the said township line to the place of beginning. The place of record for district numbered twelve shall be Eufala.

District No. 12.
Eufala.

District numbered thirteen. Beginning at a point where the range line between ranges eleven and twelve east intersects the township line between townships ten and eleven north; thence south to the township line between townships seven and eight north; thence east on said township line to the Canadian River; thence up said Canadian River, following the meanderings thereof, to the western boundary line of the Seminole Nation; thence north along said western boundary line to the northern boundary line of the said Seminole Nation; thence eastwardly along said northern boundary line to the northeast corner of said nation; thence south along the eastern boundary line of the said nation to the township line between townships ten and eleven north; thence east along said township line to the place of beginning. The place of record for district numbered thirteen shall be Wewoka.

District No. 13.
Wewoka.

District numbered fourteen. Beginning at a point on the eastern boundary line of the Indian Territory where same is crossed by the Arkansas River; thence south along said eastern boundary line of the Indian Territory to the base line; thence west along said base line to the meridian line between ranges twenty and twenty-one east; thence north on said meridian line to the Canadian River; thence down said Canadian River to its confluence with the Arkansas River; thence down said Arkansas River to the place of beginning. The place of record for district numbered fourteen shall be Poteau.

District No. 14.
Poteau.

32 Stat., 845.

District numbered fifteen. Beginning at a point where the meridian line between ranges twenty and twenty-one east crosses the township line between townships seven and eight north; thence south on said meridian line to the township line between townships two and three north; thence west on said township line to the range line between ranges eighteen and nineteen east; thence south along said range line to the line between townships one and two north; thence west along said township line to the western boundary line of the Choctaw Nation; thence north on said boundary line to the South Canadian River; thence down said river to the point where the dividing line between townships seven and eight north intersects said river; thence east along said township line to the point of beginning. The place of record for district numbered fifteen shall be South McAlester.

District No. 15.
South McAlester.

District numbered sixteen. Beginning at a point where the South Canadian River intersects with the western boundary line of the Choctaw Nation; thence south on said boundary line to the township line between townships one and two south; thence west on said township line to the range line between ranges three and four east; thence north along said range line to its intersection with the South Canadian River; thence down said South Canadian River, following the meanderings thereof, to the place of beginning. The place of record for district numbered sixteen shall be Ada.

District No. 16.
Ada.

District No. 17.
Pauls Valley.

District numbered seventeen. Beginning at a point where the township line between townships four and five north intersects the range line between ranges three and four east; thence south along said range line to the base line; thence west on said base line to the meridian line between ranges four and five west; thence north on said meridian line to the township line between townships four and five north; thence east on said township line to the place of beginning. The place of record for district numbered seventeen shall be Pauls Valley.

District No. 18.
Purcell.

District numbered eighteen. Beginning at a point at the South Canadian River where the same intersects the range line between ranges three and four east; thence south on said range line to the township line between townships four and five north; thence west on said township line to the meridian line between ranges four and five west; thence north on said meridian line to the South Canadian River; thence down said South Canadian River, following the meanderings thereof, to the place of beginning. The place of record for district numbered eighteen shall be Purcell.

District No. 19.
Chickasha.

District numbered nineteen. Beginning at a point on the South Canadian River where the same intersects the meridian line between ranges four and five west; thence south along said meridian line to the base line; thence west on said base line to the western boundary line of the Indian Territory; thence north along said western boundary line to the Canadian River; thence down said Canadian River, following the meanderings thereof, to the place of beginning. The place of record for district numbered nineteen shall be Chickasha.

District No. 20.
Ryan.

District numbered twenty. Beginning at a point on the western boundary line of the Indian Territory where same intersects the base line; thence south along said western boundary line to the Red River; thence down said Red River to its intersection with the range line between ranges two and three west; thence north along said range line to the base line; thence west on said base line to the place of beginning. The place of record for district numbered twenty shall be Ryan.

32 Stat., 846.

District No. 21.
Ardmore.

District numbered twenty-one. Beginning at a point where the range line between ranges two and three west intersects the base line; thence south on said range line to the Red River; thence east down said Red River, following the meanderings thereof, to the range line between ranges three and four east; thence north on said range line to the base line; thence west on said base line to the place of beginning. The place of record for district numbered twenty-one shall be Ardmore.

District No. 22.
Tishomingo.

District numbered twenty-two. Beginning at a point where the range line between ranges three and four east intersects the township line between townships one and two south; thence south along said line to the Red River; thence down Red River, following the meanderings thereof, to the mouth of the Washita River; thence up the Washita River, following the meanderings thereof, to the mouth of Butcherpen Creek; thence north up said Butcherpen Creek to the township line between townships four and five south in range seven east; thence east along said township line to the boundary line between the Choctaw and Chickasaw Nations in range eight east; thence north along said line to the township line between townships one and two south; thence west along said line to the point of beginning. The place of record for district numbered twenty-two shall be Tishomingo.

District No. 23.
Atoka.

District numbered twenty-three. Beginning at a point where the township line between townships one and two north intersects with the range line between ranges fifteen and sixteen east; thence south on that line to its intersection with the line between townships two and three south; thence west to intersection of the last-named line with

the range line between ranges fourteen and fifteen east; thence south to the township line between townships three and four south; thence west to the western boundary line of the Choctaw Nation; thence north on said boundary line to intersection with the line between townships one and two north; thence east to point of beginning. The place of record for district numbered twenty-three shall be Atoka.

District numbered twenty-four. Beginning at a point where range line between ranges fifteen and sixteen east intersects the township line between townships one and two north; thence south along said line to its intersection with township line between townships two and three south; thence west along said line to range line between ranges fourteen and fifteen east; thence south on said line to the Red River; thence down Red River, following the meanderings thereof, to the eastern boundary of the Indian Territory; thence north along said eastern boundary line of the Indian Territory to intersection with the base line; thence west along said line to the meridian line between ranges twenty and twenty-one east; thence north to township line between townships two and three north; thence west along said line to range line between ranges eighteen and nineteen east; thence south on said line to township line between townships one and two north; thence west on said line to point of beginning. The place of record for district numbered twenty-four shall be Antlers.

District No. 24.
Antlers.

District numbered twenty-five. Beginning at a point on the western boundary line of the Choctaw Nation where it intersects the township line between townships three and four south; thence east along said line to range line between ranges fourteen and fifteen east; thence south on said line to the Red River; thence up said Red River, following the meanderings thereof, to the mouth of the Washita River; thence up said Washita River to the mouth of Butcherpen Creek; thence north up said Butcherpen Creek to the township line between townships four and five south, in range seven east; thence east along said township line to the boundary line between the Choctaw and Chickasaw Nations; thence north on said boundary line to the point of beginning. The place of record for district numbered twenty-five shall be Durant.

District No. 25.
Durant.

32 Stat., 847.

Approved, February 19, 1903.

CHAP. 981.—An act to confirm certain forest lieu selections made under the act approved June fourth, eighteen hundred and ninety-seven.

Mar. 2, 1903.

[Public, No. 138.]
32 Stat., 955.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all bona fide selections under the act approved June fourth, eighteen hundred and ninety-seven (Thirtieth Statutes, thirty-six), of lands in Montana which lie within the territory opened to entry under the provisions of the act approved May first, eighteen hundred and eighty-eight, chapter two hundred and thirteen (Twenty-fifth Statutes, one hundred and thirteen to one hundred and thirty-three), entitled "An act to ratify and confirm an agreement with the Gros Ventre, Piegan, Blood, Blackfeet, and River Crow Indians in Montana, and for other purposes," made prior to the decision of the Commissioner of the General Land Office dated October twentieth, nineteen hundred and two, in the case of George L. Ramsey, holding that such lands are subject to disposal only under the forms of entry provided by the said act of May first, eighteen hundred and eighty-eight, be, and the same are hereby, confirmed, no other valid objection to the acceptance of such selections appearing.

Public lands.
Selections in lieu of
forest lands in Montana
confirmed.
30 Stat., 36.

25 Stat., 113-133.
Vol. 1, p. 261.
Blackfeet Reserva-
tion.

Approved, March 2, 1903.

Mar. 3, 1903.
[Public, No. 144.]
32 Stat., 982.

CHAP. 994.—An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, nineteen hundred and four, and for other purposes.

Indian Department appropriations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses of the Indian Department, and in full compensation for all offices the salaries for which are specially provided for herein, for the service of the fiscal year ending June thirtieth, nineteen hundred and four, and for fulfilling treaty stipulations with various Indian tribes, namely:

* * * * *

32 Stat., 984.
Large per capita payments.
Special bond.

Provided, That when it becomes necessary to make large per capita payments to Indians, the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, is hereby authorized to require any disbursing officer of the Indian Department to file a special bond in such amount as may be necessary to make such payment in one installment, the expenses incurred in procuring such special bond to be paid by the United States from this appropriation.

* * * * *

32 Stat., 987.

KICKAPOOS.

* * * * *

Payment to estate of deceased Indians.

This amount to enable the President of the United States to pay the legal representatives of two deceased Kickapoo Indians, the settlement of whose estates is desired, under the provisions of section two of the act of August fourth, eighteen hundred and eighty-six, such sum as may be the proportion of the one hundred thousand dollars provided for said tribe for education and other beneficial purposes, per treaty of May eighteenth, eighteen hundred and fifty-four, not exceeding three hundred and thirty-seven dollars and eighty-three cents each, six hundred and seventy-five dollars and sixty-six cents; in all, four thousand and three dollars and thirty-eight cents.

* * * * *

32 Stat., 994.

MISCELLANEOUS.

Commission to Five Civilized Tribes.
29 Stat., 339.
Vol. 1, p. 79.

For salaries of four commissioners appointed under acts of Congress approved March third, eighteen hundred and ninety-three, and March second, eighteen hundred and ninety-five, to negotiate with the Five Civilized Tribes in the Indian Territory, twenty thousand dollars: *Provided,* That said commission shall exercise all the powers heretofore conferred upon it by Congress.

* * * * *

Loyal Creek claims.
Payment of.
31 Stat., 869.
Vol. 1, p. 736.

In pursuance of the provisions of section twenty-six of an act to ratify and confirm an agreement with the Muscogee or Creek tribe of Indians, and for other purposes, approved March first, nineteen hundred and one, there is hereby awarded, as a final determination thereof, on the so-called "loyal Creek claims" named in said section twenty-six, the sum of six hundred thousand dollars, and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, and made immediately available. And the Secretary of the Treasury is hereby authorized to pay, under the direction of the Secretary of the Interior, to the loyal Creek Indians and freedmen named in articles three and four of the treaty with the Creek Nation of Indians of June fourteenth, eighteen hundred and sixty-six, the said

To whom paid.

sum of six hundred thousand dollars, to be paid to such Indians and freedmen only whose names appear on the list of awards made in their behalf by W. B. Hazen and F. A. Field, as commissioners on behalf of the United States to ascertain the losses of said Indians and freedmen as provided in said articles three and four; and such payments shall be made in proportion of the awards as set out in said list: *Provided*, That said sum shall be accepted by said Indians in full payment and satisfaction of all claim and demand growing out of said loyal Creek claims, and the payment thereof shall be a full release of the Government from any such claim or claims: *Provided, however*, That if any of said loyal Creek Indians or freedmen whose names are on said list of awards shall have died, then the amount or amounts due such deceased person or persons, respectively, shall be paid to their heirs or legal representatives: *And provided further*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to first withhold from the amount herein appropriated and pay to S. W. Peel, of Bentonville, Arkansas, the attorney of said loyal Creeks and freedmen, a sum equal to ten per centum of the amount herein appropriated, as provided by written contracts between the said S. W. Peel and the claimants herein, the same to be payment in full for all legal and other services rendered by him, or those employed by him, and for all disbursements and other expenditures had by him in behalf of said claimants in pursuance of said contract. *And further*, said Secretary is authorized and directed to pay to David M. Hodge, a Creek Indian, of Tulsa, in the Creek Nation, a sum equal to five per centum of the amount herein appropriated, which payment shall be in full for all claims of every kind made by said David M. Hodge, or by those claiming under him, by reason of any engagement, agreement, or understanding had between him and said loyal Creek Indians.¹

For personal and traveling expenses of the three judges of the Choctaw and Chickasaw citizenship court, five thousand dollars, or so much thereof as may be necessary; for one stenographer to each of said judges, to be appointed by them, respectively, at one hundred dollars per month each, three thousand six hundred dollars; for traveling expenses and subsistence of said stenographers, the reporter, and the bailiff of said court, not to exceed three dollars per day each, one thousand five hundred dollars, or so much thereof as may be necessary; in all, ten thousand one hundred dollars, to be immediately available.

The Supreme Court of the United States may transfer to the Choctaw and Chickasaw citizenship court the papers in the cases of Choctaw and Chickasaw citizenship appealed from the United States courts in the Indian Territory to the Supreme Court during the year eighteen hundred and ninety-eight.

That all causes transferred under section thirty-one of the act of Congress of July first, nineteen hundred and two, entitled "An act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," to the citizenship court for the Choctaw and Chickasaw nations provided in said act shall be tried and determined under the provisions of section thirty-two of said act and disposed of the same as if appealed to such court under the provisions of section thirty-two of the said act: *Provided*, That upon the final determination of cases within the jurisdiction of said citizenship court said court may fix reasonable compensation to the attorneys employed by contract dated January seventeenth, nineteen hundred and one, with the Choctaw and Chickasaw Nations and such determinations shall be made irrespective of the rate fixed in said contract between said attorneys and said nations, or either of them, unless the same shall have received the approval of the Secretary of the Interior. And upon the final determination of said cases by said citizenship court the Treasurer of the United States is hereby directed to pay to said

32 Stat., 995.

Provisos.
Payment in full.

Payments to estates
of deceased persons.

S. W. Peel.
Payment to.

David M. Hodge.
Payment to.

Choctaw and Chick-
asaw citizenship
court.
Expenses.
Vol. 1, p. 776.

Transfer of papers.

Appeals.
Vol. 1, p. 776.

Proviso.
Compensation to at-
torneys.

Payment.

¹24 Opp. Atty. Gen., 623; 25 Opp. Atty. Genl., 163.

attorneys on the warrant or warrants drawn by the Secretary of the Interior the amount of such compensation out of any funds in the Treasury belonging to said nations. And the existence of the Choctaw and Chickasaw citizenship court is hereby extended until December thirty-first, nineteen hundred and four.

32 Stat., 995.
Existence of court continued.

Survey, etc., of town sites, Indian Territory.
30 Stat., 500, 505.
Vol. 1, pp. 659, 660.
31 Stat., 237.

To pay all expenses incident to the survey, platting, and appraisement of town sites in the Choctaw, Chickasaw, Creek, and Cherokee nations, Indian Territory, as required by sections fifteen and twenty-nine of an act entitled "An act for the protection of the people of the Indian Territory, and for other purposes," approved June twenty-eighth, eighteen hundred and ninety-eight, and all acts amendatory thereof or supplemental thereto, twenty-five thousand dollars: *Provided*, That the money hereby appropriated shall be applied only to the expenses incident to the survey, platting, and appraisement of town sites heretofore set aside and reserved from allotment: *And provided further*, That nothing herein contained shall prevent the survey and platting, at their own expense, of town sites by private parties where stations are located along the lines of railroads, nor the unrestricted alienation of lands for such purposes, when recommended by the Commission to the Five Civilized Tribes and approved by the Secretary of the Interior.¹ That hereafter the Secretary of the Interior may, whenever the chief executive of the Choctaw or Chickasaw nations fails or refuses to appoint a town-site commissioner for any town, or to fill any vacancy caused by the neglect or refusal of the town-site commissioner appointed by the chief executive of the Choctaw or Chickasaw nations to qualify or act, in his discretion, appoint a commissioner to fill the vacancy thus created.

Provisos.
Use of appropriation restricted.

Survey, etc., town sites by private parties.

Appointment of commissioner on failure of Indian appointee to act, etc.

Eastern Cherokees, etc.
Status of.
32 Stat., 726.
Vol. 1, p. 797.

Section sixty-eight of the act of Congress entitled "An act to provide for the allotment of the lands of the Cherokee Nation, for the disposition of town sites therein, and for other purposes," approved July first, nineteen hundred and two, shall be so construed as to give the Eastern Cherokees, so called, including those in the Cherokee Nation and those who remained east of the Mississippi River, acting together or as two bodies, as they may be advised, the status of a band or bands, as the case may be, for all the purposes of said section: *Provided*, That the prosecution of such suit on the part of the Eastern Cherokees shall be through attorneys employed by their proper authorities, their compensation for expenses and services rendered in relation to such claim to be fixed by the Court of Claims upon the termination of such suit; and said section shall be further so construed as to require that both the Cherokee Nation and said Eastern Cherokees, so called, shall be made parties to any suit which may be instituted against the United States under said section upon the claim mentioned in House of Representatives Executive Document Numbered Three hundred and nine of the second session of the Fifty-seventh Congress; and if said claim shall be sustained in whole or in part the Court of Claims, subject to the right of appeal named in said section, shall be authorized to render a judgment in favor of the rightful claimant, and also to determine as between the different claimants, to whom the judgment so rendered, equitably belongs either wholly or in part, and shall be required to determine whether, for the purpose of participating in said claim, the Cherokee Indians who remained east of the Mississippi River constitute a part of the Cherokee Nation, or of the Eastern Cherokees, so called, as the case may be.²

Proviso.
Compensation of attorneys.

Parties to suit.

Judgment.

32 Stat., 997.
Allotments.
24 Stat., 383.
Vol. 1, p. 33.

To enable the President to cause, under the provisions of the act of February eighth, eighteen hundred and eighty-seven, entitled "An act to provide for the allotment of lands in severalty to Indians," and so

* * * * *

¹ Richard A. Ballinger v. U. S. *ex rel* Belle Frost, 216 U. S., 240.
² U. S. v. Cherokee Nation, 202 U. S., 101.

forth, such Indian reservations as in his judgment are advantageous for agricultural and grazing purposes to be surveyed or resurveyed, for the purposes of said act, and to complete the allotment of the same, including the necessary clerical work incident thereto in the field, and delivery of trust patents, so far as allotments shall have been selected under said act, forty thousand two hundred dollars. That the sum of twenty thousand dollars, or so much thereof as is necessary, is hereby appropriated, to be immediately available, for the purpose of aiding indigent and identified full-blood Mississippi Choctaws to remove to the Indian Territory, to be expended at the discretion and under the direction of the Secretary of the Interior.

Mississippi Choctaws. Aid to. Vol. 1, p. 780.

For construction of ditches and reservoirs, purchase and use of irrigating tools and appliances, and purchase of water rights on Indian reservations, in the discretion of the Secretary of the Interior and subject to his control, one hundred and fifty thousand dollars: *Provided*, That the Secretary of the Interior may employ such number of superintendents of irrigation, who shall be skilled irrigation engineers, not to exceed four, as in his judgment may be necessary to secure the construction of ditches and other irrigation works in a substantial and workmanlike manner.

Irrigation.

Proviso. Irrigation engineers.

For survey and subdivision of Indian reservations and of lands to be allotted to Indians, and to make allotments in severalty, to be expended by the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, twenty thousand dollars.

Surveying and all lotting.

For survey of lands within the Pine Ridge and Standing Rock Indian reservations, South Dakota, and for examination in the field of surveys, the sum of seventeen thousand dollars, to be immediately available, and for clerical work and stationery in the office of the surveyor-general required on surveys within the Pine Ridge and Standing Rock Indian reservations, South Dakota, the sum of three thousand two hundred dollars; in all, the sum of twenty thousand two hundred dollars.

Pine Ridge and Standing Rock reservations. Surveys.

For compensation of the commissioner authorized by the Indian appropriation act approved June seventh, eighteen hundred and ninety-seven, to superintend the sale of land, and so forth, of the Puyallup Indian Reservation, Washington, who shall continue the work as therein provided, two thousand dollars.

Puyallup Reservation, Wash. Commissioner to sell lands. Vol. 1, p. 621. 30 Stat., 87.

That the principal chief of the Quapaw tribe, with the consent of the tribal council, may sell the surplus tract of one hundred and sixty acres of Quapaw land heretofore set apart for school purposes, and the Secretary of the Interior is directed to pay out the proceeds of such sale, per capita, to the Quapaw people: *Provided*, That the money hereinbefore appropriated "for education" per third article of the Quapaw treaty of May thirteenth, eighteen hundred and thirty-three, and the unexpended balance of the same heretofore appropriated, not to exceed two thousand dollars, shall be paid to the treasurer of the Quapaw tribe or nation, and expended by him, under the direction of the Quapaw Council, for educational purposes only.

Quapaws. Sale of school lands.

Proviso. Education. 32 Stat., 983. Vol. 2, 396.

To enable the Secretary of the Interior to do the necessary surveying and otherwise carry out the purpose of so much of the act of May twenty-seventh, nineteen hundred and two, making appropriation for the current and contingent expenses of the Indian Department for the fiscal year nineteen hundred and three, and for other purposes, as provides for the allotment of the Indians of the Walker River Reservation in Nevada, and the Uintah and White River Utes in Utah, and the joint resolution of June nineteenth, nineteen hundred and two, providing for the allotment of the Indians of Spokane Reservation in Washington, to be immediately available, one hundred and seventy-

Walker River Indians, Nev. Uintah and White River Utes, Utah. Survey, etc., of irri-gable lands. 32 Stat., 260, 742. Vol. 1, p. 751, 799.

32 Stat., 993.

- Proviso. Obtaining consent to allotment. 1904, ch. 1492, 33 Stat., 207, post, p. 53. five thousand dollars: *Provided, however,* That the Secretary of the Interior shall forthwith send an inspector to obtain the consent of the Uintah and White River Ute Indians to an allotment of their lands as directed by the act of May twenty-seventh, nineteen hundred and two, and if their consent, as therein provided, can not be obtained by June first, nineteen hundred and three, then the Secretary of the Interior shall cause to be allotted to each of said Uintah and White River Ute Indians the quantity and character of land named and described in said act: *And provided further,* That the grazing lands to be set apart for the use of the Uintah, White River Utes, and other Indians, as provided by public resolution numbered thirty-one, of June nineteenth, nineteen hundred and two, be confined to the lands south of the Strawberry River on said Uintah Reservation, and shall not exceed two hundred and fifty thousand acres: *And provided further,* That the time for opening the unallotted lands to public entry on said Uintah Reservation, as provided by the act of May twenty-seventh, nineteen hundred and two, be, and the same is hereby, extended to October first, nineteen hundred and four.
- Grazing lands. Restriction. 1905, ch. 1479, 33 Stat., 1069, post, p. 146. That in the lands within the former Uncompahgre Indian Reservation, in the State of Utah, containing gilsonite, asphaltum, elaterite, or other like substances, which were reserved from location and entry by provision in the act of Congress entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for other purposes," approved June seventh, eighteen hundred and ninety-seven, all discoveries and locations of any such mineral lands by qualified persons prior to January first, eighteen hundred and ninety-one, not previously discovered and located, who recorded notices of such discoveries and locations prior to January first, eighteen hundred and ninety-one, either in the State of Colorado, or in the office of the county recorder of Uintah County, Utah, shall have all the force and effect accorded by law to locations of mining claims upon the public domain. All such locations may hereafter be perfected, and patents shall be issued therefor upon compliance with the requirements of the mineral land laws, provided that the owners of such locations shall relocate their respective claims and record the same in the office of the county recorder of Uintah County, Utah, within ninety days after the passage of this act. All locations of any such mineral lands made and recorded on or subsequent to January first, eighteen hundred and ninety-one, are hereby declared to be null and void; and the remainder of the lands heretofore reserved as aforesaid because of the mineral substances contained in them, in so far as the same may be within even numbered sections, shall be sold and disposed of in tracts not exceeding forty acres, or a quarter of a quarter of a section, in such manner and upon such terms and with such restrictions as may be prescribed in a proclamation of the President of the United States issued for that purpose not less than one hundred and twenty days after the passage of this act, and not less than ninety days before the time of sale or disposal, and the balance of said lands and also all the mineral therein are hereby specifically reserved for future action of Congress.
- Unallotted lands. Time of opening to settlement extended. 32 Stat., 261, vol. 1, p. 752.
- Uncompahgre Indian Reservation. Mining claims located on, prior to January 1, 1891, valid. 30 Stat., 87, vol. 1, p. 621.
- Patents to issue on relocation, etc., of claims.
- Claims located after January 1, 1891, invalid.
- Sale of remainder of mineral lands.
- Restrictions.
- Balance of lands reserved.
- Weeminuchi Utes, Col. Negotiations for release of Mesa Verde authorized. 34 Stat., 616.
- Report. 32 Stat., 999.

which the said tribe of Indians will relinquish to the United States their right of occupancy to said tract of land.

To maintain at the city of Omaha, Nebraska, in the discretion of the Secretary of the Interior, a warehouse for the receipt, storage, and shipping of goods for the Indian Service, ten thousand dollars.

Omaha, Nebr.
Warehouse.

To maintain at the city of Saint Louis, Missouri, in the discretion of the Secretary of the Interior, a warehouse for the receipt, storage, and shipping of goods for the Indian Service, ten thousand dollars.

Saint Louis, Mo.
Warehouse.

To enable the President to cause to be allotted, under the provisions 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," the lands in said separate reservations as provided in said act, including the necessary resurveys, ten thousand dollars.

Sioux Indian Reser-
vation, Dak.
Allotments.
25 Stat., 888, vol. 1,
p. 328.

For the equipment and maintenance of the asylum for insane Indians at Canton, South Dakota, for incidental and all other expenses necessary for its proper conduct and management, including pay of employees, and for necessary expense of transporting insane Indians to and from said asylum, twenty-five thousand dollars.

Canton, S. Dak.
Asylum for insane
Indians.

For pay of one special attorney for the Pueblo Indians of New Mexico, one thousand five hundred dollars, and for necessary traveling and incidental expenses of one special attorney for the Pueblo Indians of New Mexico, five hundred dollars; in all, two thousand dollars.

Pueblo Indians,
N. Mex.
Attorney.

That any part of the one hundred thousand dollars for the removal and support of the Mission Indians in California, appropriated by the act of May twenty-seventh, nineteen hundred and two, making appropriations for the Indian Service for the fiscal year nineteen hundred and three, not needed for the purposes specified in that act, may, in the discretion of the Secretary of the Interior, be used for the purchase of other tracts of land in California upon which to locate said Mission Indians and for the removal of such Indians to such purchased tract or tracts of land, and for acquiring, distributing, and developing water for the use of such Indians, and for the purchase of such building materials, agricultural implements, harness, wagons and horses, subsistence supplies, and other necessaries as may be required to properly establish such Indians in their new locations.

Mission Indians,
Cal.
Vol. 1, p. 7 0.

Purchase of lands to
locate Indians, etc.
Use of former appro-
priation.

That the Secretary of the Interior is authorized to use three hundred and fifty dollars of the one hundred thousand dollars appropriated for the removal and support of the Mission Indians in California by the act of May twenty-seventh, nineteen hundred and two, making appropriations for the current and contingent expenses of the Indian Department for the fiscal year nineteen hundred and three, to pay the expenses incurred by the commission created by said act, this being in addition to any other sums authorized for that purpose.

Expenses of commis-
sion.
32 Stat., 257, vol. 1
p. 750.

That the sum of two thousand nine hundred and eighteen dollars and five cents, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, to be paid to the American Surety Company of New York, a corporation duly organized and existing under and by virtue of the laws of the State of New York for the purpose of giving bonds and undertakings required by law, to indemnify said company in the amount or amounts it may actually be required to disburse or expend by the final decree of the proper court, under two separate undertakings on appeal, as damages and costs assessed against and for the value of the use and occupation of real property occupied by the defendants, who are Mission Indians of California, in the suits entitled J. Downey Harvey, administrator, and others, versus Allejandro Barker and others, and J. Downey Harvey, administrator, and others,

American Surety
Company, New York.
Payment to.

- 32 Stat., 1000. versus Jose Quevas and others, which suits were appealed from the decision of the superior court of the county of San Diego, State of California, to the supreme court of California, and to the Supreme Court of the United States, by direction of the Attorney General of the United States, being cases numbered two hundred and nine and two hundred and ten, respectively, in the October term, nineteen hundred, of the latter court; also to include costs in any suit that may be pending or that may hereafter be instituted to determine the liability under such undertakings: *Provided*, That no payment shall be made hereunder until proper vouchers evidencing the expenditures by said company under said undertakings shall have been presented to and approved by the Secretary of the Interior: *Provided further*, That if it shall be shown to the satisfaction of the Secretary of the Interior that said American Surety Company has been reimbursed or indemnified, then the money hereby appropriated, or so much thereof as may be necessary, shall be paid, in whole or in part, to the persons who have reimbursed or indemnified the said company, as the interests of such persons may appear.
- Provisos.
Vouchers. Reimbursement.
- Compilation, etc., of Indian treaties, laws, etc.
Payment for. To pay the persons who compiled and indexed the two volumes of the treaties, laws, Executive orders, and so forth, relating to Indian affairs, under Senate resolution of May twentieth, nineteen hundred and two, five thousand dollars of which said sum so much as may be necessary, may be expended as additional pay or compensation to any officer or employee of the United States, to be immediately available, and to be paid only upon vouchers signed by the chairman of the Committee on Indian Affairs of the Senate.
- Eastern band of Cherokees, N. C.
Payment to. For the purpose of compromising, settling and finally disposing of the case of the United States against William H. Thomas and others, which suit was begun in equity and has been prosecuted in the circuit court of the United States for the western district of North Carolina for the benefit of the Eastern Band of Cherokee Indians of North Carolina, the sum of four thousand dollars, to be paid to the said band of Indians by and under the direction of the Attorney General of the United States whenever, in his judgment, such payment will operate to secure a complete settlement of all matters pertaining to such litigation.
- Northern Cheyenne Indian Reservation, Mont.
Payment to settlers for improvements on. Provisos.
Ratification of agreement. For the payment of settlers within the boundaries of the Northern Cheyenne Indian Reservation, Montana, for improvements upon certain lands situated therein, two thousand nine hundred and sixty-five dollars: *Provided*, That the Secretary of the Interior shall and does, in his discretion, ratify and approve, under the provisions of section ten of the Indian appropriation act, approved July first, eighteen hundred and ninety-eight (Thirtieth Statutes, pages five hundred and ninety-six and five hundred and ninety-seven), the agreement entered into thereunder by United States Inspector James McLaughlin with the settlers included within the boundaries of said reservation, submitted by him to the Secretary of the Interior with his report, dated January sixteenth, nineteen hundred and one, and shall find, after investigation, that the improvements of said settlers remain intact and in good condition: *And provided further*, That the settlers shall remove immediately from the reservation upon the payment of the sums, according to their respective agreements, as ratified and approved by the Secretary of the Interior. And any private lands occupied by actual settlers over which an Indian reservation has been or may be extended by Executive order may be exchanged, at the discretion of the Secretary of the Interior, and at the expense of the owner thereof, under such rules and regulations as may be prescribed by the Secretary of the Interior, for vacant, nonmineral, nontimbered, surveyed public lands of like area and value, and situated in the same State or Territory.
- 70 Stat., 596.
Vol. 1, p. 667. Removal of settlers.
- Exchange of private lands.

To pay S. W. Campbell, Indian agent at the La Pointe Agency, Wisconsin, the sum of one hundred dollars, advanced by him as attorney's fees, and the further sum of one hundred and eleven dollars and ninety-one cents, paid by him as interest on money borrowed to pay employees of the agency, both at the request of the Interior Department; in all, two hundred and eleven dollars and ninety-one cents.

S. W. Campbell.
Payment to.
32 Stat., 1001.

To pay Reuben Perry, superintendent of the Lac du Flambeau Boarding School, Wisconsin, the sum of fifty-seven dollars and ninety cents, paid by him for attorney's fees in defending suit in the circuit court of Oneida County, Wisconsin, by direction of the Secretary of the Interior, fifty-seven dollars and ninety cents.

Reuben Perry.
Payment to.

For payment to Huff Jones, of Oconto, Wisconsin, his heirs or legal representatives, the sum of one thousand two hundred and twenty-six dollars and thirty-nine cents, in full for money expended under an agreement with William T. Richardson, United States Indian agent at Green Bay, Wisconsin, in November, eighteen hundred and seventy-two, for shanties, stables, roads, and supply road constructed by him upon such Indian reservation.

Huff Jones.
Payment to.

For payment to Peter La Blanc, a Sisseton Indian, who served in the Army of the United States during the war of the rebellion, the sum of one thousand four hundred and ninety-eight dollars and sixty-nine cents, being the aggregate amount which was paid each of the Sisseton, Wahpeton, Medawakanton, and Wahpakoota scouts and soldiers not parties to the agreement between the United States and the Sisseton and Wahpeton bands of Dakota and Sioux Indians on the twelfth day of September, eighteen hundred and eighty-nine, of the amounts appropriated by Congress by the acts of March third, eighteen hundred and ninety-one, March third, eighteen hundred and ninety-three, and March second, eighteen hundred and ninety-five, which amount he did not receive by reason of his name being omitted from the rolls.

Peter La Blanc.
Payment to.

26 Stat., 1038; vol 1,
431.
27 Stat., 624; vol. 1,
485.
28 Stat., 889; vol. 1,
559.

To reimburse William G. Malin, Indian agent for the Sac and Fox tribe of Indians in Iowa, for certain expenses (court costs, sheriffs' and attorneys' fees) paid by him in obtaining the appointment of guardians for Indian minors by the district court of Tama County, Iowa, one hundred and ninety dollars and forty-eight cents, to be immediately available.

William G. Malin.
Reimbursement.

That the Secretary of the Treasury is hereby authorized and directed to pay to Joseph H. Lee, senior, of Tuba, Arizona, the sum of three thousand seven hundred dollars for his property purchased within the external boundaries of the Navajo Indian Reservation, instead of to Ernest A. Lee, as provided by the Indian appropriation act approved May twenty-seventh, nineteen hundred and two: *Provided*, That said sum shall only be paid upon the presentation of a general release executed by said Ernest A. Lee, or his legal representatives.

Joseph H. Lee.
Payment to.
32 Stat., 264.

Proviso.
Release.
Vol. 1, 750.

That the Secretary of the Interior be, and is hereby, authorized to sell, in such manner as he may deem best, for cash, the three hundred and nineteen and seventy-two one-hundredths acres, the west half of section three, township eleven north, range two east of the Indian meridian, reserved for agency and school purposes by article two of the agreement of June twenty-first, eighteen hundred and ninety-one, ratified and confirmed by act of Congress approved March third, eighteen hundred and ninety-three (Twenty-seventh Statutes, page five hundred and fifty-seven), the proceeds of the sale of said tract of land to be applied and used for enlarging the school plant of the Absentee Shawnee Indian Industrial Training School, Oklahoma, so as to provide school facilities for such children of the Mexican Kickapoo, Absentee Shawnee, and Citizen Band of Pottawatomie Indians as

Sale of Kickapoo
Indian agency, etc.,
lands.

Vol. 1, p. 480.
27 Stat., 558.
Use of proceeds.

are at present, or may hereafter be, without such Government educational advantages.

Lawton, Okla.
Pumping station,
Fort Sill school reservation.
32 Stat., 1006.

Whenever the Secretary of the Interior shall determine the same to be necessary for the purposes intended, the city of Lawton, in the Territory of Oklahoma, is hereby authorized and permitted, upon such conditions as the Secretary of the Interior may prescribe, to erect, maintain, and operate on section twenty-nine, township two north, range eleven west, in said Territory, and within the limits of the reservation created for the Fort Sill Boarding School, a pumping station, collecting gallery, reservoir, and such other appurtenant and necessary structures and pipe lines as may be required to furnish said city with a sufficient water supply.

SUPPORT OF SCHOOLS.

32 Stat., 1006.
Placing in white families.

* * * * *
For collection and transportation of pupils to and from Indian schools, and also for the transportation of Indian pupils from all the Indian schools and placing of them, with the consent of their parents, under the care and control of such suitable white families as may in all respects be qualified to give such pupils moral, industrial, and educational training, under arrangements in which their proper care, support, and education shall be in exchange for their labor, sixty thousand dollars.

Supervision of expenditures.

That all expenditures of money appropriated for school purposes in this act shall be at all times under the supervision and direction of the Commissioner of Indian Affairs, and in all respects in conformity with such conditions, rules, and regulations as to the conduct and methods of instruction and expenditure of money as may be from time to time prescribed by him, subject to the supervision of the Secretary of the Interior: *Provided*, That not more than one hundred and sixty-seven

Provisos.
Limit of per capita expense.

dollars shall be expended for the annual support and education of any one pupil in any school herein specifically provided for, except when, by reason of epidemic, accident, or other sufficient cause the attendance is so reduced that a larger expenditure is absolutely necessary for the efficient operation of the school affected, when the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may allow a larger per capita expenditure, such expenditure to continue only so long as the said necessity therefor shall exist: *Provided further*, That the total amount appropriated for the support of such school shall not be exceeded: *Provided further*, That the number of pupils in any school entitled to the per capita allowance hereby provided for shall be determined by taking the average enrollment for the entire fiscal year and not any fractional part thereof: *Provided also*,

Total for school.
Determination of per capita allowance.

That in preparing implements and room for laundry work, in all Indian schools, arrangements shall be made for doing by hand such an amount of said work as may be sufficient to teach the female pupils the art of hand laundry work.

Laundry.

Purchase of supplies to be advertised.

SEC. 2. That no purchase of supplies for which appropriations are herein made, exceeding in the aggregate five hundred dollars in value at any one time, shall be made without first giving at least three weeks' public notice by advertisement, except in case of exigency, when, in the discretion of the Secretary of the Interior, who shall make official record of the facts constituting the exigency, and shall report the same to Congress at its next session, he may direct that purchases may be made in open market in amount not exceeding three thousand dollars at any one purchase: *Provided*, That supplies may be purchased, contracts let, and labor employed for the construction of artesian wells, ditches, and other works for irrigation, in the discretion of the Secretary of the Interior, without advertising as hereinbefore

Exceptions.

Provisos.
Irrigation.

provided: *Provided further*, That the Commissioner of Indian Affairs may, in his discretion, pay any field matron, on account of meritorious services, an addition of ten dollars per month to the fifty dollars as provided for in this act: *And provided further*, That as far as practicable Indian labor shall be employed and purchase in the open market made from Indians, under the direction of the Secretary of the Interior.

Additional pay to field matron.

Purchases from Indians.

SEC. 3. That the Secretary of the Interior, under the direction of the President, may use any surplus that may remain in any of the said appropriations herein made for the purchase of subsistence for the several Indian tribes, to an amount not exceeding twenty-five thousand dollars in the aggregate, to supply any subsistence deficiency that may occur: *Provided*, That any diversions which shall be made under authority of this section shall be reported in detail, and the reason therefor, to Congress, at the session of Congress next succeeding such diversion: *Provided further*, That the Secretary of the Interior, under direction of the President, may use any sums appropriated in this act for subsistence, and not absolutely necessary for that purpose, for the purchase of stock cattle for the benefit of the tribe for which such appropriation is made, and shall report to Congress, at its next session thereafter, an account of his action under this provision: *Provided further*, That funds appropriated to fulfill treaty obligations shall not be used.

32 Stat., 1007. Use of surplus for subsistence deficiencies.

Provisos. Report of diversions.

Purchase of stock cattle from subsistence surplus.

Treaty funds.

SEC. 4. That when not required for the purpose for which appropriated, the funds herein provided for the pay of specified employees at any agency may be used by the Secretary of the Interior for the pay of other employees at such agency, but no deficiency shall be thereby created; and, when necessary, specified employees may be detailed for other service when not required for the duty for which they were engaged; and that the several appropriations herein or heretofore made for millers, blacksmiths, engineers, carpenters, physicians, and other persons, and for various articles provided for by treaty stipulation for the several Indian tribes, may be diverted to other uses for the benefit of said tribes, respectively, within the discretion of the President, and with the consent of said tribes, expressed in the usual manner; and that he cause report to be made to Congress, at its next session thereafter, of his action under this provision.

Transfer of funds for employees, etc.

SEC. 5. That whenever, after advertising for bids for supplies in accordance with sections three and four of this act, those received for any article contains conditions detrimental to the interests of the Government, they may be rejected, and the articles specified in such bids purchased in open market, at prices not to exceed those of the lowest bidder, and not to exceed the market price of the same until such time as satisfactory bids can be obtained, for which immediate advertisement shall be made: *Provided*, That so much of the appropriations herein made as may be required to pay for goods and supplies, for expenses incident to their purchase, and for transportation of the same, for the year ending June thirtieth, nineteen hundred and four, shall be immediately available, but so such goods or supplies shall be distributed or delivered to any of said Indians prior to July first, nineteen hundred and three.

Rejection of bids.

Open market purchases.

Proviso. Amount for supplies immediately available.

SEC. 6. That the Commissioner of Indian Affairs shall report annually to Congress, specifically showing the number of employees at each agency, industrial and boarding school, which are supported in whole or in part out of the appropriations in this act, giving name, when employed, in what capacity employed, male or female, whether white or Indian, amount of compensation paid, and out of what item or fund of the appropriation paid, and whether, in the opinion of such Commissioner, any of such employees are unnecessary.

Annual report concerning employees.

Pottawatomie and Kickapoo reservations, Kans.
Sale of surplus lands. 30 Stat., 909, amended. Vol. 1, p. 681.

Allotments.

32 Stat., 1008.

Proviso. Absentees, etc., restricted to lands of their tribe.

Pro rata allotments.

Segregation of paragraph.

Seminole Nation. Tribal government to cease March 4, 1906. Proviso. Deeds to Indian allottees.

30 Stat., 568. Vol. 1, p. 662.

Homesteads alienable after twenty-one years.

Nonliability for debt.

Harriet Aungie. Patent to.

Lawrence Johnson. Patent to.

Tah ko we ah and Kome ta me ah may sell one-half of their allotments.

SEC. 7. That section five of the act approved February twenty-eighth, eighteen hundred and ninety-nine, entitled "An act providing for the sale of the surplus lands on the Pottawatomie and Kickapoo Indian reservations in Kansas, and for other purposes," be, and the same is hereby, amended so as to read as follows:

"SEC. 5. That before any of the surplus lands belonging to either of said tribes of Indians shall be sold under the provisions of this act there shall be allotted by the Secretary of the Interior eighty acres to each absentee of either of said tribes, and also to each of the children of members of the respective tribes born since the allotments heretofore made were closed and to whom allotments have never been made, but all allotments shall be made and accepted subject to existing leases: *Provided*, That in making these allotments the said Pottawatomie children and absentees shall be restricted to the Pottawatomie lands and the Kickapoo children and absentees to the Kickapoo lands: *Provided further*, That in case there are not sufficient surplus lands belonging to either tribe to allot lands to each child and absentee in quantity as above provided, said surplus lands shall be allotted to each of said children and absentees pro rata, as near as may be, according to legal subdivisions: *Provided further*, That this paragraph relating to allotments may be adopted or rejected by either tribe separate and apart from and without affecting the other provisions of this act."

SEC. 8. That the tribal government of the Seminole Nation shall not continue longer than March fourth, nineteen hundred and six: *Provided*, That the Secretary of the Interior shall at the proper time furnish the principal chief with blank deeds necessary for all conveyances mentioned in the agreement with the Seminole Nation contained in the act of July first, eighteen hundred and ninety-eight (Thirtieth Statutes, page five hundred and sixty-seven), and said principal chief shall execute and deliver said deeds to the Indian allottees as required by said act, and the deeds for allotment, when duly executed and approved, shall be recorded in the office of the Dawes Commission prior to delivery and without expense to the allottee until further legislation by Congress, and such records shall have like effect as other public records: *Provided further*, That the homestead referred to in said act shall be inalienable during the lifetime of the allottee, not exceeding twenty-one years from the date of the deed for the allotment. A separate deed shall be issued for said homestead, and during the time the same is held by the allottee it shall not be liable for any debt contracted by the owner thereof.¹

SEC. 9. That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a fee simple patent to Harriet Aungie, a Yankton Indian, for the lands heretofore allotted to her in South Dakota, to wit: The southeast quarter and the southwest quarter of section thirty, township ninety-five north, range sixty-three west of the fifth principal meridian, and all restrictions as to the sale, incumbrance, or taxation of said lands are hereby removed.

That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent in fee to Lawrence Johnson, a citizen Pottawatomie allottee, for the lands heretofore allotted to him in Oklahoma, to wit: The north half of the northeast quarter of section twenty-seven, township ten north, range three east of the Indian meridian, and all restrictions as to the sale, incumbrance, or taxation of said lands are hereby removed.

That Tah ko we ah, Kiowa allottee numbered six hundred and eighty-two, and Kome ta me ah, Kiowa allottee numbered six hundred and twenty-one, to whom trust patents have been issued containing restrictions upon alienation, may each sell and convey not exceeding one-half

¹ Moore v. O'Dell, 111 Pac., 308; Stout v. Simpson, 124 Pac., 754; Rentie v. McCoy, 128 Pac., 244; The 30,000 Land Suits, 199 Fed., 811; Ballinger v. Frost, 216 U. S., 240; Goat v. U. S., 224 U. S., 458; Eastern Cherokees v. U. S., 225 U. S., 571.

of her allotment, but such conveyance shall be subject to the approval of the Secretary of the Interior, and when so approved shall convey a full title to the purchaser, the same as if a final patent without restriction had been issued to the allottee.

That the Secretary of the Interior be, and he hereby is, authorized and directed to issue patents in fee, severally, to John Nestell, William F. Dietrich, Mabel R. Given, William E. Pedrick, Thomas F. Woodard, George W. Conover, Ben. Roache, Rudolph Fisher (whose Indian name is Asewaynah), Louis Bentz, and Emmet Cox, members of the Kiowa, Comanche, and Apache tribes of Indians, for the lands heretofore allotted to them, respectively, in the Territory of Oklahoma, and all restrictions as to the sale, incumbrance, or taxation of said lands are hereby removed.

John Nestell, etc.
Patents to.

32 Stat., 1009.

That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patents in fee, severally, to No-wa-hi, Darwin Hayes, Red Plume and Shoe, Cheyenne and Arapahoe Indians, for not to exceed eighty acres of the one hundred and sixty acres of land heretofore allotted to them, respectively, in the Territory of Oklahoma, and all restrictions as to the sale, incumbrance, or taxation of said land are hereby removed.

No-wa-hi, Darwir
Hayes, etc.
Patents to.

That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a fee-simple patent to Samuel Townsend, a Pawnee Indian, for the following portion of the lands heretofore allotted to him in the Territory of Oklahoma, to wit, the south one-half of the northeast quarter of section two, in township twenty-three north, of range five east of the Indian meridian, and all restrictions as to the sale, incumbrance, or taxation of said lands are hereby removed.

Samuel Townsend.
Patent to.

SEC. 10. That that portion of the act of Congress approved March third, nineteen hundred and one (Thirty-first Statutes, page one thousand and sixty-five), entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, nineteen hundred and two, and for other purposes," which reads as follows: "That on and after July first, nineteen hundred and one, any person desiring to trade with the Indians on said reservation shall, upon establishing the fact to the satisfaction of the Commissioner of Indian Affairs that he is a proper person to engage in such trade, be permitted to do so under such rules and regulations as the Commissioner of Indian Affairs may prescribe for the protection of said Indians," is hereby amended and extended so as to apply to all Indian reservations.¹

Regulations for trading with Indians modified.
31 Stat., 1066.
Vol. 1, p. 741.
1901, ch. 832, amended.

SEC. 11. "That the Secretary of the Interior is hereby authorized to sell, subject to the homestead laws of the United States, to the highest bidder at public auction, in tracts not to exceed one hundred and sixty acres to each individual, all that part of the Red Lake Indian Reservation in the State of Minnesota lying westerly of the range line between ranges thirty-eight and thirty-nine west of the fifth principal meridian, approximating two hundred and fifty-six thousand acres. And the land shall be sold for not less than four dollars per acre and shall be sold upon the following terms: One-fifth of the price bid therefor to be paid at the time the bid is made, and the balance of the purchase price of said land to be paid in five equal annual installments, payment to be made to the receiver of the United States land office for the district in which said land may be situated. And in case any purchaser fails to make such annual payment when due, or within sixty days thereafter, all rights in and to the land covered by his or her purchase shall at once cease, and any payments made shall thereupon be forfeited, and the Secretary of the Interior shall thereupon declare such forfeiture by reoffering such land for sale. And no title to said land shall inure to the purchaser, nor any patent issued to the pur-

Red Lake Indian
Reservation, Minn.
Sale of lands in.
Vol. 1, pp. 303, 576,
852.

Price per acre.

Payments.

Occupancy necessary to secure title.

| | | | | | | | | | | | | |
|---|--|----------------------------|---|---------------------------------------|-----------------------------|--|--------------------|------------------|---------------------|------------------------------|---|--|
| <p>Provisos. Final proof. Alien purchasers.</p> | <p>Land granted Min- nesota for school pur- poses. 32 Stat., 1010.</p> | <p>Removal of Indians.</p> | <p>Payment for im- provements, etc.</p> | <p>Disposition of pro- ceeds.</p> | <p>Per capita payments.</p> | <p>Independent posses- sion of diminished reservation.</p> | <p>Allotments.</p> | <p>Benefits.</p> | <p>Regulations.</p> | <p>Register, etc., fees.</p> | <p>Proviso. Nontliability of the United States.</p> | <p>chaser, until the purchaser or his or her heirs shall have resided upon, improved, and cultivated said land for the full term of five years, without any commutation of time, and shall have in all respects complied with the terms and provisions of the homestead laws of the United States: <i>Provided</i>, That such purchaser shall make his final proof conformable to the homestead laws within six years from the date of the sale; that aliens who have declared their intention to become citizens of the United States may become purchasers under this act, but before making final proof and acquiring title must take out their full naturalization papers: <i>Provided</i>, That in consideration of the benefits to be derived by said Indians from the acceptance of this agreement they expressly grant to the State of Minnesota for school purposes sections sixteen and thirty-six of each township.</p> <p>"All of the Indians residing upon the tract above described shall remove therefrom to the diminished Red Lake Reservation within six months after the ratification of this act; and there is hereby appropriated from the proceeds of said sale the sum of twenty thousand dollars, or so much thereof as may be necessary, to be paid to those thus removing in proportion to their respective improvements, which payment to said Red Lake Indians shall be in full of all improvements which they will abandon, and also for the removal within the diminished reservation of their dead from where they are now buried on the tract above described. The proceeds of said lands, as realized from time to time, shall be paid into the United States Treasury to the credit of the Indians belonging on said Red Lake Reservation.</p> <p>"Of the amount realized from the sale of said lands the sum of three hundred thousand dollars shall be paid in cash, per capita, share and share alike, to each man, woman, and child belonging on said Red Lake Indian Reservation within ninety days after the sale herein provided for and the receipt by the United States of said sum from said sales, and the remainder of the proceeds of the sale of said lands shall be paid in cash, per capita, in fifteen annual installments, the first installment to be paid in the month of October of the year following that in which the payment of the three hundred thousand dollars is made.</p> <p>"In consideration of the Indians hereinafter referred to ratifying this act, the said Indians shall possess their diminished reservation independent of all other bands of Chippewa Indians, and shall be entitled to allotments thereon of one hundred and sixty acres each of either agricultural or pine land, the different classes of land to be appropriated as equitably as possible among the allottees. And nothing in this act or its acceptance by said Indians shall be construed to deprive the said Indians of any benefits to which they are entitled under existing treaties or agreements not inconsistent with the provisions of this act.</p> <p>"The Secretary of the Interior is hereby vested with full power and authority to make such rules and regulations as to the time of notice, manner of sale, and other matters incident to the carrying out of the provisions of this act as he may deem necessary, and with authority to continue making sales of said land until all of said land shall have been sold. The register and receiver shall receive the usual fees for making final proof under this act.</p> <p>"<i>Provided</i>, That nothing in this section 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.</p> |
|---|--|----------------------------|---|---------------------------------------|-----------------------------|--|--------------------|------------------|---------------------|------------------------------|---|--|

“This act shall take effect and be in force from and after its ratification by the Red Lake and Pembina Bands of Chippewa Indians belonging on the Red Lake Indian Reservation, in the State of Minnesota, a majority of the male adults of said Indians assenting thereto, and the evidence thereof to be made by the proclamation of the President to the effect that this act has been duly ratified. And the Secretary of the Interior is hereby directed to submit this act to said Indians for ratification as early as is practicable.”

Ratification.
Vol. 1, p. 143.

SEC. 13. That any one or more of the registers and receivers of the United States land offices in the State of Kansas upon whom was imposed the responsibility of making sale and disposal of the Osage ceded, Osage trust, and Osage diminished reserve land, in said State, under the treaty of September twenty-ninth, eighteen hundred and sixty-five, between the United States and the Osage Indians, and the acts of Congress for carrying said treaty into effect, may bring suit in the Court of Claims against the Osage Nation and the United States to determine the claim of the plaintiff or plaintiffs for commissions or compensation for the sale of said lands or any service or duty connected therewith. And the said court shall have jurisdiction to hear and determine said cause and to render judgment thereon on the merits; and the Attorney General shall appear on behalf of the United States and the Osage Nation, and either party feeling aggrieved at the decision of the Court of Claims may appeal to the Supreme Court of the United States, and the final judgment in such case shall determine the rights of all such registers and receivers similarly situated. Said Osage Nation may also appear in said suit by an attorney employed with the authority of said nation. The Court of Claims shall have full authority, by proper orders and process, to make parties to any such suit all persons whose presence in the litigation it may deem necessary or proper to the final determination of the matter in controversy.

Osage Nation.
Registers, etc., may
bring suit in Court of
Claims against.

32 Stat., 1011.
14 Stat., 687, vol. 2, 878.
Vol. 1, pp. 137, 209.
Commissions, etc.

Jurisdiction.

Appeal to Supreme
Court.

Attorney.

Parties to suit.

Approved, March 3, 1903.

CHAP. 999.—An act authorizing the Secretary of the Interior to sell certain lands therein mentioned.

Mar. 3, 1903.

[Public, No. 149.]
32 Stat., 1024.

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 to cause to be sold, under the provisions of section twenty-four hundred and fifty-five, Revised Statutes, as amended by the act of February twenty-sixth, eighteen hundred and ninety-five, providing for the sale of isolated tracts, in so far as the same shall apply, the south half of the northeast quarter of section four, township forty-seven south, of range twenty-nine east, in Lee County, Florida, being eighty acres of land formerly occupied for agency purposes for the Seminole Indians in that State, which land is no longer needed by the United States.

Florida.
Sale of Seminole In-
dian agency lands au-
thorized.
28 Stat., 687.

Approved, March 3, 1903.

CHAP. 511.—An act for the relief of the heirs of Mary Clark and Francis or Jenny Clark, deceased, and for other purposes.

Feb. 6, 1903.

[Private, No. 449.]
32 Stat., part 2, p. 370.

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 is hereby authorized and directed to issue a patent in fee simple to the heirs of Mary Clark and Francis or Jenny Clark, deceased, late of Oklahoma Territory, for the northwest quarter of section seventeen in township thirteen north, of range eight west, of the Indian meridian,

Mary Clark and
Francis or Jenny
Clark.
Patents for lands to
heirs of, in lieu of prior
ones.

in said Territory, and the northeast quarter of section twenty-six in township eleven north, of range eight west, of the Indian meridian, in said Territory, said patent to issue in lieu of a patent issued to said Francis or Jenny Clark May twentieth, eighteen hundred and ninety-two, for said first-described tract, and a patent issued to said Mary Clark on the sixth day of May, eighteen hundred and ninety-two, for the last-described tract; each of said patents being trust in their character and issued under the provisions of the act of Congress approved February eighth, eighteen hundred and eighty-seven, as amended by the act of March third, eighteen hundred and ninety-one, said allottees being members of the Cheyenne or Arapahoe Tribe of Indians.

24 Stat., 388.
Vol. 1, p. 33.

26 Stat., 1007.
Vol. 1, pp. 33-56.

Taxation.

SEC. 2. That said lands when so patented shall be subject to taxation under the laws of the Territory of Oklahoma.

Approved, February 6, 1903.

PUBLIC ACTS OF FIFTY-EIGHTH CONGRESS, SECOND SESSION, 1904.

Feb. 18, 1904.
[H. R. 10954.]

[Public, No. 22.]
33 Stat., 30.

CHAP. 160.—An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1904, and for prior years, and for other purposes.

* * * * *

DEPARTMENT OF THE INTERIOR.

Clerk to sign deeds.
1904, ch. 716.

Pay of one clerk, to be appointed by the Secretary of the Interior, to sign, under the direction of the Secretary, in his name and for him, his approval of all tribal deeds to allottees and deeds for town lots made and executed according to law for any of the Five Civilized Tribes of Indians in the Indian Territory, salary from March tenth to June thirtieth, nineteen hundred and four, three hundred and seventy-three dollars and thirty-five cents.

* * * * *

Approved, February 18, 1904.

Feb. 20, 1904.
[S. 1490.]

[Public, No. 23.]
33 Stat., 46.
Preamble.
Red Lake Indian
Reservation, Minne-
sota.
32 Stat., 1009.
Ante, p. 25.

Agreement with
Chippewa Indians for
sale of.

Lands ceded.

CHAP. 161.—An act to authorize the sale of a part of what is known as the Red Lake Indian Reservation, in the State of Minnesota.

Whereas James McLaughlin, United States Indian inspector, did, on the tenth day of March, anno Domini nineteen hundred and two, make and conclude an agreement with the adult male Indians of the Red Lake Reservation, in the State of Minnesota, which said agreement is in words and figures as follows:

“This agreement made and entered into this tenth day of March, nineteen hundred and two, by and between James McLaughlin, United States Indian inspector, on the part of the United States, and the Red Lake and Pembina bands of Chippewa Indians belonging on the Red Lake Reservation in the State of Minnesota, witnesseth:

“ARTICLE 1. The said Indians belonging on the Red Lake Indian Reservation, Minnesota, for the consideration hereinafter named, do hereby cede, surrender, grant, and convey to the United States all their claim, right, title, and interest in and to all that part of the Red Lake Indian Reservation situate within the boundaries of Red Lake County, Minnesota, assaid county is at present defined and organized, the tract hereby ceded being more particularly described as embracing all that part of the said Red Lake Indian Reservation lying west of the range

line between ranges thirty-eight (38) and thirty-nine (39) west of the Fifth (5th) Principal Meridian, the tract of land hereby ceded approximating two hundred and fifty-six thousand one hundred and fifty-two (256,152) acres, and also hereby agree that all of said Indians now residing on the tract hereby ceded shall remove to the diminished reservation within six months after the ratification of this agreement, and shall be paid not exceeding five thousand (5,000) dollars in cash by the Indians of said Red Lake Reservation out of the first payment received by them from the proceeds of this cession said five thousand (5,000) dollars, or so much thereof as may be necessary, to be paid equitable to those thus removing, in proportion to the value of their respective improvements, which payment by said Red Lake Indians, shall be in full for all improvements which they will abandon, and also for the removal within the diminished reservation of their dead from where they are now buried on the tract hereby ceded.

“ARTICLE II. In consideration of the land ceded, relinquished, and conveyed by Article I of this agreement, the United States stipulates and agrees to pay to said Indians, in the manner hereinafter provided, the sum of one million (1,000,000) dollars. Price.

“ARTICLE III. It is understood that of the amount to be paid to said Indians, as stipulated by Article II of this agreement, the sum of two hundred and fifty thousand (250,000) dollars shall be paid in cash, per capita, share and share alike, to each man, woman, and child belonging on said Red Lake Indian Reservation, within ninety (90) days after the ratification of this agreement, and the remainder of the said sum of one million dollars, viz, seven hundred and fifty thousand (750,000) dollars shall be paid in cash, per capita, in fifteen (15) annual installments of fifty thousand (50,000) dollars each, the first of which fifteen annual installments to be paid in the month of October of the year following that in which payment of the said two hundred and fifty thousand (250,000) dollars is made, as provided in this agreement, and in the month of October of each year thereafter of the succeeding fourteen years, covering the period of said fifteen annual installments. Per capita payment in cash.

“ARTICLE IV. It is further agreed that the said Indians belonging on said Red Lake Indian Reservation, Minnesota, shall possess their diminished reservation independent of all other bands of the Chippewa tribe of Indians and shall be entitled to allotments thereon of one hundred and sixty (160) acres each, of either agricultural or pine land, the different class of land to be apportioned as equitably as possible among the allottees. Apportionment of lands.

“ARTICLE V. It is understood that nothing in this agreement shall be construed to deprive the said Indians belonging on the Red Lake Indian Reservation, Minnesota, of any benefits to which they are entitled under existing treaties or agreements not inconsistent with the provisions of this agreement. 33 Stat., 47. Benefits under existing treaties not disturbed.

“ARTICLE VI. This agreement shall take effect and be in force when signed by United States Indian Inspector James McLaughlin and by a majority of the male adult Indians, parties hereto, and when accepted and ratified by the Congress of the United States. Effect.

“In witness whereof the said James McLaughlin, United States Indian Inspector, on the part of the United States, and the male adult Indians belonging on the Red Lake Indian Reservation, Minnesota, have hereunto set their hands and seals at Red Lake Indian Agency, Minnesota, this tenth day of March, A. D. nineteen hundred and two.

“JAMES McLAUGHLIN (SEAL).

“United States Indian Inspector.

| No. | Name. | | Mark. | Age. | |
|-----|--------------------------|-----------|-------|------|---------|
| 1 | Kah bay no din..... | Chief.... | x | 67 | (SEAL.) |
| 2 | Mays ko ko noy ay..... | do..... | x | 70 | (SEAL.) |
| 3 | Pay she ke shig..... | do..... | x | 35 | (SEAL.) |
| 4 | Nay ay tow up..... | do..... | x | 54 | (SEAL.) |
| 5 | Ak mun e ay ke zhig..... | do..... | x | 76 | (SEAL.) |
| 6 | I con je gwon abe..... | do..... | x | 63 | (SEAL.) |
| 7 | Kay bay gah bow..... | do..... | x | 55 | (SEAL.) |

and 213 other male adult Indians.”

We, the undersigned, hereby certify that the foregoing agreement was fully explained by us in open council to the Indians of the Red Lake Reservation, Minnesota; that it was fully understood by them before signing, and that the agreement was duly executed and signed by said Indians.

JOS. C. ROY,
C. W. MORRISON,
PETER GRAVES,
Interpreters.

RED LAKE AGENCY, MINN., March 12, 1902.

We, the undersigned, do hereby certify that we witnessed the signatures of James McLaughlin, U. S. Indian Inspector, and the two hundred and twenty (220) Indians of the Red Lake Reservation, Minnesota, to the foregoing agreement.

DANIEL SULLIVAN,
Overseer in charge of Subagency.
FRANK H. KRATKA,
Mayor of Thief River Falls, Minn.
B. L. FAIRBANKS,
White Earth Agency, Minn.

RED LAKE AGENCY, MINNESOTA, March 12, 1902.

I hereby certify that the total number of male adult Indians, over eighteen (18) years of age, belonging on the Red Lake Reservation, is three hundred and thirty-four (334), of whom two hundred and twenty (220) have signed the foregoing agreement.

G. L. SCOTT,
Maj. 10th Cavalry, Acting Indian Agent.

LEECH LAKE AGENCY, MINNESOTA, March 17, 1902.

33 Stat., 48.

And

Whereas it is deemed for the best interests of the said Indians that said agreement be amended and modified as hereafter provided: Therefore,

Agreement amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That said agreement be, and the same is hereby, modified and amended so as to read as follows:

Lands ceded.

“ARTICLE I. The said Indians belonging on the Red Lake Indian Reservation, Minnesota, for the consideration hereinafter named, do hereby cede, surrender, grant, and convey to the United States all their claim, right, title, and interest in and to all that part of the Red Lake Indian Reservation lying west of the range line between ranges thirty-eight and thirty-nine, west of the fifth principal meridian, the tract of land hereby ceded approximating two hundred and fifty-six thousand one hundred and fifty-two acres, and also hereby agree that all of said Indians now residing on the tract hereby ceded shall remove to the

Removal of Indians to diminished reservation.

The proceeds of said lands as realized from time to time shall be paid into the United States Treasury to the credit of the Indians belonging on said reservation. Of the amount realized from the sale of said lands a sum not exceeding three hundred thousand dollars shall be paid in cash, per capita, share and share alike, to each man, woman, and child belonging on said Red Lake Indian Reservation within ninety days after the first sale herein provided for, and the remainder of the proceeds of the sale of said lands shall be paid in cash, per capita, in fifteen annual installments, the first installment to be paid in the month of October of the year following that in which the payment of the three hundred thousand dollars is made; and all moneys received after the expiration of said fifteen years shall be apportioned in like manner among said Indians and paid to them on the first day of October in each year.

Per capita distribution of proceeds.

The Secretary of the Interior is hereby vested with full powers and authority to make such rules and regulations as to the time of notice, manner of sale, and other matters incident to the carrying out of the provisions of this act as he may deem necessary, and with authority to continue making sale of said lands until all of said lands shall have been sold.

Regulations, etc.

In addition to the price to be paid for the land, the entryman shall pay the same fees and commissions at the time of commutation or final entry as now provided by law where the price of the land is one dollar and twenty-five cents per acre.

Entry fees, 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 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.

United States not bound to purchase land, etc.

SEC. 5. That this act shall take effect and be in force from and after its passage.

Effect.

Approved, February 20, 1904.

CHAP. 505.—An act authorizing the Secretary of the Interior to grant right of way for pipe lines through Indian lands.

Mar. 11, 1904.
[S. 3317.]

[Public, No. 45.]
33 Stat., 65.

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 is hereby authorized and empowered to grant a right of way in the nature of an easement for the construction, operation, and maintenance of pipe lines for the conveyance of oil and gas through any Indian reservation, through any lands held by an Indian tribe or nation in the Indian Territory, through any lands reserved for an Indian agency or Indian school, or for other purposes in connection with the Indian service, or through any lands which have been allotted in severalty to any individual Indian under any law or treaty, but which have not been conveyed to the allottee with full power of alienation, upon the terms and conditions herein expressed. No such lines shall be constructed across Indian lands, as above mentioned, until authority therefor has first been obtained from, and the maps of definite location of said lines approved by, the Secretary of the Interior: *Provided*, That the construction of lateral lines from the main pipe line establishing connection with oil and gas wells on the individual allotments of citizens may be constructed without securing authority from the Secretary of the Interior and without filing maps of definite

Indian lands.
Right of way granted to oil, etc., pipe lines through.

Secretary of Interior to approve location.

Provisos.
Lateral pipe lines.

diminished reservation within six months after the ratification of this agreement, and shall be paid not exceeding twenty thousand dollars in cash by the Indians of said Red Lake Reservation out of the first payment received by them from the proceeds of this cession, said twenty thousand dollars, or so much thereof as may be necessary, to be paid equitably to those thus removing, in proportion to the value of their respective improvements, which payment by said Red Lake Indians shall be in full for all improvements which they will abandon, and also for the removal within the diminished reservation of their dead from where they now are buried on the tract hereby ceded.

“ART. II. In consideration of the land ceded, relinquished, and conveyed by Article I of this agreement the United States stipulates and agrees to sell, subject to the homestead laws of the United States, under rules and regulations to be prescribed by the Secretary of the Interior, in tracts not to exceed one hundred and sixty acres to each individual, all of said lands, except lands remaining unsold after five years from the first sale hereunder, which may be sold without reference to the provisions of the homestead law. Said land shall be sold for not less than four dollars per acre, and shall be sold upon the following terms: One-fifth of the purchase price to be paid at the time of sale and the balance of the purchase price of said land to be paid in five equal annual installments due in one, two, three, four, and five years from date of sale, respectively, and to pay over to said Indians all of the proceeds realized from the sale of the said lands as herein provided.

“ART. III. It is understood that of the amount realized from the sale of said lands a sum of not exceeding three hundred thousand dollars shall be paid in cash per capita, share and share alike, to each man, woman, and child belonging on said Red Lake Indian Reservation within ninety days after the first sale herein provided for, and the remainder of the proceeds of the sale of said lands shall be paid in cash per capita in fifteen annual installments, the first of which fifteen annual installments is to be paid in the month of October of the year following that in which the payment of the said three hundred thousand dollars is made, as provided in this agreement, and in the month of October of each year thereafter, and all moneys received after the expiration of said fifteen years shall be apportioned in like manner among said Indians and paid to them on the first day of October in each year.

“ART. IV. It is further agreed that the said Indians belonging on the said Red Lake Indian Reservation, Minnesota, shall possess their diminished reservation independent of all other bands of the Chipewewa tribe of Indians and shall be entitled to allotments thereon of one hundred and sixty acres each, of either agricultural or pine land, the different classes of land to be apportioned as equitably as possible among the allottees.

“ART. V. It is understood that nothing in this agreement shall be construed to deprive the said Indians belonging on the Red Lake Indian Reservation, Minnesota, of any benefits to which they are entitled under existing treaties or agreements not inconsistent with the provisions of this agreement. It is the intention of this agreement that the United States shall act as trustee for said Indians to dispose of said land and to expend and pay over the proceeds as received from the sale thereof only as received, as herein provided.

“ART. VI. This agreement shall take effect and be in force when accepted and ratified by the Congress of the United States.”

SEC. 2. That said agreement be, and the same is hereby, accepted and ratified as herein amended.

SEC. 3. That the Secretary of the Interior is hereby authorized and directed to sell, subject to the homestead laws of the United States,

Sale of ceded lands.

Minimum price per acre.

Payments.

Per capita distribution.

Independent possession and allotment.

33 Stat., 49.

Existing benefits not affected.

Trusteeship.

Effect.

Ratification.

Lands to be sold subject to homestead laws.

under such rules and regulations as he may prescribe, in tracts not to exceed one hundred and sixty acres to each individual, all that part of the Red Lake Reservation, in the State of Minnesota, lying westerly of the range line between ranges thirty-eight and thirty-nine west of the fifth principal meridian, approximating two hundred and fifty-six thousand acres. And the said land shall be sold for not less than four dollars per acre, and shall be sold upon the following terms: One-fifth of the price bid therefor to be paid at the time the bid is made, and the balance of the purchase price of said land to be paid in five equal annual installments, due in one, two, three, four, and five years from date of sale, respectively, payment to be made to the receiver of the United States land office for the district in which said land may be situated.

Forfeiture. And in case any purchaser fails to make such annual payments promptly when due, or within sixty days thereafter, all rights in and to the land covered by his or her purchase shall at once cease, and any payments made shall thereupon be forfeited and the Secretary of the Interior shall thereupon declare such forfeiture by reoffering said land for sale. And no patent shall issue to the purchaser until the purchaser shall have paid the purchase price and in all respects complied with the terms and provisions of the homestead laws of the United States: *Provided*, That such purchaser shall have the right of commutation as provided by section twenty-three hundred and one of the Revised Statutes of the United States, by paying for the land at the price for which it sold, receiving credit for payments previously made:

Patents.

Provisos. Commutation. R. S., sec. 2301.

Final proof. *Provided further*, That such purchaser shall make his final proof conformable to the homestead laws within six years from the date of sale; that aliens who have declared their intention to become citizens of the United States may become purchasers under this act, but before making final proof and acquiring title must take out their full naturalization papers; and that persons who may have heretofore exhausted their rights under the homestead law may become purchasers under this act: *Provided further*, That after the first sale hereunder shall be closed, the lands remaining unsold shall be subject to sale and entry at the price of four dollars per acre by qualified purchasers, subject to the same terms and conditions as herein prescribed as to lands sold at said first sale: *Provided further*, That all lands above described which shall remain unsold at the expiration of five years from the date of the first sale hereunder shall be offered for sale at not less than four dollars per acre (and lands remaining unsold after such sale shall be subject to private entry and sale at said price), without any conditions whatever except the payment of the purchase price: *And provided further*, That wherever the boundary line of said reservation runs diagonally so as to divide any Government subdivision of a section, and the owner of that portion of such subdivision now being outside of the reservation becomes the purchaser of that portion of such subdivision lying within the reservation, residents and improvements upon either portions of such subdivisions as provided by the homestead law shall constitute a compliance as to all such Government subdivisions.¹

Sale, etc., of remaining lands.

Minimum price.

Prior residence and improvements.

33 Stat., 50.

Removal of Indians to diminished reservation.

Payment for improvements.

All of the Indians residing upon the tract above described shall remove therefrom to the diminished reservation within six months after the passage of this act; and there is hereby appropriated from the proceeds of said sale the sum of twenty thousand dollars, or so much thereof as may be necessary, to be paid to those thus removing in proportion to their respective improvements, which payment to the said Red Lake Indians shall be in full for all improvements which they will abandon, and also for the expense of removal within the diminished reservation of their dead from where they are now buried on the tract above described, and the expense of making allotments

¹ 39 L. D., 456.

location, when the consent of the allottee upon whose lands oil or gas wells may be located and of all other allottees through whose lands said lateral pipe lines may pass has been obtained by the pipe line company: *Provided further*, That in case it is desired to run a pipe line under the line of any railroad, and satisfactory arrangements can not be made with the railroad company, then the question shall be referred to the Secretary of the Interior, who shall prescribe the terms and conditions under which the pipe line company shall be permitted to lay its lines under said railroad. The compensation to be paid the tribes in their tribal capacity and the individual allottees for such right of way through their lands shall be determined in such manner as the Secretary of the Interior may direct, and shall be subject to his final approval. And where such lines are not subject to State or Territorial taxation the company or owner of the line shall pay to the Secretary of the Interior, for the use and benefit of the Indians, such annual tax as he may designate, not exceeding five dollars for each ten miles of line so constructed and maintained under such rules and regulations as said Secretary may prescribe. But nothing herein contained shall be so construed as to exempt the owners of such lines from the payment of any tax that may be lawfully assessed against them by either State, Territorial, or municipal authority. And incorporated cities and towns into and through which such pipe lines may be constructed shall have the power to regulate the manner of construction therein, and nothing herein contained shall be so construed as to deny the right of municipal taxation in such towns and cities, and nothing herein shall authorize the use of such right of way except for pipe line, and then only so far as may be necessary for its construction, maintenance, and care: *Provided*, That the rights herein granted shall not extend beyond a period of twenty years: *Provided further*, That the Secretary of the Interior, at the expiration of said twenty years, may extend the right to maintain any pipe line constructed under this act for another period not to exceed twenty years from the expiration of the first right, upon such terms and conditions as he may deem proper.¹

Pipe lines laid under railroads.

Compensation.

Annual tax.

No exemption from State, etc., taxes.

Rights of incorporated cities.

Use of right of way restricted.

Time limit.

Extension.

Amendment.

SEC. 2. The right to alter, amend, or repeal this act is expressly reserved.

Approved, March 11, 1904.

Mar. 30, 1904.
[S. 2323.]

CHAP. 854.—An act relating to ceded lands on the Fort Hall Indian Reservation.

[Public, No. 76.]
33 Stat., 153.

Fort Hall Indian Reservation, Idaho.
Unsold lands ceded by Shoshone and Bannock Indians open to settlement.
31 Stat., 676; vol. 1, p. 708.

32 Stat., 1997.

33 Stat., 154.

Proviso.
Improvements to be paid for.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all lands of the former Fort Hall Indian Reservation, in the State of Idaho, within five miles of the boundary line of the town of Pocatello, offered for sale at public auction on and after July seventeenth, nineteen hundred and two, in accordance with the provisions of the act of Congress of June sixth, nineteen hundred (Thirty-first Statutes, page six hundred and seventy-two), and the proclamation of the President of May seventh, nineteen hundred and two, thereunder, and which remain unsold after such offering, shall be subject to entry under and in accordance with the provisions of section five of said act and at the prices therein fixed, at a time and in accordance with regulations to be prescribed by the Secretary of the Interior: *Provided*, That the improvements made by certain Indians upon the following-described lands, namely: Lot four, section one, township seven south, range thirty-four east, and the southeast quarter of the northeast quarter, section eighteen, township seven south, range thirty-five east, and the east half of the southeast

¹ Henry Gas Co. v. U. S., 191 Fed., 132; Texas Co. v. Henry, 126 Pac., 224.

quarter of section twenty-one, township six south, range thirty-four east, and which have heretofore been appraised, shall be paid for at the said appraised value, at the time of and by the person making entry of the respective tracts upon which such improvements are situated.

Approved, March 30, 1904.

CHAP. 855.—An act to authorize the State of South Dakota to select school and indemnity lands in the ceded portion of the Great Sioux Reservation, and for other purposes.

Mar. 30, 1904.
[H. R. 56.]

[Public, No. 77.]
33 Stat., 154.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of South Dakota shall have the right to select school indemnity or other lands granted to the State by the enabling act providing for the admission of said State into the Union in the ceded portion of the Great Sioux Reservation in South Dakota, and said lands are hereby made subject to such selection.

South Dakota.
Selection of school, etc., lands in ceded portion of Great Sioux Reservation authorized.
25 Stat., 679, vol. 1, pp. 328, 943.

SEC. 2. The general laws for the disposal of the public lands of the United States are hereby extended and made applicable to the said ceded portion of the Great Sioux Reservation in the said State.

Public land laws made applicable.

Approved, March 30, 1904.

CHAP. 1402.—An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, nineteen hundred and five, and for other purposes.

Apr. 21, 1904.
[H. R. 12684.]

[Public, No. 125.]
33 Stat., 189.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses of the Indian Department, and in full compensation for all offices the salaries for which are specially provided for herein, for the service of the fiscal year ending June thirtieth, nineteen hundred and five, and for fulfilling treaty stipulations with various Indian tribes, namely:

Indian Department appropriations.

33 Stat., 190.

CURRENT AND CONTINGENT EXPENSES.

For pay of twenty-three agents of Indian affairs at the following-named agencies, at the rates respectively indicated, namely:

Pay of agents.

At the Blackfeet Agency, Montana, one thousand eight hundred dollars;

At the Cheyenne River Agency, South Dakota, one thousand eight hundred dollars;

At the Colville Agency, Washington, one thousand five hundred dollars;

At the Crow Agency, Montana, one thousand eight hundred dollars;

At the Crow Creek Agency, South Dakota, one thousand six hundred dollars;

At the Flathead Agency, Montana, one thousand five hundred dollars;

At the Green Bay Agency, Wisconsin, one thousand eight hundred dollars;

At the Kiowa Agency, Oklahoma Territory, one thousand eight hundred dollars;

At the La Pointe Agency, Wisconsin, one thousand eight hundred dollars;

At the Leech Lake Agency, Minnesota, one thousand eight hundred dollars;

At the Lower Brule Agency, South Dakota, one thousand four hundred dollars;

At the New York Agency, New York, one thousand dollars;

At the Osage Agency, Oklahoma Territory, one thousand eight hundred dollars;

At the Pine Ridge Agency, South Dakota, one thousand eight hundred dollars;

At the Rosebud Agency, South Dakota, one thousand eight hundred dollars;

At the San Carlos Agency, Arizona, one thousand eight hundred dollars;

At the Shoshone Agency, Wyoming, one thousand eight hundred dollars;

At the Sisseton Agency, South Dakota, one thousand five hundred dollars;

At the Standing Rock Agency, North Dakota, one thousand eight hundred dollars;

At the Uintah and Ouray Agency, Utah (consolidated), one thousand eight hundred dollars;

At the Union Agency, Indian Territory, three thousand dollars;

At the White Earth Agency, Minnesota, one thousand eight hundred dollars;

At the Yankton Agency, South Dakota, one thousand six hundred dollars;

Provisos.
Not available for
army officers on active
list as agents.

In all, forty thousand one hundred dollars: *Provided*, That the foregoing appropriations shall not take effect nor become available in any case for or during the time in which any officer on the active list of the Army of the United States shall be engaged in the performance of the duties of Indian agent at any of the agencies above named:

School superintend-
ents may act as
agents.
Bond.

Provided further, That the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may devolve the duties of any Indian agency or any part thereof upon the superintendent of the Indian training school located at such agency whenever in his judgment such superintendent can properly perform the duties of such agency. And the superintendent upon whom such duties devolve shall give bond as other Indian agents.

33 Stat., 191.

Interpreters.

For payment of necessary interpreters, to be distributed in the discretion of the Secretary of the Interior, four thousand dollars; but no person employed by the United States and paid for any other service shall be paid for interpreting.

Inspectors.

For pay of eight Indian inspectors, one of whom shall be an engineer competent in the location, construction, and maintenance of irrigation works, at two thousand five hundred dollars per annum each, twenty thousand dollars.

Expenses.

For traveling expenses of eight Indian inspectors, at three dollars per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses now authorized by law, and for incidental expenses of inspection and investigation, including telegraphing and expenses of going to and going from the seat of government, and while remaining there under orders and direction of the Secretary of the Interior, for a period not to exceed twenty days, twelve thousand eight hundred dollars.

Superintendent of
schools.

For pay of one superintendent of Indian schools, three thousand dollars.

Traveling, etc., ex-
penses.

For necessary traveling expenses of one superintendent of Indian schools, including telegraphing and incidental expenses of inspection and investigation, one thousand five hundred dollars: *Provided*, That he shall be allowed three dollars per day for traveling expenses when

Provisos.
Per diem.

actually on duty in the field, exclusive of cost of transportation and sleeping-car fare, in lieu of all other expenses now allowed by law: *And provided further*, That he shall perform such other duties as may be imposed upon him by the Commissioner of Indian Affairs, subject to the approval of the Secretary of the Interior.

Other duties.

For buildings and repairs of buildings at agencies and for rent of buildings for agency purposes and for water supply at agencies, sixty thousand dollars.

Agency buildings.

For contingencies of the Indian Service, including traveling and incidental expenses of Indian agents and of their offices, and of the Commissioner of Indian Affairs; also traveling and incidental expenses of special agents, at three dollars per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses now authorized by law, and expenses of going to and going from the seat of government, and while remaining there under orders and direction of the Commissioner of Indian Affairs, for a period not to exceed twenty days; for pay of employees not otherwise provided for, and for pay of the five special agents, at two thousand dollars per annum each, sixty thousand dollars: *Provided*, That hereafter when it becomes necessary to make large per capita payments to Indians, the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, is hereby authorized to require any disbursing officer of the Indian Department to file a special bond in such amount as may be necessary to make such payment in one installment, the expenses incurred in procuring such special bond to be paid by the United States from this appropriation.

Contingencies.

Proviso.
Large per capita payments.

Special bond.

For expenses of the commission of citizens, serving without compensation, appointed by the President under the provisions of the act of April tenth, eighteen hundred and sixty-nine, four thousand dollars, of which amount a sum not to exceed three hundred dollars may be used by the commission for office rent.

Citizen commission.
16 Stat., 40, vol. 1, 11.

Rent.

To enable the Commissioner of Indian Affairs to employ practical farmers and practical stockmen, subject only to such examination as to qualifications as the Secretary of the Interior may prescribe, in addition to the agency farmers now employed, at wages not exceeding seventy-five dollars each per month, to superintend and direct farming and stock raising among such Indians as are making effort for self-support, one hundred and twenty-five thousand dollars: *Provided*, That the amounts paid said farmers and stockmen shall not come within the limit for employees fixed by the act of June seventh, eighteen hundred and ninety-seven (Thirtieth Statutes, page ninety).

Practical farmers.

33 Stat., 192.

Proviso.

Not included in limit for employees.
30 Stat., 90, vol. 1, p. 89.

For services of officers at fifteen dollars per month each, and privates at ten dollars per month each, of Indian police, to be employed in maintaining order and prohibiting illegal traffic in liquor on the several Indian reservations and within the Territory of Alaska, in the discretion of the Secretary of the Interior, for the purchase of equipments, and for the purchase of rations for policemen at nonration agencies, one hundred thousand dollars.

Indian police.

For compensation of judges of Indian courts, twelve thousand dollars.

Judges of Indian courts.

To pay such contingent expenses of the Choctaw and Chickasaw citizenship court and such of its officers as the Secretary of the Interior may deem proper, and for rental of quarters, five thousand dollars, to be immediately available. And the unexpended balance of the appropriation for contingent expenses, as provided in the act of July first, nineteen hundred and two, of five thousand dollars remaining on the books of the Interior Department December thirty-first, nineteen hundred and three, amounting to one thousand one hundred and thirty-six dollars and twenty-five cents, to the credit of the Choctaw and Chickasaw citizenship court, is hereby reappropri-

Choctaw and Chickasaw citizenship court.
Contingent expenses.

Unexpended balance reappropriated.
32 Stat., 648, vol. 1, p. 778.

| | |
|--|--|
| | ated for the necessary expenses of the said court until December thirty-first, nineteen hundred and four. |
| Stenographers. | For one stenographer to each of the three judges of the Choctaw and Chickasaw citizenship court, appointed by them, respectively, at one hundred dollars per month each from March third to June thirtieth, nineteen hundred and three, one thousand one hundred and eighty dollars and sixty-five cents; for traveling expenses and subsistence of said stenographers, the reporter, and the bailiff of said court, not to exceed three dollars per day each, one thousand five hundred dollars; in all, two thousand six hundred and eighty dollars and sixty-five cents, to be immediately available. |
| Traveling, etc., expenses. | |
| Matrons to teach housekeeping. | To enable the Commissioner of Indian Affairs to employ suitable persons as matrons to teach Indian girls in housekeeping and other household duties, at a rate not to exceed seventy dollars per month, and for furnishing necessary equipments, twenty-five thousand dollars: <i>Provided</i> , That the amounts paid said matrons shall not come within the limit for employees fixed by the act of June seventh, eighteen hundred and ninety-seven (Thirtieth Statutes, page ninety). |
| Proviso. Not included in limit for employees. 30 Stat., 90, vol. 1, p. 89. | |
| Purchasing supplies, etc. | Telegraphing, and purchase of Indian supplies: To pay the expense of purchasing goods and supplies for the Indian Service, and pay of necessary employees; advertising, at rates not exceeding regular commercial rates; inspection, and all other expenses connected therewith, and for telegraphing, sixty thousand dollars. |
| Transporting supplies. | For necessary expenses of transportation of such goods, provisions, and other articles for the various tribes of Indians provided for by this act, including pay and expenses of transportation agents and rent of warehouses, one hundred and ninety thousand dollars: <i>Provided</i> , That no portion thereof shall be expended for the location or maintenance of an Indian warehouse at any place other than San Francisco, Chicago, and New York City. |
| Proviso. Location of warehouses. | |
| Vaccination. | For pure vaccine matter and vaccination of Indians, five thousand dollars. |

33 Stat., 193.
Fulfilling treaties.

FULFILLING TREATY STIPULATIONS WITH AND SUPPORT OF INDIAN TRIBES.

Chippewas of the Mississippi.

CHIPPEWAS OF THE MISSISSIPPI.

Schools. 16 Stat., 720, vol. 2, p. 974.

For support of a school or schools upon said reservation, in accordance with third article of treaty of March nineteenth, eighteen hundred and sixty-seven, four thousand dollars: *Provided*, That the President of the United States deems the same necessary.

Choctaws.

CHOCTAWS.

Permanent annuities. Vol. 2, p. 706. Vol. 2, 709.

For permanent annuity, per second article of treaty of November sixteenth, eighteen hundred and five, and thirteenth article of treaty of June twenty-second, eighteen hundred and fifty-five, three thousand dollars;

Light horsemen. Vol. 2, 193.

For permanent annuity for support of light horsemen, per thirteenth article of treaty of October eighteenth, eighteen hundred and twenty, and thirteenth article of treaty of June twenty-second, eighteen hundred and fifty-five, six hundred dollars;

Blacksmith. Vol. 2, 192. Vol. 2, 213. Vol. 2, 709.

For permanent annuity for support of blacksmith, per sixth article of treaty of October eighteenth, eighteen hundred and twenty, ninth articles of treaty of January twentieth, eighteen hundred and twenty-five, and thirteenth article of treaty of June twenty-second, eighteen hundred and fifty-five, six hundred dollars;

Education.

For permanent annuity for education, per second and thirteenth articles of last two treaties named above, six thousand dollars;

For permanent annuity for iron and steel, per ninth article of treaty of January twentieth, eighteen hundred and twenty-five, and thirteenth article of treaty of June twenty-second, eighteen hundred and fifty-five, three hundred and twenty dollars;

Iron and steel.
Vol. 2, 213.

For interest on three hundred and ninety thousand two hundred and fifty-seven dollars and ninety-two cents, at five per centum per annum, for education, support of the government, and other beneficial purposes, under the direction of the general council of the Choctaws, in conformity with the provisions contained in the ninth and thirteenth articles of treaty of January twentieth, eighteen hundred and twenty-five, and treaty of June twenty-second, eighteen hundred and fifty-five, nineteen thousand five hundred and twelve dollars and eighty-nine cents; in all, thirty thousand and thirty-two dollars and eighty-nine cents.

Interest.

Vol. 2, 213.
Vol. 2, 709.

CHIPPEWAS OF MINNESOTA, REIMBURSABLE.

Chippewas of Minnesota.

Advance interest to the Chippewa Indians in Minnesota, as required by section seven of "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January fourteenth, eighteen hundred and eighty-nine, to be expended under the direction of the Secretary of the Interior, in the manner required by said act (reimbursable), ninety thousand dollars.

Advance interest.

Vol. 1, 305.

To enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to carry out an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January fourteenth, eighteen hundred and eighty-nine, namely, the purchase of material and employment of labor for the erection of houses for Indians; for the purchase of agricultural implements, stock, and seeds, breaking and fencing land; for payment of expenses of delegations of Chippewa Indians to visit the White Earth Reservation; for the erection and maintenance of day and industrial schools; for subsistence and for pay of employees; for pay of commissioners and their expenses, and for removal of Indians and for their allotments, to be reimbursed to the United States out of the proceeds of sale of their lands, one hundred and fifty thousand dollars.

Civilization, etc.
1889, ch. 24.
25 Stat., 642, vol. 1,
p. 301.

33 Stat., 194.

CHIPPEWAS OF NORTH DAKOTA.

Chippewas of North Dakota.

Whereas the Turtle Mountain Band of Chippewa Indians did on the second day of October, eighteen hundred and ninety-two, enter into an agreement with the United States through the commissioners of the United States duly appointed for that purpose, and

Agreement with the Turtle Mountain Band amended and ratified.

Whereas it is deemed for the best interests of the said Indians that the said agreement be in some respect, modified and amended, it is hereby enacted that said agreement be amended so as to read as follows:

Preamble.

"ARTICLE I. The friendly relations heretofore existing between the Turtle Mountain Band of Chippewa Indians and the United States shall be forever maintained.

Maintenance of friendly relations.

"ARTICLE II. The Turtle Mountain Band of Chippewa Indians, in consideration of the covenants and stipulations hereinafter contained, do hereby cede, alienate, and convey to the United States all the claims, estate, right, title, and interest of the Turtle Mountain Band of Chippewa Indians, or any of them as members of said band of Indians, in and to all lands, tenements, and hereditaments situate, lying, and being in the State of North Dakota, excepting and reserving from this conveyance, for the purposes mentioned in Article III hereof, that tract of land particularly mentioned and set apart by an

Cession of lands to the United States.

Reservation.

Executive order of the President of the United States bearing date the third day of June, anno Domini eighteen hundred and eighty-four, to which reference is hereby had for more particular description, the said reserve being twelve miles in length and six miles in breadth and now occupied as a reservation by the Turtle Mountain Band of Chippewa Indians.

School, etc., lands.

"It being expressly stipulated that the land now occupied and used for school, church, and Government purposes shall be so held at the pleasure of the United States, and may, with the approval of the Secretary of the Interior of the United States, be patented, when the interest of the United States, the Indians thereon, or the efficient school conduct requires. The Secretary of the Interior may, as occasion requires, set apart other land in said reserve for school and other public uses.

Survey and apportionment.

"ARTICLE III. The land, woods, and waters above reserved for the Turtle Mountain Band of Chippewa Indians, subject to the stipulations contained in Article II of this treaty and agreement, shall be held as the common property of the Turtle Mountain Band of Chippewa Indians; and it is agreed that the United States shall, as soon as it can conveniently be done, cause the land hereby reserved and held for the use of the Turtle Mountain Band of Chippewa Indians to be surveyed, as public lands are surveyed, for the purpose of enabling such Indians as desire to take homesteads, and the selections shall be so made as to include in each case, as far as possible, the residence and improvements of the Indians making selection, giving to each an equitable proportion of natural advantages, and when it is not practicable to so apportion the entire homestead of land in one body it may be set apart in separate tracts, not less than forty acres in any one tract, unless the same shall abut upon a lake; but all assignments of land in severalty shall conform to the Government survey. And lands in said reservation which shall not be taken by said Indians within such time as may be fixed by the Secretary of the Interior after the ratification of this agreement may be opened for settlement as other public lands. The survey of this land shall be made as Government surveys and at no expense to the Indians.¹

Lands open to settlement.
Expense of survey.

33 Stat., 195.
Payment for lands ceded.

"ARTICLE IV. In consideration of the premises and the foregoing cession the United States agrees to pay to the said Turtle Mountain Band of Chippewa Indians the sum of one million dollars, such amount to be paid either in cash or yearly installments, in such sums as the Secretary of the Interior may consider for the best interests of said tribe of Indians: *Provided*, That in case the Secretary of the Interior does not see fit to pay the sum hereinbefore mentioned in cash, but considers it for the best interests of the Indians of said tribe to pay the same in yearly installments, he is hereby authorized and directed to expend such portion of the pro rata share of each Indian on the reserve, as his needs may require, in building, improving, and repairing the houses of such Indians, except as hereinafter agreed.

Proviso.
Improvements.

Schools.

"ARTICLE V. The schools now located upon the above-named reserve are to be maintained in efficiency, as at present, so long as, in the opinion of the Secretary of the Interior, conditions demand the maintenance of such schools, not to exceed, however, the term of twenty years.

Alternate selection of homesteads.

"ARTICLE VI. All members of the Turtle Mountain Band of Chippewa Indians who may be unable to secure land upon the reservation above ceded may take homesteads upon any vacant land belonging to the United States without charge, and shall continue to hold and be entitled to such share in all tribal funds, annuities, or other property the same as if located on the reservation: *Provided*, That such right of alternate selection of homesteads shall not be alienated or represented by power of attorney.¹

Proviso.
Right of selection inalienable, etc.

¹ 35 L. D., 508; 36 L. D., 105.

"ARTICLE VII. So long as the United States retains and holds the title to any land in the use or occupation of any member of the Turtle Mountain Band of Chippewa Indians or the title to other property in the possession of any Indian of said band, which it may do for twenty years, there shall be no tax or other duty levied or assessed upon the property, the title to which is held or retained by the United States.¹

Lands nontaxable.

"ARTICLE VIII. It is further covenanted and agreed that under no circumstances the Turtle Mountain Band of Chippewa Indians nor any members of said band of Indians shall take up arms against or resist the established authorities of the United States. Every person so violating this stipulation shall, in the discretion of the United States, be forever barred from the benefits of this agreement, and all rights of such person or persons hereunder shall be forfeited to the United States.

Armed resistance a
disbarment to benefits.

"ARTICLE IX. This agreement to be of no binding force or effect until ratified by the Congress of the United States." Which said agreement so amended as aforesaid is hereby accepted, ratified, and confirmed: *Provided*, That the said agreement as amended as aforesaid be ratified and accepted by a majority of the adult members of said Turtle Mountain Band of Chippewa Indians in general council lawfully convened for that purpose, and be it further enacted that the sum of one million dollars be appropriated out of any money in the Treasury not otherwise appropriated, for the purpose of carrying into effect the provisions of said amended agreement when ratified and accepted as aforesaid by said Indians: *Provided, however*, That no part of said sum shall be paid until said Indians, in general council lawfully convened for that purpose, shall execute and deliver to the United States a general release of all claims and demands of every name and nature against the United States, excepting and reserving from such release the right of said Indians to the tract of land particularly mentioned, described, and set apart by the Executive order of the President, dated June third, eighteen hundred and eighty-four, and their right to individual allotment as provided in said amended agreement: *Provided further*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to withhold from the amount herein appropriated and pay to the attorneys who have represented said Indians the following amounts, namely: James M. E. O'Grady and Charles J. Maddux, jointly, the sum of forty-two thousand dollars and to William W. Anderson the sum of eight thousand dollars, which sums shall be accepted by them respectively in full payment for all services rendered the said Indians by them or by those claiming under them;²

Ratification.
Agreement con-
firmed.

Provisos.
Majority vote of
adult members.

Appropriation.

Release of all claims.

Payments to attor-
neys.
33 Stat., 196.

Surveys, etc.

CŒUR D'ALENES.

Cœur d'Alenes.

For thirteenth of fifteen installments of eight thousand dollars each, to be expended under the direction of the Secretary of the Interior, under the sixth article of agreement of March twenty-sixth, eighteen hundred and eighty-seven, ratified by act of March third, eighteen hundred and ninety-one, eight thousand dollars;

1891, ch. 543.
26 Stat., 1023.
Vol. 1, p. 421.

For pay of blacksmith, carpenter, and physician, and purchase of medicines, as per the eleventh article of said agreement, three thousand five hundred dollars; in all, eleven thousand five hundred dollars.

CROWS.

Crows.

For the twenty-third of twenty-five installments, as provided in agreement with the Crows, dated June twelfth, eighteen hundred and eighty, to be used by the Secretary of the Interior in such manner as the President may direct, thirty thousand dollars

1882, ch. 74.
22 Stat., 43.
Vol. 1, p. 195.

¹ 35 L. D., 608.

² Maddux v. Bottineau, 34 App. D. C., 119.

Fort Hall Indians.

FORT HALL INDIANS.

1889, ch. 203.
Vol. 1, p. 314.
25 Stat., 688.

For sixteenth of twenty installments, as provided in agreement with said Indians approved February twenty-third, eighteen hundred and eighty-nine, to be used by the Secretary of the Interior for the benefit of the Indians in such manner as the President may direct, six thousand dollars.

Blackfeet Agency

INDIANS AT BLACKFEET AGENCY.

1896, ch. 398.
Vol. 1, p. 604.
29 Stat., 354.

For seventh of nine installments, to be disposed of as provided in article two of the agreement with the Indians of the Blackfeet Reservation, ratified by act approved June tenth, eighteen hundred and ninety-six, one hundred and fifty thousand dollars.

Iowas.

IOWAS.

Interest.
Vol. 2, p. 628.

For interest in lieu of investment on fifty-seven thousand five hundred dollars, balance of one hundred and fifty-seven thousand five hundred dollars, to July first, nineteen hundred and four, at five per centum per annum, for education or other beneficial purposes, under the direction of the President, per ninth article of treaty of May seventeenth, eighteen hundred and fifty-four, two thousand eight hundred and seventy-five dollars.

Kickapoos.

KICKAPOOS IN KANSAS.

Interest.
Vol. 2, p. 634.

Interest on sixty-five thousand five hundred and forty dollars and ninety-four cents, at five per centum per annum, for educational and other beneficial purposes, per treaty of May eighteenth, eighteen hundred and fifty-four, three thousand two hundred and seventy-seven dollars and four cents. This amount to enable the President of the United States to pay the legal representatives of one deceased Kickapoo Indian (Kte-qua), the settlement of whose estate is desired under the provisions of section two of the act of August fourth, eighteen hundred and eighty-six, such sum as may be the proportion of one hundred thousand dollars provided by said tribe for education and other beneficial purposes, not exceeding three hundred and thirty-seven dollars and eighty-three cents. (Act of August fourth, eighteen hundred and eighty-six, Twenty-fourth Statutes, page thirty-four, article two.)

Payment to estate of
deceased Indian.

33 Stat., 197.
1886, ch. 897.
Vol. 1, p. 242.
24 Stat., 219.

Molels.

MOLELS.

Schools.

Vol. 2, 740.

For pay of teachers and for manual-labor schools, and for all necessary materials therefor, and for the subsistence of the pupils, per second article of treaty of December twenty-first, eighteen hundred and fifty-five, three thousand dollars.

Northern Cheyennes and Arapahoes.

NORTHERN CHEYENNES AND ARAPAHOES.

Subsistence, etc.
1877, ch. 72.
Vol. 1, p. 168.
19 Stat., 256.

For subsistence and civilization, as per agreement with the Sioux Indians approved February twenty-eighth, eighteen hundred and seventy-seven, including subsistence and civilization of Northern Cheyennes removed from Pine Ridge Agency to Tongue River, Montana, ninety thousand dollars;

Physician, etc.

Vol. 2, 1014.

For pay of physician, two teachers, two capenters, one miller, two farmers, a blacksmith, and engineer, per seventh article of the treaty of May tenth, eighteen hundred and sixty-eight, nine thousand dollars; in all, ninety-nine thousand dollars.

OSAGES.

For interest on sixty-nine thousand one hundred and twenty dollars, at five per centum per annum, being value of fifty-four sections of land set apart by treaty of June second, eighteen hundred and twenty-five, for educational purposes, per Senate resolution of January ninth, eighteen hundred and thirty-eight, three thousand four hundred and fifty-six dollars.

Osages.
Interest.
Vol. 2, 217.

PAWNEES.

For perpetual annuity, per second article of treaty of September twenty-fourth, eighteen hundred and fifty-seven, and agreement of November twenty-third, eighteen hundred and ninety-two, article three, thirty thousand dollars;

For support of two manual labor schools, per third article of same treaty, of September twenty-fourth, eighteen hundred and fifty-seven, ten thousand dollars;

For pay of physician and purchase of medicines, one thousand two hundred dollars (gratuity);

For purchase of iron and steel and other necessaries for the shops, as per fourth article of treaty of September twenty-fourth, eighteen hundred and fifty-seven, five hundred dollars: *Provided*, That the President of the United States shall certify that, in his judgment, this amount ought to be expended; in all, forty-one thousand seven hundred dollars.

Pawnees.
Annuity.
Vol. 2, 764.

Vol. 2, 764.

Iron and steel, etc.
Proviso of the
Certificate of the
President.

POTTAWATOMIES.

For permanent annuity, in silver, per fourth article of treaty of August third, seventeen hundred and ninety-five, three hundred and fifty-seven dollars and eighty cents;

For permanent annuity, in silver, per third article of treaty of September thirtieth, eighteen hundred and nine, one hundred and seventy-eight dollars and ninety cents;

For permanent annuity, in silver, per third article of treaty of October second, eighteen hundred and eighteen, eight hundred and ninety-four dollars and fifty cents.

For permanent annuity, in money, per second article of treaty of September twentieth, eighteen hundred and twenty-eight, seven hundred and fifteen dollars and sixty cents;

For permanent annuity, in specie, per second article of treaty of July twenty-ninth, eighteen hundred and twenty-nine, and second article of treaty of September twentieth, eighteen hundred and twenty-eight, five thousand seven hundred and twenty-four dollars and seventy-seven cents;

For permanent provision for payment of money in lieu of tobacco, iron, and steel, per second article of treaty of September twentieth, eighteen hundred and twenty-eight, and tenth article of treaties of June fifth and seventeenth, eighteen hundred and forty-six, one hundred and seven dollars and thirty-four cents;

For permanent provision for fifty barrels of salt, per second article of treaty of July twenty-ninth, eighteen hundred and twenty-nine, fifty dollars;

For interest on two hundred and thirty thousand and sixty-four dollars and twenty cents, at five per centum, in conformity with provisions of article seven of treaties of June fifth and seventeenth, eighteen hundred and forty-six, eleven thousand five hundred and three dollars and twenty-one cents; in all, nineteen thousand five hundred and thirty-two dollars and twelve cents.

Pottawatomies.

Annuities.
Vol. 2, 41.

Vol. 2, 101.

Vol. 2, 168.

33 Stat., 198.
Vol. 2, 294.

Vol. 2, 298.
Vol. 2, 294.

Vol. 2, 294.
Vol. 2, 559.

Vol. 2, 298.

Interest.
Vol. 2, 558.

Quapaws.

QUAPAWS.

Education.
Vol. 2, 396.Proviso.
Certificate
President. of the

For education, per third article of treaty of May thirteenth, eighteen hundred and thirty-three, one thousand dollars; for blacksmith and assistants, and tools, iron, and steel for blacksmith shop, per same article and treaty, five hundred dollars; in all, one thousand five hundred dollars: *Provided*, That the President of the United States shall certify the same to be for the best interest of the Indians.

Sacs and Foxes of
the Mississippi.

SACS AND FOXES OF THE MISSISSIPPI.

Annuity.
Vol. 2, 75.Interest.
Vol. 2, 495.

Vol. 2, 546.

Proviso.
Physician, etc.

For permanent annuity, in goods or otherwise, per third article of treaty of November third, eighteen hundred and four, one thousand dollars; for interest on two hundred thousand dollars, at five per centum, per second article of treaty of October twenty-first, eighteen hundred and thirty-seven, ten thousand dollars; for interest on eight hundred thousand dollars, at five per centum, per second article of treaty of October eleventh, eighteen hundred and forty-two, forty thousand dollars: *Provided*, That the sum of one thousand five hundred dollars of this amount shall be used for the pay of a physician and for purchase of medicine; in all, fifty-one thousand dollars.

Sacs and Foxes of
the Missouri.

SACS AND FOXES OF THE MISSOURI.

Interest.

Vol. 2, 495.

School.

Vol. 2, 812.

Proviso.
Certificate
President. of the

For interest on one hundred and fifty-seven thousand four hundred dollars, at five per centum, under the direction of the President, per second article of treaty of October twenty-first, eighteen hundred and thirty-seven, seven thousand eight hundred and seventy dollars;

For support of a school, per fifth article of treaty of March sixth, eighteen hundred and sixty-one, two hundred dollars: *Provided*, That the President of the United States shall certify the same to be advisable; in all, eight thousand and seventy dollars.

Seminoles.

SEMINOLES.

Interest.

Vol. 2, 760.

33 Stat., 199.

Vol. 2, 760.

Vol. 2, 911.

For five per centum interest on two hundred and fifty thousand dollars, to be paid as annuity, per eighth article of treaty of August seventh, eighteen hundred and fifty-six, twelve thousand five hundred dollars;

For five per centum interest on two hundred and fifty thousand dollars, to be paid as annuity (they having joined their brethren West), per eighth article of treaty of August seventh, eighteen hundred and fifty-six, twelve thousand five hundred dollars;

For interest on fifty thousand dollars, at the rate of five per centum per annum, to be paid annually for the support of schools, as per third article of treaty of March twenty-first, eighteen hundred and sixty-six, two thousand five hundred dollars;

For interest on twenty thousand dollars, at the rate of five per centum per annum, to be paid annually for the support of the Seminole government, as per same article, same treaty, one thousand dollars; in all, twenty-eight thousand five hundred dollars.

Senecas of New
York.

SENECAS OF NEW YORK.

Annuity.

Interest.

For permanent annuity, in lieu of interest on stock, per act of February nineteenth, eighteen hundred and thirty-one, six thousand dollars;

For interest, in lieu of investment, on seventy-five thousand dollars, at five per centum, per act of June twenty-seventh, eighteen hundred and forty-six, three thousand seven hundred and fifty dollars;

For interest, at five per centum, on forty-three thousand and fifty dollars transferred from the Ontario Bank to the United States Treasury, per act of June twenty-seventh, eighteen hundred and forty-six, two thousand one hundred and fifty-two dollars and fifty cents; in all, eleven thousand nine hundred and two dollars and fifty cents.

SIX NATIONS OF NEW YORK.

Six Nations of New York.

For permanent annuity, in clothing and other useful articles, per sixth article of treaty of November eleventh, seventeen hundred and ninety-four, four thousand five hundred dollars.

Annuity.

SHOSHONES AND BANNOCKS.

Shoshones and Bannocks.

SHOSHONES: For pay of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith as per tenth article of treaty of July third, eighteen hundred and sixty-eight, five thousand dollars;

Shoshones. Physician, etc.

For pay of second blacksmith, and such iron and steel and other materials as may be required, as per eighth article of same treaty, one thousand dollars;

Vol. 2, 1023.

BANNOCKS: For pay of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith, as per tenth article of treaty of July third, eighteen hundred and sixty-eight, five thousand dollars; in all, eleven thousand dollars.

Vol. 2, 1022.

Bannocks. Physician, etc.

SIoux OF DIFFERENT TRIBES, INCLUDING SANTEE SIOUX OF NEBRASKA.

Sioux of different tribes.

For pay of five teachers, one physician, one carpenter, one miller, one engineer, two farmers, and one blacksmith, per thirteenth article of treaty of April twenty-ninth, eighteen hundred and sixty-eight, ten thousand four hundred dollars;

Teachers, etc.

For pay of second blacksmith, and furnishing iron, steel, and other material, per eighth article of same treaty, one thousand six hundred dollars;

Vol. 2, 1002.

Vol. 2, 1000.

For pay of additional employees at the several agencies for the Sioux in Nebraska and in North Dakota and South Dakota, eighty-five thousand dollars;

Employees.

For subsistence of the Sioux, and for purposes of their civilization, as per agreement ratified by act of Congress approved February twenty-eighth, eighteen hundred and seventy-seven, eight hundred and fifty thousand dollars: *Provided*, That this sum shall include transportation of supplies from the termination of railroad or steamboat transportation, and in this service Indians shall be employed whenever practicable: *And provided further*, That the number of rations issued shall not exceed the number of Indians on each reservation, and any excess in the number of rations issued shall be disallowed in the settlement of the agent's account: *Provided further*, That the unexpended balance for the fiscal year nineteen hundred and four is hereby appropriated and made available for nineteen hundred and five;

Subsistence. 1877, ch. 72, vol. 1, p. 168.

Provisos. Transportation. 33 Stat. 200.

Rations.

Unexpended balance available.

For support and maintenance of day and industrial schools, including erection and repairs of school buildings, in accordance with article seven of the treaty of April twenty-ninth, eighteen hundred and sixty-eight, which article is continued in force for twenty years by section seventeen of the act of March second, eighteen hundred and eighty-nine, two hundred and twenty-five thousand dollars; in all, one million one hundred and seventy-two thousand dollars.

Schools, etc.

1889, ch. 405, 25 Stat., 894, vol. 1, p. 335.

SIOUX, YANKTON TRIBE.

Sioux, Yankton Tribe.

For sixteenth of twenty installments (last series), to be paid to them or expended for their benefit, per fourth article of treaty of April nineteenth, eighteen hundred and fifty-eight, fifteen thousand dollars, to be immediately available;

Vol. 2, 777.

- Subsistence. 19 Stat., 287. Immediately available. For subsistence and civilization of Yankton Sioux, heretofore provided for in appropriations under "Fulfilling treaty with Sioux of different tribes," and so forth, thirty thousand dollars; in all, forty-five thousand dollars, to be immediately available.
- Spokanes. SPOKANES.
- Blacksmith, etc. 1892, ch. 164, 27 Stat., 139, vol. 1, p. 449. For pay of a blacksmith and carpenter to do necessary work and to instruct the said Indians in those trades, one thousand dollars each, per sixth article of agreement, with said Indians, dated March eighteenth, eighteen hundred and eighty-seven, ratified by act of Congress approved July thirteenth, eighteen hundred and ninety-two, two thousand dollars.
- Utes, Confederated Bands. CONFEDERATED BANDS OF UTES.
- Carpenters, etc. Vol. 2, 858. Vol. 2, 993. For pay of two carpenters, two millers, two farmers, and two blacksmiths, as per tenth article of treaty of October seventh, eighteen hundred and sixty-three, and fifteenth article of treaty of March second, eighteen hundred and sixty-eight, six thousand seven hundred and twenty dollars; For pay of two teachers, as per same article of same treaty, one thousand eight hundred dollars; For purchase of iron and steel and the necessary tools for blacksmith shop, per ninth article of same treaty, two hundred and twenty dollars;
- Food. For annual amount for the purchase of beef, mutton, wheat, flour, beans, and potatoes, or other necessary articles of food, as per twelfth article of same treaty, thirty thousand dollars;
- Employees. For pay of employees at the several Ute agencies, fifteen thousand dollars; in all, fifty-three thousand seven hundred and forty dollars.
- Winnebagoes. WINNEBAGOES.
- Interest. Vol. 2, 498. For interest on eight hundred and four thousand nine hundred and nine dollars and seventeen cents, at five per centum per annum, per fourth article of treaty of November first, eighteen hundred and thirty-seven, and joint resolution of July seventeenth, eighteen hundred and sixty-two, forty thousand two hundred and forty-five dollars and forty-five cents; and the Secretary of the Interior is hereby directed to expend said interest for the support, education, and civilization of said Indians;
- 33 Stat., 201. Purchase of stock, etc. For interest on seventy-eight thousand three hundred and forty dollars and forty-one cents, at five per centum per annum, to be expended under the direction of the Secretary of the Interior for the erection of houses, improvement of their allotments of land, purchase of stock, agricultural implements, seeds, and other beneficial objects, three thousand nine hundred and seventeen dollars and two cents; in all, forty-four thousand one hundred and sixty-two dollars and forty-seven cents.
- Per capita payments to certain tribes. That the Secretary of the Interior is hereby authorized and directed under such rules and regulations as he may prescribe, to pay per capita to the following Indian tribes, all funds now to their credit in the United States Treasury or such part of such funds as he may deem necessary for their best interests, and any other funds that may hereafter be received for their credit: *Provided*, That he may retain a sufficient amount of their trust funds, which at the present rate of interest, will yield sufficient income for the support of their schools and for pay of employees: *Provided further*, That the shares of minors shall remain in the Treasury until they become of age and the shares
- Provisos. Retention for schools, etc.
- Shares of minors, etc., to be paid to parents, etc.

of incompetents also be retained in the Treasury and the interest of such shares may, in the discretion of the Secretary of the Interior, be paid to the parents or legally appointed guardians of such minors and incompetents under such regulations as he may prescribe, namely, L'Anse and Vieux de Sert Chippewas, Michigan; Omahas, Nebraska; Otoe and Missouri, Oklahoma; Stockbridge and Munsee, Wisconsin; Tonkawas, Oklahoma; Umatillas, Oregon; the Iowa Indians, and the Sac and Fox Indians of Missouri, of the Pottawatomie and Great Nemaha Agency in the State of Kansas.

That the Secretary of the Interior be, and he is hereby, authorized and directed under such rules and regulations as he may prescribe, to pay to the Sioux Indians residing at Flandreau, in the State of South Dakota, the share of said Indians in the principal permanent fund appropriated and placed in the Treasury of the United States to the credit of the Sioux Nation of Indians by the seventeenth section of the act of Congress approved March second, eighteen hundred and eighty-nine (Statutes at Large, volume twenty-five, page eight hundred and ninety-five): *Provided*, That the Secretary of the Interior may withhold any of the payments herein provided for if in his judgment it would be to the best interest of the member entitled to said payment to do so.

That the Secretary of the Interior is hereby authorized and directed to cause to be paid to the persons hereinafter named, formerly members by adoption, of the Wichita and affiliated bands of Indians, now citizens of the United States, that is to say, to William M. Hazlett, Nora G. Hazlett, Joe Weller, Charles S. Williams, Fred Exendine, Earl Purdy, Grimes Atkins, Clay J. Bronson, Bella K. Bronson, Francis E. Cross, James Deer, Jennie Deer, John D. Downing, Margaret L. Downing, Bela Ellis, Mary Perdier Gray, Charles Inkanish, James Inkanish, Henry Inkanish, Ellen E. King, Louisa P. Medrano, John Osborne, Alice Osborne, E. B. Parrish, Nancy Parrish, Mary N. Purdy, Vernon Purdy, H. P. Pruner, Lucy J. Pruner, Charles B. Pruner, Frank Purdy, Bill Perdier, Sallie Perdier, Jessee Strum, Mattie Strum, Oscar Tobanaka, Homer J. Seger, Katie Strum Thomas, Jessee Williams, Willie Weller, Cora C. West, Benjamin Montello, Alice Inkanish Cussen, their per capita share of the funds derived from the sale or disposition of lands made in pursuance of the decree of the Court of Claims in the case of The Choctaw Nation and The Chickasaw Nation versus The United States and The Wichita and Affiliated Bands of Indians, being numbered eighteen thousand nine hundred and thirty-two, which has accrued up to and including December thirty-first, nineteen hundred and three, except the fund which has accrued from the disposition of land reserved for the use of schools, colleges, and public buildings, said payments to be made to the said persons through those authorized by contract to aid in collecting the same upon the execution of proper receipts.

That all indemnity school land selections made by the State of Oregon in lieu of sections sixteen and thirty-six in place between the boundary of the Klamath Indian Reservation, as fixed in eighteen hundred and eighty-eight, and the boundary agreed upon in the treaty with the Indians in eighteen hundred and sixty-four, as confirmed by the Klamath Boundary Commission under act of June tenth, eighteen hundred and ninety-six, in their report to the Secretary of the Interior, dated December eighteenth, eighteen hundred and ninety-six, and by the survey made pursuant thereto and accepted by the General Land Office May seventh, nineteen hundred, which are otherwise regular and free from any prior lawful claim, are hereby confirmed to the State of Oregon as school lands: *Provided further*, That the State furnish evidence satisfactory to the Secretary of the Interior that at the date of filing such list of selections it had not disposed of or incumbered its title to said base lands.

Names of tribes.

Sioux at Flandreau,
S. Dal.
Payment to.

1889, ch. 405, 25 Stat.,
895, vol. 1, p. 335.

Proviso.
Payments may be
withheld.

Wichita and affil-
iated bands.
Payments to former
members of.

School land, etc.,
fund.

33 Stat., 202.

Oregon.
Indemnity school
lands confirmed to.

1896, ch. 398, 29 Stat.,
342.

Proviso.
Evidence.

MISCELLANEOUS SUPPORTS AND GRATUITIES.

- Miscellaneous supports, etc.
- Apaches, Kiowas, Comanches, Wichitas, etc.
- Arapahoes and Cheyennes.
- Chippewas, Lake Superior.
- Chippewas, Turtle Mountain band.
- Confederated tribes, middle Oregon.
- Crows.
- D'Wamish, etc., Wash.
- Flatheads, etc.
- Apaches, etc., Arizona and New Mexico.
- Provisos. Unexpended balance available. Correction. 1903, ch. 994; 32 Stat., 992.
- Fort Hall Indians.
- 33 Stat., 203. Fort Berthold Indians.
- Fort Peck Indians.
- Lemhi Agency Indians.
- Klamath Agency Indians.
- Kansas.
- Kickapoos.
- Makahs.
- Nez Perce, Joseph's band.
- For support and civilization of the Apaches, Kiowas, Comanches, Wichitas, and affiliated bands who have been collected in the reservations set apart for their use and occupation, twenty-five thousand dollars.
- For support and civilization of the Arapahoes and Cheyennes who have been collected on the reservations set apart for their use and occupation, forty thousand dollars.
- For support and civilization of the Chippewas of Lake Superior, Wisconsin, to be expended for agricultural and educational purposes; pay of employees, including pay of physician, at one thousand two hundred dollars; purchase of goods and provisions, and for such other purposes as may be deemed for the best interest of said Indians, seven thousand dollars.
- For support and civilization of Turtle Mountain band of Chippewas, North Dakota, including seeds, thirteen thousand dollars.
- For support and civilization of the confederated tribes and bands in middle Oregon, and for pay of employees, five thousand dollars.
- For support and civilization of the Crow Indians, fifteen thousand dollars.
- For support and civilization of the D'Wamish and other allied tribes in Washington, including pay of employees, five thousand dollars.
- For support and civilization of Indians at Flathead Agency, Montana, including pay of employees, ten thousand dollars.
- For support and civilization of the Apache and other Indians in Arizona and New Mexico who have been or may be collected on reservations in Arizona and New Mexico, two hundred and twenty-five thousand dollars: *Provided*, That the unexpended balance for the fiscal year nineteen hundred and four is hereby appropriated and made available for nineteen hundred and five: *Provided further*, That the proviso in the appropriation of two hundred and twenty-five thousand dollars for the support and civilization of Indians in Arizona and New Mexico in the Indian appropriation bill for the fiscal year nineteen hundred and four is hereby corrected to read as follows: "*Provided*, That the unexpended balance for the fiscal year nineteen hundred and three is hereby appropriated and made available for nineteen hundred and four," and made applicable accordingly.
- For support and civilization of the Shoshones and Bannocks and other Indians of the Fort Hall Reservation in Idaho, including pay of employees, twenty thousand dollars.
- For support and civilization of Indians at Fort Berthold Agency, including pay of employees, thirty thousand dollars.
- For support and civilization of the Indians of the Fort Peck Agency in Montana, including pay of employees, fifty-five thousand dollars.
- For support, civilization, and instruction of the Shoshones, Bannocks, Sheepeaters, and other Indians of the Lemhi Agency, Idaho, including pay of employees, thirteen thousand dollars.
- For support and civilization of the Klamaths, Modocs, and other Indians of the Klamath Agency, Oregon, including pay of employees, five thousand dollars.
- For support and civilization of the Kansas Indians, Oklahoma Territory, including agricultural assistance and pay of employees, two thousand dollars.
- For support and civilization of the Kickapoo Indians in Oklahoma Territory, two thousand dollars.
- For support and civilization of the Makahs, Washington, including pay of employees, two thousand dollars.
- For support and civilization of Joseph's band of Nez Perce Indians, one thousand dollars.

For support and civilization of the Indians of Pima Agency, Arizona, forty thousand dollars, to be expended for their benefit in such manner as the Secretary of the Interior, in his discretion, may deem best. Pima Agency Indians.

For support and civilization of the Ponca Indians, including pay of employees, ten thousand dollars. Poncas.

For support and civilization of the Qui-nai-elts and Quil-leh-utes, including pay of employees, one thousand dollars. Qui-nai-elts and Quil-leh-utes.

For support and civilization of Shoshone Indians in Wyoming, twenty thousand dollars. Shoshones, Wyo.

For support and civilization of the Indians of the Western Shoshone Agency, Nevada, including pay of employees, eight thousand dollars. Shoshones, Nev.

For support and civilization of Sioux of Devils Lake, North Dakota, including pay of employees, ten thousand dollars. Sioux, Devils Lake.

For support and civilization of the Walla Walla, Cayuse, and Umatilla tribes, Oregon, including pay of employees, three thousand dollars. Walla Walla, Cayuse, and Umatillas.

For support and civilization of Yakimas, and other Indians at said agency, including pay of employees, three thousand dollars. Yakimas.

GENERAL INCIDENTAL EXPENSES OF THE INDIAN SERVICE. Incidental expenses.

ARIZONA: For general incidental expenses of the Indian Service in Arizona, including traveling expenses of agents, one thousand five hundred dollars. Arizona.

CALIFORNIA: For general incidental expenses of the Indian Service in California, including traveling expenses of agents, and support and civilization of Indians at the Round Valley, Hoopa Valley, and Tule River agencies, four thousand dollars; and pay of employees at same agencies, eight thousand dollars; in all, twelve thousand dollars. California.

COLORADO: For general incidental expenses of the Indian Service in Colorado, including traveling expenses of agents, one thousand dollars. Colorado.

IDAHO: For general incidental expenses of the Indian Service in Idaho, including traveling expenses of agents, one thousand dollars. Idaho.

INDIAN TERRITORY: For general incidental expenses of the Indian Service in the Indian Territory, including incidental expenses of the Indian inspector's office and for pay of employees, eighteen thousand dollars. Indian Territory.

MONTANA: For general incidental expenses of the Indian Service in Montana, including traveling expenses of agents and pay of employees, eight thousand five hundred dollars. Montana.

NEVADA: For general incidental expenses of the Indian Service in Nevada, including traveling expenses of agents, and support and civilization of Indians located on the Piute, Walker River, and Pyramid Lake Reservations, five thousand dollars; and pay of employees, including physician at the Walker River Reservation, at nine hundred dollars, four thousand nine hundred dollars; in all, nine thousand nine hundred dollars. 33 Stat., 204. Nevada.

NEW MEXICO: For general incidental expenses of the Indian Service in New Mexico, including traveling expenses of agents, one thousand dollars. New Mexico.

NORTH DAKOTA: For general incidental expenses of the Indian Service in North Dakota, including traveling expenses of agents at three agencies, one thousand dollars. North Dakota.

OREGON: For general incidental expenses of the Indian Service in Oregon, including traveling expenses of agents, and support and civilization of Indians of Grande Ronde and Siletz agencies, three thousand dollars; and pay of employees at the same agencies, three thousand dollars; in all, six thousand dollars. Oregon.

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| South Dakota. | SOUTH DAKOTA: For general incidental expenses of the Indian Service in South Dakota, including traveling expenses of agents at seven agencies, three thousand dollars. |
| Utah. | UTAH: For general incidental expenses of the Indian Service in Utah, including traveling expenses of agents, one thousand dollars. |
| Washington. | WASHINGTON: For general incidental expenses of the Indian Service in Washington, including traveling expenses of agents, and support and civilization of Indians at Colville and Puyallup agencies, and for pay of employees, twelve thousand dollars. |
| Wyoming. | WYOMING: For general incidental expenses of the Indian Service in Wyoming, including traveling expenses of agents, one thousand dollars. |
| Miscellaneous. | MISCELLANEOUS. |
| Commission to Five Civilized Tribes. Vol. 1, p. 79, note. | For salaries of four commissioners appointed under acts of Congress approved March third, eighteen hundred and ninety-three, and March second, eighteen hundred and ninety-five, to negotiate with the Five Civilized Tribes in the Indian Territory, twenty thousand dollars, and said commission shall conclude its work and terminate on or before the first day of July, nineteen hundred and five, and said commission shall cease to exist on July first, nineteen hundred and five: <i>Provided</i> , That said commission shall exercise all the powers heretofore conferred upon it by Congress: <i>And provided further</i> , That the Secretary of the Interior is hereby granted authority to sell at public sale in tracts not exceeding one hundred and sixty acres to any one purchaser, under rules and regulations to be made by the Secretary of the Interior, the residue of land in the Creek Nation belonging to the Creek tribe of Indians, consisting of about five hundred thousand acres, and being the residue of lands left over after allotments of one hundred and sixty acres to each of said tribe. And all the restrictions upon the alienation of lands of all allottees of either of the Five Civilized Tribes of Indians who are not of Indian blood, except minors, are, except as to homesteads, hereby removed, and all restrictions upon the alienation of all other allottees of said tribes, except minors, and except as to homesteads, may, with the approval of the Secretary of the Interior, be removed under such rules and regulations as the Secretary of the Interior may prescribe, upon application to the United States Indian agent at the Union Agency in charge of the Five Civilized Tribes, if said agent is satisfied upon a full investigation of each individual case that such removal of restrictions is for the best interest of said allottee. The finding of the United States Indian agent and the approval of the Secretary of the Interior shall be in writing and shall be recorded in the same manner as patents for lands are recorded. ¹ |
| Commission to terminate July 1, 1905. Provisos. Powers to continue. | |
| Sale of unallotted Creek lands. Repealed, 1905, ch. 1479, 33 Stat., 1072, post, p. 149. | |
| Removal of alienation restrictions. Exceptions. | |
| Records. | |
| 33 Stat., 205. Expenses of commissioners, etc. | Expenses of commissioners and necessary expenses of employees; for clerical help, including secretary of the commission and interpreters, two hundred and forty-two thousand two hundred and ninety-five dollars; contingent expenses of the commission, three thousand dollars: <i>Provided further</i> , That this appropriation may be used by said commission in the prosecution of all work to be done by or under its direction as required by law; in all, two hundred and sixty-five thousand two hundred and ninety-five dollars. |
| Proviso. Use of appropriation. | |

¹ U. S. v. Jacobs, 195 Fed., 707; Hawkins v. Oklahoma Oil Co., 195 Fed., 346; U. S. v. Dowden, 194 Fed., 484; Frame v. Bivens, 189 Fed., 785; U. S. v. Shock, 187 Fed., 862; Alfrey v. Colbert, 168 Fed., 231; Moore v. Sawyer, 167 Fed., 826; Iowa Land & Trust Co. v. Dawson, 134 Pac., 39; Casey v. Bingham, 132 Pac., 663; Harris v. Hardridge, 166 Fed., 109; Sayer v. Brown, 104 S. W., 877; Lewis v. Clements, 95 Pac., 769; Godfrey v. Iowa Land & Trust Co., 95 Pac., 792; Landrum v. Graham, 98 Pac., 432; International Land Co. v. Marshall, 98 Pac., 951; Eldred v. Okmulgee Loan & Trust Co., 98 Pac., 929; McWilliams Investment Co. v. Livingston, 98 Pac., 914; Sharp v. Lancaster, 100 Pac., 578; Blakemore v. Johnson, 103 Pac., 554; Superior Oil & Gas Co. v. Mehlin, 108 Pac., 545; Jefferson v. Winkler, 110 Pac., 755; Simmons v. Whittington, 112 Pac., 1018; Harris v. Lynde-Bowman-Darby Co., 116 Pac., 808; Skelton v. Dill, 119 Pac., 267; Groom v. Wright, 121 Pac., 215; In re Davis's Estate, 122 Pac., 547; Williams v. Johnson, 122 Pac., 485; Rogers v. Noel, 124 Pac., 976; Campbell v. McSpadden, 127 Pac., 854; Parkinson v. Skelton, 128 Pac., 131; Rentie v. McCoy, 128 Pac., 244; The 30,000 Land Suits, 199 Fed., 811; Goat v. United States, 224 U. S., 458; Deming Investment Co. v. United States, 224 U. S., 471; Bledsoe v. Wortman, 129 Pac., 841; Woodward v. De Graffenried, 131 Pac., 162; Lynch v. Franklin, 130 Pac., 599; same, 233 U. S. Manuel v. Smith, 130 Pac., 1159; 26 Opp. Atty. Gen., 351.

That no proceedings heretofore had with respect to allotments in the Cherokee Nation shall be held invalid on the ground that they were had before there was authority to begin the work of allotment in said nation: *Provided*, That nothing herein shall be construed as validating any filings heretofore made on lands segregated for the Delaware Indians.

Prior allotments, Cherokee Nation.

Proviso. Lands of Delaware.

To complete the town site, appraisement, and surveys in the Indian Territory under the provisions of the act of June twenty-eighth, eighteen hundred and ninety-eight, twenty-five thousand dollars: *Provided*, That said work shall be completed on or before July first, nineteen hundred and five.

Town-site surveys, etc., Indian Territory. 1898, ch. 517, 30 Stat., 500, vol. 1, p. 96. Proviso. Time of completion.

To carry out the provisions of section ten of the supplemental agreements with the Creek Nation, as ratified by the act of June thirtieth, nineteen hundred and two, and section thirty-seven of the Cherokee agreement, as ratified by the act of July first, nineteen hundred and two, ten thousand dollars.

Roads. 1902, ch. 1323, 32 Stat., 502, vol. 1, p. 763. 1902, ch. 1375, 32 Stat., 722, vol. 1, p. 793.

For the purpose of placing allottees in the Indian Territory in possession of their allotments, to be expended under the direction of the Secretary of the Interior, thirty thousand dollars: *Provided*, That no portion of the money herein appropriated for the Indian Territory shall be paid to any person in the service of the United States until such person shall make oath that he has no financial interest with any person or corporation dealing in Indian lands in the Indian Territory.

Possession of allotments, Indian Territory. Proviso. Payment restriction.

That the Delaware-Cherokee citizens who have made improvements, or are in rightful possession of such improvements, in the Cherokee Nation at the time of the passage of this act shall have the right to first select from said improved lands their allotments, and thereafter, for a period of six months, shall have the right to sell the improvements upon their surplus holdings of lands to other citizens of the Cherokee Nation entitled to select allotments at a valuation to be approved by an official to be designated by the President for that purpose; and the vendor shall have a lien upon the rents and profits of the land on which the improvements are located for the purchase money remaining unpaid; and the vendor shall have the right to enforce such lien in any court of competent jurisdiction. The vendor may, however, elect to take and retain the possession of the land at a fair cash rental, to be approved by the official so as aforesaid designated, until such rental shall be sufficient to satisfy the unpaid purchase price, and when the purchase price is fully paid he shall forthwith deliver possession of the land to the purchaser: *Provided, however*, That any crops then growing on the land shall be and remain the property of the vendor, and he may have access to the land so long as may be necessary to cultivate and gather such growing crops. Any such purchaser shall, without unreasonable delay, apply to select as an allotment the land upon which the improvements purchased by him are located, and shall submit with his application satisfactory proof that he has in good faith purchased such improvements.¹

Delaware-Cherokee citizens. Allotment rights of.

Sale of improvements.

Vendor's lien.

Proviso. Vendor's rights in growing crops.

Application for improved land.

For clerical work and labor connected with the sale and leasing of Creek and the leasing of Cherokee lands, fourteen thousand dollars.

Clerical, etc., expenses.

To pay R. I. Rea, probate judge of Brown County, Kansas, for services rendered in the appointment of guardians for minor Indians in forty-one cases, the sum of three hundred and eighty dollars, to be immediately available: *Provided*, That the same when accepted shall be in full settlement of all claims and demands against the United States arising from such transactions.

33 Stat., 206. R. I. Rea. Payment to.

Proviso. In settlement of all claims.

To enable the Commissioner of Indian Affairs to pay the Commission for allotting the lands belonging to the Kaw Indians, and for preparing and recording deeds, the sum of eight hundred dollars, or so much thereof as may be necessary.

Kaw Indians. Allotment expenses.

¹ White v. Starbuck, 138 Pac., 226.

Wenatchi Indians.
Removal to the Col-
ville Reservation.
1902, ch. 888, 32 Stat.,
260, vol. 1, p. 751.

That the Secretary of the Interior is authorized to use five thousand dollars of the twelve thousand dollars appropriated by the act of May twenty-seventh, nineteen hundred and two, to enable him to remove certain Indians, known as Wenatchi, to the Colville Indian Reservation, in the State of Washington, and to properly establish and temporarily maintain them, for the benefit of said Indians in their present homes, in the purchase of agricultural implements, wagons, teams, and in the erection of houses, as in his discretion he may deem proper, to be immediately available: *Provided*, That the Secretary of the Interior is hereby directed to pay out of said five thousand dollars a sum not exceeding three hundred and fifty dollars to pay the actual expenses of the delegation composed of two Indians representing the Wenatchi Indians now in Washington on behalf of said tribe.

Proviso.
Expenses of delega-
tion to Washington,
D. C.

Cherokee Nation.
Payment to intruders
for improvements.

That the Secretary of the Interior be, and he is hereby, authorized and directed, to pay to the intruders in the Cherokee Nation, Indian Territory, who have not heretofore for any reason been paid the amounts due them by appraisement heretofore made for improvements, such payment to be made out of funds now at the disposal of the Secretary of the Interior for such purpose.

Allotments.
1887, ch. 119; 24 Stat.,
388; vol. 1, p. 33.

To enable the President to cause, under the provisions of the act of February eighth, eighteen hundred and eighty-seven, entitled "An act to provide for the allotment of lands in severalty to Indians," such Indian reservations as in his judgment are advantageous for agricultural and grazing purposes to be surveyed or resurveyed, for the purposes of said act, and to complete the allotment of the same, including the necessary clerical work, incident thereto in the field and in the Office of Indian Affairs, and delivery of trust patents, so far as allotments shall have been selected under said act, forty thousand two hundred dollars.

Patents.

Physician, New York
Agency.
Irrigation.

For pay of physician, New York Agency, six hundred dollars.

For construction of ditches and reservoirs, purchase and use of irrigating tools and appliances, and purchase of water rights on Indian reservations, in the discretion of the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, one hundred and eighty-five thousand dollars, of which thirty-five thousand dollars shall be immediately available: *Provided*, That the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, may employ superintendents of irrigation, who shall be skilled irrigation engineers, not to exceed four, as in his judgment may be necessary, to secure the construction of ditches and other irrigation works in a substantial and workmanlike manner.

Surveying and allot-
ting.

For survey and subdivision of Indian reservations and to lands to be allotted to Indians, and to make allotments in severalty, to be expended by the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, twenty thousand dollars.

Pine Ridge Reserva-
tion, S. Dak.
Surveys.

For clerical work and stationery in the office of the United States surveyor-general required on surveys within the Pine Ridge Indian Reservation, South Dakota, the sum of three thousand two hundred dollars.

33 Stat., 207.
Omaha, Nebr.
Warehouse.

To maintain at the city of Omaha, Nebraska, in the discretion of the Secretary of the Interior, a warehouse for the receipt, storage, and shipping of goods for the Indian service, ten thousand dollars.

Saint Louis, Mo.
Warehouse.

To maintain at the city of Saint Louis, Missouri, in the discretion of the Secretary of the Interior, a warehouse for the receipt, storage, and shipping of goods for the Indian service, ten thousand dollars.

San Francisco, Cal.
Warehouse.

To maintain at the city of San Francisco, California, in the discretion of the Secretary of the Interior, a warehouse for the receipt, storage, and shipping of goods for the Indian service, ten thousand dollars, to be immediately available.

Louisiana Purchase
Exposition.
Indian exhibit.

The Secretary of the Interior is authorized to cause to be assembled, at the city of Saint Louis, in the State of Missouri, at such time and

for such period as he may designate, and as a part of the Louisiana Purchase Exposition, to be held at the city of Saint Louis, in the State of Missouri, pursuant to an act of Congress entitled "An act to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana Territory by the United States by holding an international exhibition of arts, manufactures, and the products of the soil, mine, forest, and sea in the city of Saint Louis, in the State of Missouri," approved March third, nineteen hundred and one, such representatives of the different Indian tribes and such exhibits from Indian agencies, schools, and archives as he may deem advisable or necessary to illustrate the past and present conditions of the Indians and the Indian tribes of the United States, and progress made by such in education, art, and industry, and the methods of education and government, and such other matters and things as will fully illustrate Indian advancement in civilization, the details of which shall be in the discretion of the Secretary of the Interior. And for the purpose of carrying into effect this provision the sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated; but the Secretary of the Interior is prohibited from making or causing to be made any expenditure or creating any liability on behalf of the United States in excess of the sum hereby appropriated.

31 Stat., 1442.

Appropriation.

Limit to expenditures.

To enable the President to cause, under the provisions 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," to be allotted the lands in said separate reservations as provided in said act, including the necessary resurveys, ten thousand dollars.

Sioux Indian Reservation, Dak.
Allotments.
1889, ch. 405, 25 Stat., 888, vol. 1, p. 328.

For the equipment and maintenance of the asylum for insane Indians, at Canton, South Dakota, for incidental and all other expenses necessary for its proper conduct and management, including pay of employees, and for necessary expense of transporting insane Indians to and from said asylum, twenty-five thousand dollars.

Canton; S. Dak.
Asylum for insane Indians.

For pay of one special attorney for the Pueblo Indians of New Mexico, one thousand five hundred dollars, and for necessary traveling and incidental expenses of said attorney for the Pueblo Indians of New Mexico, five hundred dollars; in all two thousand dollars.

Pueblo Indians, New Mexico.
Attorney.

That the time for opening the unallotted lands to public entry on the Uintah Reservation, in Utah, as provided by the acts of May twenty-seventh, nineteen hundred and two, and March third, nineteen hundred and three, be, and the same is hereby, extended to March tenth, nineteen hundred and five, and five thousand dollars is hereby appropriated to enable the Secretary of the Interior to do the necessary surveying, and otherwise carry out the purposes of so much of the act of May twenty-seventh, nineteen hundred and two, making appropriation for the current and contingent expenses of the Indian Department for the fiscal year nineteen hundred and three, and for other purposes, as provides for the allotment of the Indians of the Uintah and White River Utes in Utah.

Uintah Reservation, Utah.
Time of opening unallotted lands extended.
1902, ch. 888, 32 Stat., 263, vol. 1, p. 753.
1903, ch. 994, 32 Stat., 998, ante, p. 18.
1905, ch. 1479, 33 Stat., 1069, post, p. 146.

33 Stat., 208.

The Secretary of the Interior is authorized and directed to withhold from the amount appropriated by act of February ninth, nineteen hundred, to pay the judgment of the Court of Claims in favor of the New York Indians, an additional sum not exceeding five thousand dollars, to be immediately available; and to apply it in the payment of expenses necessary in ascertaining the beneficiaries of said judgment.

New York Indians.
Deduction from appropriation to pay judgment of Court of Claims in favor of.
1900, ch. 14; 31 Stat., 27.

That the Secretary of the Interior be, and he is hereby, authorized and directed, upon the sale of lands in Indian Territory covered by coal and asphalt leases, to sell such lands subject to the right of the lessee to use so much of the surface as may be needed for coke ovens, miners' houses, store and supply buildings, and such other structures as are generally used in the production and shipment of coal and coke.

Indian Territory.
Sale of lands covered by coal, etc., leases.

- Surrender of leases. Lessees may use the tipples and underground workings located on any lease in the production of coal and coke from adjoining leases, and are hereby authorized to surrender leased premises to the owner thereof on giving sixty days' notice in writing to such owner and paying all charges and royalties due to the date of surrender: *Provided, however,* That nothing herein contained shall release the lessee from the payment of the stipulated royalty so long as such lessee remains in possession of any of the surface of the lands included in his lease for any purpose whatever: *And provided,* That any lessee may remove or dispose of any machinery, tools or equipment the lessee may have upon the leased lands.
- Notice.
Provisos.
Payment of royalty.
- Removal, etc., of machinery, etc.
- Osage Indians.
Payment from grazing fund to licensed Indian traders.
- Proviso.
Reimbursement.
- Shawnee and Delaware Indians.
Claims, etc., of intermarried whites.
Jurisdiction of Court of Claims extended to 1890, ch. 1249, 26 Stat., 636, vol. 1, p. 372.
- Attorney's fees.
- J. Hale Sypher.
Claim referred to Court of Claims.
1905, ch. 1479, 33 Stat., 1063, post, p. 139.
- 33 Stat., 209.
- R. S., sec. 2103, vol. 1, p. 11.
- Report.
- Choctaw and Chickasaw Indians.
Sale of unleased lands.
1902, ch. 1362, sec. 59, 32 Stat., 654, vol. 1, p. 784.
- That the Secretary of the Interior be, and he is hereby, authorized and directed to apply the funds derived from grazing now standing to the credit of the Osage Indians in the Treasury, together with such portion of the funds hereafter derived from such source as may be necessary, as a tribal or community fund, in the payment of the balance now remaining due on the claims of certain licensed Indian traders against individual members of the tribe: *Provided,* That after said debts are paid the proceeds from the rental of pastures (known as grass money) and the royalties from oil and gas shall be applied to the reimbursement of said tribal or community fund of the amount paid out under this provision.
- That the act entitled "An act to refer to the Court of Claims certain claims of the Shawnee and Delaware Indians and the freedmen of the Cherokee Nation, and for other purposes," approved October first, eighteen hundred and ninety, be, and the same is hereby, amended so as to confer upon the Court of Claims the same jurisdiction to determine the claims and rights of those alleged citizens of the Cherokee Nation known as intermarried whites as is therein conferred upon said court relative to the rights and claims of the Shawnee and Delaware Indians and the freedmen of said Cherokee Nation, and said case shall be advanced on the calendar of said Court of Claims and the calendar of the Supreme Court, if the same is appealed. Said court in said judgment shall fix the amount due the attorney or attorneys of record for their legal services, not exceeding the amount stipulated by the contracts between said claimants and said attorneys, and shall in said judgment direct that the accounting officers of the United States shall deduct from the amount due each claimant the attorney fee allowed in said judgment and pay the same directly to said attorneys and shall pay the balance to the claimants.
- That the claim of J. Hale Sypher against the Choctaw Nation, for legal and professional services rendered by him to said nation, under an agreement made and entered into between the legally authorized commissioners of said nation and said Sypher on the seventh day of November, eighteen hundred and ninety-one, is hereby referred to the Court of Claims for adjudication; and jurisdiction is hereby conferred upon said court to hear and determine said claim upon the principles of a quantum meruit and without regard to the provisions and requirements of section twenty-one hundred and three of the Revised Statutes; and the said court shall ascertain and determine the character, extent, and value of the services rendered by said Sypher to said nation under said agreement; and the court, having ascertained and determined the amount justly and equitably due and payable from said nation to said Sypher for services rendered by him under said agreement, shall report their findings to the next session of Congress.
- All unleased lands which are by section fifty-nine of an act entitled "An act to ratify and confirm an agreement with the Choctaw and Chickasaw Tribes of Indians, and for other purposes," approved July first, nineteen hundred and two, directed to "be sold at public auction for cash," and all other unleased lands and deposits of like character in said nations segregated under any act of Congress shall

instead, be sold under direction of the Secretary of the Interior in tracts not exceeding nine hundred and sixty acres to each person, after due advertisement, upon sealed proposals, under regulations to be prescribed by the Secretary of the Interior and approved by the President, with authority to reject any or all proposals: *Provided*, That the President shall appoint a commission of three persons, one on the recommendation of the principal chief of the Choctaw Nation who shall be a Choctaw by blood, and one upon the recommendation of the governor of the Chickasaw Nation, who shall be a Chickasaw by blood, which commission shall have a right to be present at the time of the opening of bids and be heard in relation to the acceptance or rejection thereof.

Proviso.
Commission.

All expenses, inclusive of necessary clerical help in the Department of the Interior, connected with and incident to such sale shall be paid from the funds of the Choctaw and Chickasaw Tribes on deposit in the Treasury of the United States: *Provided*, That all leased lands shall be withheld from sale until the further direction of Congress.

Expenses of sale.

Proviso.
Leased lands.

To pay the heirs of Darius B. Randall, deceased, for certain improvements situated on the Nez Perce Indian Reservation relinquished by the said deceased to the United States for the use of the Nez Perce Tribe of Indians, two thousand four hundred dollars.

Darius B. Randall.
Payment to heirs of.

For the construction and installation of a telephone system from Devils Lake, North Dakota, to the Devils Lake Indian Agency, and to pay for the maintenance of the same for one year from the time of completion, one thousand two hundred dollars, or so much thereof as may be necessary.

Devils Lake, N. Dak.
Telephone.

For payment of the balance due various merchants of Cloquet and Fond du Lac, Minnesota, from certain Fond du Lac Indians for supplies furnished said Indians at the request of the Indian farmer, as ascertained by the Secretary of the Interior, under the provisions of the Indian appropriation act approved June tenth, eighteen hundred and ninety-six, as follows: H. B. Allen, twenty-four dollars and fourteen cents; Charles Gasper, one thousand and forty-nine dollars and forty-six cents; J. A. Rene, forty-four dollars and ninety-one cents; James A. Wallace, two hundred and fifty-two dollars and sixty-eight cents; Kelly and Moses, forty dollars and forty-nine cents; Mrs. James Peacha, one hundred and sixteen dollars and ninety-five cents; James Peacha, one hundred and eighty-six dollars and twelve cents; Frank P. Thompson, nine hundred and sixty-four dollars and fifty-one cents; A. H. Simmons, one hundred and seventy-six dollars and eighty-five cents; in all, two thousand eight hundred and fifty-six dollars and eleven cents.

Fond du Lac Indians.
Payment for supplies
furnished.
1896, ch. 398, 29 Stat.,
325, vol. 1, p. 597.

The Chippewa Indians of the State of Minnesota to whom allotments have been or shall hereafter be made, and trust or other patents, containing restrictions upon alienation, issued or which shall hereafter be issued therefor, are, with the consent of the Secretary of the Interior and under such rules and regulations as he may prescribe, hereby authorized to dispose of the timber on their respective allotments. Timber on the allotments of minors may likewise be so sold by the father, mother, or Indian agent or other officer in charge, in the order named, and the Secretary of the Interior shall make such regulations for the disposition of the proceeds of said sales as may be necessary to protect the interest of said Indians, including such minors.

Chippewa Indians,
Minn.
Disposal of timber
on allotments of.
33 Stat., 210.

Allotments of minors.

To pay to the county of White Pine, State of Nevada, the sum of seven hundred and sixty-nine dollars and sixty-seven cents, to reimburse said county for money expended in caring for certain Indians who contracted smallpox during the smallpox epidemic from February twenty-sixth to July first, nineteen hundred and one.

White Pine County,
Nev.
Payment to.

That the Secretary of the Interior is hereby authorized and directed to pay, out of any money in the Treasury belonging to the Creek Nation, to Ruter W. Springer, executor of the estate of William M.

William M. Springer.
Payment to executor
of estate of.

Springer, deceased, the sum of three thousand six hundred and eighty-seven dollars and forty-eight cents, in full for professional services to said nation, under an act of the national council of said nation approved May twenty-fifth, nineteen hundred and one. The Secretary of the Interior is also authorized and directed to pay to said executor, out of any money in the Treasury of the United States belonging to the Cherokee Nation, two Cherokee warrants issued to William M. Springer for one thousand five hundred dollars each, dated, respectively, July second, nineteen hundred, and January twenty-eighth, nineteen hundred and one, and payable to him, or on his order, for professional services to said nation, under an act of the national council of said nation passed December ninth, eighteen hundred and ninety-nine, together with interest on said warrants to the time of payment according to the tenor and effect of said warrants, said sums to be immediately available.

That the Secretary of the Interior is further authorized and directed to pay to said executor, out of any money in the Treasury belonging to the Kiowa, Comanche, and Apache tribes of Indians, in Oklahoma, the sum of five thousand dollars, in full for professional services rendered by the said William M. Springer to said Indians in the Supreme Court of the District of Columbia, in the case of Lone Wolf and others against the Secretary of the Interior and others, and two thousand dollars for professional services in said case on appeal in the Supreme Court of the United States, and four hundred and eighty-four dollars and ten cents for expenses incurred on behalf of said Indians in the prosecution of said suit; in all, seven thousand four hundred and eighty-four dollars and ten cents, under a contract with said Indians executed on the twenty-second day of June, anno Domini nineteen hundred and one, said sum to be immediately available.

Pottawatomie Indians, Mich.
Payment to.

Pamtopee v. U. S.
36 C. Cls., 430.
1905, ch. 1479, 33 Stat., 1072, post, p. 149.

33 Stat., 211.

Coeur d'Alene Indians, Idaho.
Survey of lands to be allotted to.

Camp McDowell Indian Reservation, Ariz.
Purchase of claims of settlers on.

To pay to the Pottawatomie Indians of Michigan whose names are set forth in Schedule A, annexed to claimants' requests for findings of fact, as stated and found by the Court of Claims in finding four, in the case of Phineas Pamtopee and others against the United States, reported in the Thirty-sixth Court of Claims Reports at page four hundred and thirty, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of seventy-eight thousand three hundred and twenty-nine dollars and twenty-five cents, the Secretary of the Interior to distribute and pay the same to the Indians, respectively, mentioned in said Schedule A, and if any of them have died, then the sum or share that would have been paid to such Indian or Indians, respectively, if living, the Secretary shall pay to the heirs or legal representatives of each of those dead; such payments, when made to be in full for any and all claims which said Indians may have under or by virtue of the treaty and articles supplementary thereto, made with the Pottawatomie Indians September twenty-sixth and twenty-seventh, eighteen hundred and thirty-three, and duly proclaimed February twenty-first, eighteen hundred and thirty-five, said sum to be immediately available.

That there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of twenty-five thousand dollars, or so much thereof as may be necessary, for the survey and subdivision of a portion of the Coeur d'Alene Indian Reservation in the State of Idaho, and of lands to be allotted to the Indians thereon.

To enable the Secretary of the Interior to purchase, in his discretion, at such price as he may deem reasonable and just, for the use and occupancy of the Indians of Verde River Valley and Camp McDowell, Arizona, and such other Indians as he may see fit to locate thereon, the claims of whatsoever nature to lands and permanent improvements placed upon said lands prior to November ninth, nineteen hundred and three, within the former Camp McDowell abandoned military reservation, Arizona, now the Camp McDowell Indian

Reservation, of such of the settlers thereon as may, upon proper investigation, be found to have valid rights thereto under any laws of the United States; and also in his discretion to purchase the improvements located on said reservation of any or all of such settlers as may be found by such investigation not to have valid rights attaching to the lands, the sum of not to exceed fifty thousand dollars, or so much thereof as may be necessary, the same to be immediately available.

That any private land over which an Indian reservation has been extended by Executive order may be exchanged at the discretion of the Secretary of the Interior and at the expense of the owner thereof and under such rules and regulations as may be prescribed by the Secretary of the Interior, for vacant, nonmineral, nontimbered, surveyed public lands of equal area and value and situated in the same State or Territory.

Exchange of private lands.

SUPPORT OF SCHOOLS.

Indian schools.

For support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for, one million two hundred and forty thousand dollars.

Support, etc.

For construction, purchase, lease, and repair of school buildings, and sewerage, water supply, and lighting plants, and purchase of school sites, and improvement of buildings and grounds, three hundred and fifty thousand dollars; in all, one million five hundred and ninety thousand dollars: *Provided, however,* That the Commissioner of Indian Affairs may, when in his judgment the good of the service will be promoted thereby, suspend or discontinue any reservation, Indian school, and, with the approval of the Secretary of the Interior, may sell any reservation school building or plant that is no longer desirable as an Indian school upon any reservation and invest the proceeds in other school buildings and plants, as the needs of the service may demand, under such rules and regulations as he may, with the approval of the Secretary of the Interior, prescribe.

Buildings, etc.

Proviso. Discontinuance of schools, etc.

For support and education of three hundred Indian pupils at Albuquerque, New Mexico, fifty thousand one hundred dollars; for pay of superintendent of said school, one thousand eight hundred dollars; for water system, five hundred dollars; general repairs and improvements, five thousand dollars; for the purchase of additional land for agricultural and other purposes adjoining or adjacent to said school, not to exceed two hundred acres, and for the construction of new buildings and the furnishing and equipping thereof, and for the repair and equipment of the present buildings and plant, and the improvement of the grounds of said school, to be expended subject to the discretion and under the direction of the Commissioner of Indian Affairs, fifty thousand dollars; in all, one hundred and seven thousand four hundred dollars.

Albuquerque, N. Mex.

Purchase of additional agricultural lands. Limit.

33 Stat., 212.

For the support and education of two hundred Indian pupils at Chamberlain, South Dakota, thirty-three thousand four hundred dollars; for pay of superintendent of said school, one thousand six hundred dollars; for general repairs and improvements, two thousand five hundred dollars; industrial buildings, five thousand dollars; equipment of laundry, one thousand five hundred dollars; in all, forty-four thousand dollars.

Chamberlain, S. Dak.

For support of one hundred and fifty pupils at the training school at Cherokee, North Carolina, twenty-five thousand and fifty dollars; for pay of superintendent of said school, one thousand five hundred dollars; for general repairs and improvements, two thousand five hundred dollars; in all, twenty-nine thousand and fifty dollars.

Cherokee, N. C.

For support of Indian industrial school at Carlisle, Pennsylvania, for transportation of pupils to and from said school, and for general

Carlisle, Pa.

fifty dollars; for pay of superintendent at said school, one thousand five hundred dollars; for general repairs and improvements, two thousand five hundred dollars; in all, twenty-nine thousand and fifty dollars.

Rapid City, S. Dak.

For support and education of two hundred and fifty Indian pupils, Rapid City, South Dakota, forty-one thousand seven hundred and fifty dollars; for pay of superintendent, one thousand six hundred dollars; for general repairs and improvements, two thousand five hundred dollars; for hospital and industrial buildings, fourteen thousand dollars; for the purchase of additional land not exceeding fifty acres, in the discretion of the Commissioner of Indian Affairs, three thousand dollars; in all, sixty-two thousand eight hundred and fifty dollars.

Riverside, Cal.

For support and education of four hundred and fifty pupils at the Indian school, Riverside, California, seventy-five thousand one hundred and fifty dollars; for pay of superintendent, two thousand dollars; for additional water irrigation and sewer systems, six thousand dollars; for dairy sheds and other improvements on farm, five thousand dollars; for general repairs and improvements, ten thousand dollars; in all, ninety-eight thousand one hundred and fifty dollars:

Proviso.
Indian school, Perris,
Cal.

Provided, That so much of said amounts as may be necessary in the judgment of the Commissioner of Indian Affairs may be used for the education and support of pupils and repairs to the plant at the Indian school, Perris, California.

Salem, Oreg.

For support and education of six hundred pupils at the Indian school, Salem, Oregon, one hundred thousand two hundred dollars; for pay of superintendent at said school, two thousand dollars; for hospital, fifteen thousand dollars; for general repairs and improvements, six thousand dollars; for employees' buildings, five thousand dollars; for completion of horse barn and dairy barn, five thousand dollars, and the amounts for this purpose, appropriated in the Indian appropriation bill for the fiscal year ending June thirtieth, nineteen hundred and four, are hereby reappropriated; in all, one hundred and thirty-three thousand two hundred dollars, that the appropriations for the hospital employees' buildings and barn are hereby made immediately available.

Sac and Fox Reser-
vation, Iowa.

For the support and education of eighty Indian pupils, Sac and Fox Reservation, Iowa, thirteen thousand three hundred and sixty dollars; for pay of superintendent, one thousand dollars; for general repairs and improvements, including water system, complete, five thousand five hundred dollars; in all, nineteen thousand eight hundred and sixty dollars.

Santa Fe, N. Mex.

For support and education of three hundred Indian pupils at the Indian school at Santa Fe, New Mexico, fifty thousand one hundred dollars; for pay of superintendent at said school, one thousand eight hundred dollars; for water supply, one thousand five hundred dollars; for general repairs and improvements, five thousand dollars; for the erection and equipment of a building for the accommodation of one hundred and fifty girls, twenty-five thousand dollars; sewer system, five hundred dollars; for employees' cottages, three thousand dollars; boys' bath house, three thousand dollars; in all, eighty-nine thousand nine hundred dollars.

33 Stat., 215.

Shoshone Reserva-
tion, Wyo.

For support and education of one hundred and seventy-five Indian pupils at the Indian school, Shoshone Reservation, Wyoming, twenty-nine thousand two hundred and twenty-five dollars; for pay of superintendent at said school, one thousand five hundred dollars; for new buildings and general repairs and improvements, twenty-seven thousand dollars; for sewerage system and water system, thirteen thousand dollars; in all, seventy thousand seven hundred and twenty-five dollars.

repairs and improvements, one hundred and fifty-seven thousand dollars; for additional salary for superintendent in charge, one thousand dollars; in all, one hundred and fifty-eight thousand dollars.

Carson City, Nev.

For support and education of three hundred Indian pupils at the Indian school at Carson City, Nevada, fifty thousand one hundred dollars; for pay of superintendent at said school, one thousand eight hundred dollars; for general repairs and improvements, two thousand five hundred dollars; for addition to dining room, one thousand dollars; for purchase of land and to secure water rights, four thousand dollars; in all, fifty-nine thousand four hundred dollars.

Chilocco, Okla.

For support of seven hundred Indian pupils at the Indian school at Chilocco, Oklahoma Territory, one hundred and sixteen thousand nine hundred dollars; for pay of superintendent at said school, two thousand five hundred dollars; for general repairs and improvements, seven thousand five hundred dollars; for domestic building and dairy barn, thirty-five thousand dollars; for cisterns, two thousand five hundred dollars; in all, one hundred and sixty-four thousand four hundred dollars.

Flandreau, S. Dak.

For support and education of three hundred and seventy-five Indian pupils at the Riggs Institute, Flandreau, South Dakota, sixty-two thousand six hundred and twenty-five dollars; for general repairs and improvements, three thousand five hundred dollars; for pay of superintendent of said school, one thousand eight hundred dollars; addition to shop building, one thousand six hundred dollars, to be immediately available; to construct employees' quarters, two thousand dollars; in all, seventy-one thousand five hundred and twenty-five dollars.

Fort Mojave, Ariz.

For support and education of two hundred Indian pupils at the Indian school, Fort Mojave, Arizona, thirty-three thousand four hundred dollars; for pay of superintendent of said school, one thousand six hundred dollars; for general repairs and improvements, two thousand dollars; for hospital building, six thousand dollars; one eighty-horsepower boiler for irrigation, one thousand six hundred dollars; in all, forty-four thousand six hundred dollars.

Fort Totten, N. Dak.

For support and education of three hundred and twenty-five Indian pupils at Indian school, Fort Totten, North Dakota, fifty-four thousand two hundred and seventy-five dollars; for pay of superintendent at said school, one thousand seven hundred dollars; for general repairs and improvements, five thousand dollars; additions to heating system, three thousand five hundred dollars; in all, sixty-four thousand four hundred and seventy-five dollars.

Genoa, Nebr.

For support and education of three hundred Indian pupils at the Indian school, Genoa, Nebraska, fifty thousand one hundred dollars; for general repairs and improvements, including fire escapes, five thousand five hundred dollars; for pay of superintendent of said school, one thousand seven hundred dollars; for superintendent's residence, three thousand dollars; for increasing the amount of ten thousand dollars appropriated in the Indian appropriation act for the fiscal year nineteen hundred and three, approved May twenty-seventh, nineteen hundred and two, for boiler house and boilers, and so forth, eight thousand dollars, to be immediately available; in all, sixty-eight thousand three hundred dollars.

33 Stat., 213.
1902, ch. 755, 32 Stat.,
270.

Grand Junction, Colo.

For support and education of two hundred Indian pupils at the Indian school at Grand Junction, Colorado, thirty-three thousand four hundred dollars; pay of superintendent at said school, one thousand six hundred dollars; general repairs and improvements, including fire escapes and fire protection, five thousand five hundred dollars; laundry, three thousand five hundred dollars; for the construction of a mess hall, kitchen, and quarters for employees, twenty-five thousand dollars, to be immediately available: *Provided*, That the Commissioner of Indian Affairs may in his judgment, if deemed necessary, have the

Proviso.
Pupil labor.

same constructed, using pupil labor as far as possible; in all, sixty-nine thousand dollars.

For the support and education of one hundred and twenty Indian pupils at the school at Hampton, Virginia, twenty thousand and forty dollars.

Hampton, Va.

For the support and education of one hundred and seventy-five pupils at the Indian school at Hayward, Wisconsin, twenty-nine thousand two hundred and twenty-five dollars; pay of superintendent, one thousand five hundred dollars; general repairs and improvements, two thousand dollars; in all, thirty-two thousand seven hundred and twenty-five dollars.

Hayward, Wis.

For support and education of seventy Indian pupils at the Indian school, Kickapoo Reservation, Kansas, eleven thousand six hundred and ninety dollars; for pay of superintendent, one thousand three hundred dollars; general repairs and improvements, including superintendent's cottage, blacksmith and carpenter shop, and water system, five thousand five hundred dollars; in all, eighteen thousand four hundred and ninety dollars.

Kickapoo Reservation, Kans.

For support and education of seven hundred and fifty Indian pupils at the Indian school, Haskell Institute, Lawrence, Kansas, for transportation of pupils to and from said school, one hundred and twenty-five thousand two hundred and fifty dollars; for pay of superintendent at said school, two thousand five hundred dollars; for tile draining farm, six thousand dollars; for general repairs and improvements, eight thousand dollars; for one hospital building, twenty thousand dollars; in all, one hundred and sixty-one thousand seven hundred and fifty dollars.

Lawrence, Kans.

For the support and education of one hundred and fifty Indian pupils at Morris, Minnesota, Indian school, twenty-five thousand and fifty dollars; pay of superintendent, one thousand five hundred dollars; for extending sewer, four thousand dollars; for purchase of land, three thousand two hundred dollars; for general repairs and improvements, one thousand dollars; in all, thirty-four thousand seven hundred and fifty dollars.

Morris, Minn.

For support and education of three hundred Indian pupils at the Indian school, Mount Pleasant, Michigan, fifty thousand one hundred dollars; for pay of superintendent of said school, one thousand seven hundred dollars; for the construction and equipment of a laundry, five thousand dollars, to be immediately available; for general repairs and improvements, including industrial buildings, ten thousand dollars; in all, sixty-six thousand eight hundred dollars.

Mount Pleasant, Mich.

For support and education of seven hundred Indian pupils at the Indian school at Phoenix, Arizona, one hundred and sixteen thousand nine hundred dollars; for general repairs and improvements, including farmhouse, eleven thousand dollars; for pay of superintendent at said school, two thousand five hundred dollars; in all, one hundred and thirty thousand four hundred dollars.

Phoenix, Ariz.

33 Stat., 214.

For support and education of one hundred and fifty Indian pupils at Indian industrial school at Pierre, South Dakota, twenty-five thousand and fifty dollars; for pay of superintendent of said school, one thousand five hundred dollars; for general repairs and improvements, two thousand dollars; purchase of land, ten thousand dollars; heating plant, five thousand dollars; in all, forty-three thousand five hundred and fifty dollars: *Provided*, That the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, is hereby authorized to sell the present school farm, or so much thereof as may be deemed desirable, the proceeds of such sale to be applied to the general improvement of the school plant.

Pierre, S. Dak.

Proviso. Sale of school farm.

For support and education of one hundred and fifty Indian pupils at the Indian school, Pipestone, Minnesota, twenty-five thousand and

Pipestone, Minn.

For support and education of seventy-five pupils at the Indian school in southern Utah, twelve thousand five hundred and twenty-five dollars; pay of superintendent, nine hundred dollars; general repairs and improvements, five hundred dollars; in all, thirteen thousand nine hundred and twenty-five dollars.

Southern Utah.

For the support and education of two hundred and twenty-five Indian pupils at the Indian school, Tomah, Wisconsin, thirty-seven thousand five hundred and seventy-five dollars; for pay of superintendent at said school, one thousand six hundred dollars; for industrial building and equipment, ten thousand dollars; for general repairs and improvements, two thousand dollars; in all, fifty-one thousand one hundred and seventy-five dollars.

Tomah, Wis.

For support and education of one hundred and fifty pupils at the Indian school at Truxton Canyon, Arizona, twenty-five thousand and fifty dollars; pay of superintendent, including three hundred dollars for acting as physician, one thousand eight hundred dollars; general repairs and improvements, including employees' cottages, five thousand dollars; for office for superintendent, two thousand dollars; for heating and lighting, four thousand four hundred dollars; in all, thirty-eight thousand two hundred and fifty dollars.

Truxton Canyon, Ariz.

For the maintenance, strengthening, and enlarging of the tribal schools of the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations, and making provisions for the attendance of children of non-citizens therein, and the establishment of new schools under the control of the tribal school boards and the Department of the Interior, the sum of one hundred thousand dollars, or so much thereof as may be necessary, to be placed in the hands of the Secretary of the Interior and disbursed by him under such rules and regulations as he may prescribe.

Cherokee, Creek, Choctaw, etc., Indians. Maintenance, etc., of tribal schools.

That for the purpose of establishing an Indian agricultural school at or near the city of Wahpeton, in the State of North Dakota, for the purchase of a suitable site and necessary farming land, to be selected by the Commissioner of Indian Affairs with the approval of the Secretary of the Interior, for the erection of buildings and other improvements to adapt said school to the purpose of an Indian agricultural farm and stock-raising school, the sum of one hundred thousand dollars be, and the same is hereby, appropriated: *Provided*, That the course of instruction shall include principally practical instruction in farming, stock raising, and kindred pursuits.

Wahpeton, N. Dak. Establishment of agricultural school.

For an additional amount to establish an Indian school in the county of Elko, State of Nevada, and to provide a suitable site therefor, for the purchase of land, erection of buildings, and for other purposes, in addition to the forty thousand dollars appropriated in the Indian appropriation act for the fiscal year nineteen hundred and three, approved May twenty-seventh, nineteen hundred and two, thirty-five thousand dollars.

Elko County, Nev., School. 1902, ch. 8883, 2 Stat., 270.

For collection and transportation of pupils to and from Indian schools, and also for the transportation of Indian pupils from all the Indian schools and placing of them, with the consent of their parents, under the care and control of such suitable white families as may in all respects be qualified to give such pupils moral, industrial, and educational training, under arrangements in which their proper care, support, and education shall be in exchange for their labor, sixty thousand dollars.

32 Stat., 216. Transportation.

That all expenditure of money appropriated for school purposes in this act shall be at all times under the supervision and direction of the Commissioner of Indian Affairs, and in all respects in conformity with such conditions, rules, and regulations as to the conduct and methods of instruction and expenditure of money as may be from time to time prescribed by him, subject to the approval of the Secretary of the

Supervision of expenditures.

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| Provisos. Limit of per capita expense. | Interior: <i>Provided</i> , That not more than one hundred and sixty-seven dollars shall be expended for the annual support and education of any one pupil in any school herein specifically provided for, except when, by reason of epidemic, accident, or other sufficient cause the attendance is so reduced that a larger expenditure is absolutely necessary for the efficient operation of the school affected, when the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior may allow a larger per capita expenditure, such expenditure to continue only so long as the said necessity therefor shall exist: <i>Provided further</i> , That the total amount appropriated for the support of such school shall not be exceeded: <i>Provided further</i> , That the number of pupils in any school entitled to the per capita allowance hereby provided for shall be determined by taking the average enrollment for the entire fiscal year and not any fractional part thereof: <i>Provided also</i> , That in preparing implements and room for laundry work in all Indian schools arrangements shall be made for doing by hand such an amount of said work as may be sufficient to teach the female pupils the art of hand laundry work. |
| Total for school. | SEC. 2. That no purchase of supplies for which appropriations are herein made, exceeding in the aggregate five hundred dollars in value at any one time, shall be made without first giving at least three weeks' public notice by advertisement, except in case of exigency, when, in the discretion of the Secretary of the Interior, who shall make official record of the facts constituting the exigency, and shall report the same to Congress at its next session, he may direct that purchases may be made in open market in amount not exceeding three thousand dollars at any one purchase: <i>Provided</i> , That supplies may be purchased, contracts let, and labor employed for the construction of artesian wells, ditches, and other works for irrigation, in the discretion of the Secretary of the Interior, without advertising as hereinbefore provided: <i>Provided further</i> , That as far as practicable Indian labor shall be employed and purchases in the open market made from Indians, under the direction of the Secretary of the Interior. |
| Determination of per capita allowance. | SEC. 3. That the Secretary of the Interior may use any surplus that may remain in any of the said appropriations herein made for the purchase of subsistence for the several Indian tribes, to an amount not exceeding twenty-five thousand dollars in the aggregate, to supply any subsistence deficiency that may occur: <i>Provided</i> , That any diversions which shall be made under authority of this section shall be reported in detail, and the reason therefor, to Congress, at the session of Congress next succeeding such diversion: <i>Provided further</i> , That the Commissioner of Indian Affairs, subject to the approval of the Secretary of the Interior, may use any sums appropriated in this act for subsistence, and not absolutely necessary for that purpose, for the purchase of stock cattle for the benefit of the tribe for which such appropriation is made, and shall report to Congress, at its next session thereafter, an account of his action under this provision: <i>Provided further</i> , That funds appropriated to fulfill treaty obligations shall not be used. |
| Laundry work. | SEC. 4. That when not required for the purpose for which appropriated, the funds herein provided for the pay of specified employees at any agency may be used by the Commissioner of Indian Affairs, subject to the approval of the Secretary of the Interior, for the pay of other employees at such agency, but no deficiency shall be thereby created; and, when necessary, specified employees may be detailed for other service when not required for the duty for which they were engaged; and that the several appropriations herein made for millers, blacksmiths, engineers, carpenters, physicians, and other persons, and for various articles provided for by treaty stipulation for the several Indian tribes, may be diverted to other uses for the benefit of said |
| Purchase of supplies to be advertised. | Provisos. Irrigation. |
| Exceptions. | Purchases in open market. |
| Provisos. Irrigation. | Use of surplus for subsistence deficiencies. |
| Purchase of stock cat- tle from subsistence surplus. | Provisos. Report of diversions. |
| 33 Stat., 217. | Purchase of stock cat- tle from subsistence surplus. |
| Treaty funds. | 33 Stat., 217. |
| Transfer of funds for employees, etc. | Treaty funds. |

SEC. 11. That Edgar Hendrix, Wichita allottee numbered three hundred and forty-nine, to whom trust patent has been issued containing restrictions upon alienation, may sell and convey not exceeding one-half of his allotment, but such conveyance shall be subject to the approval of the Secretary of the Interior, and when so approved shall convey a full title to the purchaser the same as if a final patent without restrictions had been issued to the allottee.

Edgar Hendrix.
Sale by, permitted.

SEC. 12. That the Indians living along and near the Colville River in Stevens County, State of Washington, to whom trust patents have been issued containing restrictions upon alienation, may sell and convey, for drainage purposes, so much of such allotments as may be necessary for right of way for drainage canals, but such conveyances shall be subject to the approval of the Secretary of the Interior, and when so approved shall convey, for said purposes, a full title to the purchasers the same as if final patent without restrictions had been issued to the allottees.

Colville River Indians.
Sale of drainage right of way permitted.

That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent in fee to Zonee Adams, a member of the Kiowa, Comanche, and Apache tribes of Indians, for the lands heretofore allotted to her in the Territory of Oklahoma, and all restrictions as to the sale, incumbrance, or taxation of said lands are hereby removed.

Zonee Adams.
Patent in fee to.

SEC. 13. That James N. Jones, Kiowa allottee numbered twenty-six, to whom a trust patent has been issued containing restriction upon alienation, may sell and convey not exceeding one-half of his allotment, but that such conveyance shall be subject to the approval of the Secretary of the Interior, and when so approved shall convey full title to the purchaser the same as if a final patent without restriction had been issued to the allottee.

James N. Jones.
Sale permitted.

SEC. 14. That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patents in fee, severally, to Pasapa or Amanda C. Hines, John W. Hines, junior, Lydia A. Marshall, Ehpriam D. Prescott, and Ida C. Peek, members of the Sisseton and Wahpeton tribe of Indians, for the lands heretofore allotted to them in Roberts County, in the State of South Dakota, and all restrictions as to sale, incumbrance, or taxation of said lands are hereby removed.

Amanda C. Hines,
John W. Hines, etc.
Restrictions on land sales removed.

SEC. 15. That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent in fee to William A. Trousdale, a citizen Pottawatomie allottee, for the land heretofore allotted to him in Oklahoma, to wit: The northwest quarter of the northeast quarter of section thirty-six, township seven north, range two east of the Indian meridian, and all restrictions as to the sale, incumbrance, or taxation of said land are hereby removed.

William A. Trousdale.
Patent in fee to.

SEC. 16. That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a fee simple patent to George J. Lemmon, a member of the Winnebago Tribe of Indians, for the lands heretofore allotted to him in Nebraska, to wit: The northwest quarter of the southeast quarter of section thirty-five, township twenty-six north, of range six east, of the sixth principal meridian, in Thurston County, and all restrictions as to the sale, incumbrance, or taxation of the same are hereby removed.

33 Stat., 220.
George J. Lemmon.
Patent in fee to.

SEC. 17. That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patents in fee to Nellie H. Davis, a Cheyenne and Arapahoe Indian, for the lands heretofore allotted to her in the Territory of Oklahoma, and all restrictions as to the sale, incumbrance, or taxation of said lands are hereby removed, said lands being described as follows, to wit: The northeast quarter of section twenty-nine, township fourteen north, of range fifteen west, of Indian meridian, in Oklahoma Territory.

Nellie H. Davis.
Patent in fee to.

tribes, respectively, within the discretion of the President, and with the consent of said tribes, expressed in the usual manner; and that he cause report to be made to Congress, at its next session thereafter, of his action under this provision.

SEC. 5. That whenever, after advertising for bids for supplies in accordance with sections three and four of this act, those received for any article contain conditions detrimental to the interests of the Government, they may be rejected, and the articles specified in such bids purchased in open market, at prices not to exceed those of the lowest bidder, and not to exceed the market price of the same, until such time as satisfactory bids can be obtained, for which immediate advertisement shall be made: *Provided*, That so much of the appropriations herein made as may be required to pay for goods and supplies, for expenses incident to their purchase, and for transportation of the same, for the year ending June thirtieth, nineteen hundred and five, shall be immediately available, but no such goods or supplies shall be distributed or delivered to any of said Indians prior to July first, nineteen hundred and four.

Rejection of bids.

Open market purchases.

Proviso. Amount for supplies immediately available.

SEC. 6. That the Commissioner of Indian Affairs shall report to each Congress, at the first regular session thereof, specifically showing the number of employees at each agency, industrial and boarding school, which are supported in whole or in part out of the appropriations in this act, giving name, when employed, in what capacity employed, male or female, whether white or Indian, amount of compensation paid, and out of what item or fund of the appropriation paid, and whether, in the opinion of such commissioner, any of such employees are unnecessary.

Annual report concerning employees.

SEC. 7. That no part of the moneys herein appropriated for fulfilling treaty stipulations shall be available or expended unless expended without regard to the attendance of any beneficiary at any school other than a Government school.

Restriction.

SEC. 8. That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be allotted, under the provisions of the act of Congress approved February eighth, eighteen hundred and eighty-seven, entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," as amended by the act approved February twenty-eighth, eighteen hundred and ninety-one, to each and every child born of a recognized member of the Ponca tribe and to each and every child born of a recognized member of the Otoe and Missouri tribes, respectively, and prior to the thirtieth day of June, nineteen hundred and four, and alive and in being on that date, eighty acres of agricultural or one hundred and sixty acres of grazing land within the reservation of the tribe to which said child belongs. That after said allotments shall have been made the remaining unallotted lands in each of said reservations shall be allotted under said acts in such manner as to give all the members of the tribe living on the thirtieth day of June, nineteen hundred and four, as near as may be, an equal quantity of land in acres: *Provided*, That before making said allotments the Secretary of the Interior may reserve for Government purposes, or for the common use of the tribe, not exceeding six hundred and forty acres in each of said reservations: *Provided further*, That the reservation lines of the said Ponca and Otoe and Missouri Indian reservations be, and the same are hereby, abolished; and the territory comprising said reservations shall be attached to and become part of the counties of Kay, Pawnee and Noble, in Oklahoma Territory, as follows:

Ponca, Otoe, and Missouri Indians. Allotments to children.

1887, ch. 119, 24 Stat., 388, vol. 1, p. 33.

1891, ch. 383, 26 Stat., 794, vol. 1, p. 56.

33 Stat., 218. Disposal of unallotted lands.

Provisos. Reservation.

Lands attached to counties, Oklahoma.

Kay County.

Township twenty-five north, of range one east, of the Indian meridian, and fractional township twenty-five north, of range two east, of

the Indian meridian, now in the Ponca Indian Reservation, shall be attached to and become a part of Kay County. The Kansas Reservation in Oklahoma is hereby attached to Kay County.

Noble County.

Township twenty-four north, of range one east, of the Indian meridian; fractional township twenty-four north, of range two east, of the Indian meridian; fractional township twenty-four north, of range three east, of the Indian meridian; fractional township twenty-four north, of range four east, of the Indian meridian, and that part of fractional township twenty-five north, of ranges three and four east, of the Indian meridian, lying south of the Arkansas River, all in the Ponca Indian Reservation; township twenty-three north, of ranges one and two east, of the Indian meridian, all in the Otoe and Missouri Indian Reservation, shall be attached to and become a part of Noble County.

Pawnee County.

Fractional township twenty-three north, of range three east, of the Indian meridian, and township twenty-two north, of range three, of the Indian meridian, all in the Otoe and Missouri Reservation, shall be attached to and become a part of Pawnee County.

Special disbursing agents abolished. 1895, ch. 290, 28 Stat., 910, vol. 1, p. 76.

SEC. 9. That section eleven of the act approved March second, eighteen hundred and ninety-five, entitled "An act making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, eighteen hundred and ninety-six, and for other purposes," be, and the same is hereby, repealed.

Santee Agency, Nebr. Joseph M. Campbell. Patent in fee to.

SEC. 10. That Joseph M. Campbell, a Santee Indian, may purchase, upon such terms and conditions as the Secretary of the Interior may prescribe, a tract of not exceeding five acres from the lands reserved for the Santee Agency, Nebraska, including the land upon which the improvements of said Campbell are located, and the Secretary of the Interior is authorized to convey said tract to the said Campbell by patent in fee. And Stephen Blacksmith, a Santee Indian, may, in the discretion of the Secretary of the Interior, purchase upon such terms and conditions as the Secretary of the Interior may prescribe, a tract of not exceeding five acres from the lands reserved for the Santee Agency, Nebraska, including the land upon which the improvements of said Stephen Blacksmith are located, and the Secretary of the Interior is authorized in his discretion to convey said tract to said Blacksmith by patent in fee. That all restrictions upon the sale of

Stephen Blacksmith. Patent in fee to.

Creek Nation, Ind. T. Removal of sale restrictions.

land of the persons herein named, who are adult citizens of the Creek Nation, Indian Territory, as now existing, are hereby removed in each of the following cases, and they shall have power and authority hereafter to sell the surplus land hereinafter described without restrictions:

Tulsa Harjo.

Tulsa Harjo: Northeast quarter of north quarter of section thirty-two, township nine north, range thirteen east; north half of northwest quarter of section thirty-three, township nine north, range thirteen east.

33 Stat., 219.

Salina Emarthla.

Salina Emarthla: North half of southeast quarter; southwest quarter of southeast quarter; west half of southeast quarter of southeast quarter of section twenty-nine, township nine, range thirteen east; west half of northwest half of northwest quarter of northeast quarter of section thirty-two, township nine and range thirteen east.

Susie Buckner.

Susie Buckner: Southeast quarter of northeast quarter of section thirty-two, township nine, range thirteen east; southwest quarter of northwest quarter of section thirty-three, township nine, range thirteen east.

Okchun Emarthla.

Okchun Emarthla: East half of northwest quarter of northeast quarter of section thirty-two, township nine, range thirteen east.

Taxes.

And from and after the passage of this act said lands shall be subject to taxation. Nothing herein shall authorize either of said parties to sell any part of their homesteads.

| | | |
|--|--|---|
| Sulphur, Ind. T. Additional land for reservation. | Description. | <p>SEC. 18. That the Secretary of the Interior is hereby authorized and directed to withhold from sale or other disposition the irregular tract of land containing seventy-eight and sixty-eight one-hundredths acres, more or less, lying in the northwest quarter of section two and the northeast quarter of section three, township one south, range three east, and being within the exterior boundaries of the proposed town site of Sulphur, in the Chickasaw Nation, Indian Territory, and excluded from said town site by order of the Secretary of the Interior, of October twentieth, nineteen hundred and three, and also to withhold and withhold from disposition the tract of land within the exterior boundaries of said proposed town site, lying south of and adjacent to the tract above mentioned, containing in the aggregate one hundred and thirty-eight acres, more or less, and mentioned in the report of Gerard H. Matthes, of December twenty-seventh, nineteen hundred and three, to F. H. Newell, Chief Engineer United States Geological Survey, and shown upon the map accompanying said report by a yellow line.</p> |
| Price per acre. 1902, ch. 1362, sec. 64, 32 Stat., 655, vol. 1, p. 785. | Appropriation. | <p>The land hereby reserved shall be paid for by the United States at the rate of sixty dollars per acre and in the same manner as the land acquired in accordance with paragraph sixty-four of the act of Congress approved July first, nineteen hundred and two, entitled "An act to ratify and confirm an agreement with the Choctaw and Chickasaw Tribes of Indians, and for other purposes," and such money as may be necessary to carry out this provision is hereby appropriated, from any money in the United States Treasury not otherwise appropriated, and made immediately available.</p> |
| Improvements. | Management, control, etc. | <p>All improvements upon said land, at the passage of this act, shall be appraised and paid for as provided in said paragraph sixty-four of the act of July first, nineteen hundred and two.</p> <p>The land hereby reserved shall, immediately upon payment therefor by the United States, be and become a part of the reservation heretofore established at the said village of Sulphur, and shall be subject to all the provisions of said section sixty-four of the act of July first, nineteen hundred and two, respecting the care, control, direction, use, and occupancy thereof, as if they had been included in the original segregation: <i>Provided</i>, That the Secretary of the Interior is hereby authorized, in the absence of other provisions for the care and management thereof, to designate an officer or employee of his department to take charge of the land, whether acquired under said section sixty-four of the act of July first, nineteen hundred and two, or under this act, and to enforce rules and regulations for the control and use thereof, and of the waters of the springs and creeks within the reservation: <i>Provided further</i>, That the Secretary of the Interior is hereby authorized, in his discretion, to sell or dispose of any buildings upon the land hereby reserved and upon the land originally reserved, and all money received from such sales, as well as all money heretofore received or that may hereafter be realized for the use of said waters or for the use and occupancy of the land or the building thereon, through leases, permits, or otherwise, may be expended under the direction of the Secretary of the Interior for the care and management of said lands and the preservation of the improvements thereon: <i>And provided further</i>, That if any person, firm, or corporation shall willfully violate any of the rules and regulations prescribed by the Secretary of the Interior relative to the use of the waters of said springs and creeks and the use and occupation of the lands in said reservation, such person, firm, corporation, or members or agents thereof, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars and not more than one hundred dollars, and may be imprisoned for a term of not more than six months for each offense.</p> |
| Provisos. Enforcement of regulations. | Sale of improvements 33 Stat., 221. | |
| Violation of regulations. | Penalty. | |

The Secretary of the Interior is hereby directed to appraise, at their actual value at the time of such appraisement, all town lots held by citizens of the United States within the limits of the tract of land ceded to the United States by the Choctaw and Chickasaw Nations, at or near Sulphur Springs, in the Chickasaw Nation, Indian Territory, and pay for the same to such lot holders severally, or to their legal representatives, the appraised value of such lots by warrants drawn by the Secretary of the Interior upon the Treasurer of the United States; and the amount necessary to pay the same is hereby appropriated from any money in the Treasury not otherwise appropriated. The foregoing appraisal of lots shall be completed within three months from the passage of this act.

Appraisal and purchase of town lots.

Appropriation.

Time limit for appraisal.

SEC. 19. That Seymour W. Hollister be reimbursed in the sum of four hundred and twenty-two dollars and twenty-six cents for attorney's fees and disbursements on account of the action brought by the State of Wisconsin against the Government for timber purchased in good faith by the said Hollister of the Government, and which was alleged to have been wrongfully taken from State lands on the Menominee Reservation in Wisconsin.

Seymour W. Hollister. Reimbursement.

SEC. 20. That the Secretary of the Interior be, and he is hereby, authorized and directed to pay, out of any available fund of the Cherokee Nation of Indians in the Treasury of the United States, to R. O. Evans and Company, of Green Bay, Wisconsin, the sum of three thousand eight hundred and seventy dollars, said amount being in full payment for maps furnished said tribe of Indians under a contract made with the council of said Cherokee Nation.

R. O. Evans & Co. Payment to.

SEC. 21. That the Secretary of the Treasury is authorized and directed to pay to Mary Matthews, a clerk at the San Jacinto Indian Training School, California, the sum of one hundred dollars, from funds in the United States Treasury to the credit of the appropriation, "Removal and support of Mission Indians," such being the amount paid by her from personal funds to Jose Antonio C. B. Mooat, an Indian of the Mission Agency, California, and such payment shall be a full discharge of the obligation of the United States to Jose Antonio C. B. Mooat, for the value of his garden crops on Warner's ranch, California, authorized to be paid by act of May twenty-seventh, nineteen hundred and two.

Mary Matthews. Payment to. 1902, ch. 888, 32 Stat., 257, vol. 1, p. 750.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to set aside in the Treasury of the United States to the credit of the Chippewa Indians of Lake Superior and the Mississippi the sum of eighty-one thousand seven hundred and two dollars and sixty-one cents, said sum being the total amount arising from balances of appropriations under treaties with said Indians and covered into the Treasury between the years eighteen hundred and forty-three and eighteen hundred and seventy-eight, inclusive. That the said amount of eighty-one thousand seven hundred and two dollars and sixty-one cents shall be by the Secretary of the Interior paid to the Chippewa Indians of Lake Superior and the Mississippi in the proportion, if any, due to each (in case it shall be found that a division of such fund is equitable), or invested or applied for their benefit by the said Secretary as may be deemed most advantageous for the interests of the said Indians, and the sum of eighty-one thousand seven hundred and two dollars and sixty-one cents is hereby appropriated out of any money in the Treasury not otherwise appropriated for the purpose of carrying this provision into effect: *Provided*, That of this sum a sufficient amount shall be reserved by the Secretary of the Interior to pay the fees of attorneys for said Indians specified in the agreements which have been heretofore approved by the Commissioner of Indian Affairs and the Secretary of the Interior under the provisions of section twenty-one hundred and three of the Revised Statutes of the United States.

Chippewa Indians. Payment of certain treaty funds to.

33 Stat., 222.

Proviso. Attorneys' fees.

R. S., sec. 2103, vol. 1, p. 11.

- Delaware Indians in Cherokee Nation. Payment to. The Secretary of the Treasury is authorized and directed to pay to the Delaware Tribe of Indians residing in the Cherokee Nation, as said tribe shall in council direct, the sum of one hundred and fifty thousand dollars in full of all claims and demands of said tribe against the United States, and the same is hereby appropriated and made immediately available: *Provided*, That said sum shall be paid only after the tribal authorities, thereunto duly and specifically authorized by the tribe, shall have signed a writing stating that such payment is in full of all claims and demands of every name and nature of said Delaware Indians against the United States, which writing shall be subject to the approval of the President of the United States and shall have provided for the discontinuance of all actions pending in all courts wherein said Delaware Indians are plaintiff and the United States defendants.
- Proviso. To satisfy all claims.
- Discontinuance of suits.
- Boone, Estella, and Joseph Chandler. Patents in fee to. SEC. 22. That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patents in fee to Boone Chandler, Estella Chandler, and Joseph Chandler, members of the Kiowa, Comanche, and Apache Tribes of Indians, whose allotments are numbered respectively two hundred and seven, two hundred and eight, and twenty-four hundred and sixty-one, for the lands heretofore allotted to them in the Territory of Oklahoma, and all restrictions as to the sale, incumbrance, or taxation of said lands are hereby removed.
- Nora G. Hazlett. Patent in fee to. SEC. 23. That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent in fee to Nora G. Hazlett, a Caddo Indian, for not to exceed forty acres of the remaining eighty acres of the one hundred and sixty acres of land heretofore allotted to her in the Territory of Oklahoma, to wit, the northwest quarter of section eleven, township seven north, range twelve west, Indian meridian; and all restrictions as to the sale, incumbrance, or taxation of said land are hereby removed.
- Frank A. A. Robertson, etc. Patents in fee to. That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patents in fee to Frank A. A. Robertson, Edmond Cheney Robertson, Ella F. Robertson, Samuel J. Brown, Joseph R. Brown, Augusta Brown, Jennie Brown, Susan F. Brown, Thomas A. Robertson, Ida Robertson, Nancy Tawaqin, members of the Sisseton and Wahpeton Band of Sioux Indians, for lands heretofore allotted to them in the State of South Dakota, and all restrictions as to sale, incumbrance, or taxation of said lands are hereby removed.
- Louisa Melot. Approval of deed to. That the Secretary of the Interior be, and he is hereby, authorized and directed to approve a deed dated June ninth, nineteen hundred and three, from Joseph C. Melot, citizen Pottawatomie allottee, numbered four hundred and eighty-nine, and Eliza Melot, his wife, conveying to Louisa Melot (his divorced wife) the southwest quarter of the southeast quarter of section twenty-one, and the north half of the northeast quarter of section twenty-eight in township six north, range two east of the Indian meridian, in conformity with the order and decree of the judge of the district court for Pottawatomie County, Oklahoma, at the regular April term, eighteen hundred and ninety-eight, which decree was rendered in the divorce case of Joseph C. Melot against Louisa Melot, decreeing said land to the said Louisa Melot as alimony.
- 33 Stat., 223.
- Mark Burns. Sale restrictions removed. That Mark Burns, Chippewa allottee numbered seventeen (census of eighteen hundred and eighty-nine), to whom a trust patent has been issued containing restrictions upon alienation, may sell and convey from his allotment to the village of Cass Lake, county of Cass, State of Minnesota, the certain ten acres described as follows: Commencing eighty rods north from the quarter post on the section line between sections nine and sixteen, running thence north forty rods, thence east forty rods, thence south forty rods, thence west forty rods to the place of beginning, being ten acres located in the southwest corner of the

northwest quarter of the southeast quarter of section nine, township one hundred and forty-five north, range thirty-one west, on the Chippewa Reservation, Minnesota, but such conveyance shall be subject to the approval of the Secretary of the Interior, and when so approved shall convey a full title to the purchaser the same as if a final patent without restriction had been issued to the allottee.

That the Secretary of the Interior be, and he hereby is, authorized and directed to issue patents in fee, severally, to Bert Dietrich, George A. Dietrich, Willie Pearl Dietrich, Clarence A. Dietrich, Ruby G. Dietrich, Thomas M. Dietrich, Charles Roache, Octaviana Roache, Sataro Roache, Brigida Roache, Sahropono or Sarapio Roache, Homy or Mary Roache, Pautrice Roache, Candelario Roache, Nicholas Roache, Kit Carson Farwell, Pearl Farwell, and Num mah che or Gertrude Farwell, members of the Kiowa, Comanche, and Apache Tribes of Indians, for the lands heretofore allotted to them, respectively, in the Territory of Oklahoma, and all restrictions as to the sale, incumbrance, or taxation of said land are hereby removed.

Kiowa, Comanche, and Apache Indians. Patents in fee to certain allottees.

That the Secretary of the Interior be, and he hereby is, authorized and directed to issue patents in fee, severally, to Lotsee Dietrich, Pokin Roache, George Chandler (allottee numbered two hundred and three), and Louisa B. Farwell, members of the Kiowa, Comanche, and Apache Tribes of Indians, for the lands heretofore allotted to them, respectively, in the Territory of Oklahoma, and all restrictions as to the sale, incumbrance, or taxation of said lands are hereby removed.

That the following-named allottees of lands situated in the Quapaw Agency, Indian Territory, are authorized to alienate certain portions of their allotments therein, described as follows, namely: Fred Long, the south half of the southeast quarter of the northwest quarter of section twenty-eight, twenty acres; John Faber, the east half of the southeast quarter of the southwest quarter of section twenty-eight, twenty acres; the heirs of George Bearskin, deceased, the northeast quarter of the southwest quarter of section twenty-two, forty acres; Annie Daugherty, the northeast quarter of the southeast quarter of section twelve, forty acres; and James Boone, lot numbered one in section three; all in township twenty-seven north, of range twenty-four east.

Quapaw Indian Agency. Sale restrictions removed from certain allottees.

That the Secretary of the Interior is authorized and directed to permit an exchange of lands in Oklahoma Territory now included in Kiowa allotment numbered three hundred and ten for certain other lands in same Territory now included in Kiowa allotment numbered three hundred and twelve, and to issue new allotment patents to the allottees interested carrying the exchanges into effect.

Exchange of lands in Kiowa allotment.

SEC. 24. That the sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated to pay the deputy clerks of the United States court in the Indian Territory the deficiency that may exist in their salaries from March first, nineteen hundred and three, to be paid by the disbursing clerk of the Department of Justice in the same manner as the salaries of the clerks of the several United States courts in the Indian Territory are now paid. That hereafter the salaries of the deputy clerks in the Indian Territory, appointed under the act of March first, eighteen hundred and ninety-five (Twenty-eighth Statutes, page six hundred and ninety-five), and acts amendatory thereto, be paid by the disbursing clerk for the Department of Justice at the rate of one thousand two hundred dollars per annum, as fixed by said act, in the same manner as the salaries of the clerks of the United States courts in the Indian Territory are now paid: *Provided*, That the deputy clerks shall receive as compensation for recording all instruments provided for in the act of February nineteenth, nineteen hundred and three (Thirty-second Statutes, page eight hundred and forty), the fees allowed

33 Stat., 224. United States courts, Ind. T. Payment of balance due deputy clerks for salaries.

Salaries rated. 1895, ch. 145, sec. 3, 28 Stat., 695. Vol. 1, p. 72.

Provisos. Compensation in fees. 1903, ch. 707, 32 Stat. 842, ante, p. 8.

for the recording of instruments provided for in said act, to an amount not exceeding the sum of one thousand eight hundred dollars per annum, out of which sum all the actual expenses for clerk hire shall be paid, and all fees so received by any deputy clerk as aforesaid, amounting to more than the sum of one thousand eight hundred dollars per annum shall be accounted for to the Department of Justice, as required in said act: *Provided further*, That at the towns of South McAlester, Muscogee, Vinita, and Ardmore, respectively, the clerks of the United States court, who are in charge at said places, but not the deputy clerks, shall be permitted to retain out of the fees collected for the recording and filing of all instruments provided for in the act of February nineteenth, nineteen hundred and three (Thirty-second Statutes, page eight hundred and forty), an amount not exceeding the sum of two thousand five hundred dollars per annum, out of which sum all the actual expenses for clerk hire necessary in the recording of instruments provided for in the above act, shall be paid and all fees so received by any clerk as aforesaid amounting to more than the sum of two thousand five hundred dollars per annum, shall be accounted for to the Department of Justice as required in said act.

Clerk's fees for recording, etc., in certain towns limited to \$2,500.

Yuma and Colorado River Reservations. Reclamation and disposal of irrigable lands in. 1902, ch. 1093, 32 Stat., 388, post, 492.

Diversion of Colorado River authorized.

Provisos. Allotment.

Price per acre.

Installment payments. Disposal of proceeds.

33 Stat., 225.

Pyramid Lake Indian Reservation, Nev. Reclamation and disposal of irrigable lands in.

32 Stat., 388.

Provisos. Allotment.

Price per acre.

SEC. 25. That in carrying out any irrigation enterprise which may be undertaken under the provisions of the reclamation act of June seventeenth, nineteen hundred and two, and which may make possible and provide for, in connection with the reclamation of other lands, the reclamation of all or any portion of the irrigable lands on the Yuma and Colorado River Indian Reservations in California and Arizona, the Secretary of the Interior is hereby authorized to divert the waters of the Colorado River and to reclaim, utilize, and dispose of any lands in said reservations which may be irrigable by such works in like manner as though the same were a part of the public domain: *Provided*, That there shall be reserved for and allotted to each of the Indians belonging on the said reservations five acres of the irrigable lands. The remainder of the lands irrigable in said reservations shall be disposed of to settlers under the provisions of the reclamation act: *Provided, further*, That there shall be added to the charges required to be paid under said act by settlers upon the unallotted Indian lands such sum per acre as in the opinion of the Secretary of the Interior shall fairly represent the value of the unallotted lands in said reservations before reclamation; said sum to be paid in annual installments in the same manner as the charges under the reclamation act. Such additional sum per acre, when paid, shall be used to pay into the reclamation fund the charges for the reclamation of the said allotted lands, and the remainder thereof shall be placed to the credit of said Indians and shall be expended from time to time, under the direction of the Secretary of the Interior, for their benefit.

SEC. 26. That in carrying out any irrigation enterprise which may be undertaken under the provisions of the reclamation act of June seventeenth, nineteen hundred and two, and which may make possible and provide for, in connection with the reclamation of other lands, the reclamation of all or any portion of the irrigable lands on the Pyramid Lake Indian Reservation, Nevada, the Secretary of the Interior is hereby authorized to reclaim, utilize, and dispose of any lands in said reservation which may be irrigable by such works in like manner as though the same were a part of the public domain: *Provided*, That there shall be reserved for and allotted to each of the Indians belonging on the said reservation five acres of the irrigable lands. The remainder of the lands irrigable in said reservation shall be disposed of to settlers under the provisions of the reclamation act: *Provided further*, That there shall be added to the charges required to be paid under said act by settlers upon the unallotted Indian lands such sum per acre as in the opinion of the Secretary of the Interior shall

fairly represent the value of the unallotted lands in said reservation before reclamation, said sum to be paid in annual installments in the same manner as the charges under the reclamation act. Such additional sum per acre, when paid shall be used to pay into the reclamation fund the charges for the reclamation of the said allotted lands and the remainder thereof shall be placed to the credit of said Indians and shall be expended from time to time, under the direction of the Secretary of the Interior, for their benefit.

Installment payments.
Disposal of proceeds.

SEC. 27. That the Indian school authorized by the act of March third, nineteen hundred and one, entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, nineteen hundred and two, and for other purposes," to be located at or near the city of Mandan, in the State of North Dakota, is hereby located near the city of Bismarck, in the State of North Dakota, upon lands donated to the Government for that purpose and accepted by the Secretary of the Interior.

Bismarck, N. Dak.
Location of school changed from Mandan to.
1901, ch. 832, 31 Stat., 1078.

Vol. 1, 761.

Approved, April 21, 1904.

CHAP. 1484.—An act to ratify and amend an agreement with the Sioux tribe of Indians of the Rosebud Reservation, in South Dakota, and making appropriation and provision to carry the same into effect.

April 23, 1904.
[H. R. 10418.]

[Public, No. 148.]

Whereas James McLaughlin, United States Indian inspector, did, on the fourteenth day of September, anno Domini nineteen hundred and one, make and conclude an agreement with the male adult Indians of the Rosebud Reservation, in the State of South Dakota, which said agreement is in words and figures as follows:

33 Stat., 254.
Preamble.

This agreement made and entered into on the fourteenth day of September, nineteen hundred and one, by and between James McLaughlin, United States Indian inspector, on the part of the United States, and the Sioux tribe of Indians belonging on the Rosebud Reservation, in the State of South Dakota, witnesseth:

Agreement with Sioux Indians of Rosebud Reservation, S. Dak.

ARTICLE I. The said Indians belonging on the Rosebud Reservation, South Dakota, for the consideration hereinafter named, do hereby cede, surrender, grant, and convey to the United States all their claim, right, title, and interest in and to all that part of the Rosebud Indian Reservation now remaining unallotted, situated within the boundaries of Gregory County, South Dakota, described more particularly as follows: Commencing in the middle of the main channel of the Missouri River at the intersection of the south line of Brule County; thence down said middle of the main channel of said river to the intersection of the ninety-ninth degree of west longitude from Greenwich; thence due south to the forty-third parallel of latitude; thence west along said parallel of latitude to its intersection with the tenth guide meridian; thence north along said guide meridian to its intersection with the township line between townships one hundred and one hundred and one north; thence east along said township line to the point of beginning, the unallotted land hereby ceded approximating four hundred and sixteen thousand (416,000) acres, lying and being within the boundaries of Gregory County, South Dakota, as said county is at present defined and organized.

Cession of lands.

ARTICLE II. In consideration of the land ceded, relinquished, and conveyed by Article I of this agreement the United States stipulates and agrees to expend for and pay to said Indians, in the manner hereinafter provided, the sum of one million and forty thousand (1,040,000) dollars.

Consideration.

33 Stat., 255.

Payment of amount.

ARTICLE III. It is agreed that of the amount to be expended for and paid to said Indians, as stipulated in Article II of this agreement, the sum of two hundred and fifty thousand (250,000) dollars shall be expended in the purchase of stock cattle, of native range or graded Texas two-year-old heifers and graded Durham or Hereford two-year-old bulls, for issue to said Indians, to be distributed as equally as possible among men, women, and children as soon as practicable after the ratification of this agreement, and that the sum of seven hundred and ninety thousand (790,000) dollars shall be paid to said Indians per capita in cash in five annual installments of one hundred and fifty-eight thousand (158,000) dollars each, the first of which cash payments shall be made within four months after the ratification of this agreement.

Possession of allotted lands.

ARTICLE IV. It is further agreed that all persons of the Rosebud Indian Reservation, South Dakota, who have been allotted lands and who are now recognized as members of the tribe belonging on said reservation, including mixed-bloods, whether their white blood comes from the paternal or maternal side, and the children born to them, shall enjoy the undisturbed and peaceable possession of their allotted lands, and shall be entitled to all the rights and privileges of the tribe enjoyed by full-blood Indians upon the reservation; and that white men heretofore lawfully intermarried into the tribe and now living with their families upon said reservation shall have the right of residence thereon, not inconsistent with existing statutes.

Treaty rights continued.

ARTICLE V. It is understood that nothing in this agreement shall be construed to deprive the said Indians of the Rosebud Reservation, South Dakota, of any benefits to which they are entitled under existing treaties or agreements, not inconsistent with the provisions of this agreement.

Effect.

ARTICLE VI. This agreement shall take effect and be in force when signed by U. S. Indian Inspector James McLaughlin and by three-fourths of the male adult Indians parties hereto, and when accepted and ratified by the Congress of the United States.

Signatures.

In witness whereof the said James McLaughlin, U. S. Indian inspector, on the part of the United States, and the male adult Indians belonging on the Rosebud Reservation, South Dakota, have hereunto set their hands and seals at Rosebud Indian Agency, South Dakota, this fourteenth day of September, A. D. nineteen hundred and one.

JAMES McLAUGHLIN,
U. S. Indian Inspector.

| No. | Name. | Mark. | Age. |
|-----|-------------------------------------|-------|------|
| 1 | He Dog | x | 65 |
| 2 | High Hawk | x | 50 |
| 3 | Black Bird | x | 62 |
| | (and 1,028 more Indian signatures.) | | |

Certificate.

We, the undersigned, hereby certify that the foregoing agreement was fully explained by us in open council to the Indians of the Rosebud Agency, South Dakota; that it was fully understood by them before signing, and that the foregoing signatures, though names are similar in some cases, represent different individuals in each instance, as indicated by their respective ages.

WILLIAM BORDEAUX, Official Interpreter.
WM. F. SCHMIDT, Special Interpreter.

ROSEBUD AGENCY, S. DAK., October 4, 1901.

We, the undersigned, do hereby certify that we witnessed the signatures of James McLaughlin, United States Indian inspector, and the 1,031 Indians of the Rosebud Agency, S. Dak., to the foregoing agreement.

33 Stat., 256.

FRANK MULLEN, Agency Clerk.
 C. H. BENNETT, Farmer, Cut Meat District.
 JOHN SULLIVAN, Farmer, Black Pipe District.
 FRANK ROBINSON, Farmer, Little White River District.
 FRANK SYPAL, Farmer, Butte Creek District.
 ISAAC BETTELYOUN, Farmer, Big White River District.
 JAMES A. MCCORKLE, Farmer, Ponca District.
 LOUIS BORDEAUX, Ex-Farmer, Agency District.

ROSEBUD AGENCY, S. DAK., October 4, 1901.

I certify that the total number of male adult Indians over 18 years of age belonging on the Rosebud Reservation, S. Dak., is 1,359, of whom 1,031 have signed the foregoing agreement, being 12 more than three-fourths of the male adult Indians of the Rosebud Reservation, S. Dak.

CHAS. E. MCCHESENEY,
 United States Indian Agent.

ROSEBUD AGENCY, S. DAK., October 4, 1901.

Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the said agreement be, and the same hereby is, accepted, ratified, and confirmed as herein amended and modified; as follows:

Rosebud Reservation, S. Dak.

“ARTICLE I. The said Indians belonging on the Rosebud Reservation, South Dakota, for the consideration hereinafter named, do hereby cede, surrender, grant, and convey to the United States all their claim, right, title, and interest in and to all that part of the Rosebud Indian Reservation now remaining unallotted, situated within the boundaries of Gregory County, South Dakota, described more particularly as follows: Commencing in the middle of the main channel of the Missouri River at the intersection of the south line of Brule County; thence down said middle of the main channel of said river to the intersection of the ninety-ninth degree of west longitude from Greenwich; thence due south to the forty-third parallel of latitude; thence west along said parallel of latitude to its intersection with the tenth guide meridian; thence north along said guide meridian to its intersection with the township line between townships one hundred and one hundred and one north; thence east along said township line to the point of beginning, the unallotted land hereby ceded approximating four hundred and sixteen thousand acres, lying and being within the boundaries of Gregory County, South Dakota, as said county is at present defined and organized.

Amended agreement ceding, ratified.

Lands ceded.

“ART. II. In consideration of the land ceded, relinquished, and conveyed by article one of this agreement, the United States stipulates and agrees to dispose of the same to settlers under the provisions of the homestead and town-site laws, except sections sixteen and thirty-six, or an equivalent of two sections in each township, and to pay to said Indians the proceeds derived from the sale of said lands; and also the United States stipulates and agrees to pay for sections sixteen and thirty-six, or an equivalent of two sections in each township, two dollars and fifty cents per acre.

Sale of lands to settlers.

Payment of proceeds to Indians. School sections. Price.

“ART. III. It is agreed that of the amount to be derived from the sale of said lands to be paid to said Indians, as stipulated in article two of this agreement, the sum of two hundred and fifty thousand dollars

Payment of proceeds.

| | | | | | | | | | | | |
|-------------------------------|--------------------|--|----------------------------------|-------------------------------|---|--|-------------------------------|---|--------------------|-----------|---|
| For cattle. 33 Stat., 257. | Cash distribution. | Proviso. Division of pay- ments. | Recognition of tribal rights. | Treaty rights con- tinued. | Disposal of ceded lands under homestead and town-site laws. | 1905, ch. 545, 33 Stat., 700, post, p. 113. | Opening by procla- mation. | Provisos. Rights of soldiers and sailors. R. S., secs. 2304, 2305, 31 Stat., 847. | Homestead entries. | Payments. | <p>shall be expended in the purchase of stock cattle, of native range or graded Texas two-year-old heifers and graded Durham or Hereford two-year-old bulls, for issue to said Indians, to be distributed as equally as possible among men, women, and children, but not more than one half of the money received in any one year shall be expended as aforesaid, and the other half shall be paid to said Indians per capita in cash, and an accounting, settlement, and payment shall be made in the month of October in each year until the lands are fully paid for and the funds distributed in accordance with this agreement: <i>Provided, however,</i> That not more than five hundred thousand dollars shall be expended or paid within two years after the ratification of this agreement, and not to exceed one hundred and fifty thousand dollars in each of the following years until the expiration of five years.</p> <p>“ART. IV. It is further agreed that all persons of the Rosebud Indian Reservation, South Dakota, who have been allotted lands and who are now recognized as members of the tribe belonging on said reservation, including mixed-bloods, whether their white blood comes from the paternal or maternal side, and the children born to them, shall enjoy the undisturbed and peaceable possession of their allotted lands, and shall be entitled to all the rights and privileges of the tribe enjoyed by full-blood Indians upon the reservation; and that white men heretofore lawfully intermarried into the tribe and now living with their families upon said reservation shall have the right of residence thereon, not inconsistent with existing statutes.</p> <p>“ART. V. It is understood that nothing in this agreement shall be construed to deprive the said Indians of the Rosebud Reservation, South Dakota, of any benefits to which they are entitled under existing treaties or agreements, not inconsistent with the provisions of this agreement.”</p> <p>SEC. 2. That the lands ceded to the United States under said agreement, excepting such tracts as may be reserved by the President, not exceeding three hundred and ninety-eight and sixty-seven one-hundredths acres in all, for subissue station, Indian day school, one Catholic mission, and two Congregational missions, shall be disposed of under the general provisions of the homestead and town-site laws of the United States, and shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof; and no person shall be permitted to settle upon, occupy, or enter any of said lands, except as prescribed in such proclamation, until after the expiration of sixty days from the time when the same are opened to settlement and entry: <i>Provided,</i> That the rights of honorably discharged Union soldiers and sailors of the late Civil and the Spanish War or Philippine insurrection, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes, as amended by the act of March first, nineteen hundred and one, shall not be abridged: <i>And provided further,</i> That the price of said lands entered as homesteads under the provisions of this act shall be as follows: Upon all land entered or filed upon within three months after the same shall be opened for settlement and entry, four dollars per acre, to be paid as follows: One dollar per acre when entry is made; seventy-five cents per acre within two years after entry; seventy-five cents per acre within three years after entry; seventy-five cents per acre within four years after entry, and seventy-five cents per acre within six months after the expiration of five years after entry. And upon all land entered or filed upon after the expiration of three months and within six months after the same shall be opened for settlement and entry, three dollars per acre, to be paid as follows: One dollar per acre when entry is made; fifty cents per acre within two years after entry; fifty cents per acre within three years</p> |
|-------------------------------|--------------------|--|----------------------------------|-------------------------------|---|--|-------------------------------|---|--------------------|-----------|---|

after entry; fifty cents per acre within four years after entry, and fifty cents per acre within six months after the expiration of five years after entry. After the expiration of six months after the same shall be opened for settlement and entry the price shall be two dollars and fifty cents per acre, to be paid as follows: Seventy-five cents when entry is made; fifty cents per acre within two years after entry; fifty cents per acre within three years after entry; fifty cents per acre within four years after entry, and twenty-five cents per acre within six months after the expiration of five years after entry: *Provided*, That in case any entryman fails to make such payment or any of them within the time stated all rights in and to the land covered by his or her entry shall at once cease, and any payments theretofore made shall be forfeited, and the entry shall be forfeited and held for cancellation and the same shall be cancelled: *And provided*, That nothing in this act shall prevent homestead settlers from commuting their entries under section twenty-three hundred and one, Revised Statutes, by paying for the land entered the price fixed herein, receiving credit for payments previously made. In addition to the price to be paid for the land, the entryman shall pay the same fees and commissions at the time of commutation or final entry, as now provided by law, where the price of the land is one dollar and twenty-five cents per acre: *And provided further*, That all lands herein ceded and opened to settlement under this act, remaining undisposed of at the expiration of four years from the taking effect of this act, shall be sold and disposed of for cash, under rules and regulations to be prescribed by the Secretary of the Interior, not more than six hundred and forty acres to any one purchaser.¹

33 Stat., 258.

Forfeiture on failure to pay.

Commutation. R. S., sec. 2301.

Fees.

Sale of undisposed lands.

Disposal of proceeds.

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 Rosebud Indians or expended on their account only as provided in article three of said agreement as herein amended.

Payment for school sections.

SEC. 4. That sections sixteen and thirty-six of the lands hereby acquired in each township shall not be subject to entry, but shall be reserved for the use of the common schools and paid for by the United States at two dollars and fifty cents per acre, and the same are hereby granted to the State of South Dakota for such purpose; and in case any of said sections, or parts thereof, of the land in said county of Gregory are lost to said State of South Dakota by reason of allotments thereof to any Indian or Indians, now holding the same, or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized, in the tract herein ceded, to locate other lands not occupied not exceeding two sections in any one township, which shall be paid for by the United States as herein provided in quantity equal to the loss, and such selections shall be made prior to the opening of such lands to settlement.

Granted to South Dakota. Selections in lieu of allotted lands.

SEC. 5. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of seventy-five thousand dollars, or so much thereof as may be necessary, to pay for the lands granted to the State of South Dakota, as provided in section four of this act.

Appropriation for school sections.

SEC. 6. That nothing in this act contained shall in any manner bind the United States to purchase any portion of the land herein described, except sections sixteen and thirty-six or the equivalent in each township, 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.

Limit of Government liability.

Approved, April 23, 1904.

¹ 38 L. D., 213.

Apr. 23, 1904.
[S. 1974.]

[Public, No. 153.]
33 Stat., 297.

Public lands.
Errors in allotments
and patents to Indians
to be corrected.
1895, ch. 50, 28 Stat.,
641.
Vol. 1, p. 70.

Proceedings.

Lands erroneously
patented opened to en-
try if patent be can-
celed.

Provisos.
Restriction.

Conditional patent
not subject to cancella-
tion.

Exceptions.

CHAP. 1489.—An act amending the act of Congress approved January twenty-sixth, eighteen hundred and ninety-five, entitled "An act authorizing the Secretary of the Interior to correct errors where double allotments of land have erroneously been made to an Indian, to correct errors in patents, and for other purposes."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act of Congress approved January twenty-sixth, eighteen hundred and ninety-five (Twenty-eighth Statutes, six hundred and forty-one), entitled "An act authorizing the Secretary of the Interior to correct errors where double allotments of land have erroneously been made to an Indian, to correct errors in patents, and for other purposes," be, and the same is hereby, amended so as to read as follows:

"That in all cases where it shall appear that a double allotment of land has heretofore been, or shall hereafter be, wrongfully or erroneously made by the Secretary of the Interior to any Indian by an assumed name or otherwise, or where a mistake has been or shall be made in the description of the land inserted in any patent, said Secretary is hereby authorized and directed, during the time that the United States may hold the title to the land in trust for any such Indian, and for which a conditional patent may have been issued, to rectify and correct such mistakes and cancel any patent which may have been thus erroneously and wrongfully issued whenever in his opinion the same ought to be canceled for error in the issue thereof, and if possession of the original patent can not be obtained, such cancellation shall be effective if made upon the records of the General Land Office; and no proclamation shall be necessary to open to settlement the land to which such an erroneous allotment patent has been canceled, provided such lands would otherwise be subject to entry: *And provided,* That such lands shall not be open to settlement for sixty days after such cancellation: *And further provided,* That no conditional patent that shall have heretofore or that may hereafter be executed in favor of any Indian allottee, excepting in cases hereinbefore authorized, and excepting in cases where the conditional patent is relinquished by the patentee or his heirs to take another allotment, shall be subject to cancellation without authority of Congress.¹

Approved, April 23, 1904.

Apr. 23, 1904.
[H. R. 8878.]

[Public, No. 156.]
33 Stat., 299.

Osage Reservation,
Okla.
Use of timber and
stone for industrial,
etc., purposes extended
to.
1903, ch. 195; 32 Stat.,
774; ante, p. 5.
Gravel added.

Proviso.
Proceeds.

CHAP. 1492.—An act to extend the provisions of the act of January twenty-first, nineteen hundred and three, to the Osage Reservation, in Oklahoma Territory, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the act of Congress approved January twenty-first, nineteen hundred and three, entitled "An act to amend an act entitled 'An act to provide for the use of timber and stone for domestic and industrial purposes in the Indian Territory,' approved June sixth, nineteen hundred," are, including gravel, hereby extended to and shall include the Osage Reservation, in the Territory of Oklahoma: *Provided,* That the proceeds from the lands in said Osage Reservation, in Oklahoma Territory, shall go to the Osage Nation or allottees therein.

Approved, April 23, 1904.

Apr. 23, 1904.
[H. R. 11963.]

[Public, No. 157.]
33 Stat., 299.

Indian Territory.
Practice of medicine
and surgery in.

CHAP. 1493.—An act regulating the practice of medicine and surgery in the Indian Territory.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter no person shall practice medicine and surgery, or either, as a profession in the

¹ *La Clair v. U. S.*, 184 Fed., 128; *U. S. v. La Roque*, 198 Fed., 645; 33 L. D., 310; 36 L. D., 289; 38 L. D., 556.

Indian Territory without first being registered as a physician and surgeon, or either, in the office of the clerk of the United States court in the district in which he or she offers to practice.

SEC. 2. That each district clerk in the Indian Territory shall keep in his office a well-bound book, in which he shall register the names of all such persons as shall be lawfully qualified, as hereinafter provided, and who shall apply for registration as physician and surgeon, or either, with the date of such registration.

Registration.

SEC. 3. That hereafter any person who may wish to practice the science of medicine or surgery, or both, in the Indian Territory shall be allowed to register as such who shall file with the clerk of the United States court of any district in the Indian Territory a certificate of qualification signed by a majority of the board of medical examiners of the district in the Indian Territory in which he or she offers to register: *Provided*, That any person living in a district in which no board is organized may apply to the board of some other district in the Indian Territory.

Certificate of qualification to be filed.

Proviso.
Application.

SEC. 4. That immediately after the passage of this act the United States judge of each district in the Indian Territory shall appoint for his district a board of medical examiners, consisting of three persons, who shall be citizens of the district and learned in the science of medicine and surgery, of good moral character, graduates of some reputable medical college recognized by either of the American medical college associations, and who shall thereafter be duly registered under this act, who shall hold their office for a period of four years, or until their successors are duly appointed and qualified; and should a vacancy occur in any of said boards at any time, the same shall be filled by appointment made by the United States judge of the district in which the vacancy occurs.

District board of medical examiners.

Composition of.

Vacancies.

SEC. 5. That the members of said board shall, before entering upon the discharge of their duties, take the official oath required to be taken by officers of the Indian Territory.

33 Stat., 300.
Oath.

SEC. 6. That at the first meeting of the members of such boards, after they shall have been appointed, preparatory to the transaction of business assigned them under this act, they shall organize by electing one of their members as president and another as secretary, and adopt a seal.

Organization of board.

SEC. 7. That physicians and surgeons who shall be engaged in practice at the time of the passage of this act shall each, within six months thereafter, present to said board their diplomas, together with affidavit in each case that the affiant is the lawful possessor of the same and he is the person named therein. Such as have no diplomas shall within the same time submit sworn applications, setting forth the extent of their medical education and their experience as practitioners, and shall be subjected to a careful examination by the board.

Diplomas of practicing physicians.

Examination in the absence of diplomas.

SEC. 8. That the regular meetings of each board shall be held quarterly at the court-house of that district on the first Monday in January, April, July, and October in each year, and when so assembled said board shall faithfully and impartially examine all such persons as shall appear before them for that purpose touching their qualifications to practice medicine and surgery, or either, and all such persons as shall satisfy such board of examiners, or a majority of them, that he or she is of good moral character and duly qualified in knowledge and capacity to practice medicine and surgery, or either, shall receive from such board a certificate of qualification as physician and surgeon, or either, as the case may be, which certificate shall entitle such person to registration under the provisions of sections two and three: *Provided further*, That no person desiring to practice medicine under this act shall be excluded therefrom on account of any particular system or school of medicine that he or she may desire to practice.

Quarterly meetings.

Examinations.

Proviso.
No discrimination.

- Certificates may be refused or revoked. SEC. 9. That the board may refuse certificates to persons guilty of unprofessional or dishonorable conduct, and it may revoke certificates for like causes: *Provided always*, That they have given the person an opportunity to be heard in his or her defense.
- Proviso. Hearing in defense. SEC. 10. That any person desiring to be examined at any time other than the regular quarterly meeting shall notify the president of the board of such desire, whose duty it shall be to assemble the board as soon as practicable and examine such applicant.
- Special examinations. SEC. 11. That the district clerk shall give to every person registered under this act a certificate of registration over his signature and official seal, and such certificate shall authorize any such person to practice as physician or surgeon, or both, as the case may be, in any district in the Indian Territory, provided he or she registers said certificate with the clerk of the United States court for each district in which he or she desires to practice.
- Certificate of registration. SEC. 12. That the clerk shall receive as his fee for all services required of him under this act in each case the sum of one dollar and fifty cents.
- Fees. SEC. 13. That any two members of said board shall constitute a quorum for the transaction of all such business as shall come before it, and each applicant for examination shall pay in advance to the secretary, to be divided equally among the members of such board, the sum of ten dollars, which shall be their only compensation.
- Quorum of board. SEC. 14. That all physicians and surgeons holding diplomas desiring to practice the science of medicine and surgery in the Indian Territory shall submit the same to the board of examiners for the district in which they desire to practice for examination and approval, for which said applicant shall pay a fee of one dollar to said board, and upon approval by said board of said diploma shall not be required to undergo the examination herein provided for; and said board shall issue to said applicant a certificate of approval, which certificate shall be registered in the clerk's office for the district in which said board holds jurisdiction: *Provided, however*, That no person holding a diploma issued after July first, nineteen hundred and four, shall be permitted to practice medicine or surgery for pay in the Indian Territory except that the diploma be issued by a medical school or college requiring a preliminary examination for admission to its course of study in all the common branches and the higher mathematics, which requirements shall be regularly published in all the advertisements and in each prospectus or catalogue issued by said school, which medical school or college shall also require as a requisite for granting the degree of doctor of medicine attendance upon at least four courses of lectures of six months each, no two of said courses to be held within one year, and having a full faculty of capable professors in all the different branches of medical education, to wit, anatomy, physiology, chemistry, toxicology, histology, pathology, hygiene, materia medica, therapeutics, obstetrics, bacteriology, medical jurisprudence, gynecology, principles and practice of medicine and surgery, and specially requiring clinical instruction in the last two named of not less than four hours per week in each during the last two courses of lectures.
- Compensation. SEC. 15. That any person who shall prescribe or administer medicine for or who shall in any manner treat disease, wounds, fractures, or other bodily injury for pay shall be deemed physicians and surgeons under this act.
- Approval of diplomas by the board. SEC. 16. That any person who shall hereafter engage in the practice of medicine and surgery, or either, in the Indian Territory, in violation of the requirements of this act, shall be deemed guilty of a misdemeanor, and upon conviction in any court having jurisdiction thereof under the laws of the United States governing the practice of medicine and surgery in the Indian Territory shall be fined in any
- Fee. 33 Stat., 301.
- Proviso. Diplomas issued after July 1, 1904.
- Requirements.
- Persons to be recognized as physicians, etc.
- Penalty for violations.

sum not less than twenty-five dollars and not more than one hundred dollars; and each day said physician or surgeon shall practice medicine or surgery without being registered as hereinbefore required shall be deemed a separate offense: *Provided, however,* That nothing in this act shall be construed to prohibit gratuitous service in cases of emergency or the domestic administration of family remedies. And this act shall not apply to surgeons in the service of the United States in the discharge of their official duties, or to physicians or surgeons from other Territories or States when in actual consultation with a physician or surgeon duly registered as provided herein: *And provided further,* That osteopath, massage, Christian Science, and herbal treatment shall not be affected by this act.

Provisos.
Exceptions.

Osteopath, massage,
etc., treatment.

Approved, April 23, 1904.

CHAP. 1495.—An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment.

Apr. 23, 1904.
[H. R. 12231.]

[Public, No. 159.]
33 Stat., 302.

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, directed to immediately cause to be surveyed all of the Flathead Indian Reservation, situated within the State of Montana, the same being particularly described and set forth in article two of a certain treaty entered into by and between Isaac H. Stevens, governor and superintendent of Indian affairs for the Territory of Washington, on the part of the United States, and the chiefs, headmen, and delegates of the confederated tribes of the Flathead, Kootenai, and Upper Pend d'Oreille Indians, on the sixteenth day of July, eighteen hundred and fifty-five.

Public lands.
Flathead Indian Res-
ervation, Mont.
Allotment and sale of
lands in.

33 Stat., 303; post, 450.

SEC. 2. That so soon as all of the lands embraced within said Flathead Indian Reservation shall have been surveyed, the Commissioner of Indian Affairs shall cause allotments of the same to be made to all persons having tribal rights with said confederated tribes of Flatheads, Kootenais, Upper Pend d'Oreille, and such other Indians and persons holding tribal relations as may rightfully belong on said Flathead Indian Reservation, including the Lower Pend d'Oreille or Kalispel Indians now on the reservation, under the provisions of the allotment laws of the United States.

Allotments.

SEC. 3. That upon the final completion of said allotments to said Indians, the President of the United States shall appoint a commission consisting of five persons to inspect, appraise, and value all of the said lands that shall not have been allotted in severalty to said Indians, the said persons so constituting said commission to be as follows: Two of said commissioners so named by the President shall be two persons now holding tribal relations with said Indians—the same may be designated to the President by the chiefs and headmen of said confederated tribes of Indians, two of said commissioners shall be resident citizens of the State of Montana, and one of said commissioners shall be a United States special Indian agent or Indian inspector of the Interior Department.

Commission to ap-
praise unallotted lands.

Composition of.

SEC. 4. That within thirty days after their appointment said commission shall meet at some point within the boundaries of said Flathead Indian Reservation and organize by the election of one of their number as chairman. Said commission is hereby empowered to select a clerk at a salary not to exceed seven dollars per day.

Organization of
commission.

Clerk.

SEC. 5. That said commissioners shall then proceed to personally inspect and classify and appraise, by the smallest legal subdivisions of forty acres each, all of the remaining lands embraced within said reservation. In making such classification and appraisal said lands

Classification, etc., of
lands.

- shall be divided into the following classes: First, agricultural land of the first class; second, agricultural land of the second class; third, timber lands, the same to be lands more valuable for their timber than for any other purpose; fourth, mineral lands; and fifth, grazing lands.
- Timber lands.** SEC. 6. That said commission shall in their report of lands of the third class determine as nearly as possible the amount of standing saw timber on legal subdivisions thereof and fix a minimum price for the value thereof, and in determining the amount of merchantable timber growing thereon they shall be empowered to employ a timber cruiser, at a salary of not more than eight dollars per day while so actually employed, with such assistants as may be necessary, at a salary not to exceed six dollars per day while so actually employed. Mineral lands shall not be appraised as to value.
- Mineral lands.**
- Compensation.** SEC. 7. That said commissioners, excepting said special agent and inspector of the Interior Department, shall be paid a salary of not to exceed ten dollars per day each while actually employed in the inspection and classification of said lands; such inspection and classification to be fully completed within one year from date of the organization of said commission.
- Time limit.**
- Disposal of lands.** SEC. 8. That when said commission shall have completed the classification and appraisement of all of said lands and the same shall have been approved by the Secretary of the Interior, the land shall be disposed of under the general provisions of the homestead, mineral, and town-site laws of the United States, except such of said lands as shall have been classified as timber lands, and excepting sections sixteen and thirty-six of each township, which are hereby granted to the State of Montana for school purposes. And in case either of said sections or parts thereof is lost to the said State of Montana by reason of allotments thereof to any Indian or Indians now holding the same, or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized, in the tract under consideration, to locate other lands not occupied, not exceeding two sections in any one township, and such selections shall be made prior to the opening of such lands to settlement: *Provided*, That the United States shall pay to said Indians for the lands in said sections sixteen and thirty-six, or the lands selected in lieu thereof, the sum of one dollar and twenty-five cents per acre.
- Timber and lands excepted.** school
33 Stat., 304.
Selection of school lands in lieu of lands formerly allotted.
- Proviso.**
Price to be paid Indians.
- Opening to settlement.** SEC. 9. That said lands shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the time when and the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, or enter any of said lands, except as prescribed in such proclamation: *Provided*, That the rights of honorably discharged Union soldiers and sailors of the late Civil and the Spanish Wars, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes, as amended by the act of March first, nineteen hundred and one, shall not be abridged: *Provided further*, That the price of said lands shall be the appraised value thereof, as fixed by the said commission, but settlers under the homestead law who shall reside upon and cultivate the land entered in good faith for the period required by existing law shall pay one-third of the appraised value in cash at the time of entry, and the remainder in five equal annual installments to be paid one, two, three, four, and five years, respectively, from and after the date of entry, and shall be entitled to a patent for the lands so entered upon the payment to the local land officers of said five annual payments, and in addition thereto the same fees and commissions at the time of commutation or final entry as now provided by law where the price of the land is one dollar and twenty-five cents per acre, and no other and further charge of any kind
- Provisos.**
Existing rights of soldiers and sailors unimpaired.
R. S., secs. 2304, 2305.
- Payments.**
- Patent.**

whatsoever shall be required of such settler to entitle him to a patent for the land covered by his entry: *Provided*, That if any entryman fails to make such payments, or any of them, within the time stated, all rights in and to the land covered by his or her entry shall at once cease, and any payments theretofore made shall be forfeited, and the entry shall be forfeited and canceled: *And provided*, That nothing in this act shall prevent homestead settlers from commuting their entries under section twenty-three hundred and one, Revised Statutes, by paying for the land entered the price fixed by said commission, receiving credit for payments previously made.¹

Forfeiture.

Right to commute entries not affected.

R. S., sec. 2301.

SEC. 10. That only mineral entry may be made on such of said lands as said commission shall designate and classify as mineral under the general provisions of the mining laws of the United States, and mineral entry may also be made on any of said lands whether designated by said commission as mineral lands or otherwise, such classification by said commission being only prima facie evidence of the mineral or nonmineral character of the same: *Provided*, That no such mineral locations shall be permitted upon any lands allotted in severalty to an Indian.

Mineral land entries.

Proviso. Exceptions.

SEC. 11. That all of said lands returned and classified by said commission as timber lands shall be sold and disposed of by the Secretary of the Interior under sealed bids to the highest bidder for cash or at public auction, as the Secretary of the Interior may determine, under such rules and regulations as he may prescribe.

Sale of timber lands.

SEC. 12.² That the President may reserve and except from said lands not to exceed nine hundred and sixty acres for Catholic mission schools, church, and hospital and such other eleemosynary institutions as may now be maintained by the Catholic Church on said reservation, which lands are hereby granted to those religious organizations of the Catholic Church now occupying the same, known as the Society of Jesus, the Sisters of Charity of Providence, and the Ursuline Nuns, the said lands to be granted in the following amounts, namely, to the Society of Jesus, six hundred and forty acres, to the Sisters of Charity of Providence, one hundred and sixty acres, and to the Ursuline Nuns, one hundred and sixty acres, such lands to be reserved and granted for the uses indicated only so long as the same are maintained and occupied by said organizations for the purposes indicated. The President is also authorized to reserve lands upon the same conditions and for similar purposes for any other missionary or religious societies that may make application therefor within one year after the passage of this act, in such quantity as he may deem proper. The President may also reserve such of said lands as may be convenient or necessary for the occupation and maintenance of any and all agency buildings, substations, mills, and other governmental institutions now in use on said reservation or which may be used or occupied by the Government of the United States.

Reservations.

For Catholic religious organizations.
33 Stat., 305.

For other religious organizations.

For agency, etc., buildings.

SEC. 13. That all of said lands classified as agricultural lands of the first class and agricultural lands of the second class and grazing lands that shall be opened to settlement under this act remaining undisposed of at the expiration of five years from the taking effect of this act shall be sold and disposed of to the highest bidder for cash, under rules and regulations to be prescribed by the Secretary of the Interior, at not less than their appraised value, and in tracts not to exceed six hundred and forty acres to any one person.

Sale of undisposed lands.

Maximum.

SEC. 14. 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 after deducting the expenses of the commission, of classi-

Disposal of proceeds.

¹ 41 L. D., 521.

² A substitute for sec. 12 was enacted in sec. 9 of the act of 1905, ch. 1479, 33 Stat., 1080, post, p. 157.

fication and sale of lands, and such other incidental expenses as shall have been necessarily incurred, and expenses of the survey of the lands, shall be expended or paid, as follows: One-half shall be expended from time to time by the Secretary of the Interior as he may deem advisable for the benefit of the said Indians and such persons having tribal rights on the reservation, including the Lower Pend d'Oreille or Kalispel thereon at the time that this act shall take effect, in the construction of irrigation ditches, the purchase of stock cattle, farming implements, or other necessary articles to aid the Indians in farming and stock raising, and in the education and civilization of said Indians, and the remaining half to be paid to the said Indians and such persons having tribal rights on the reservation, including the Lower Pend d'Oreille or Kalispel thereon at the date of the proclamation provided for in section nine hereof, or expended on their account, as they may elect.

Payment for lands reserved.
Appropriation.

SEC. 15. That there is hereby appropriated out of any money in the Treasury not otherwise appropriated, the sum of one hundred thousand dollars, or so much thereof as may be necessary, to pay for the lands granted to the State of Montana and for lands reserved for agency, school, and mission purposes, as provided in sections eight and twelve of this act, at the rate of one dollar and twenty-five cents per acre; also the sum of seventy-five thousand dollars, or so much thereof as may be necessary, the same to be reimbursable out of the funds arising from the sale of said lands to enable the Secretary of the Interior to survey the lands of said reservation as provided in section one of this act.

Reimbursement.

Liability of the United States limited.

SEC. 16. That nothing in this act contained shall in any manner bind the United States to purchase any portion of the land herein described, except sections sixteen and thirty-six, or the equivalent, in each township, and the reserved tracts mentioned in section twelve, 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.

33 Stat., 306.

Approved, April 23, 1904.

Apr. 23, 1904.
[S. 311.]
[Public No. 166.]
33 Stat., 311.

CHAS. 1606.—An act to amend an act entitled "An act to amend an act entitled 'An act granting the right to the Omaha Northern Railway Company to construct a railway across and establish stations on the Omaha and Winnebago Reservation, in the State of Nebraska, and for other purposes,' by extending the time for the construction of said railway," by a further extension of time for the construction of said railway.

Omaha and Winnebago Reservation, Nebr.
Time of construction, across, extended to Omaha Northern Railway Company.

1902, ch. 673, 32 Stat., 183, vol. 1, p. 749.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time prescribed by an act of Congress approved the twenty-sixth day of March, eighteen hundred and ninety-eight, entitled "An act granting the right to the Omaha Northern Railway Company to construct a railway across and establish stations on the Omaha and Winnebago Reservation, in the State of Nebraska, and for other purposes," as amended by an act of Congress approved on the thirtieth day of April, nineteen hundred and two, entitled "An act to amend an act entitled 'An act granting the right to the Omaha Northern Railway Company to construct a railway across, and establish stations on, the Omaha and Winnebago Reservation, in the State of Nebraska, and for other purposes,' by extending the time for the construction of said railway," be, and the same is hereby, extended for a period of time, to wit, three years from the twenty-sixth day of March, nineteen hundred and four.

SEC. 2. That all other provisions of said act are hereby continued in full force and effect.

Approved, April 26, 1904.

CHAP. 1620.—An act to modify and amend an agreement with the Indians of the Devils Lake Reservation, in North Dakota, to accept and ratify the same as amended, and making appropriation and provision to carry the same into effect.

Apr. 27, 1904.
[H. R. 11128.]
[Public, No. 179.]
33 Stat., 319.

Whereas James McLaughlin, United States Indian inspector, did, on the second day of November, A. D. nineteen hundred and one, make and conclude an agreement with the male adult Indians of the Devils Lake Reservation, in the State of North Dakota, which said agreement is in words and figures as follows:

Preamble.
Devils Lake Reservation, N. Dak.

This agreement made and entered on the second day of November, nineteen hundred and one, by and between James McLaughlin, U. S. Indian inspector, on the part of the United States and the Sisseton, Wahpeton, and Cut-Head bands of the Sioux tribe of Indians belonging on the Devils Lake Reservation, in the State of North Dakota, witnesseth:

Agreement with
Sioux Indians on, for
cession of certain lands.

ARTICLE I. The said Indians belonging on the Devils Lake Indian Reservation, North Dakota, for the consideration hereinafter named, do hereby cede, surrender, grant, and convey to the United States all their claim, right, title, and interest in and to all that part of the Devils Lake Indian Reservation now remaining unallotted, including the tract of land at present known as the Fort Totten Military Reserve, situated within the boundaries of the said Devils Lake Indian Reservation, and being a part thereof; except six thousand one hundred and sixty (6,160) acres required for allotments to sixty-one Indians of said reservation entitled to allotments, but to whom allotments have not yet been made, said sixty-one allotments to be made by the United States under the provisions of the general allotment act of February 8, 1887, as amended February 28th, 1891.

Lands to be ceded.

ARTICLE II. In consideration of the land ceded, relinquished, and conveyed by Article I of this agreement, and in full of all claims and demands of said Indians of Devils Lake Reservation, North Dakota, arising or growing out of the erroneous survey of the western boundary of their reservation in eighteen hundred and seventy-five, whereby about sixty-four thousand (64,000) acres were excluded therefrom; also in full for timber taken from their reservation for use of the military post of Fort Totten, from eighteen hundred and sixty-seven (1867) to eighteen hundred and ninety (1890) (covering the period from the time of its establishment to the time of its discontinuance), the United States stipulates and agrees to pay to said Indians, in the manner hereinafter provided, the sum of three hundred and forty-five thousand (345,000) dollars.

1887, ch. 119, 24 Stat.,
388, vol. 1, p. 33.
1891, ch. 383, 26 Stat.,
794, vol. 1, p. 56.
Price.

33 Stat., 320.

ARTICLE III. It is agreed that of the amount to be paid to said Indians, as stipulated in Article II of this agreement, the sum of one hundred and forty-five thousand (145,000) dollars shall be paid in cash per capita, share and share alike, to each man, woman, and child belonging on the said Devils Lake Reservation, within four months after the ratification of this agreement, and the remainder of the said sum of three hundred and forty-five thousand dollars, viz, two hundred thousand (200,000) dollars, shall be paid in cash, per capita, in ten annual installments of twenty thousand (20,000) dollars each, the first of which installments to be paid in the month of June following the said first payment of one hundred and forty-five thousand (145,000) dollars, and in the month of June of each year thereafter of the succeeding nine years covering the period of the said ten annual installments.

Per capita payment
in cash.

ARTICLE IV. It is understood that nothing in this agreement shall be construed to deprive the said Indians of the Devils Lake Reservation, North Dakota, of any benefits to which they are entitled under the existing treaties or agreements not inconsistent with the provisions of this agreement.

Benefits under ex-
isting treaties not dis-
turbed.

Effect.

ARTICLE V. This agreement shall take effect and be in force when signed by U. S. Indian Inspector James McLaughlin, and by a majority of the male adult Indians, parties hereto, and when accepted and ratified by the Congress of the United States.

In witness whereof the said James McLaughlin, U. S. Indian Inspector, on the part of the United States, and the male adult Indians belonging to the Devils Lake Reservation, North Dakota, have hereunto set their hands and seals at the Devils Lake Agency, Fort Totten, North Dakota, this second day of November, A. D. nineteen hundred and one.

JAMES McLAUGHLIN,
U. S. Indian Inspector.

| No. | Names. | Marks. | Age. |
|-----|------------------------------------|--------|------|
| 1 | Tiyowaste..... | x | 81 |
| 2 | Matocatka..... | x | 80 |
| 3 | Ignatius Court..... | | 33 |
| | (And 213 other Indian signatures.) | | |

We, the undersigned, hereby certify that the foregoing agreement was fully explained by us in open council to the Indians of the Devils Lake Reservation, N. Dak.; that it was fully understood by them before signing, and that the agreement was duly executed and signed by said Indians.

CHARLES WHITE,
IGNATIUS COURT,
Interpreters.

DEVILS LAKE AGENCY, N. DAK., November 7, 1901.

We, the undersigned, do hereby certify that we witnessed the signatures of James McLaughlin, U. S. Indian Inspector, and the two hundred and sixteen (216) Indians of the Devils Lake Reservation, North Dakota, to the foregoing agreement.

33 Stat., 321.

F. RABINNOVITZ,
Agency Clerk.
IGNATIUS COURT,
Postmaster, Fort Totten, N. Dak.

DEVILS LAKE AGENCY, N. DAK., November 7, 1901.

I certify that the total number of male adult Indians, over eighteen (18) years of age, belonging on the Devils Lake Reservation, North Dakota, is two hundred and ninety-six (296), of whom two hundred and sixteen (216) have signed the foregoing agreement.

F. O. GETCHELL,
U. S. Indian Agent.

DEVILS LAKE AGENCY, N. DAK., November 7, 1901.

Therefore,

Agreement amended. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That said agreement be, and the same is hereby, modified and amended to read as follows:

Lands ceded.

“ARTICLE I. The said Indians belonging on the Devils Lake Indian Reservation, North Dakota, for the consideration hereinafter named, do hereby cede, surrender, grant, and convey to the United States all their claim, right, title, and interest in and to all that part of the Devils Lake Indian Reservation now remaining unallotted, including

the tract of land at present known as the Fort Totten Military Reserve, situated within the boundaries of the said Devils Lake Indian Reservation, and being a part thereof; except six thousand one hundred and sixty acres required for allotments to sixty-one Indians of said reservation entitled to allotments, but to whom allotments have not yet been made, said sixty-one allotments to be made by the United States under the provisions of the general allotment act of February eighth, eighteen hundred and eighty-seven, as amended February twenty-eighth, eighteen hundred and ninety-one, subject to right of way granted to Jamestown Northern Railway.

“ART. II. In consideration of the land ceded, relinquished, and conveyed by article one of this agreement, and in full of all claims and demands of said Indians of Devils Lake Reservation, North Dakota, arising or growing out of the erroneous survey of the western boundary of their reservation in eighteen hundred and seventy-five, whereby about sixty-four thousand acres were excluded therefrom; also in full for timber taken from their reservation for use of the military post of Fort Totten, from eighteen hundred and sixty-seven to eighteen hundred and ninety (covering the period from the time of its establishment to the time of its discontinuance), the United States stipulates and agrees to dispose of the said lands to settlers under the provisions of the homestead and town-site laws, except sections sixteen and thirty-six, or an equivalent of two sections, in each township, and except such lands as may be reserved, as hereinafter provided, and to pay to said Indians the proceeds derived from the sale of said lands; and also the United States stipulates and agrees to pay for section sixteen and thirty-six, or an equivalent of two sections, in each township, and for such lands as may be reserved for school, agency, church, and mission purposes, at the rate of three dollars and twenty-five cents per acre.

“ART. III. It is agreed that out of the funds accruing from the sale of the said lands there shall be paid to the said Indians, in cash, per capita, share and share alike, to each man, woman, and child belonging on the said reservation, within four months after the date of the proclamation of the President of the United States opening the said lands to settlement, the sum of one hundred and forty-five thousand dollars; or so much thereof as may have accrued from the sale of the said lands; and the remainder of the sums derived from the sale of the said lands shall be paid to the said Indians in annual installments not to exceed thirty thousand dollars in any one year, and the first of which installments to be paid in the month of June of the year following the first payment, and in the month of June of each year thereafter until the whole proceeds of the sale of the said lands shall have been disbursed.

“ART. IV. It is understood that nothing in this agreement shall be construed to deprive the said Indians of the Devils Lake Reservation, North Dakota, of any benefits to which they are entitled under the existing treaties or agreements not inconsistent with the provisions of this agreement.

“ART. V. This agreement shall take effect and be in force when accepted and ratified by the Congress of the United States.”

SEC. 2. That the said agreement be, and the same is hereby, accepted, ratified, and confirmed, as herein amended.

SEC. 3. That before any of the lands ceded by said agreement are opened to settlement and entry, or otherwise disposed of, the Commissioner of Indian Affairs shall cause allotments to be made as provided by article one of the agreement, such allotments to conform as to quantity to the provisions of the treaty of February nineteenth, eighteen hundred and sixty-seven, and of the act of February eighth, eighteen hundred and eighty-seven, as amended February twenty-eighth, eighteen hundred and ninety-one.

Sale of lands.

Payment.
School etc., lands.

Price per acre.
Per capita distribution.

33 Stat., 322.

Existing benefits not affected.

Effect.

Ratification.

Allotments.

1887, ch. 119, 24 Stat., 388, vol. 1, p. 33.

SEC. 4. That the lands ceded to the United States under said agreement, including the Fort Totten abandoned military reservation, which are exclusive of six thousand one hundred and sixty acres which are required for allotments, excepting sections sixteen and thirty-six or an equivalent of two sections in each township, and such tracts as may be reserved by the President as hereinafter provided shall be disposed of under the general provisions of the homestead and town-site laws of the United States, and shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, or enter any of said lands, except as prescribed in such proclamation, until after the expiration of sixty days from the time when the same are opened to settlement and entry: *Provided*, That the rights of honorably discharged Union soldiers and sailors of the late Civil and the Spanish war, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes, as amended by the act of March first, nineteen hundred and one, shall not be abridged: *And provided further*, That the price of said lands entered under the provisions of this act shall be four dollars and fifty cents per acre, payable as follows: One dollar and fifty cents when the entry is made, and the remaining in annual installments of fifty cents per acre until paid for: *Provided further*, That in case any entryman fails to make such payments, or any of them, within the time stated, all rights in and to the land covered by his or her entry shall at once cease, and any payments theretofore made shall be forfeited and the entry shall be canceled: *And provided further*, That the lands embraced within such canceled entry shall, after the cancellation of such entry, be subject to entry under the provisions of the homestead law at four dollars and fifty cents per acre up to and until provisions may be made for the disposition of said land by proclamation of the President as hereinafter provided: *And provided further*, That nothing in this act shall prevent homestead settlers from commuting their entries under section twenty-three hundred and one, Revised Statutes, by paying for the land entered the price fixed herein, receiving credit for payments previously made. In addition to the price to be paid for the land, the entryman shall pay the same fees and commissions at the time of commutation or final entry, as now provided by law, where the price of the land is one dollar and twenty-five cents per acre: *And provided further*, That aliens who have declared their intention to become citizens of the United States may become purchasers under this act, but before proving up and acquiring title must take out their full naturalization papers: *And provided further*, That, when in the judgment of the President no more of the land herein ceded can be disposed of at said price, he may by proclamation, to be repeated in his discretion, sell from time to time the remaining lands subject to the provisions of the homestead law or otherwise as he may deem most advantageous, at such price or prices, in such manner, upon such conditions, with such restrictions, and upon such terms as he may deem best for all interests concerned: ¹ *And provided further*, That the President is hereby authorized to reserve, in his proclamation for the opening of the said lands, so much of the tracts heretofore reserved for church, mission, and agency purposes, as he may deem necessary, not to exceed nine hundred acres, and also not exceeding two and one-half sections for the Fort Totten Indian School, and the United States stipulates and agrees to pay for said reserved lands at the rate of three dollars and twenty-five cents per acre. The President is also authorized to reserve a tract embracing Sullys Hill, in the northeastern por-

Lands to be sold subject to homestead laws.

1905, ch. 545, 33 Stat., 700, post p. 113.

Proclamation opening lands to settlement.

Provisos. Soldiers' and sailors' homestead rights not affected. R. S., secs. 2304, 2305.

Price per acre.

Payments.

Forfeiture.

Canceled entries. Price per acre.

Right to commute entries not affected. R. S., sec. 2301. 33 Stat., 323.

Fees.

Rights of aliens.

Disposal of unsold lands.

Reservation for mission, etc., purposes.

Fort Totten Indian school.

Public park.

¹ 39 L. D., 434.

tion of the abandoned military reservation, about nine hundred and sixty acres, as a public park.

SEC. 5. That sections sixteen and thirty-six of the lands hereby acquired in each township shall not be subject to entry, but shall be reserved for the use of the common schools and paid for by the United States at three dollars and twenty-five cents per acre, and the same are hereby granted to the State of North Dakota for such purpose; and in case any of said sections, or parts thereof, of the land in the said Devils Lake Indian Reservation or Fort Totten abandoned military reservation should be lost to said State of North Dakota by reason of allotments thereof to any Indian or Indians now holding the same, or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized to locate other lands not occupied, in the townships where said lands are lost, provided sufficient lands are to be had in the said townships, otherwise the selections to be made elsewhere within the ceded tract, which shall be paid for by the United States as provided in article two of the treaty as herein amended, in quantity equal to the loss, and such selections shall be made prior to the opening of such lands to settlement.

North Dakota.
School lands granted to.

Lands in lieu of allotted lands.

SEC. 6. 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 Indians belonging to the Devils Lake Reservation only, as provided in article three of said agreement as herein amended.

Disposal of proceeds.

SEC. 7. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of fifty-two thousand dollars, or so much thereof as may be necessary, to pay for lands ceded to the United States for school, agency, church, and mission purposes, and for lands granted to the State of North Dakota, as herein provided.

Appropriation for school, etc., lands.

SEC. 8. That nothing in this act contained shall in any manner bind the United States to purchase any portion of the land herein described except sections sixteen and thirty-six, or the equivalent, in each township, and such lands as may be reserved for school, agency, church, and mission purposes, 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 pay over the proceeds received from the sale thereof only as received, and as herein provided,

United States not bound to purchase land, etc.

33 Stat., 324.

Approved, April 27, 1904.

CHAP. 1624.—An act to ratify and amend an agreement with the Indians of the Crow Reservation in Montana, and making appropriations to carry the same into effect.

Apr. 27, 1904.
[H. R. 11676.]

[Public, No. 183.]
33 Stat., 352.

Preamble.
Crow Indian Reservation, Mont.

Whereas Benjamin F. Barge, James H. McNeely, and Charles G. Hoyt, acting for and on behalf of the United States, did, on the fourteenth day of August, A. D. eighteen hundred and ninety-nine, make and conclude an agreement with the Indians of the Crow Reservation, in Montana, which said agreement is in words and figures as follows:

Whereas Benjamin F. Barge, James H. McNeely, and Charles G. Hoyt, being duly appointed as commissioner[s] on behalf of the United States by the Secretary of the Interior under and by virtue of an act of Congress approved June 10th, 1896 (29 U. S. Statutes A. L., page 341), entitled "An act making appropriations for current and contingent expenses of the Indian Bureau of the Interior Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30th, 1897, and for other purposes," and by said

1896, ch. 398, 29 Stat., 341.

Vol. 1, 611.

act being authorized to negotiate with the Crow Indians, in the State of Montana, for the cession of a portion of their reservation; and whereas the Indians residing on and having rights upon the said Crow Indian Reservation in the State of Montana are willing to dispose of a portion of their surplus lands:

Agreement with Crow Indians for sale of portion of.

Now therefore, this agreement made and entered into by and between the aforesaid commissioners on behalf of the United States of America and the head men and a majority of the male adults residing upon and having rights on the Crow Indian Reservation in the State of Montana, witnesseth:

33 Stat., 353.
Lands ceded.

ARTICLE I. That the said Indians of the Crow Reservation do hereby cede, grant, and relinquish to the United States all right, title, and interest which they may have to the lands embraced within and bounded by the following-described lines: Beginning at the northeast corner of the said Crow Indian Reservation; thence running due south to a point lying due east of the northeast corner of the Fort Custer Military Reservation; thence running due west to the northwest corner of said Fort Custer Military Reservation; thence due south to the southwest corner of said Fort Custer Military Reservation; thence due west to the intersection of the line between sections ten and eleven, township two south, range twenty-eight east of the principal meridian of Montana; thence due north to the intersection of the Montana base line; thence due west to the intersection of the western boundary of the Crow Indian Reservation; thence in a northeasterly direction, following the present boundary of said reservation to point of beginning.

Price.
Expenditure of funds.

ARTICLE II. That in consideration of the land ceded, granted, and relinquished as aforesaid, the United States stipulates and agrees to pay to and expend for the Indians of the said reservation eleven hundred and fifty thousand dollars, in the following manner, to wit:

Irrigation.

Ninety thousand dollars, or so much thereof as may be necessary shall be expended under the direction of the Secretary of the Interior in the extension and completion, including the necessary laterals of the system of irrigation now being constructed on said reservation.

Ditches.

Ten thousand dollars shall be expended under the direction of the Secretary of the Interior in the building, extension, or completion of individual Indian ditches: *Provided*, That none of the above sum shall be expended without the knowledge and consent of the Indian agent.

Proviso.
Consent of Indian agent.
Trust fund.

One hundred thousand dollars shall be placed in the Treasury of the United States to the credit of the Crow Indians as a trust fund, the same to remain in the Treasury for fifteen years, and shall draw interest at the rate of four per cent per annum, said interest to be expended by the Secretary of the Interior in maintaining and managing said irrigation system.

Interest.

Disposal of trust fund at expiration of deposit period.

Provided further, That at the expiration of the fifteen years above mentioned such disposition shall be made of said fund as the Indians, with the consent of the Secretary of the Interior, may determine.

Purchase of cattle.

Two hundred forty thousand dollars shall be expended, under the direction of the Secretary of the Interior in the purchase of two-year-old southern heifers, the same to be placed upon the Crow Indian Reservation, and added to the present herd now owned in common by the Crow tribe of Indians;

Additional purchases.

Additional amounts may be expended for cattle from time to time at the request of the Indians under the direction of the Secretary of the Interior.

Cattle owned in common.

Provided further, That during the year 1902 all cattle owned at that time in common by the Crow tribe of Indians shall be divided equally between said Indians, share and share alike to every man, woman, and child having rights upon the Crow Reservation.

Jackasses, etc.

Fifteen thousand dollars shall be spent in the purchase of jackasses or stallions, either or both, in the discretion of the Secretary of the

Interior, the same to be placed upon the Crow Reservation for the benefit of the Crow Indians.

Forty thousand dollars shall be expended under the direction of the Secretary of the Interior in the purchase of two-year-old ewes, the same to be placed upon the Crow Reservation for the benefit of the Crow Indians.

Forty thousand dollars, or as much thereof as may be necessary, shall be expended by the Secretary of the Interior in fencing the Crow Reservation, said fence to be built of six strands of galvanized barbed cattle wire, with either cedar posts not less than four inches in diameter at the small end or iron posts set sixteen feet apart with three metallic stays between each two posts; said fence to be well built and properly braced and anchored.

One hundred thousand dollars, or as much thereof as may be necessary, shall be expended by the Secretary of the Interior in the erection, purchase and repair of such school buildings as he may deem necessary.

Ten thousand dollars shall be expended by the Secretary of the Interior, in the erection and furnishing of a hospital at the agency for the benefit of the Crow Indians.

Fifty thousand dollars shall be placed in the Treasury of the United States to the credit of the Crow tribe of Indians as a trust fund, and shall bear interest at the rate of four per cent per annum; said interest to be used, under direction of the Secretary of the Interior, to cover necessary expenses of maintaining said hospital.

Fifty thousand dollars shall be deposited in the Treasury of the United States to the credit of the Crow tribe of Indians, the same to be expended for their benefit from time to time by the Secretary of the Interior, in such manner as he may direct.

Three thousand dollars, or as much thereof as may be necessary, is hereby appropriated and set apart to pay the expenses of ten Crow Indians, two interpreters and the agent to visit Washington at such time as permission is received from the Secretary of the Interior.

The balance of the principal sum due the Crow Indians under this agreement shall be placed in the Treasury of the United States to their credit as a trust fund and shall bear interest at the rate of four per cent per annum; said interest to be added annually to the principal and an annual annuity payment of twelve dollars per capita shall be paid, in cash, to every man, woman and child having rights upon the reservation; said annuity to be paid semiannually in accordance with such rules and regulations as the Secretary of the Interior may prescribe.

Provided further, That two hundred thousand dollars of the last-named sum may be expended in the further purchase of cattle or sheep should a majority of the Indians so decide, and the same be approved by the Secretary of the Interior.

Provided further, That when each object for which a specific appropriation has been made in this agreement shall have been fully carried out and completed then the balance remaining of said appropriation may be expended for the benefit of the Crow tribe or placed to their credit in such manner as the Secretary of the Interior may determine.

It is further agreed that in the construction of ditches, dams, canals and fences that no contract shall be awarded; nor employment given to other than Crow Indians, or whites intermarried with them, except that any Indian employed in construction may hire white men to work for him if he so desires.

Provided further, That nothing herein contained shall be construed to prevent the employment of such engineers or other skilled employes, or to prevent the employment of white labor where it is impracticable for the Crows to perform the same.

None of the money due to the said Indians under this agreement shall be subject to the payment of any claims, judgments, [or] demands

Ewes.

Fences.

33 Stat., 354.

School buildings.

Hospital.

Trust fund.

Interest.

Special fund for Indians.

Expenses of visit to Washington, D. C.

Deposit of balance in Treasury.

Per capita annuity, payment semiannually.

Purchase of additional cattle, etc.

Unexpended balance.

Contracts for ditches, etc.

Employment of engineers, etc.

Claims, etc., prior to agreement.

- against said Indians for damages or depredations claimed to have been committed prior to the signing of this agreement.
- Prior allotments reserved, etc. **ARTICLE III.** All lands upon that portion of the reservation hereby granted, ceded and relinquished which have, prior to the date of this agreement been allotted in severalty to Indians of the Crow tribe shall be reserved for said Indians, or where any Indians have homes on such lands they shall not be removed therefrom without their consent, and those not allotted may receive allotments on the lands they now occupy.
- 33 Stat., 355. But in case any prefer to move they may select land elsewhere on that portion of said reservation not hereby ceded granted or relinquished, and not occupied by any other Indians, and should they decide not to move their improvements, then the same may be sold for their benefit, said sale to be approved by the Secretary of the Interior, and the cash proceeds shall be paid to the Indian or Indians whose improvements shall be so sold.
- Sale of improvements. **ARTICLE IV.** That for the purpose of segregating the ceded lands from the diminished reservation the new boundary lines described in Article I of this agreement shall, when necessary be properly surveyed and permanently marked in a plain and substantial manner by prominent and durable monuments, the cost of said survey to be paid by the United States.
- Surveys. **ARTICLE V.** The water from streams on that portion of the reservation now sold, which is necessary for irrigating on land actually cultivated, and in use, shall be reserved for the Indians now using the same so long as said Indians remain where they now live.
- Water supply reserved for irrigation. **ARTICLE VI.** It is further agreed that a statement of all expenditures under the various provisions of this agreement shall be sent to the agent of the Crow Indians twice a year, or at such times as the Secretary of the Interior may direct, showing the amounts expended and the balance remaining on hand in each of the several funds.
- Expenditures. **ARTICLE VII.** The existing provisions of all former treaties with the Crow tribe of Indians not inconsistent with the provisions of this agreement, are hereby continued in force and effect, and all provisions thereof inconsistent herewith are hereby repealed.
- Benefits under existing treaties not disturbed. **ARTICLE VIII.** This agreement shall take effect and be in force when signed by the commissioners and a majority of the male Indians of the Crow tribe over eighteen years of age, and ratified by the Congress of the United States, and should any article in the agreement fail of confirmation by Congress, then the whole shall be null and void.
- Effect. Signed on the part of the United States Government by the commissioners aforesaid and by the following Indians of the Crow tribe having rights on the Crow Reservation in the State of Montana.

CROW AGENCY, MONTANA, August 14, 1899:

CHARLES G. HOYT, Commissioner.
 JAMES H MCNEELY, Commissioner.
 BENJAMIN F. BARGE, Commissioner.
 PRETTY (x mark) EAGLE.
 PRETTY COOS.
 TWO (x mark) LEGGINS.
 (And 535 others.)

Witness: FRED. E. MILLER.

I hereby certify that I was chosen, by the Indians to act as interpreter during the councils held to discuss the foregoing agreement; that I truly interpreted for the commissioners and for the Indians, and that they thoroughly understand the entire matter.

CARL LEIDER, Interpreter.

Witness: C. N. CROTSBURG.

We hereby certify that we were present at the councils held to discuss the foregoing agreement; that we understand the Crow language, and that the provisions of this agreement were correctly interpreted to the Indians, and that they understood the entire matter.

FRANK SHANE.
W. M. LEIGHTON.
GEORGE H. PEASE.

Witnesses:

H. J. SHOBE.
F. G. MATTOON.

CROW AGENCY, MONT., August 14, 1899.

CROW AGENCY, MONT., August 14, 1899.

33 Stat., 356.

I hereby certify that three hundred and seventeen Indians constitute a majority of the male adult Indians over 18 years old residing on, or having rights upon the Crow Indian Reservation, in the State of Montana.

J. E. EDWARDS, United States Indian Agent.

And

Whereas: The Indians of said Crow Reservation consented to the modification of the aforesaid agreement, as evidenced by an instrument executed by them on the twenty-seventh day of April, A. D. nineteen hundred and one, in words and figures as follows:

CROW AGENCY, MONTANA, April 27, 1901.

We, the undersigned members of the Crow Tribe of Indians, hereby consent and agree to the amendment of an agreement concluded with our tribe August 14th, 1899, by the addition of the following article thereto: Article IX. The right to take out water upon the diminished reservation subject to any prior claim of the Indians thereto by reason of previous appropriation, and the right to construct, maintain, and operate dams, flumes, and canals upon and across the said diminished reservation for the purpose of irrigating lands within any portion of the ceded tract, are hereby granted, such rights to be exercised by persons, companies, or corporations under such rules, regulations, and requirements as may be prescribed by the Secretary of the Interior.

RICHARD WALLACE X
TWO LEGGINS X
MEDICINE EAGLE X

(and 523 more Indian signatures.)

We certify on honor that we were present and witnessed the signing of the above agreement by the adult male members of the Crow Tribe of Indians, numbered from 1 to 526.

F. G. MATTOON.
FRED E. MILLER.

I certify on honor that I interpreted the above amendment to the agreement, and the succeeding agreement, for the Indians and that they fully understood the conditions of the same, and that I witnessed the signing of same by the adult male members of the Crow Tribe of Indians, numbered from 1 to 526.

T. LAFORGE, Interpreter.

I certify on honor that the Indians whose names are attached to the above list, numbered from one (1) to five hundred twenty-six (526) are all adult male members of the Crow Tribe of Indians, and that each one is entitled to and does receive an equal portion of the benefits of the Crow Tribe of Indians, and are entitled to signify their willingness to the above undertaking. I further certify that three

hundred twenty-three (323) Indians constitute a majority of the adult male Crow Indians having rights on the Crow Indian Reservation in the State of Montana.

J. E. EDWARDS, U. S. Indian Agent.

| | |
|---|---|
| | Therefore, |
| Agreement amended. | <i>Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,</i> That said agreement be, and the same is hereby, modified and amended to read as follows: |
| Lands ceded. | "ARTICLE I. That the said Indians of the Crow Reservation do hereby cede, grant, and relinquish to the United States all right, title, and interest which they may have to the lands embraced within and bounded by the following-described lines: Beginning at the northeast corner of the said Crow Indian Reservation; thence running due south to a point lying due east of the northeast corner of the Fort Custer Military Reservation; thence running due west to the northwest corner of said Fort Custer Military Reservation; thence due south to the southwest corner of said Fort Custer Military Reservation; thence due west to the intersection of the line between sections ten and eleven, township two south, range twenty-eight east of the principal meridian of Montana; thence due north to the intersection of the Montana base line; thence due west to the intersection of the western boundary of the Crow Indian Reservation; thence in a northeasterly direction, following the present boundary of said reservation to point of beginning. |
| 33 Stat., 357. | |
| Sale of ceded lands. | "ART. II. That in consideration of the land ceded, granted, relinquished, and conveyed by article one of this agreement the United States stipulates and agrees to dispose of the same as hereinafter provided under the provisions of the reclamation act approved June seventeenth, nineteen hundred and two, the homestead, town-site, and mineral land laws, except sections sixteen and thirty-six, or an equivalent of two sections in each township, at not less than four dollars per acre, subject to the provisions in section five, the United States to pay for sections sixteen and thirty-six, or an equivalent of two sections in each township, at one dollar and twenty-five cents per acre, and to pay the said Indians the proceeds derived from the sale of said lands, and for the said sections sixteen and thirty-six, or an equivalent of two sections in each township, as follows: |
| 32 Stat., 388. | |
| Minimum price. | |
| Disposal of proceeds. | |
| Irrigation. | "Ninety thousand dollars, or so much thereof as may be necessary, shall be expended, under the direction of the Secretary of the Interior, in the extension and completion, including the necessary laterals, of the system of irrigation now being constructed on said reservation. |
| Trust fund. | "One hundred thousand dollars shall be placed in the Treasury of the United States to the credit of the Crow Indians as a trust fund, the same to remain in the Treasury for fifteen years and shall draw interest at the rate of four per centum per annum, said interest to be expended by the Secretary of the Interior in maintaining and managing said irrigation system: <i>Provided further,</i> That at the expiration of the fifteen years above mentioned such disposition shall be made of said funds as the Indians, with the consent of the Secretary of the Interior, may determine. |
| Proviso. Disposal of, at expiration of deposit period. | |
| Purchase of cattle. | "Two hundred and forty thousand dollars shall be expended, under the direction of the Secretary of the Interior, in the purchase of two-year-old Southern heifers, the same to be placed upon the Crow Indian Reservation and added to the present herd now owned in common by the Crow Tribe of Indians. |
| Additional cattle. | "Additional amounts may be expended for cattle from time to time, at the request of the Indians, under the direction of the Secretary of the Interior. |
| Jackasses, etc. | "Fifteen thousand dollars shall be spent in the purchase of jackasses or stallions, either or both, in the discretion of the Secretary of the |

Interior, the same to be placed upon the Crow Reservation for the benefit of the Crow Indians.

"Forty thousand dollars shall be expended under the direction of the Secretary of the Interior in the purchase of two-year-old ewes, the same to be placed upon the Crow Reservation for the benefit of the Crow Indians.

Ewes.

"Forty thousand dollars, or as much thereof as may be necessary, shall be expended by the Secretary of the Interior in fencing the Crow Reservation, said fence to be built of six strands of galvanized barbed cattle wire, with either cedar posts not less than four inches in diameter at the small end or iron posts set sixteen feet apart, with three metallic stays between each two posts; said fence to be well built and properly braced and anchored.

Fences.

"One hundred thousand dollars, or as much thereof as may be necessary, shall be expended by the Secretary of the Interior in the erection, purchase, and repair of such school buildings as he may deem necessary.

33 Stat., 358.

Schools, etc.

"Ten thousand dollars shall be expended by the Secretary of the Interior in the erection and furnishing of a hospital at the agency for the benefit of the Crow Indians.

"Fifty thousand dollars shall be placed in the Treasury of the United States to the credit of the Crow tribe of Indians as a trust fund, and shall bear interest at the rate of four per centum per annum; said interest to be used, under direction of the Secretary of the Interior, to cover necessary expenses of maintaining said hospital.

Trust fund.

"Thirty thousand dollars shall be deposited in the Treasury of the United States to the credit of the Crow tribe of Indians, the same to be expended for their benefit from time to time by the Secretary of the Interior, in such manner as he may direct.

Special fund for Indians.

"Three thousand dollars, or as much thereof as may be necessary, may be expended to pay the expenses of ten Crow Indians, two interpreters, and the agent to visit Washington at such time as permission is received from the Secretary of the Interior: *Provided further*, That should the funds accruing to the Indians from the sale of their lands render it advisable, the Secretary of the Interior may expend the further sum of two hundred thousand dollars in the further purchase of cattle or sheep, should a majority of the Indians so decide and the same be approved by the Secretary of the Interior: *Provided further*, That when each object for which a specific appropriation has been made in this agreement shall have been fully carried out and completed then the balance remaining of said appropriation may be expended for the benefit of the Crow tribe or placed to their credit in such manner as the Secretary of the Interior may determine: *Provided further*, That the Secretary of the Interior may, in his discretion, while the funds for the several purposes above named are accruing from the sale and disposition of the lands, make per capita cash payments from the proceeds at such times and in such amounts to every man, woman, and child, share and share alike, having tribal rights on the reservation, as he may deem for their best interests.

Expenses to Washington, D. C.

Provisos.
Cattle and sheep.

Unexpended balance.

Per capita payments.

"It is further agreed that in the construction of ditches, dams, canals, and fences no contract shall be awarded nor employment given to other than Crow Indians or whites intermarried with them, except that any Indian employed in construction may hire white men to work for him if he so desires: *Provided further*, That nothing herein contained shall be construed to prevent the employment of such engineers or other skilled employees, or to prevent the employment of white labor where it is impracticable for the Crows to perform the same.

Contracts.
Ditches, etc.

Proviso.
Employment of engineers, etc.

"That none of the money due to the said Indians under this agreement shall be subject to the payment of any claims, judgments, or

Payment of prior claims, etc., prohibited.

- Expenditures. demands against said Indians for damages or depredations claimed to have been committed prior to the signing of this agreement. And the various expenditures and payments required to be made under the provisions of this article shall be made as the funds therefor are available as herein provided, and shall be prorated, apportioned, and made in such proportions and amounts as in the opinion of the Secretary of the Interior the needs and requirements of the Indians and their best interests shall warrant and demand.
- Prior allotments, etc. "ART. III. All lands upon that portion of the reservation hereby granted, ceded, and relinquished which have, prior to the date of this agreement, been allotted in severalty to Indians of the Crow tribe shall be reserved for said Indians, or where any Indians have homes on such lands they shall not be removed therefrom without their consent, and those not allotted may receive allotments on the lands they now occupy. But in case any prefer to move they may select land elsewhere on that portion of said reservation not hereby ceded, granted, or relinquished, and not occupied by any other Indians, and should they decide not to move their improvements, then the same may be sold for their benefit, said sale to be approved by the Secretary of the Interior, and the cash proceeds shall be paid to the Indian or Indians whose improvements shall be so sold.
- 33 Stat., 359. "ART. IV. That for the purpose of segregating the ceded lands from the diminished reservation the new boundary lines described in Article I of this agreement shall, when necessary, be properly surveyed and permanently marked in a plain and substantial manner by prominent and durable monuments, the cost of said survey to be paid by the United States.
- Survey. "ART. V. The water from streams on that portion of the reservation now sold which is necessary for irrigating land actually cultivated and in use shall be reserved for the Indians now using the same so long as said Indians remain where they now live.
- Water supply reserved for irrigation. "ART. VI. It is further agreed that a statement of all expenditures under the various provisions of this agreement shall be sent to the agent of the Crow Indians twice a year, or at such times as the Secretary of the Interior may direct, showing the amounts expended and the balance remaining on hand in each of the several funds.
- Statement of expenditures. "ART. VII. The existing provisions of all former treaties with the Crow tribe of Indians not inconsistent with the provisions of this agreement are hereby continued in force and effect, and all provisions thereof inconsistent herewith are hereby repealed.
- Existing benefits not affected. "ART. VIII. The right to take out water upon the diminished reservation subject to any prior claim of the Indians thereto by reason of previous appropriation, and the right to construct, maintain, and operate dams, flumes, and canals upon and across the said diminished reservation for the purpose of irrigating lands within any portion of the ceded tract are hereby granted, such rights to be exercised by persons, companies, or corporations under such rules, regulations, and requirements as may be prescribed by the Secretary of the Interior.
- Use of water supply on prior allotments. "ART. IX. This agreement shall take effect and be in force when accepted and ratified by the Congress of the United States."
- Effect. SEC. 2. That the said agreement be, and the same is hereby, accepted, ratified, and confirmed, as herein amended.
- Ratification. SEC. 3. That for the purpose of surveying and marking so much of the boundary line of the tract ceded and relinquished by the Indians as may be necessary to segregate the same from the lands reserved by them, as provided in article four of said agreement, the sum of one thousand two hundred dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated,
- Surveys. Supra.

the sum of forty thousand dollars, or so much thereof as may be necessary, for the completion of the survey and subdivision of said ceded lands, the same to be reimbursed out of the first moneys to be received from the sale of said lands.

SEC. 4. That the Commissioner of Indian Affairs shall cause allotments to be made, in manner and quantity as provided by existing law, of the lands occupied and cultivated by any Indians on the portion of the reservation by said agreement ceded and relinquished, as required by article three thereof; and where such Indian occupants elect to remove to the diminished reservation he shall cause a schedule to be prepared showing the names of such occupants, the descriptions of the lands, and the character of the improvements thereon. Such improvements shall then be appraised and sold under the direction of the Secretary of the Interior to the highest bidder, no sale to be for less than the appraised value, the proceeds to be paid to the respective Indian occupants as required by said article three: *Provided*, That the purchaser of such improvements shall have a preference right, if otherwise qualified, of thirty days after the land becomes subject to entry within which to enter the lands upon which the improvements are located, not exceeding one hundred and sixty acres, in compliance with the provisions herein governing the disposition of said ceded lands.

The Secretary of the Interior shall fix a reasonable time within which such Indian occupants shall elect whether they will remain on the ceded tract or remove to the diminished reservation, and where they elect to remove he shall also fix a reasonable time within which such occupants must remove their improvements if they should choose to do so instead of having the same appraised and sold.

SEC. 5. That before any of the lands by this agreement ceded are opened to settlement or entry the Commissioner of Indian Affairs shall cause the allotments to be made and the schedule to be prepared, as provided for in section four of this act, and a duplicate of said schedule shall be filed with the Commissioner of the General Land Office. Upon the completion of such allotments and the filing of such schedule and after the sale or removal of such improvements the residue of such ceded lands, except sections sixteen and thirty-six, or lands in lieu thereof, which shall be reserved for common school purposes, and are hereby granted to the State of Montana for such purpose, shall be subject to withdrawal and disposition under the reclamation act of June seventeenth, nineteen hundred and two, so far as feasible irrigation projects may be found therein. The charges provided for by said reclamation act shall be in addition to the charge of four dollars per acre for the land, and shall be paid in annual installments as required under the reclamation act; and the amounts to be paid for the land shall be credited to the funds herein established for the benefit of the Crow Indians. If any lands in sections sixteen and thirty-six are included in an irrigation project under the reclamation act, the State of Montana may select in lieu thereof, as herein provided, other lands not included in any such project, in accordance with the provisions of existing law concerning school land selections. In any construction work upon the ceded lands performed directly by the United States under the reclamation act, preference shall be given to the employment of Crow Indians, or whites intermarried with them, so far as may be practicable: *Provided, however*, That if the lands withdrawn under the reclamation act are not disposed of within five years after the passage of this act, then all of said lands so withdrawn shall be disposed of as other lands provided for in this act. That the lands not withdrawn for irrigation under said reclamation act, which lands shall be determined under the direction of the Secretary of the Interior at the earliest practical date, shall be disposed of under the homestead,

Allotments.

Sale of improvements.

33 Stat., 360.
Preference right.

Removal to diminished reservations.

Filing schedule of allotments.

Residue to be disposed of under reclamation act.

Exceptions.

32 Stat., 388.

Indian employees.

Provisos.
Undisposed lands to be open to settlement.

Nonirrigable lands.

town-site, and mineral-land laws of the United States, and shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof; and no person shall be permitted to settle upon, occupy, or enter any of said lands, except as prescribed in such proclamation, until after the expiration of sixty days from the time when the same are opened to settlement and entry: *Provided*, That as to the lands open under such proclamation the rights of honorably discharged Union soldiers and sailors of the late Civil and the Spanish War or Philippine insurrection, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes, as amended by the act of March first, nineteen hundred and one, shall not be abridged: *And provided further*, That the price of said lands shall be four dollars per acre, when entered under the homestead laws, to be paid as follows:

One dollar per acre when entry is made, and the remainder in four equal annual installments, the first to be paid at the end of the second year.

In addition to the price to be paid for the land, the entrymen shall pay the same fees and commissions at the time of commutation or final entry as now provided by law where the price of the land is one dollar and twenty-five cents per acre.

Lands entered under the town-site and mineral-land laws shall be paid for in amount and manner as provided by said laws, but in no event at a less price than that fixed herein for such lands, if entered under the homestead laws, and in case any entryman fails to make such deferred payments, or any of them, promptly when due, all rights in and to the land covered by his or her entry shall at once cease, and any payments theretofore made shall be forfeited, and the entry shall be held for cancellation and canceled: *Provided*, That the lands embraced within such canceled entry shall, after cancellation of such entry, be subject to entry under the provisions of the homestead law at four dollars per acre until otherwise directed by the President, as herein provided: *And provided*, That nothing in this act shall prevent homestead settlers from commuting their entries under section twenty-three hundred and one, Revised Statutes, by paying for the land entered the price fixed herein, receiving credit for payments previously made, except as to lands entered under said reclamation act: *And provided further*, That when, in the judgment of the President, no more of the land herein ceded can be disposed of at said price, he may by proclamation, to be repeated at his discretion, sell from time to time the remaining land subject to the provisions of the homestead law or otherwise as he may deem most advantageous, at such price or prices, in such manner, upon such conditions, with such restrictions, and upon such terms as he may deem best for all the interests concerned.

SEC. 6. 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 Crow Indians or expended on their account only as provided in article two of said agreement as herein amended.

No lands in sections sixteen and thirty-six now occupied, as set forth in article three of the agreement herein ratified, or withdrawn for irrigation under the provisions of said reclamation act, shall be reserved for school purposes, but the State of Montana shall be entitled to indemnity for any lands so occupied; and the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized in the tract herein ceded to locate other lands not occupied or withdrawn, which shall be paid for by the United States, as herein provided, in quantity equal to the loss, and such selections shall be made prior to the opening of such lands to settlement, but no selection

Rights of soldiers and sailors not affected.

R. S., secs. 2204, 2305.

Price per acre.
33 Stat., 361.

Town-site and mineral lands.

Forfeiture.

Provisos.
Price of canceled entries.
Commutation.

R. S., sec. 2301.

Disposal of remaining land.

Disposal of proceeds.

Lands in lieu of occupied lands granted to Montana.

shall be made by the State of the lands herein ceded except to compensate for losses occurring therein.

SEC. 7. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of ninety thousand dollars, or so much thereof as may be necessary, to pay the said Indians, at the rate of one dollar and twenty-five cents per acre, for the lands granted to the State of Montana as provided in section five of this act. Appropriation for school lands.

SEC. 8. That nothing in this act contained shall in any manner bind the United States to purchase any portion of the land herein described, except sections sixteen and thirty-six or the equivalent in each township, 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. United States not bound to purchase lands, etc.

33 Stat., 362.

Approved, April 27, 1904.

CHAP. 1630.—An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June thirtieth, nineteen hundred and four, and for prior years, and for other purposes.

Apr. 27, 1904.
[H. R. 15054.]
Public, No. 189.]
33 Stat., 394.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in the appropriations for the fiscal year nineteen hundred and four, and for prior years, and for other objects hereinafter stated, namely:

Deficiencies appropriations.

* * * * *

INDIAN AFFAIRS.

The unexpended balance of the appropriation of five thousand dollars made March third, nineteen hundred and one, to enable the Secretary of the Interior to investigate and report to Congress whether it is practicable to provide a system of taxation of personal property, occupations, franchises, and so forth, in the Indian Territory sufficient to maintain a system of free schools to all the children of the Indian Territory is hereby reappropriated and made available for said purpose until the close of the fiscal year nineteen hundred and five.

33 Stat., 442.
Personal tax inquiry.
Indian Territory.
31 Stat., p. 1074.
Reappropriation.

* * * * *

Approved, April 27, 1904.

CHAP. 1762.—An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and five, and for other purposes.

Apr. 28, 1904.
[H. R. 14416.]
[Public, No. 194.]
33 Stat., 452.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, for the objects hereinafter expressed, for the fiscal year ending June thirtieth, nineteen hundred and five, namely:

Sundry civil expenses appropriations.

* * * * *

COUNSEL FOR MISSION INDIANS: To enable the Attorney-General to employ a special attorney for the Mission Indians of southern California, upon the recommendation of the Secretary of the Interior, one thousand dollars.

33 Stat., 506.
Mission Indians, counsel.

* * * * *

Approved, April 28, 1904.

Apr. 28, 1904.
[S. 2268.]

CHAP. 1767.—An act to authorize the Absentee Wyandotte Indians to select certain lands, and for other purposes.

[Public, No. 199.]
33 Stat., 519.

Absentee Wyandotte
Indians.
Selection of agricul-
tural lands by enrolled,
authorized.

Acreage.
Heirs.

Minors.

Patents.

Provisos.
Relinquishment of
funds.

1894, ch. 290, 28 Stat.,
301, vol. 1, p. 522.
1895, ch. 188, 28 Stat.,
908, vol. 1, p. 567.

Limited addition to
the census roll.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That each living adult Absentee Wyandotte Indian whose name appears upon a census roll of Absentee Wyandotte Indians made by Special Agent Joel T. Olive, as approved by the Secretary of the Interior December seventh, eighteen hundred and ninety-six, may select in person, under such rules and regulations as the Secretary of the Interior may prescribe, from the surveyed public nonmineral domain, eighty acres of agricultural land wherever there may be such lands subject to entry; and the heirs of any deceased Absentee Wyandotte Indian so enrolled may in like manner select a like quantity of land in the name of their deceased ancestor, and the natural or legal guardian of any minor Absentee Wyandotte so enrolled may in like manner select eighty acres of agricultural land for his ward, and when lands shall have been so selected by any person entitled to make such selection and such selection is approved by the Secretary of the Interior, he shall cause a patent to issue in the name of the enrolled Absentee Wyandotte by or for whom such selection has been made, which patent shall contain the condition that the lands covered thereby shall not be aliened without the consent of the Secretary of the Interior: *Provided,* That as soon as any such selection has been made and approved the pro rata share of the Indian by or for whom such selection was made in the funds provided in the acts of August fifteenth, eighteen hundred and ninety-four, and March second, eighteen hundred and ninety-five, shall thereby become relinquished to the United States and shall be covered into the Treasury as proceeds of the sales of public lands: *And provided further,* That the Secretary of the Interior may add to the said census roll the names of such persons, not exceeding seventeen in number, as he may find properly to have been entitled to enrollment by said special agent, Joel T. Olive.

Approved, April 28, 1904.

Apr. 28, 1904.
[S. 5255.]

CHAP. 1786.—An act to provide allotments to Indians on White Earth Reservation in Minnesota.

[Public, No. 218.]
33 Stat., 539.

White Earth Reser-
vation, Minn.
Allotments to Chip-
pewas on.

1889, ch. 24; 25 Stat.,
643; vol. 1, p. 301.

1887, ch. 119, 26 Stat.,
794, vol. 1, p. 33.

Vol. 1, 56.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized to allot to each Chippewa Indian now legally residing upon the White Earth Reservation under treaty or laws of the United States, in accordance with the express promise made to them by the commissioners appointed under the act of Congress entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January fourteenth, eighteen hundred and eighty-nine, and to those Indians who may remove to said reservation who are entitled to take an allotment under article seven of the treaty of April eighteenth, eighteen hundred and sixty-seven, between the United States and the Chippewa Indians of the Mississippi, one hundred and sixty acres of land; and said allotments shall be, and the patents issued therefor, in the manner and having the same effect as provided in the general allotment act, "An act to amend and further extend the benefits of the act approved February eighth, eighteen hundred and eighty-seven, entitled "An act to provide for the allotment of land in severalty to Indians on the various reservations and extend the protection of the commissioners of the United States over the Indians, and for other purposes," approved February twenty-eighth, eighteen hundred and ninety-one:

Provided, That where an allotment of less than one hundred and sixty acres has heretofore been made, the allottee shall be allowed to take an additional allotment, which, together with the land already allotted, shall not exceed one hundred and sixty acres: *And provided further*, That if there is not sufficient land in said White Earth (diminished) Reservation subject to allotment each Indian entitled to allotments under the provisions of this act shall receive a pro rata allotment.—¹

Provisos.
Additional allotment.

Pro rata allotment.

Approved, April 28, 1904.

CHAP. 1787.—An act to provide for the care and support of insane persons in the Indian Territory.

Apr. 28, 1904.
[S. 5408.]

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 is hereby authorized to make proper arrangements for the care and support of insane persons in the Indian Territory, and for that purpose the sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided, however*, That insane Indians in said Territory shall be cared for at the asylum at Canton, Lincoln County, South Dakota.

[Public, No. 219.]
33 Stat., 539.
Indian Territory.
Care and support of
insane persons in.
Appropriation.

Proviso.
Asylum at Canton,
S. Dak.

Approved, April 28, 1904.

CHAP. 1794.—An act to authorize the Secretary of the Interior to add to the segregation of coal and asphalt lands in the Choctaw and Chickasaw Nations, Indian Territory, and for other purposes.

Apr. 28, 1904.
[H. R. 11126.]

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 is hereby authorized and empowered to segregate and reserve from allotment, and to cancel any filings or applications that may heretofore have been made with a view to allotting the following-described lands, situate in the Choctaw Nation, to wit: The north half of the south half of the southeast quarter, and the northeast quarter of the southeast quarter of the southwest quarter of section nine; the north half of the south half of the south half of section ten; the north half of the south half of the south half of section eleven, and the north half of the south half of the southwest quarter of section twelve, all in township five north, range nineteen east, containing two hundred and fifty acres, more or less; and the northwest quarter of the southwest quarter of section eight, township five north, range nineteen east, and the southwest quarter of the northeast quarter of section seven, township five north, range nineteen east, containing eighty acres, more or less.

[Public, No. 226.]
33 Stat., 544.

Choctaw Nation.
Segregation of additional
coal and asphalt
lands.

Description.

SEC. 2. That the provisions of sections fifty-six to sixty-three, inclusive, of the act of Congress approved July first, nineteen hundred and two, entitled "An act to ratify and confirm an agreement with the Choctaw and Chickasaw Tribes, and for other purposes," be, and the same are hereby, made applicable to the lands above described the same as if the said described lands had been made a part of the segregation, as contemplated by said sections fifty-six to sixty-three, inclusive, of said above act approved July first, nineteen hundred and two: *Provided*, That the Secretary of the Interior may, in his discretion, add said lands to and make them a part of the coal and

Coal and asphalt reg-
ulations made appli-
cable.
1902, ch. 1362, secs.
56-63, 32 Stat., 653, vol.
1, p. 783.

Provisos.
Privilege to lessees of
adjoining lands.

¹ This act is cited as the "Steenerson Act." *Leecy v. U. S.*, 190 Fed., 289; *U. S. v. Fairbanks*, 171 Fed., 337; *Woodbury v. U. S.*, 170 U. S., 302; *Fairbanks v. U. S.*, 223 U. S., 215; 33 L. D., 298; 33 L. D., 143; 36 L. D., 210, 234, 363.

asphalt mining leases now in effect, and to which said lands above described are contiguous, the lands in each case to be added to and made a part of the lease to which they are adjacent and which they join, Government subdivisions being followed as nearly as possible: *Provided further*, That the holder or holders of the lease or leases to which such lands shall be added, shall, before the same are added, pay the Indian or Indians who have filed upon or applied for such lands as their allotments, or who are in possession thereof, the value of the improvements placed on the land, by said Indian or Indians, such value to be determined under the direction of the Secretary of the Interior: *And provided further*, That said lands shall be sold as other leased coal and asphalt lands in the Choctaw and Chickasaw Nations in the Indian Territory are sold.

Payment for improvements.

Sale.

Choctaw, Oklahoma & Gulf Railroad Co. may assign, etc., coal leases.

SEC. 3. That the Choctaw, Oklahoma and Gulf Railroad Company is hereby authorized and empowered to sublet, assign, transfer, and set over the leases which it now has upon coal lands in Choctaw Nation, Indian Territory, or any of them. The assignees or sublessees of said Choctaw, Oklahoma and Gulf Railroad Company shall file good and sufficient bonds for the faithful performance of the terms of the original leases, to be approved by the Secretary of the Interior.

Approved, April 28, 1904.

Apr. 28, 1904.
[H. R. 23.]

CHAP. 1806.—An act in relation to pharmacy in the Indian Territory.

[Public, No. 238.]
33 Stat., 550.

Indian Territory.
Registered pharmacists.
Sale of drugs, etc., by others than, unlawful.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall hereafter be unlawful for any person other than a registered pharmacist or assistant pharmacist, as hereinafter defined, to retail, compound, or dispense drugs, medicines, and pharmacal preparations in the Indian Territory as at present compounded and refined, unless such person shall be a registered pharmacist as this act provides, or shall place in charge of said pharmacy, store, or shop a registered pharmacist, except as hereinafter provided.

Registered pharmacists.
Qualifications.

SEC. 2. That "registered pharmacists" shall comprise all persons regularly engaged as such in the Indian Territory at the time of the passage of this act, and all persons over twenty-one years of age, having three years' practical experience in compounding and dispensing physicians' prescriptions, who shall pass a satisfactory examination before the Territorial board of pharmacy herein provided for. Graduates in pharmacy who have obtained diplomas from such colleges and schools of pharmacy as shall be approved by the board of pharmacy may, on payment of a fee of five dollars, be made registered pharmacists.

33 Stat., 551.
Assistant pharmacists.
Qualifications.

SEC. 3. That "assistant pharmacists," in the meaning of this act, shall comprise all persons who have been authorized to assist in the dispensing and compounding of physicians' prescriptions under the supervision of a properly qualified pharmacist, or all persons over eighteen years of age, having two years' practical experience in the compounding and dispensing of physicians' prescriptions, who shall pass such examination as the Territorial board of pharmacy shall require. Assistant pharmacists shall not be permitted to conduct or manage a pharmacy on their own account, or to assume the management of such business for others, or to fill any prescriptions except under the immediate supervision of a regularly licensed and registered pharmacist.

Board of pharmacy.
Appointment.

SEC. 4. That immediately upon the passage of this act and annually thereafter the Indian Territory Pharmaceutical Association shall submit to the chief justice of the court of appeals for the Indian Territory the names of ten or more pharmacists having at least ten years' actual experience as dispensing pharmacists, and who are all residents of the

Indian Territory, and from this number the said chief justice shall appoint five; and the said five pharmacists so selected shall constitute the Territorial board of pharmacy for the Indian Territory, and shall hold their office for one, two, three, four, and five years, respectively, or until their successors have been duly qualified, and each year thereafter one member of the board shall be appointed by said chief justice to hold for the term of five years or until his successor shall have been duly qualified. In case of resignation or removal from the Territory of any member of said board, or a vacancy occurring from any cause, the said chief justice shall appoint a registered pharmacist to serve as a member of the board for the remainder of the unexpired term.

SEC. 5. That the said board shall, within thirty days from its appointment, meet at such place in said Indian Territory as said chief justice shall designate, and organize by the election of a president, secretary, and treasurer, who shall serve for the term of one year, and who shall perform the duties prescribed by the board. Meetings for the examination of applicants for registration, granting of certificates, and the transaction of other necessary business shall be held at least once in four months and at such times and places as may be fixed upon by the board: *Provided*, That ten days' public notice of the time and place of each meeting at which there is an examination of candidates for registration shall be given. It shall be the duty of the board to see that all applications for examination and registration are submitted in proper form; to grant certificates to such persons as may be entitled to the same under this act; to cause the prosecution of all persons violating any of the provisions of this act; to report annually to the Indian Territory Pharmaceutical Association upon the condition of pharmacy in the Indian Territory, which report shall also furnish the record of the proceedings of the board, as well as the names of all persons registered under this act; to keep a book for registration, in which shall be registered the names and places of business of all persons registered under this act, on what grounds and under what particular section of this act each was registered, and any other facts pertaining to the granting of certificates. The said board shall have power to make by-laws for the full and proper execution of its duties under this act; to prescribe the forms and methods of applications, examination, and registration; to revoke the certificates of registration of any person against whom charges of incompetency may be made and sustained, or for other reasons satisfactory to said board; to demand and receive from applicants the fees herein provided, which shall be held by the board and applied to the payment of salaries and other necessary expenses incident to the full discharge of its duties.

SEC. 6. That the salaries of said board shall be five dollars to each member for each day of actual service and all legitimate expenses incurred in the discharge of official duties. The secretary of said board shall receive an additional salary, to be fixed by the board, and not to exceed five hundred dollars per annum. He shall pay to the treasurer at each meeting, or whenever the board may direct, such funds of the board as may be in his possession and take the treasurer's receipt therefor: *Provided*, That no part of the salaries or expenses of the board shall be paid by the United States Government. In its annual reports to the Indian Territory Pharmaceutical Association the board shall render an account of all moneys received and disbursed pursuant to this act, and the secretary and treasurer shall give such bond as the board shall from time to time direct.

SEC. 7. That every person seeking registration under this act, whose registration is not otherwise provided for, shall make application in form and manner prescribed by the board, and deposit with the secretary of the board a fee of five dollars; then, on presenting himself at the time and place directed by the board, and sustaining a satisfactory

Organization, etc.

Meetings.

Proviso. Examinations, duties, etc.

33 Stat., 552.

Proviso. Payment of salaries. Accounts.

Fees for examination, etc.

- Provisos.
Second examination. examination, he shall be granted an appropriate certificate setting forth his particular qualifications: *Provided*, That in case of failure of applicant to pass a satisfactory examination he shall be entitled to a second examination, without charge, at the next succeeding meeting of the board: *Provided further*, That persons provided for in section twelve of this act shall receive a permit on application and satisfactory proof of good character and sobriety.
- Permit. SEC. 8. That every registered pharmacist and every assistant pharmacist in the meaning of this act who desires to continue in the pursuit and practice of pharmacy in this Territory shall annually, after the expiration of the first year of registration, and on or before the second day of July of each year, pay to the secretary of the board of pharmacy a renewal fee, to be fixed by the board, but which shall not exceed two dollars, in return for which a renewal of registration shall be issued: *Provided*, That persons receiving permits under section twelve of this act shall pay a fee of one dollar per annum to the board. If any person should fail or neglect to procure his annual registration, or permit, as herein specified, notice of such failure having been mailed to his post-office address, the board may, after the expiration of thirty days following the issue of said notice, deprive him of his registration and all other privileges conferred by this act; and in order to regain registration it shall be necessary for such person to make application and pass examination as provided in section seven of this act.
- Annual registration fees. SEC. 9. That every person registered under this act shall receive from the Territorial board an appropriate certificate, not exceeding in size one hundred and twenty square inches, which shall be conspicuously displayed at all times in his place of business. If the holder be entitled to manage or conduct a pharmacy in this Territory for himself or another, the fact shall be set forth in the certificate.
- Proviso.
Annual permit fees. SEC. 10. That any person who is not a registered pharmacist in the meaning of this act who shall keep a pharmacy, store, or shop for the compounding and dispensing of physicians' prescriptions, and who shall not have in his employ in said pharmacy, store, or shop a registered pharmacist in the meaning of this act, shall for each and every offense be liable to a fine of not less than twenty-five dollars nor more than two hundred dollars.
- Certificates of registry. SEC. 11. That any person who shall unlawfully and without authority of this act take, use, or exhibit the title of a registered pharmacist or assistant pharmacist in the Indian Territory shall be liable to a fine of one hundred dollars for each and every offense. A like penalty shall attach to any assistant pharmacist who shall, without authority, take, use, or exhibit the title of a registered pharmacist in the Indian Territory.
- Penalty for keeping drug store, etc., without registered pharmacist. SEC. 12. That any proprietor of a pharmacy or other person who shall permit the compounding and dispensing of physicians' prescriptions or the vending of drugs, medicines, or pharmaceutical preparations in his store or place of business, except by a registered pharmacist or assistant pharmacist in the meaning of this act, or under the immediate supervision of such registered pharmacist or such assistant pharmacist, or who, while continuing the pursuit of pharmacy in the Indian Territory, shall neglect to procure his annual registration, or any person who shall willfully make any false representations to procure for himself or another registration under this act, or who shall violate any other provision of this act, shall for each and every offense be liable to a fine of one hundred dollars: *Provided*, That nothing in this act shall interfere with the business of those merchants who keep on sale such poisons, acids, and chemicals as are regularly used in agriculture, mining, and the arts, when kept and sold for such purposes only in sealed and plainly labeled packages: *Provided also*, That nothing in this act shall in any manner interfere with the business of
- Penalty for unlawful use of title. 33 Stat., 553.
- Penalty for permitting drug business without registered pharmacists, etc.
- Registration.
- Provisos.
Sales to arts, etc., excepted.
- Physicians.

any physician in regular practice, nor prevent him from supplying to his patients such articles as may to him seem proper, nor with the marketing and vending of proprietary and patent medicines in towns of one thousand inhabitants or less, nor with the exclusive wholesale business of any dealers, except as hereinafter provided: *Provided also*, That nothing in this act shall in any manner interfere with the business of merchants in towns having less than one thousand inhabitants or in which there is no licensed pharmacy or with country merchants to sell or vend such medicines, compounds, and chemicals as are required by the general public and in form and manner prescribed by the board of pharmacy.

Sales in small towns.

SEC. 13. That no one who habitually uses intoxicating liquor as a beverage, or is addicted to the habitual use of any drug, shall be appointed on the board of pharmacy nor be licensed as a pharmacist or assistant pharmacist. The examining board shall in all cases require each applicant to file his written declaration, duly sworn to, to the effect that he does not habitually use vinous, malt, or alcoholic liquors, morphine, cocaine, or other like preparations as a beverage or otherwise. Anyone swearing falsely in the affidavit so filed shall be guilty of perjury, the same to apply to persons getting permits, as provided for in section twelve.

Res.riiction on liquor habit.

SEC. 14. That it shall be unlawful for any person, from and after the passage of this act, to retail any of the following poisons, except as follows: Arsenic and its preparations, corrosive sublimate, white precipitate, biniodide of mercury, cyanide of potassium, hydrocyanic acid, strychnine, and all other poisonous vegetable alkaloids and their salts; essential oil of bitter almonds, opium and its preparations, except paregoric and other preparations of opium containing less than two grains to the ounce; aconite, belladonna, colchicum, conium, nux vomica, henbane, savine, ergot, cotton root, cantharides, creosote, digitalis, and their pharmaceutical preparations, croton oil, chloroform, chloral hydrate, sulphate of zinc, mineral acids, carbolic acid and oxalic acid, without distinctly labeling the box, vessel, or paper in which the said poison is contained with the name of the article, the word "poison," and the name and the place of business of the seller. Nor shall it be lawful for any registered pharmacist or other person to sell any of the poisons above enumerated without, before delivering the same to the purchaser, causing an entry to be made in a book kept for that purpose, stating the date of sale, the name and address of the purchaser, the name of the poison sold, the purpose for which it is represented by the purchaser to be required, and the name of the dispenser, such a book to be always open for inspection by the proper authorities and to be preserved for at least five years. The provisions of this section shall not apply to the dispensing of poisons in not unusual quantities, or doses, upon the prescription of practitioners of medicine. Any violation of the provisions of this section shall make the offender liable to a fine of not less than twenty-five dollars and not more than one hundred dollars, and upon conviction for the second offense, in addition to the fine he shall have his name stricken from the register.

Poisons. Regulation of sales of.

Registry.

33 Stat., 554. Prescriptions.

Penalty.

SEC. 15. That any itinerant vender of any drug, nostrum, ointment, or appliance of any kind, intended for the treatment of diseases or injury, who shall, by writing, or printing, or any other method, publicly profess to cure or treat any diseases, or injury, or deformity, by any drug, nostrum, or manipulation, or other expedient, shall pay a license of one hundred dollars for the term of one year or less, to be paid to the treasurer of the board of pharmacy, and by him paid to the Territorial treasurer; whereupon the secretary of the board shall issue a license for one year. Any person violating this section shall be deemed guilty of a misdemeanor, and shall upon conviction be fined

Patent medicines, etc. Annual license to peddlers.

Penalty.

in any sum not less than one hundred nor more than two hundred dollars.

Jury exemption.

SEC. 16. That all persons registered under the provisions of this act and actively engaged in the practice of pharmacy shall be exempt from serving as jurors.

Punishment for embezzling funds of pharmacy board.

SEC. 17. That should the secretary or treasurer of said board willfully misappropriate or convert to their own use any money coming into their hands by virtue of their official capacity such officer shall upon conviction be adjudged guilty of embezzlement and punished by imprisonment not exceeding two years and by fine not less than double the amount so misappropriated or embezzled.

Approved, April 28, 1904.

Apr. 28, 1904.
[H. R. 9891.]

CHAP. 1816.—An act confirming the removal of restrictions upon alienation by the Puyallup Indians of the State of Washington of their allotted lands.

[Public, No. 248.]
33 Stat., 565.

Puyallup Indians, Washington.
Removal of restrictions upon alienation of allotted lands of.
1893, ch. 209, 27 Stat., 633, vol. 1, p. 487.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of Congress approved March third, eighteen hundred and ninety-three (Twenty-seventh Statutes, page six hundred and thirty-three), authorizing the sale of the Puyallup allotted lands, with restriction upon alienation "for a period of ten years from the date of the passage" thereof, shall be taken and construed as having expressed the consent of the United States to the removal of restriction upon alienation by said Puyallup Indians to their allotted lands from and after the expiration of said period shall be given effect of having been made without any restrictions upon the power of the allottee to alienate his land.

Approved, April 28, 1904.

Apr. 28, 1904.
[H. R. 11586.]

CHAP. 1819.—An act to permit the construction of a smelter on the Colville Indian Reservation, and for other purposes.

[Public, No. 251.]
33 Stat., 567.

Colville Indian Reservation.
Kellar & Indiana Consolidated Smelting Co. may construct a smelter on San Poil River, in.

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 permit the Kellar and Indiana Consolidated Smelting Company, a corporation organized under the laws of the State of Washington, to construct a smelter in the immediate vicinity of the San Poil River, in the south half of the Colville Indian Reservation; that the smelter shall be located on the San Poil River, and that permission be granted to construct a flume from the site of the smelter to a point on the San Poil River where a water supply can be made available; that six acres of land be set aside for the site of the smelter, and a strip of land of sufficient width allowed for the erection and construction of the flume; that permission shall be given to the Kellar and Indiana Consolidated Smelting Company to purchase timber and stone necessary for the work of construction; that the Secretary of the Interior shall permit the work to be done under such rules and regulations as he may prescribe, and he shall also prescribe the prices the said Kellar and Indiana Consolidated Smelting Company shall pay for the land, the stone, and the timber used in the construction work: *Provided,* That the laws regulating intercourse with Indians shall be applicable to the lands set aside under this act, so long as the south half of the Colville Reservation remains as an Indian reservation.

Flume.

Site.

Purchase of timber and stone.

Price of land, stone, etc.

Proviso.
Laws regulating intercourse with Indians applicable.

Approved, April 28, 1904.

CHAP. 1820.—An act to ratify and amend an agreement with the Indians located upon the Grande Ronde Reservation, in the State of Oregon, and to make an appropriation to carry the same into effect.

Apr. 28, 1904.
[H. R. 11966.]

[Public, No. 252.]
33 Stat., 567.
Grande Ronde Reservation, Ore.
Preamble.

Whereas James McLaughlin, United States Indian inspector, acting in behalf of the United States, did, on the twenty-seventh day of June, nineteen hundred and one, conclude an agreement with the Indians residing on the Grande Ronde Reservation, in the State of Oregon, which said agreement is as follows:

Agreement with Willamette tribes, etc.

This agreement made and entered into on the twenty-seventh day of June, nineteen hundred and one, by and between James McLaughlin, U. S. Indian inspector, on the part of the United States, and the Willamette tribes and other Indians belonging on the Grande Ronde Reservation in the State of Oregon, witnesseth:

ARTICLE I. The said Indians belonging on the Grande Ronde Reservation, Oregon, for the consideration hereinafter named, do hereby cede, surrender, grant, and convey to the United States all their claim, right, title, and interest in and to all that part of the Grande Ronde Reservation remaining unallotted on the date of this agreement, excepting the four hundred and forty acres of land reserved for Government uses at the time their allotments in severalty were made, the land hereby ceded and relinquished approximating twenty-five thousand seven hundred and ninety-one (25,791) acres.

Lands ceded.

Exception.

ART. II. In consideration of the lands ceded, relinquished, and conveyed by Article I of this agreement, the United States stipulates and agrees to pay to the said Indians the sum of twenty-eight thousand five hundred (28,500) dollars in cash pro rata, share and share alike, to each man, woman, and child belonging on the said Grande Ronde Reservation, as follows, to wit: To adults of eighteen years of age or more, within one hundred and twenty days from and after the date of the ratification of this agreement, and to each minor as they arrive at the age of eighteen years; and that the pro rata shares thus retained until the beneficiaries attain the age aforesaid shall be deposited in lump sum in the Treasury of the United States to the credit of said Indians, and shall draw interest at the rate of five per centum per annum, which interest shall be paid to the parents or guardians of said minors annually per capita, in cash, until said minors arrive at the age of eighteen years, and as each of such beneficiaries arrive at the age of eighteen years they shall be paid their share in full.

33 Stat., 568.
Price.

Per capita payment in cash.

ART. III. It is understood and agreed that the four hundred and forty acres of land reserved for Government purposes, referred to in Article I of this agreement, shall, when no longer required by the United States for educational or other purposes in the interests of said Indians, be allotted to minor beneficiaries who have not received any allotments of land, or be sold for the benefit of the Indians, parties hereto, in the discretion of the Secretary of the Interior.

Excepted lands may be allotted to certain minors, etc.

ART. IV. It is understood that nothing in this agreement shall be construed to deprive the said Indians of the Grande Ronde Reservation of any benefits to which they may be entitled under existing treaties, not inconsistent with the provisions of this agreement.

Benefits under existing treaties not affected.

ART. V. This agreement shall take effect and be in force when signed by James McLaughlin, United States Indian inspector, and by a majority of the male adult Indians, parties thereto, and when approved by the Secretary of the Interior and accepted and ratified by the Congress of the United States.

Effect.

In witness whereof the said James McLaughlin, United States Indian inspector, on the part of the United States, and the male adults of the Willamette tribes and other Indians, belonging on the Grande

Ronde Reservation, Oreg., have hereunto set their hands and seals at Grande Ronde Agency, Oreg., this 27th day of June, A. D. 1901.

JAMES McLAUGHLIN,
United States Indian Inspector.
(John Warren and 59 others.)

I, the undersigned, do hereby certify that the foregoing agreement between the United States and the Indians of the Grande Ronde Reservation, Oreg., dated June 27, 1901, was thoroughly explained by me to said Indians, and that it was fully understood by them before signing.

JOHN WARREN, Interpreter.

GRANDE RONDE AGENCY, OREG., June 27, 1901.

We, the undersigned, do hereby certify that we witnessed the signatures of James McLaughlin, United States Indian inspector, and of the 60 male adult Indians of the Grande Ronde Reservation, Oreg., to the foregoing agreement.

MAURICE E. PEAIRS, Industrial Teacher.
LUTHER PARKER, Teacher.

33 Stat., 569.

GRANDE RONDE AGENCY, OREG., June 27, 1901.

I certify that the total number of male adult Indians over 18 years of age belonging on the Grande Ronde Reservation, Oreg., is 107, of whom 60 have signed the foregoing agreement.

ANDREW KERSHAW,
Superintendent and Special Disbursing Agent.

DEPARTMENT OF THE INTERIOR,
December 20, 1901.

Approved.

E. A. HITCHCOCK, Secretary.

Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the said agreement be, and the same is hereby, accepted, ratified, and confirmed, as herein amended and modified as follows:

ARTICLE I. The said Indians belonging on the Grande Ronde Reservation, Oregon, for the consideration hereinafter named, do hereby cede, surrender, grant, and convey to the United States all their claim, right, title, and interest in and to all that part of the Grande Ronde Reservation remaining unallotted on the date of this agreement, excepting the four hundred and forty acres of land reserved for Government uses at the time their allotments in severalty were made, the land hereby ceded and relinquished approximating twenty-five thousand seven hundred and ninety-one acres.

ART. II. In consideration of the lands ceded, relinquished, and conveyed by Article I of this agreement, the United States stipulates and agrees to dispose of the same on sealed bids, and to pay to said Indians the proceeds derived from the sale of said lands in cash pro rata, share and share alike, to each man, woman, and child belonging on the said Grande Ronde Reservation, as follows, to wit: To adults of eighteen years of age or more, as soon as practicable from and after the date of the ratification of this agreement, and to each minor as they arrive at the age of eighteen years; and that the pro rata shares thus retained until the beneficiaries attain the age aforesaid shall be deposited in lump sum in the Treasury of the United States to the credit of said Indians, and shall draw interest at the

Agreement amend-
ed and ratified.

Lands ceded.

Exception.

Sale of ceded lands.

Per capita payment
in cash.

Minors' shares.

rate of five per centum per annum, which interest shall be paid to the parents or guardians of said minors annually per capita, in cash, until said minors arrive at the age of eighteen years, and as each of such beneficiaries arrive at the age of eighteen years they shall be paid their share in full.

Interest paid to parents, etc.

ART. III. It is understood and agreed that the four hundred and forty acres of land reserved for Government purposes, referred to in Article I of this agreement, shall, when no longer required by the United States for educational or other purposes in the interests of said Indians, be allotted to minor beneficiaries who have not received any allotments of land, or be sold for the benefit of the Indians parties hereto, in the discretion of the Secretary of the Interior, and under such regulations as he may prescribe.

Excepted lands may be allotted to minors.

ART. IV. It is understood that nothing in this agreement shall be construed to deprive the said Indians of the Grande Ronde Reservation of any benefits to which they may be entitled under existing treaties not inconsistent with the provisions of this agreement.

Existing treaty benefits unimpaired.

ART. V. This agreement shall take effect and be in force when accepted and ratified by the Congress of the United States.

Effect.

SEC. 2. That for the purpose of carrying the provisions of this act into effect, the Secretary of the Interior shall be, and he is hereby, authorized and directed to sell, under such rules and regulations as he 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.

Sale of unallotted lands.

33 Stat., 570.

Advertisement.

Exception.

Provisos. Sales in sections, etc.

Bids.

Restriction.

Proceeds of sale.

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.

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.

United States not bound to purchase land, etc.

Approved, April 28, 1904.

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| <p>Apr. 28, 1904. [H. R. 12382.]</p> <p>[Public, No. 254.] 33 Stat., 571.</p> <p>Indian Territory. Payment of town-site funds to Choctaw and Chickasaw Indians.</p> <p>Payments. Date of.</p> <p>Enrollment.</p> <p>Proviso. Reserved funds for pending claims.</p> <p>Disposal of unused reserve funds.</p> <p>Payment of amounts due deceased persons.</p> <p>Subsequent pay- ments.</p> <p>33 Stat., 572.</p> <p>Mode of payment.</p> <p>1898, ch. 517, sec. 19, 30 Stat., 502, vol. 1, p. 97.</p> <p>Deposit of accumu- lated town-site funds.</p> <p>Repeal.</p> | <p>CHAP. 1822.—An act authorizing the payment of the Choctaw and Chickasaw town-site fund, and for other purposes.</p> <p><i>Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,</i> 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.</p> <p>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: <i>Provided,</i> 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.</p> <p>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.</p> <p>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 members of the Choctaw and Chickasaw Tribes of approved enrollment of the fund accumulated from the sale of town lots in the Choctaw and Chickasaw Nations, as aforesaid.</p> <p>SEC. 5. That the payment of the town-site fund shall be under the direction of the Secretary of the Interior, as provided in section nineteen of an act approved June twenty-eighth, eighteen hundred and ninety-eight, being "An act for the protection of the people of the Indian Territory, and for other purposes."</p> <p>SEC. 6. That the Secretary of the Treasury be, and he is hereby, authorized, upon the request of the Secretary of the Interior, to deposit in the United States subtreasury at Saint Louis, Missouri, to the credit of the proper officer or person, to be designated by the Secretary of the Interior and charged with the duty of paying out the town-site fund as herein provided, the accumulated town-site funds belonging to the Choctaw and Chickasaw Nations at that time on deposit in the United States Treasury, or a sufficient amount thereof to carry out the purposes of this act.</p> <p>SEC. 7. That all acts or parts of acts in conflict herewith are hereby repealed, and this act shall be in force from and after its passage.</p> <p>Approved, April 28, 1904.</p> |
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CHAP. 1824.—An act to provide for additional United States judges in the Indian Territory, and for other purposes.

Apr. 28, 1904.
[H. R. 12647.]

[Public, No. 256.]
33 Stat., 573.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be appointed by the President, by and with the advice and consent of the Senate, four additional judges of the United States court in the Indian Territory, one for the northern district, one for the western district, one for the central district, and one for the southern district. And said judges shall have all the authority and exercise all the powers, perform like duties, and receive the same salary as other judges of said court, and shall each serve for a term of four years from date of appointment, unless said offices are sooner abolished by law. Neither the additional judges, nor their successors in office, shall be members of the court of appeals for the Indian Territory, but they shall hold such courts, in their respective districts, as may be directed by the court of appeals of the Indian Territory, or majority of the judges thereof in vacation: *Provided,* That none of said judges shall have power to appoint clerks of courts, United States commissioners, or United States constables in said districts, and hereafter at least three terms of court shall be held in each year, at each place of holding court in the Indian Territory, the times to be fixed in the manner now provided by law.¹

Indian Territory.
Additional judges authorized.

Powers, term, etc.

Not members of court of appeals.

Proviso.
Limit on power.

Terms.

SEC. 2. All the laws of Arkansas heretofore put in force in the Indian Territory are hereby continued and extended in their operation, so as to embrace all persons and estates in said Territory, whether Indian, freedmen, or otherwise, and full and complete jurisdiction is hereby conferred upon the district courts in said Territory in the settlements of all estates of decedents, the guardianships of minors and incompetents, whether Indians, freedmen, or otherwise. That the sum of twenty thousand dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of salaries of the judges hereby authorized, the same to be immediately available.²

Extension of laws to all persons and estates.

Appropriation for judges' salaries.

Approved, April 28, 1904.

CONCURRENT RESOLUTION, FIFTY-EIGHTH CONGRESS, SECOND SESSION, 1904.

Jan. 28, 1904.

INDIAN TREATIES.

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound three thousand copies of Senate Document Numbered Four hundred and fifty-two, Fifty-seventh Congress, first session, entitled Treaties, Laws, Executive Orders, and so forth, Relating to Indian Affairs, as revised, three hundred of which shall be for the use of the Senate, eight hundred for the House of Representatives, two hundred for the Commissioner of Indian Affairs, fifty for the House Committee on Indian Affairs, fifty for the Senate Committee on Indian Affairs, one hundred copies for the Department of the Interior, and the remaining one thousand five hundred shall be sold by the Superintendent of Documents.

Indian affairs.
Revised treaties,
laws, Executive orders,
etc., relating to.
Printing ordered.

Passed January 28, 1904.

¹ U. S. v. Shock, 187 Fed., 862; 25 Opp. Atty. Gen., 532.
² U. S. v. Bellm, 182 Fed., 161; Morrison v. Burnette, 154 Fed., 617; in re Poff's Guardianship, 103 S. W., 765; Hayes v. Barringer, 104 S. W., 937; Hawkins v. Stevens, 97 Pac., 567; In re Feland's Estate, 110 Pac., 730; In re Davis' Estate, 122 Pac., 547; Taylor v. Parker, 126 Pac., 573; Bledsoe v. Wortman, 129 Pac., 841; Washington v. Miller, 129 Pac., 58.

PUBLIC ACTS OF FIFTY-EIGHTH CONGRESS, THIRD SESSION, 1904-5.

Dec. 21, 1904.
[H. R. 14463.]

[Public, No. 3.]
33 Stat., 595.

CHAP. 22.—An act to authorize the sale and disposition of surplus or unallotted lands of the Yakima Indian Reservation, in the State of Washington.

Yakima Indian Res-
ervation, Wash.
Sale of unallotted
lands.
33 Stat., 596. Post,
452.

Provisos.
Prior claim recog-
nized; vol. 2, 692.

Rights of settlers not
affected.

Allotments.

Lands reserved for
irrigation, etc.

Proviso.
Classification, etc., of
reserved lands.

Appraisal of unal-
lotted lands, etc.

Opening of lands for
settlement.

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, as hereinafter provided, to sell or dispose of unallotted lands embraced in the Yakima Indian Reservation proper, in the State of Washington, set aside and established by treaty with the Yakima Nation of Indians, dated June eighth, eighteen hundred and fifty-five: Provided, That the claim of said Indians to the tract of land adjoining their present reservation on the west, excluded by erroneous boundary survey and containing approximately two hundred and ninety-three thousand eight hundred and thirty-seven acres, according to the findings, after examination, of Mr. E. C. Barnard, topographer of the Geological Survey, approved by the Secretary of the Interior April seventh, nineteen hundred, is hereby recognized, and the said tract shall be regarded as a part of the Yakima Indian Reservation for the purposes of this act: Provided further, That where valid rights have been acquired prior to March fifth, nineteen hundred and four, to lands within said tract by bona fide settlers or purchasers under the public-land laws, such rights shall not be abridged, and any claim of said Indians to these lands is hereby declared to be fully compensated for by the expenditure of money heretofore made for their benefit and in the construction of irrigation works on the Yakima Indian Reservation.¹

SEC. 2. That allotments of land shall be made, under the direction of the Secretary of the Interior, to any Indians entitled thereto, including children now living born since the completion of the existing allotments who have not heretofore received such allotments. The Secretary of the Interior is also authorized to reserve such lands as he may deem necessary or desirable in connection with the construction of contemplated irrigation systems, or lands crossed by existing irrigation ditches; also lands necessary for agency, school, and religious purposes; also such tract or tracts of grazing and timber lands as may be deemed expedient for the use and benefit of the Indians of said reservation in common: *Provided, That such reserved lands, or any portion thereof, may be classified, appraised, and disposed of from time to time under the terms and provisions of this act.*

SEC. 3. That the residue of the lands of said reservation—that is, the lands not allotted and not reserved—shall be classified under the direction of the Secretary of the Interior as irrigable lands, grazing lands, timber lands, mineral lands, or arid lands, and shall be appraised under their appropriate classes by legal subdivisions, with the exception of the mineral lands, which need not be appraised, and the timber on the lands classified as timber lands shall be appraised separately from the land. The basis for the appraisal of the timber shall be the amount of standing merchantable timber thereon, which shall be ascertained and reported.

Upon completion of the classification and appraisements the irrigable, grazing, and arid lands, and the timbered lands upon the completion of the classification, appraisal, and the sale and removal of the timber therefrom, shall be disposed of under the general provisions of the homestead laws of the United States, and shall be opened to settlement and entry at not less than their appraised value by proclamation of the President, which proclamation shall prescribe the manner in which these lands shall be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, or enter any of said lands, except as

¹ Northern P. R., R. Co. v. U. S., 227 U. S., 356; 34 L. D., 13.

prescribed in such proclamation, until after the expiration of sixty days from the time when the same are opened to settlement and entry; *Provided*, That the rights of honorably discharged Union soldiers and sailors of the late civil and Spanish wars and the Philippine insurrection, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes, as amended by the act of March first, nineteen hundred and one, shall not be abridged: *Provided further*, That the price of said lands when entered shall be that fixed by the appraisement or by the President, as herein provided for, which shall be paid in accordance with rules and regulations to be prescribed by the Secretary of the Interior, upon the following terms: One-fifth of the purchase price to be paid in cash at the time of entry, and the balance in five equal annual installments, to be paid in one, two, three, four, and five years, respectively, from and after the date of entry. In case any entryman fails to make the annual payments, or any of them, promptly when due, all rights in and to the land covered by this entry shall cease, and any payments theretofore made shall be forfeited and the entry canceled, and the lands shall be reoffered for sale and entry: *And provided further*, That the lands embraced within such canceled entry shall after the cancellation of such entry, be subject to entry under the provisions of the homestead law, at the appraised value until otherwise directed by the President, as herein provided.

When the entryman shall have complied with all the requirements and terms of the homestead laws as to settlement and residence and shall have made all the required payments aforesaid, he shall be entitled to a patent for the lands entered: *Provided*, That the entryman shall make his final proofs in accordance with the homestead laws within six years; and that aliens who have declared their intention to become citizens of the United States may become such entrymen, but before making final proof and receiving patent they must have received their full naturalization papers: *Provided further*, That the fees and commissions to be paid in connection with such entries and final proofs shall be the same as those now provided by law where the price of the land is one dollar and twenty-five cents per acre: *And provided further*, That the Secretary of the Interior may, in his discretion, limit the quantity of irrigable land that may be taken by any entryman to eighty acres, but not to less than that quantity: *And provided further*, That when, in the judgment of the President, no more of the said land can be disposed of at the appraised price, he may, by proclamation, to be repeated at his discretion, sell from time to time the remaining lands subject to the provisions of the homestead law, or otherwise as he may deem most advantageous, at such price or prices, in such manner, upon such conditions, with such restrictions, and upon such terms as he may deem best for all the interests concerned.

The timber on lands classified as timber lands shall be sold at not less than its appraised value, under sealed proposals in accordance with such rules and regulations as the Secretary of the Interior may prescribe.

The lands classified as mineral lands shall be subject to location and disposal under the mineral-land laws of the United States: *Provided*, That lands not classified as mineral may also be located and entered as mineral lands, subject to approval by the Secretary of the Interior and conditioned upon the payment, within one year from the date when located, of the appraised value of the lands per acre fixed prior to the date of such location, but at not less than the price fixed by existing law for mineral lands: *Provided further*, That no such mineral locations shall be permitted on any lands allotted to Indians in severalty or reserved for any purpose as herein authorized.

SEC. 4. That the proceeds arising from the sale and disposition of the lands aforesaid, including the sums paid for mineral lands,

Provisos.
Soldiers' and sailors'
rights not affected.
R. S., secs. 2304, 2305.

Price and payments.
33 Stat., 597.

Forfeiture.

Canceled entries.

Patents to lands.

Provisos.
Final proofs.

Fees, etc.

Acreage of irrigable
lands may be limited.

Sale of remaining
lands.

Sale of timber.

Mineral lands.
Provisos.
Lands not classified
as mineral lands.

Restriction.

Use of proceeds.

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| Aid to civilized pursuits. 33 Stat., 598. Proviso. Per capita cash payments. Water rent. Provisos. Perpetual water rights. Maintenance of irrigation works. Reservoirs. Regulations. Nonresponsibility of the United States. Expense of survey, etc. Appropriation. | <p>exclusive of the customary fees and commissions, shall, after deducting the expenses incurred from time to time in connection with the appraisements and sales, be deposited in the Treasury of the United States to the credit of the Indians belonging and having tribal rights on the Yakima Reservation, and shall be expended for their benefit under the direction of the Secretary of the Interior in the construction, completion, and maintenance of irrigation ditches, purchase of wagons, horses, farm implements, materials for houses, and other necessary and useful articles, as may be deemed best to promote their welfare and aid them in the adoption of civilized pursuits and in improving and building homes for themselves on their allotments: <i>Provided</i>, That a portion of the proceeds may be paid to the Indians in cash per capita, share and share alike, if in the opinion of the Secretary of the Interior such payments will further tend to improve the condition and advance the progress of said Indians, but not otherwise.</p> <p>SEC. 5. That the Secretary of the Interior is hereby authorized, in the cases of entrymen and purchasers of lands now irrigated or that may be hereafter irrigated from systems constructed for the benefit of the Indians, to require such annual proportionate payments to be made as may be just and equitable for the maintenance of said systems: <i>Provided</i>, That in appraising the value of irrigable lands, such sum per acre as the Secretary of the Interior may deem proper, to be determined as nearly as may be by the total cost of the irrigation system or systems; shall be added as the proportionate share of the cost of placing water on said lands, and when the entryman or purchaser shall have paid in full the appraised value of the land, including the cost of providing water therefor, the Secretary of the Interior shall give to him such evidence of title in writing to a perpetual water right as may be deemed suitable: <i>Provided</i>, That the Secretary of the Interior shall have power to determine and direct when the management and operation of such irrigation works shall pass to the owners of the lands irrigated thereby, to be maintained at their expense, under such forms of organization and under such rules and regulations as may be acceptable to him: <i>Provided also</i>, That the title to and the management and operation of the reservoirs, and the works necessary for their protection and operation, shall remain in the Government until otherwise provided by Congress.</p> <p>SEC. 6. That the Secretary of the Interior is hereby vested with full power and authority to make all needful rules and regulations as to manner of sale, notice of same, and other matters incident to the carrying out of the provisions of this act, and with authority to reappraise and reclassify said lands if deemed necessary from time to time, and to continue making sales of the same, in accordance with the provisions of this act, until all of the lands shall have been disposed of.</p> <p>SEC. 7. That nothing in this act contained shall be construed to bind the United States to find purchasers for any of said lands, it being the purpose of this act merely to have the United States to act as trustee for said Indians in the disposition and sales of said lands and to expend or pay over to them the proceeds derived from the sales as herein provided.</p> <p>SEC. 8. That to enable the Secretary of the Interior to classify and appraise the aforesaid lands as in this act provided, and to conduct the sales thereof, and to define and mark the boundaries of the western portion of said reservation, including the adjoining tract of two hundred and ninety-three thousand eight hundred and thirty-seven acres, to which the claim of the Indians is, by this act, recognized, as above set out, and to complete the surveys thereof, the sum of fifty-three thousand dollars, or so much thereof as may be necessary, is hereby appropriated from any moneys in the Treasury not otherwise appropriated, the same to be reimbursed from the proceeds of the</p> |
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sales of the aforesaid lands: *Provided*, That when funds shall have been procured from the first sales of the land the Secretary of the Interior may use such portion thereof as may be actually necessary in conducting future sales and otherwise carrying out the provisions of this act.

Proviso.
Future sales, etc.

Approved, December 21, 1904.

CHAP. 545.—An act to provide for the extension of time within which homestead settlers may establish their residence upon certain lands which were heretofore a part of the Rosebud Indian Reservation within the limits of Gregory County, South Dakota, and upon certain lands which were heretofore a part of the Devils Lake Indian Reservation, in the State of North Dakota.

Feb. 7, 1905.
[S. 5799.]

[Public, No. 47.]
33 Stat., 700.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the homestead settlers on the lands which were heretofore a part of the Rosebud Indian Reservation within the limits of Gregory County, South Dakota, opened under an act entitled "An act to ratify and amend an agreement with the Sioux tribe of Indians of the Rosebud Reservation, in South Dakota, and making appropriation and provision to carry the same into effect," approved April twenty-third, nineteen hundred and four, and the homestead settlers on the lands which were heretofore a part of the Devils Lake Indian Reservation in the State of North Dakota, opened under an act entitled "An act to modify and amend an agreement with the Indians of the Devils Lake Reservation, in North Dakota, to accept and ratify the same as amended, and making appropriation and provision to carry the same into effect," approved April twenty-seventh, nineteen hundred and four, be, and they are hereby, granted an extension of time in which to establish their residence upon the lands so opened and filed upon until the first day of May, anno Domini nineteen hundred and five: *Provided, however*, That this act shall in no manner affect the regularity or validity of such filings, or any of them, so made by the said settlers on the lands aforesaid; and it is only intended hereby to extend the time for the establishment of such residence as herein provided, and the provisions of said acts are in no other manner to be affected or modified.

Rosebud and Devils Lake Indian Reservations.
Time for establishing residence extended to homestead settlers on. 1904, ch. 1484, 23 Stat., 257, ante, p. 71.

Proclamations, post, 597.
1904, ch. 1620; 33 Stat., 322, ante, p. 83.

Proviso.
Validity, etc., of filings not affected.

Approved, February 7, 1905

CHAP. 553.—An act to open to homestead settlement and entry the relinquished and undisposed of portions of the Round Valley Indian Reservation, in the State of California, and for other purposes.

Feb. 8, 1905.
[H. R. 15011.]

[Public, No. 55.]
33 Stat., 706.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all lands relinquished from the Round Valley Indian Reservation, in the State of California, under an act entitled "An act to provide for the reduction of the Round Valley Indian Reservation, in the State of California, and for other purposes," approved October first, eighteen hundred and ninety, which have not heretofore been disposed of, shall be surveyed in accordance with the Government surveys and shall also be reappraised exclusive of improvements by a commission of three disinterested persons to be appointed by the President, or by a trusted inspector or special agent of the Department of the Interior, as the President in his discretion may direct. The said lands when surveyed and appraised shall be subject to settlement and entry under the provisions of the homestead laws of the United States; and all actual and bona fide settlers upon said lands on January first, nineteen hundred and four, shall have a preference right to enter and hold the lands actually

Round Valley Indian Reservation, Cal.
Undisposed lands in, to be opened to settlement. 1890, ch. 1271, 26 Stat., 658, vol. 1, p. 376.

Survey and reappraisalment.

Preference rights.

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| <p>Limit.</p> <p>33 Stat., 707.</p> <p>Payments.</p> <p>Provisos.</p> <p>Commutations.</p> <p>R. S., sec. 2301.</p> <p>Fees.</p> <p>Alien purchasers.</p> <p>Sale of remaining lands.</p> <p>Disposal of proceeds.</p> <p>Vol. 1, 377.</p> | <p>occupied by them, respectively, not exceeding one hundred and sixty acres, and they shall be credited with the time they have actually occupied the same on the time required by law to perfect title as homestead settlers. Each entryman of any of said lands shall pay for the same at the appraised price, payments to be made in five equal annual payments, with interest, on all deferred payments, at the rate of five per centum per annum: <i>Provided</i>, That nothing in this act shall prevent homestead settlers from commuting their entries under section twenty-three hundred and one, Revised Statutes, by paying for the land entered the appraised price, receiving credit for payments previously made. In addition to the price to be paid for the land the entryman shall pay the same fees and commissions at the time of commutation or final entry, as now provided by law, where the price of the land is one dollar and twenty-five cents per acre: <i>And provided further</i>, That aliens who have declared their intention to become citizens of the United States may become purchasers under this act, but before proving up and acquiring title must take out their full naturalization papers: <i>And provided further</i>, That all lands opened to settlement under this act remaining undisposed of at the expiration of five years from the taking effect of this act may be sold and disposed of for cash, under rules and regulations to be prescribed by the Secretary of the Interior.</p> <p>SEC. 2. That the funds arising from the sale of said lands shall be disposed of as provided in section four of the act of October first, eighteen hundred and ninety, providing for the disposal of the Round Valley Indian Reservation.</p> <p>Approved, February 8, 1905.</p> |
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| <p>Feb. 8, 1905. [S. 5888.]</p> <p>[Public, No. 58.] 33 Stat., 708.</p> <p>Red Lake Indian Reservation, Mont. Minneapolis, Red Lake & Manitoba Railway Co. granted lands in.</p> <p>1899, ch. 374, 30 Stat., 990, vol 1, p. 103.</p> <p>Limit of acreage.</p> <p>Compensation to Indians, etc.</p> | <p>CHAP. 556.—An act to allow the Minneapolis, Red Lake and Manitoba Railway Company to acquire certain lands in the Red Lake Indian Reservation, Minnesota.</p> <p><i>Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled</i>, That there is hereby granted to the Minneapolis, Red Lake and Manitoba Railway Company, a corporation organized and existing under the laws of the State of Minnesota, its successors and assigns, owning and operating, as successor of the Red Lake Transportation Company, a line of railroad in the State of Minnesota, having its northern terminus at a point on the shore of Lower Red Lake, Minnesota, in section nineteen, township one hundred and fifty-one north, range thirty-three west, in the Red Lake Indian Reservation, as more particularly shown upon a map of definite location approved by the Secretary of the Interior February eighteenth, nineteen hundred and three, pursuant to the provisions of the act of Congress approved March second, eighteen hundred and ninety-nine, entitled "An act to provide for the acquiring of rights of way by railroad companies through Indian reservations, Indian lands, and Indian allotments, and for other purposes" (Thirtieth Statutes, nine hundred and ninety), the right to select and take from the lands of the Red Lake Indian Reservation grounds adjacent to its northern terminus, conforming to legal subdivisions and not to exceed in extent three hundred and twenty acres.</p> <p>SEC. 2. That before title to said lands shall vest in the said railway company, and before said company shall occupy or use said lands, compensation therefor shall be made to the tribes of Indians residing upon the said reservation and to any individual occupant of any of said lands. The amount of compensation for said lands shall be ascertained and determined in such manner as the Secretary of the Interior may direct and be subject to his final approval.</p> |
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SEC. 3. That said company shall file maps, in duplicate, showing the definite location of the grounds so selected and taken, which said maps shall be subject to the approval of the Secretary of the Interior; but no right of any kind shall vest in said railway company in or to any part of the grounds herein authorized to be selected and taken until the maps showing the same shall have been approved by the Secretary of the Interior and until compensation aforesaid shall have been fixed and paid.

Maps.

SEC. 4. That the right herein granted shall be forfeited by said company unless the maps showing the grounds authorized to be taken, as herein provided, shall be filed and compensation aforesaid made within one year after the passage of this act.

Forfeiture.

SEC. 5. The laws of the United States now in force, or that may hereafter be enacted, prohibiting the introduction and sale of intoxicating liquors in the Indian country, shall be in full force and effect throughout the territory hereby granted, until otherwise directed by Congress or the President of the United States, and for that purpose said tract shall be held to be and to remain a part of the diminished Red Lake Indian Reservation.

Sale of intoxicants.

33 Stat., 709.

SEC. 6. That Congress reserves the right to alter, amend, or repeal this act or any part thereof.

Amendment, post, 481.

Approved, February 8, 1905.

CHAP. 571.—An act to extend the western boundary line of the State of Arkansas.

Feb. 10, 1905.
[H. R. 18280.]

Be it enacted in the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of the United States is hereby given for the State of Arkansas to extend her western boundary line so as to include all that strip of land in the Indian Territory lying and being situate between the Arkansas State line adjacent to the city of Fort Smith, Arkansas, and the Arkansas and Poteau Rivers, described as follows, namely: Beginning at a point on the south bank of the Arkansas River one hundred paces east of old Fort Smith, where the western boundary line of the State of Arkansas crosses the said river, and running southwesterly along the south bank of the Arkansas River to the mouth of the Poteau; thence at right angles with the Poteau River to the center of the current of said river; thence southerly up the middle of the current of the Poteau River (except where the Arkansas State line intersects the Poteau River) to a point in the middle of the current of the Poteau River opposite the mouth of Mill Creek, and where it is intersected by the middle of the current of Mill Creek; thence up the middle of Mill Creek to the Arkansas State line; thence northerly along the Arkansas State line to the point of beginning: *Provided,* That nothing in this act shall be construed to impair any right now pertaining to any Indian tribe or tribes in said part of said Indian Territory under the laws, agreements, or treaties of the United States, or to affect the authority of the Government of the United States to make any regulations or to make any law respecting said Indians or their lands which it would have been competent to make or enact if this act had not been passed.

[Public, No. 67.]
33 Stat., 714.

Arkansas.
Western boundary
line of, extended to in-
clude part of Indian
Territory.

Boundary.
5 Stat., 50.

33 Stat., 715.

Proviso.
Rights of Indians,
etc., not affected.

Approved, February 10, 1905.

CHAP. 1159.—An act confirming the title of the Saint Paul, Minneapolis and Manitoba Railway Company to certain lands in the State of Montana, and for other purposes.

Feb. 27, 1905.
[S. 7103.]

[Public, No. 108.]
33 Stat., 816.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the several selections of the south half of the southeast quarter of section five and north

St. Paul, Minneapolis
& Manitoba Railway
Co.

Selections of lands in
Montana confirmed.
Description.

27 Stat., 390.

Selections on former
Indian lands con-
firmed.

Patents.

1888, ch. 213, sec. 3,
25 Stat., 133, vol. 1. P.
266.

Proviso.
Restriction.

half of northeast quarter of section eight, township thirty-two north, range eleven east; lot six of section five, township thirty-two north, range sixteen east; the southeast quarter of northeast quarter of section five, township thirty-two north, range seventeen east; the northwest quarter of northwest quarter of section thirty-five, township thirty-three north, range nineteen east; the southwest quarter of the southeast quarter and southeast quarter of southwest quarter of section thirty-two, township thirty-two north, range thirty-three east, Montana principal meridian, in the State of Montana, containing in all three hundred and fifty-six and eleven one-hundredths acres, made by the Saint Paul, Minneapolis and Manitoba Railway Company in the United States land office at Helena, Montana, between the years eighteen hundred and ninety-three and eighteen hundred and ninety-nine, under the provisions of an act of Congress entitled "An act for the relief of settlers on certain lands in the States of North Dakota and South Dakota," approved August fifth, eighteen hundred and ninety-two, and the patents of the United States thereafter issued under said act conveying said lands to said railway company be, and the same are hereby, ratified and confirmed, and the said lands granted to said railway company.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized and empowered to approve the selection of one hundred and twenty acres of unsurveyed land situated in township thirty-two north, range fourteen east, Montana principal meridian, made by the said The Saint Paul, Minneapolis and Manitoba Railway Company, under the act of Congress aforesaid, on the twenty-sixth day of March, eighteen hundred and ninety-seven, in the United States land office at Helena, Montana, whenever said land shall have been duly surveyed, and to thereafter patent and convey said land to said railway company, notwithstanding the limitations contained in section three of an act of Congress entitled "An act to ratify and confirm an agreement with the Gros Ventre, Piegan, Blood, Blackfeet, and River Crow Indians in Montana, and for other purposes," approved May first, eighteen hundred and eighty-eight: *Provided*, That said land was in all other respects subject to selection by said railway company under said act of eighteen hundred and ninety-two, and the said railway company has complied and shall hereafter comply with the requirements of said act of eighteen hundred and ninety-two.

Approved, February 27, 1905.

Mar. 3, 1905.
[H. R. 15609.]
[Public, No. 173.]
33 Stat., 1006.

CHAP. 1440.—An act providing for the acquirement of water rights in the Spokane River along the southern boundary of the Spokane Indian Reservation, in the State of Washington, for the acquirement of lands on said reservation for sites for power purposes and the beneficial use of said water, and for other purposes.

Spokane River, Wash.
Use of waters.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right to the use of the waters of the Spokane River where the said river forms the southern boundary of the Spokane Indian Reservation may, with the consent of the Secretary of the Interior, be acquired by any citizen, association, or corporation of the United States by appropriation under and pursuant to the laws of the State of Washington.

Spokane Indian Res-
ervation.
Grant of lands of, for
dams, etc.

SEC. 2. That the Secretary of the Interior be, and he hereby is, authorized and empowered to grant such appropriator or appropriators land on said reservation, whether the same has been allotted in severalty to any individual Indians, but which has not been conveyed to the allottee with full power of alienation, or whether the same remains unallotted, on the north bank of the said Spokane River, such as shall be necessary and requisite for overflow rights and for the

erection of suitable water, electrical, or power plants, dams, wing walls, flumes, or other needful structures required for the developmet of power or for the beneficial use of said water: *Provided*, That no lands shall be granted under this act until after the Secretary of the Interior is satisfied that the person, association, or company applying has made said application in good faith and with intent and ability to use said lands for the purposes above specified and that it requires the quantity of land applied for in such use, and in case objection to the grant of said land shall be made the said Secretary shall afford the parties so objecting a full opportunity to be heard.

Proviso.
Decision of Secretary
of the Interior.

SEC. 3. That the compensation to be paid for said land by said applicants shall be determined in the manner prescribed in section three of the act of March second, eighteen hundred and ninety-nine, entitled "An act to provide for the acquiring of rights of way by railroad companies through Indian reservations, Indian lands, and Indian allotments, and for other purposes."

Compensation.

1899, ch. 374, sec. 3,
30 Stat., 991, vol. 1, p.
103.

SEC. 4. That if the land allotted in severalty to any individual Indian which has not been conveyed to the allottee with full power of alienation be granted to any such appropriator, the Secretary of the Interior is empowered to use the moneys received for such land so allotted in the purchase of other suitable lands for such allottee.

Indian lands.

SEC. 5. That the Secretary of the Interior shall make all needful rules and regulations not inconsistent herewith for the proper execution and carrying into effect of this act.

Rules, etc

Approved, March 3, 1905.

CHAP. 1452.—An act to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation in the State of Wyoming and to make appropriations for carrying the same into effect.

Mar. 3, 1905.
[H. R. 17994.]

[Public, No. 185.]
33 Stat., 1016.
Preamble.

Whereas James McLaughlin, United States Indian inspector, did on the twenty-first day of April, nineteen hundred and four, make and conclude an agreement with the Shoshone and Arapahoe Tribes of Indians belonging on the Shoshone or Wind River Reservation in the State of Wyoming, which said agreement is in words and figures as follows:

This agreement made and entered into on the twenty-first day of April, nineteen hundred and four, by and between James McLaughlin, United States Indian inspector, on the part of the United States, and the Shoshone and Arapahoe Tribes of Indians belonging on the Shoshone or Wind River Indian Reservation, in the State of Wyoming, witnesseth:¹

Agreement with
Indians of the Sho-
shone or Wind River
Reservation, Wyo.

ARTICLE I. The said Indians belonging on the Shoshone or Wind River Reservation, Wyoming, for the consideration hereinafter named, do hereby cede, grant, and relinquish to the United States, all right, title, and interest which they may have to all the lands embraced within the said reservation, except the lands within and bounded by the following described lines: Beginning in the midchannel of the Big Wind River at a point where said stream crosses the western boundary of the said reservation; thence in a southeasterly direction following the midchannel of the Big Wind River to its conjunction with the Little Wind or Big Popo-Agie River, near the northeast corner of township one south, range four east; thence up the midchannel of the said Big Popo-Agie River in a southwesterly direction to the mouth of the North Fork of the said Big Popo-Agie River; thence up the midchannel of said North Fork of the Big Popo-Agie River to its intersection with the southern boundary of the said reservation, near the southwest corner of section twenty-one township two south,

Lands ceded.

¹ Wadsworth v. Boysen, 148 Fed., 771.

range one west; thence due west along the said southern boundary of the said reservation to the southwest corner of the same; thence north along the western boundary of said reservation to the place of beginning: *Provided*: That any individual Indian, a member of the Shoshone or Arapahoe Tribes, who has, under existing laws or treaty stipulations, selected a tract of land within the portion of said reservation hereby ceded, shall be entitled to have the same allotted and confirmed to him or her, and any Indian who has made or received an allotment of land within the ceded territory shall have the right to surrender such allotment and select other lands within the diminished reserve in lieu thereof at any time before the lands hereby ceded shall be opened for entry.

Allotments to Indians.

Disposal of lands.

33 Stat., 1017.

Proviso.
Unsold lands.

Distribution of proceeds.

ARTICLE II. In consideration of the lands ceded, granted, relinquished, and conveyed by Article I of this agreement, the United States stipulates and agrees to dispose of the same as hereinafter provided under the provisions of the homestead, town-site, coal, and mineral land laws, or by sale for cash as hereinafter provided at the following prices per acre: All lands entered under the homestead law within two years after the same shall be opened for entry shall be paid for at the rate of one dollar and fifty cents per acre; after the expiration of this period, two years, all lands entered under the homestead law, within three years therefrom, shall be paid for at the rate of one dollar and twenty-five cents per acre; that all homestead entrymen who shall make entry of the lands herein ceded, within two years after the opening of the same to entry, shall pay one dollar and fifty cents per acre for the land embraced in their entry, and for all of the said lands thereafter entered under the homestead law, the sum of one dollar and twenty-five cents per acre shall be paid; payment in all cases to be made as follows: Fifty cents per acre at the time of making entry and twenty-five cents per acre each year thereafter until the price per acre hereinbefore provided shall have been fully paid; that lands entered under the town-site, coal, and mineral land laws shall be paid for in an amount and manner as provided by said laws; and in case any entrymen fails to make the payments herein provided for or any of them, within the time stated, all rights of the said entryman to the lands covered by his or her entry shall at once cease and any payments therebefore made shall be forfeited, and the entry shall be forfeited and canceled, unless the Secretary of the Interior shall in his discretion, and for good cause, excuse for not exceeding six months, the said failure, application for which must be made by the settler on or before the date of the payment which would bring him or her in default, and all lands except mineral and coal lands herein ceded, remaining undisposed of at the expiration of five years from the opening of said lands to entry, shall be sold to the highest bidder for cash at not less than one dollar per acre under rules and regulations to be prescribed by the Secretary of the Interior: *Provided*, That any lands remaining unsold eight years after the said lands shall have been opened to entry may be sold to the highest bidder for cash without regard to the above minimum limit of price; that lands disposed of under the town-site, coal, and mineral land laws shall be paid for at the prices provided for by law, and the United States agrees to pay the said Indians the proceeds derived from the sales of said lands, and also to pay the said Indians the sum of one dollar and twenty-five cents per acre for sections sixteen and thirty-six, or an equivalent of two sections in each township of the ceded lands, the amounts so realized to be paid to and expended for said Indians in the manner hereinafter provided.¹

ARTICLE III. It is further agreed that of the amount to be derived from the sale of said lands, as stipulated in Article II of this agree-

¹ 25 Opp. Atty. Gen. 524.

ment, the sum of eighty-five thousand dollars shall be devoted to making a per capita payment to the said Indians of fifty dollars each in cash within sixty days after the opening of the ceded lands to settlement, or as soon thereafter as such sum shall be available, which per capita payment shall be from the proceeds of the sale of sections sixteen and thirty-six or an equivalent of two sections in each township within the ceded territory, and which sections are to be paid for by the United States at the rate of one dollar and twenty-five cents per acre: *And provided further*, That upon the completion of the said fifty dollars per capita payment, any balance remaining in the said fund of eighty-five thousand dollars, shall at once become available and shall be devoted to surveying, platting, making of maps, payment of the fees, and the performance of such acts as are required by the statutes of the State of Wyoming in securing water rights from said State for the irrigation of such lands as shall remain the property of said Indians, whether located within the territory intended to be ceded by this agreement or within the diminished reserve.

Proviso.
Balance.

ARTICLE IV. It is further agreed that of the moneys derived from the sale of said lands the sum of one hundred and fifty thousand dollars, or so much thereof as may be necessary, shall be expended under the direction of the Secretary of the Interior for the construction and extension of an irrigation system within the diminished reservation for the irrigation of the lands of the said Indians: *Provided*, That in the employment of persons for the construction, enlargement, repair and management of such irrigation system, members of the said Shoshone and Arapahoe Tribes shall be employed wherever practicable

Irrigation.

Proviso.
Indian labor.

ARTICLE V. It is agreed that at least fifty thousand dollars of the moneys derived from the sale of the ceded lands shall be expended, under the direction of the Secretary of the Interior, in the purchase of live stock for issue to said Indians, to be distributed as equally as possible among the men, women, and children of the Shoshone or Wind River Reservation.

Live stock.

33 Stat., 1018.

ARTICLE VI. It is further agreed that the sum of fifty thousand dollars of the moneys derived from the sales of said ceded lands shall be set aside as a school fund, the principal and interest on which at four per centum per annum shall be expended under the direction of the Secretary of the Interior for the erection of school buildings and maintenance of schools on the diminished reservation, which schools shall be under the supervision and control of the Secretary of the Interior.

Schools.

ARTICLE VII. It is further agreed that all the moneys received in payment for the lands hereby ceded and relinquished, not set aside as required for the various specific purposes and uses herein provided for, shall constitute a general welfare and improvement fund, the interest on which at four per centum per annum shall be annually expended under the direction of the Secretary of the Interior for the benefit of the said Indians; the same to be expended for such purposes and in the purchase of such articles as the Indians in council may decide upon and the Secretary of the Interior approve: *Provided, however*, That a reasonable amount of the principal of said fund may also be expended each year for the erection, repair, and maintenance of bridges needed on the reservation, in the subsistence of indigent and infirm persons belonging on the reservation, or for such other purposes for the comfort, benefit, improvement, or education of said Indians as the Indians in council may direct and the Secretary of the Interior approve. And it is further agreed that an accounting shall be made to said Indians in the month of July in each year until the lands are fully paid for, and the funds hereinbefore referred to shall, for the period of ten years after the opening of the lands herein ceded to settlement, be

General welfare
fund.

Proviso.
Annual expenditure.

used in the manner and for the purposes herein provided, and the future disposition of the balance of said funds remaining on hand shall then be the subject of further agreement between the United States and the said Indians.

Proceeds.

ARTICLE VIII It is further agreed that the proceeds received from the sales of said lands, in conformity with the provisions of this agreement, shall be paid into the Treasury of the United States and paid to the Indians belonging on the Shoshone or Wind River Reservation, or expended on their account only as provided in this agreement.

Government to act only as trustee to sell, etc.

ARTICLE IX. It is understood that nothing in this agreement contained shall in any manner bind the United States to purchase any portion of the land herein described, except sections sixteen and thirty-six or the equivalent in each township or to dispose of said land except as provided herein, or to guarantee to find purchasers for said land or any portion thereof, it being the understanding that the United States shall act as trustee for said Indians to dispose of said lands and to expend for said Indians and pay over to them the proceeds received from the sale thereof only as received, as herein provided.

Existing rights not impaired.

ARTICLE X. It is further understood that nothing in this agreement shall be construed to deprive the said Indians of the Shoshone or Wind River Reservation, Wyoming, of any benefits to which they are entitled under existing treaties or agreements, not inconsistent with the provisions of this agreement.

Effect.

ARTICLE XI. This agreement shall take effect and be in force when signed by U. S. Indian Inspector James McLaughlin and by a majority of the male adult Indians parties hereto, and when accepted and ratified by the Congress of the United States.

33 Stat., 1019.

In witness whereof the said James McLaughlin, U. S. Indian Inspector, on the part of the United States, and the male adult Indians belonging on the Shoshone or Wind River Indian Reservation, Wyoming, have hereunto set their hands and seals at the Shoshone Agency, Wyoming, this twenty-first day of April, A. D. nineteen hundred and four.

JAMES McLAUGHLIN, [SEAL.]
U. S. Indian Inspector.

| No. | Name. | Age. | Mark. | Tribe. |
|-----|--|------|-------|------------------|
| 1 | George Terry..... | 48 | | Shoshone (Seal). |
| 2 | Myron Hunt..... (And 280 more Indian signatures.) | 48 | X | " (Seal). |

We, the undersigned, hereby certify that the foregoing agreement was fully explained by us in open council to the Indians of the Shoshone or Wind River Reservation, Wyoming; that it was fully understood by them before signing, and that the agreement was duly executed and signed by 282 of said Indians.

CHARLES LAHOE,
Shoshone Interpreter.
MICHAEL MANSON,
Arapahoe Interpreter.

SHOSHONE AGENCY, WYOMING,
April 22, 1904.

We, the undersigned, do hereby certify that we witnessed the signatures of James McLaughlin, U. S. Indian Inspector, and of the two

hundred and eighty-two (282) Indians of the Shoshone or Wind River Reservation, Wyoming, to the foregoing agreement.

JOHN ROBERTS,
 Missionary of the Protestant Episcopal
 Church on the Reservation.

JOHN S. CHURCHWARD,
 Assistant Clerk, Shoshone Agency, Wyo.

SHOSHONE AGENCY, WYOMING,
 April 22nd, 1904.

I hereby certify that the total number of male adult Indians, over eighteen (18) years of age, belonging on the Shoshone or Wind River Reservation, Wyoming, is four hundred and eighty-four (484), of whom two hundred and eighty-two (282) have signed the foregoing agreement.

H. E. WADSWORTH,
 U. S. Indian Agent.

SHOSHONE AGENCY, WYOMING,
 April 22nd, 1904.

Therefore

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the said agreement be, and the same is hereby, accepted, ratified, and confirmed, except as to Articles II, III, and IX, which are amended and modified as follows, and as amended and modified are accepted, ratified, and confirmed:

ARTICLE II. In consideration of the lands ceded, granted, relinquished, and conveyed by Article I of this agreement, the United States stipulates and agrees to dispose of the same, as hereinafter provided, under the provisions of the homestead, town-site, coal and mineral land laws, or by sale for cash, as hereinafter provided, at the following prices per acre: All lands entered under the homestead law within two years after the same shall be opened for entry shall be paid for at the rate of one dollar and fifty cents per acre; after the expiration of this period, two years, all lands entered under the homestead law within three years therefrom shall be paid for at the rate of one dollar and twenty-five cents per acre; that all homestead entrymen who shall make entry of the lands herein ceded within two years after the opening of the same to entry shall pay one dollar and fifty cents per acre for the land embraced in their entry, and for all of the said lands thereafter entered under the homestead law the sum of one dollar and twenty-five cents per acre shall be paid; payment in all cases to be made as follows: Fifty cents per acre at the time of making entry and twenty-five cents per acre each year thereafter until the price per acre hereinbefore provided shall have been fully paid; that lands entered under the town-site, coal and mineral land laws shall be paid for in an amount and manner as provided by said laws; and in case any entryman fails to make the payments herein provided for, or any of them, within the time stated, all rights of the said entryman to the lands covered by his or her entry shall at once cease and any payments therebefore made shall be forfeited and the entry shall be held for cancellation and canceled, and all lands, except mineral and coal lands herein ceded, remaining undisposed of at the expiration of five years from the opening of said lands to entry shall be sold to the highest bidder for cash, at not less than one dollar per acre, under rules and regulations to be prescribed by the Secretary of the Interior: *And provided,* That nothing herein contained shall impair the rights under the lease to Asmus Boysen, which has been approved by the Secretary of the Interior; but said lessee shall have for thirty days from the date of the approval of the surveys of said

Agreement ceding
 lands Shoshone Res-
 ervation, Wyo.,
 amended and ratified.

Disposal of lands.

Homestead entries.
 33 Stat., 1020.

Town-site, coal, and
 mineral entries.

Proviso.
 Asmus Boysen.

Rights under lease.

land a preferential right to locate, following the Government surveys, not to exceed six hundred and forty acres in the form of a square, of mineral or coal lands in said reservation; that said Boysen at the time of entry of such lands shall pay cash therefor at the rate of ten dollars per acre and surrender said lease and the same shall be canceled:

Sale after eight years.

Provided further, That any lands remaining unsold eight years after the said lands shall have been opened to entry may be sold to the highest bidder for cash without regard to the above minimum limit of price; that lands disposed of under the town-site, coal and mineral land laws shall be paid for at the prices provided for by law, and the United States agrees to pay the said Indians the proceeds derived from the sales of said lands, the amount so realized to be paid to and expended for said Indians in the manner hereinafter provided.

Proceeds. Per capita payment.

ARTICLE III. It is further agreed that of the amount to be derived from the sale of said lands, as stipulated in Article II of this agreement, the sum of eighty-five thousand dollars shall be devoted to making a per capita payment to the said Indians of fifty dollars each in cash within sixty days after the opening of the ceded lands to settlement, or as soon thereafter as such sum shall be available: *And provided further*, That upon the completion of the said fifty dollars per

Proviso. Securing water rights.

capita payment any balance remaining in the said fund of eighty-five thousand dollars shall at once become available and shall be devoted to surveying, platting, making of maps, payment of the fees, and the performance of such acts as are required by the statutes of the State of Wyoming in securing water rights from said State for the irrigation of such lands as shall remain the property of said Indians, whether located within the territory intended to be ceded by this agreement or within the diminished reserve.

United States to act as trustee.

ARTICLE IX. It is understood that nothing in this agreement contained shall in any manner bind the United States to purchase any portion of the lands herein described or to dispose of said lands except as provided herein, or to guarantee to find purchasers for said lands or any portion thereof, it being the understanding that the United States shall act as trustee for said Indians to dispose of said lands and to expend for said Indians and pay over to them the proceeds received from the sale thereof only as received, as herein provided.

33 Stat., 1021.

Opening of lands to entry.

SEC. 2. That the lands ceded to the United States under the said agreement shall be disposed of under the provisions of the homestead, town-site, coal and mineral land laws of the United States and shall be opened to settlement and entry by proclamation of the President of the United States on June fifteenth, nineteen hundred and six, which proclamation shall prescribe the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, and enter said lands except as prescribed in said proclamation until after the expiration of sixty days from the time when the same are opened to settlement and entry, and the rights of honorably discharged Union soldiers and sailors of the late civil and of the Spanish wars, 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 as amended by the act of March first, nineteen hundred and one, shall not be abridged.

Proclamation.

R. S., secs. 2304, 2305.

Homestead entries. Payments.

All homestead entrymen who shall make entry of the lands herein ceded within two years after the opening of the same to entry shall pay one dollar and fifty cents per acre for the land embraced in their entry, and for all of the said lands thereafter entered under the homestead law the sum of one dollar and twenty-five cents per acre shall be paid, payment in all cases to be made as follows: Fifty cents per acre at the time of making entry and twenty-five cents per acre each year thereafter until the price per acre hereinbefore provided shall have

been fully paid. Upon all entries the usual fees and commissions shall be paid as provided for in homestead entries on lands the price of which is one dollar and twenty-five cents per acre. Lands entered under the town-site, coal, and mineral land laws shall be paid for in amount and manner as provided by said laws. Notice of location of all mineral entries shall be filed in the local land office of the district in which the lands covered by the location are situated, and unless entry and payment shall be made within three years from the date of location all rights thereunder shall cease; and in case any entryman fails to make the payments herein provided for, or any of them, within the time stated, all rights of the said entryman to the lands covered by his or her entry shall cease, and any payments theretofore made shall be forfeited, and the entry shall be held for cancellation and canceled; that nothing in this act shall prevent homestead settlers from commuting their entries under section twenty-three hundred and one of the Revised Statutes of the United States by paying for the land entered the price fixed herein; that all lands, except mineral and coal lands, herein ceded remaining undisposed of at the expiration of five years from the opening of said lands to entry shall be sold to the highest bidder for cash at not less than one dollar per acre under rules and regulations to be prescribed by the Secretary of the Interior: *Provided*, That any lands remaining unsold eight years after the said lands shall have been opened to entry may be sold to the highest bidder for cash without regard to the above minimum limit of price.

Town-site, coal, and mineral entries.

Commutation. R. S., sec. 2301.

Proviso. Lands unsold after eight years.

SEC. 3. That there is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of eighty-five thousand dollars to make the per capita payment provided in article three of the agreement herein ratified, the same to be reimbursed from the first money received from the sale of the lands herein ceded and relinquished. And the sum of thirty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the same to be reimbursed from the proceeds of the sale of said lands, for the survey and field and office examination of the unsurveyed portion of the ceded lands, and the survey and marking of the outboundaries of the diminished reservation, where the same is not a natural water boundary; and the sum of twenty-five thousand dollars is hereby appropriated out of any money in the Treasury of the United States not otherwise appropriated, the same to be reimbursed from the proceeds of the sale of said lands, to be used in the construction and extension of an irrigation system on the diminished reserve, as provided in article four of the agreement.

Appropriation for, per capita.

Reimbursable.

Surveys, etc.

33 Stat., 1022.

Irrigation.

Approved, March 3, 1905.

CHAP. 1460.—An act to aid in quieting title to certain lands within the Klamath Indian Reservation, in the State of Oregon.

Mar. 3, 1905.
[H. R. 18586.]

[Public, No. 193.]
33 Stat., 1033.

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 investigate and ascertain the reasonable value of the lands heretofore conveyed by the United States to the State of Oregon as a part of the grant of lands made to said State by the act of Congress approved July second, eighteen hundred and sixty-four, entitled "An act granting lands to the State of Oregon to aid in the construction of a military road from Eugene City to the eastern boundary of said State," and embraced within the boundaries of the original survey of the Klamath Indian Reservation in said State, and being the lands involved in the suit of the United States versus the California and Oregon Land Company,

Klamath Indian Reservation, Ore.
Value of wagonroad grant lands on, to be investigated, etc., 1864, ch. C. C. XIII, 13 Stat., 355.

decided in favor of said company by the Supreme Court of the United States at the October term, nineteen hundred and three (volume one hundred and ninety-two, page three hundred and fifty-five, of the United States Reports), what part of said lands have been allotted to Indians and the value of the improvements thereon, and also for what price the said California and Oregon Land Company will convey the said lands to the United States, or on what terms the said company will exchange such lands for other lands, not allotted to Indians, within the original boundaries of said reservation. And it is hereby made the duty of the Secretary of the Interior to make a full and specific report to Congress, on or before the first day of the next session, in pursuance of the jurisdiction and duties imposed on him by this act.

Approved, March 3, 1905.

Mar. 3, 1905.
[H. R. 17474.]

[Public, No. 212.]
33 Stat., 1048.

CHAP. 1479.—An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, nineteen hundred and six, and for other purposes.

Indian Department
appropriations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses of the Indian Department, and in full compensation for all officers the salaries for which are specially provided for herein, for the service of the fiscal year ending June thirtieth, nineteen hundred and six, and for fulfilling treaty stipulations with various Indian tribes, namely:

CURRENT AND CONTINGENT EXPENSES.

Pay of agents.

For pay of twenty-two agents of Indian affairs at the following-named agencies, at the rates respectively indicated, namely:

At the Blackfeet Agency, Montana, one thousand eight hundred dollars;

At the Cheyenne River Agency, South Dakota, one thousand eight hundred dollars;

At the Colville Agency, Washington, one thousand five hundred dollars;

At the Crow Creek Agency, South Dakota, one thousand six hundred dollars;

At the Crow Agency, Montana, one thousand eight hundred dollars;

At the Flathead Agency, Montana, one thousand five hundred dollars;

At the Kiowa Agency, Oklahoma Territory, one thousand eight hundred dollars;

At the La Pointe Agency, Wisconsin, one thousand eight hundred dollars;

At the Leech Lake Agency, Minnesota, one thousand eight hundred dollars;

At the Lower Brule Agency, South Dakota, one thousand four hundred dollars;

At the New York Agency, New York, one thousand dollars;

At the Osage Agency, Oklahoma Territory, one thousand eight hundred dollars;

At the Pine Ridge Agency, South Dakota, one thousand eight hundred dollars;

At the Rosebud Agency, South Dakota, one thousand eight hundred dollars;

At the San Carlos Agency, Arizona, one thousand eight hundred dollars;

At the Shoshone Agency, Wyoming, one thousand eight hundred dollars;

33 Stat., 1049.

At the Sisseton Agency, South Dakota, one thousand five hundred dollars;

At the Standing Rock Agency, North Dakota, one thousand eight hundred dollars;

At the Uintah and Ouray Agency, Utah (consolidated), one thousand eight hundred dollars;

At the Union Agency, Indian Territory, three thousand dollars;

At the White Earth Agency, Minnesota, one thousand eight hundred dollars;

At the Yankton Agency, South Dakota, one thousand six hundred dollars;

In all, thirty-eight thousand three hundred dollars: *Provided*, That the foregoing appropriations shall not take effect nor become available in any case for or during the time in which any officer of the Army of the United States shall be engaged in the performance of the duties of Indian agent at any of the agencies above named: *Provided further*, That the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may devolve the duties of any Indian agency, or any part thereof, upon the superintendent of the Indian training school located at such agency whenever in his judgment such superintendent can properly perform the duties of such agency. And the superintendent upon whom such duties devolve shall give bonds as other Indian agents.

Provisos.
Not available for
Army officers as agents.

School superintend-
ents may act as agents.

Bond.

For payment of necessary interpreters, to be distributed in the discretion of the Secretary of the Interior, four thousand dollars; but no person employed by the United States and paid for any other service shall be paid for interpreting.

Interpreters.

For pay of eight Indian inspectors, two of whom shall be engineers, one to be designated as chief, competent in the location, construction, and maintenance of irrigation works, at two thousand five hundred dollars per annum each, except the chief engineer, who shall receive three thousand five hundred dollars, twenty-one thousand dollars: *Provided*, That the requirement of two engineers skilled in irrigation shall become immediately operative.

Inspectors.

Irrigation.

Proviso.
Skilled engineers.

For traveling expenses of eight Indian inspectors, at three dollars per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses now authorized by law, and for incidental expenses of negotiation, inspection, and investigation, including telegraphing and expenses of going to and going from the seat of government, and while remaining there under orders and direction of the Secretary of the Interior, for a period not to exceed twenty days, twelve thousand eight hundred dollars.

Expenses.

For pay of one superintendent of Indian schools, three thousand dollars.

Superintendent of
schools.

For necessary traveling expenses of one superintendent of Indian schools, including telegraphing and incidental expenses of inspection and investigation, one thousand five hundred dollars: *Provided*, That he shall be allowed three dollars per day for traveling expenses when actually on duty in the field, exclusive of cost of transportation and sleeping-car fare, in lieu of all other expenses now allowed by law: *And provided further*, That hereafter he shall perform such other duties as may be imposed upon him by the Commissioner of Indian Affairs, subject to the approval of the Secretary of the Interior.

Traveling expenses.

Provisos.
Per diem.

Other duties.

- Agency buildings. For buildings and repairs of buildings at agencies and for rent of buildings for agency purposes, and for water supply at agencies, sixty-five thousand dollars.
- Contingencies. For contingencies of the Indian Service, including traveling and incidental expenses of Indian agents and of their offices, and of the Commissioner of Indian Affairs; also traveling and incidental expenses of special agents, at three dollars per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses now authorized by law, and expenses of going to and going from the seat of government, and while remaining there under orders and direction of the Commissioner of Indian Affairs, for a period not to exceed twenty days; for pay of employees not otherwise provided for, and for pay of the special agents, at two thousand dollars per annum each, seventy-five thousand dollars.
- 33 Stat., 1050.
- Citizen commission. For expenses of the commission of citizens, serving without compensation, appointed by the President under the provisions of the fourth section of the act of April tenth, eighteen hundred and sixty-nine, four thousand dollars, of which amount a sum not to exceed three hundred dollars may be used by the commission for office rent.
- Apr. 10, 1869, sec. 4,
16 Stat., 40.
- Rent.
- Practical farmers. To enable the Secretary of the Interior to employ practical farmers and practical stockmen subject only to such examination as to qualifications as the Secretary of the Interior may prescribe, in addition to the agency farmers now employed, at wages not exceeding seventy-five dollars each per month, to superintend and direct farming and stock raising among such Indians as are making effort for self-support, one hundred and twenty-five thousand dollars: *Provided*, That the amounts paid said farmers and stockmen shall not come within the limit for employees fixed by the act of June seventh, eighteen hundred and ninety-seven. (Thirtieth Statutes, page ninety.)
- Proviso.
Not included in limit
for employees.
1897, ch. 3, 30 Stat.,
90, vol. 1, p. 89.
- Indian police. For services of officers at fifteen dollars per month each, and privates at ten dollars per month each, of Indian police, to be employed in maintaining order and prohibiting illegal traffic in liquor on the several Indian reservations and within the Territory of Alaska, in the discretion of the Secretary of the Interior, for the purchase of equipments, and for the purchase of rations for policemen at nonration agencies, one hundred thousand dollars.
- Judges of Indian courts. For compensation of judges of Indian courts, twelve thousand dollars.
- Matrons to teach housekeeping. To enable the Secretary of the Interior to employ suitable persons as matrons to teach Indian girls in housekeeping and other household duties, at a rate not to exceed seventy dollars per month, and for furnishing necessary equipments, and renting quarters where necessary, twenty-five thousand dollars: *Provided*, That the amount paid said matrons shall not come within the limit for employees fixed by the act of June seventh, eighteen hundred and ninety-seven. (Thirtieth Statutes, page ninety.)
- Proviso.
Not included in limit
for employees.
1897, ch. 3, 30 Stat., 90,
vol. 1, p. 89.
- Purchasing supplies, etc. Telegraphing, telephoning, and purchase of Indian supplies: To pay the expense of purchasing goods and supplies for the Indian Service, and pay of necessary employees; advertising, at rates not exceeding regular commercial rates; inspection, and all other expenses connected therewith, and for telegraphing and telephoning, sixty thousand dollars.
- Transporting supplies. For necessary expenses of transportation of such goods, provisions, and other articles for the various tribes of Indians provided for by this Act, including pay and expenses of transportation agents and rent of warehouses, two hundred thousand dollars.
- Vaccination. For pure vaccine matter and vaccination of Indians, five thousand dollars.

FULFILLING TREATY STIPULATIONS WITH AND SUPPORT OF INDIAN TRIBES.

Fulfilling treaties.

CHIPPEWAS OF THE MISSISSIPPI.

Chippewas of the Mississippi.

For support of a school or schools upon said reservation, during the pleasure of the President, in accordance with third article of treaty of March nineteenth, eighteen hundred and sixty-seven, four thousand dollars.

Schools.

CHOCTAWS.

33 Stat., 1051.
Choctaws.

For permanent annuity, per second article of treaty of November sixteenth, eighteen hundred and five, and thirteenth article of treaty of June twenty-second, eighteen hundred and fifty-five, three thousand dollars;

Permanent annuities.
Vol. 2, 87, 709.

For permanent annuity for support of light horsemen, per thirteenth article of treaty of October eighteenth, eighteen hundred and twenty, and thirteenth article of treaty of June twenty-second, eighteen hundred and fifty-five, six hundred dollars;

Light horsemen.
Vol. 2, 193.

For permanent annuity for support of blacksmith, per sixth article of treaty of October eighteenth, eighteen hundred and twenty, ninth article of treaty of January twentieth, eighteen hundred and twenty-five, and thirteenth article of treaty of June twenty-second, eighteen hundred and fifty-five, six hundred dollars;

Blacksmith.
Vol. 2, 192, 213.

For permanent annuity for education, per second and thirteenth articles of last two treaties named above, six thousand dollars;

Education.

For permanent annuity for iron and steel, per ninth article of treaty of January twentieth, eighteen hundred and twenty-five, and thirteenth article of treaty of June twenty-second, eighteen hundred and fifty-five, three hundred and twenty dollars;

Iron and steel.
Vol 2, 709.

For interest on three hundred and ninety thousand two hundred and fifty-seven dollars and ninety-two cents, at five per centum per annum, for education, support of the government, and other beneficial purposes, under the direction of the general council of the Choctaws, in conformity with the provisions contained in the ninth and thirteenth articles of treaty of January twentieth, eighteen hundred and twenty-five, and treaty of June twenty-second, eighteen hundred and fifty-five, nineteen thousand five hundred and twelve dollars and eighty-nine cents; in all, thirty thousand and thirty-two dollars and eighty-nine cents.

Interest.

CHIPPEWAS OF MINNESOTA, REIMBURSABLE.

Chippewas of Minnesota.

Advance interest to the Chippewa Indians in Minnesota, as required by section seven of "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January fourteenth, eighteen hundred and eighty-nine, to be expended under the direction of the Secretary of the Interior, in the manner required by said act (reimbursable), ninety thousand dollars.

Advance interest.
1889, ch. 24, 25 Stat.
645, vol. 1 p. 301.

To enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to carry out an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January fourteenth, eighteen hundred and eighty-nine, namely, the purchase of material and employment of labor for the erection of houses for Indians; for the purchase of agricultural implements, stock, and seeds, breaking and fencing land; for payment of expenses of delegations of Chippewa Indians to visit the White Earth Reservation; for the erection and maintenance of day and industrial schools; for subsistence and for pay of employees; for pay of commissioners and their expenses, and for removal of Indians

Civilization, etc.

and for their allotments, to be made under the supervision of said commissioners, to be reimbursed to the United States out of the proceeds of sale of their lands, one hundred and fifty thousand dollars.

Cœur d'Alenes.

CŒUR D'ALENES.

1891, ch. 543, 26 Stat.,
1028, vol. 1, p. 420.

For fourteenth of fifteen installments of eight thousand dollars each, to be expended under the direction of the Secretary of the Interior, under the sixth article of agreement of March twenty-sixth, eighteen hundred and eighty-seven, ratified by act of March third, eighteen hundred and ninety-one, eight thousand dollars;

33 Stat., 1052.

For pay of blacksmith, carpenter, and physician, and purchase of medicines, as per the eleventh article of said agreement, three thousand five hundred dollars; in all, eleven thousand five hundred dollars.

Crows.

CROWS.

1882, ch. 74, 22 Stat.,
43, vol. 1, p. 195.

For the twenty-fourth of twenty-five installments, as provided in agreement with the Crows, dated June twelfth, eighteen hundred and eighty, to be used by the Secretary of the Interior in such manner as the President may direct, thirty thousand dollars.

Fort Hall Indians.

FORT HALL INDIANS.

1889, ch. 203, 25 Stat.,
688, vol. 1, p. 314.

For seventeenth of twenty installments, as provided in agreement with said Indians approved February twenty-third, eighteen hundred and eighty-nine, to be used by the Secretary of the Interior for the benefit of the Indians in such manner as the President may direct, six thousand dollars.

Blackfeet Agency.

INDIANS AT BLACKFEET AGENCY.

1896, ch. 398, 29 Stat.,
354, vol. 1, p. 604.

For eighth of nine installments, to be disposed of as provided in article two of the agreement with the Indians of the Blackfeet Reservation, ratified by act approved June tenth, eighteen hundred and ninety-six, one hundred and fifty thousand dollars.

Iowas.

IOWAS.

Interest.

For interest in lieu of investment on fifty-seven thousand five hundred dollars, balance of one hundred and fifty-seven thousand five hundred dollars, to July first, nineteen hundred and five, at five per centum per annum, for education or other beneficial purposes, under the direction of the President, per ninth article of treaty of May seventeenth, eighteen hundred and fifty-four, two thousand eight hundred and seventy-five dollars.

Kickapoos.

KICKAPOOS IN KANSAS.

Interest.

Vol. 2, 634.

Payment to estate of
deceased Indians.

Interest on sixty-five thousand two hundred and three dollars and eleven cents, at five per centum per annum, for educational and other beneficial purposes, per treaty of May eighteenth, eighteen hundred and fifty-four, three thousand two hundred and sixty dollars and fifteen cents. This amount to enable the President of the United States to pay the legal representatives of one deceased Kickapoo Indian (Sakto), the settlement of whose estate is desired under the provisions of section two of the act of August fourth, eighteen hundred and eighty-six, such sum as may be the proportion of one hundred thousand dollars provided by said tribe for education, and other beneficial purposes, not exceeding three hundred and thirty-seven dollars and eighty-three cents. (Act of June twenty-ninth, eighteen hundred and eighty-eight, Twenty-fifth Statutes, page twenty-four.)

1886, ch. 897, 24 Stat.,
219, vol. 1, p. 242.1888 ch. 503, 25 Stat.,
223.

MOLELS.

Molels.

For pay of teachers and for manual-labor schools, and for all necessary materials therefor, and for the subsistence of the pupils, per second article of treaty of December twenty-first, eighteen hundred and fifty-five, three thousand dollars.

Schools.

Vol. 2, 740.

NORTHERN CHEYENNES AND ARAPAHOES.

Northern Cheyenne and Arapahoes.

For subsistence and civilization, as per agreement with the Sioux Indians approved February twenty-eighth, eighteen hundred and seventy-seven, including subsistence and civilization of Northern Cheyennes removed from Pine Ridge Agency to Tongue River, Montana, ninety thousand dollars;

1877, ch. 72, 19 Stat., 256, vol. 1, p. 168.

33 Stat., 1053.

For pay of physician, two teachers, two carpenters, one miller, two farmers, a blacksmith, and engineer, per seventh article of the treaty of May tenth, eighteen hundred and sixty-eight, nine thousand dollars; in all, ninety-nine thousand dollars.

Physician, etc.

Vol. 2, 1014.

OSAGES.

Osages.

For interest on sixty-nine thousand one hundred and twenty dollars, at five per centum per annum, being value of fifty-four sections of land set apart by treaty of June second, eighteen hundred and twenty-five, for educational purposes, per Senate resolution of January ninth, eighteen hundred and thirty-eight, three thousand four hundred and fifty-six dollars.

Interest.

Vol. 2, 217.

PAWNEES.

Pawnees.

For perpetual annuity, which is to be paid in cash to them, per second article of treaty of September twenty-fourth, eighteen hundred and fifty-seven, and agreement of November twenty-third, eighteen hundred and ninety-two, article three, thirty thousand dollars;

Annuity.

Vol. 2, 764.

For support of two manual-labor schools, per third article of same treaty, of September twenty-fourth, eighteen hundred and fifty-seven, ten thousand dollars;

For pay of one farmer, two blacksmiths, one miller, one engineer, and apprentices, and two teachers, per same treaty, five thousand and four hundred dollars;

Farmer, etc.

For pay of physician and purchase of medicines, one thousand two hundred dollars;

For purchase of iron and steel and other necessaries for the shops, as per fourth article of treaty of September twenty-fourth, eighteen hundred and fifty-seven, five hundred dollars; in all, forty-one thousand seven hundred dollars.

Iron and steel, etc.

Vol. 2, 765.

POTTAWATOMIES.

Pottawatomies.

For permanent annuity, in silver, per fourth article of treaty of August third, seventeen hundred and ninety-five, three hundred and fifty-seven dollars and eighty cents;

Annuities.
Vol. 2, 41.

For permanent annuity, in silver, per third article of treaty of September thirtieth, eighteen hundred and nine, one hundred and seventy-eight dollars and ninety cents;

Vol. 2, 101.

For permanent annuity, in silver, per third article of treaty of October second, eighteen hundred and eighteen, eight hundred and ninety-four dollars and fifty cents;

Vol. 2, 168.

For permanent annuity, in money, per second article of treaty of September twentieth, eighteen hundred and twenty-eight, seven hundred and fifteen dollars and sixty cents;

Vol. 2, 294.

Vol. 2, 298.

For permanent annuity, in specie, per second article of treaty of July twenty-ninth, eighteen hundred and twenty-nine, and second article of treaty of September twentieth, eighteen hundred and twenty-eight, five thousand seven hundred and twenty-four dollars and seventy-seven cents;

Vol. 2 559.

For permanent provision for payment of money in lieu of tobacco, iron, and steel, per second article of treaty of September twentieth, eighteen hundred and twenty-eight, and tenth article of treaties of June fifth and seventeenth, eighteen hundred and forty-six, one hundred and seven dollars and thirty-four cents;

33 Stat., 1054.
Interest.

For permanent provision for fifty barrels of salt, per second article of treaty of July twenty-ninth, eighteen hundred and twenty-nine, fifty dollars;

Vol. 2, 558.

For interest on two hundred and thirty thousand and sixty-four dollars and twenty cents, at five per centum, in conformity with provisions of article seven of treaties of June fifth and seventeenth, eighteen hundred and forty-six, eleven thousand five hundred and three dollars and twenty-one cents; in all, nineteen thousand five hundred and thirty-two dollars and twelve cents.

Quapaws.

QUAPAWS.

Education.
Vol. 2, 396.

For education, per third article of treaty of May thirteenth, eighteen hundred and thirty-three, one thousand dollars; for blacksmith and assistants, and tools, iron, and steel for blacksmith shop, per same article and treaty, five hundred dollars; in all, one thousand five hundred dollars: *Provided*, That the President of the United States shall certify the same to be for the best interests of the Indians.

Proviso.
Certificate of the
President.Sacs and Foxes of
the Mississippi.

SACS AND FOXES OF THE MISSISSIPPI.

Annuity.
Vol. 2, 75.Interest.
Vol. 2, 497.Vol. 2, 546.
Proviso.
Physician, etc.

For permanent annuity, in goods or otherwise, per third article of treaty of November third, eighteen hundred and four, one thousand dollars; for interest on two hundred thousand dollars, at five per centum, per second article of treaty of October twenty-first, eighteen hundred and thirty-seven, ten thousand dollars; for interest on eight hundred thousand dollars, at five per centum, per second article of treaty of October eleventh, eighteen hundred and forty-two, forty thousand dollars: *Provided*, That the sum of one thousand five hundred dollars of this amount shall be used for the pay of a physician and for purchase of medicine; in all, fifty-one thousand dollars.

Sacs and Foxes of
the Missouri.

SACS AND FOXES OF THE MISSOURI.

Interest.

For interest on one hundred and fifty-seven thousand four hundred dollars, at five per centum, under the direction of the President, per second article of treaty of October twenty-first, eighteen hundred and thirty-seven, seven thousand eight hundred and seventy dollars;

School.
Vol. 2, 812.

For support of a school, per fifth article of treaty of March sixth, eighteen hundred and sixty-one, two hundred dollars; in all, eight thousand and seventy dollars.

Seminoles.

SEMINOLES.

Interest.
Vol. 2, 760.

For five per centum interest on two hundred and fifty thousand dollars, to be paid as annuity, per eighth article of treaty of August seventh, eighteen hundred and fifty-six, twelve thousand five hundred dollars;

For five per centum interest on two hundred and fifty thousand dollars, to be paid as annuity (they having joined their brethren West),

per eighth article of treaty of August seventh, eighteen hundred and fifty-six, twelve thousand five hundred dollars;

For interest on fifty thousand dollars, at the rate of five per centum per annum, to be paid annually for the support of schools, as per third article of treaty of March twenty-first, eighteen hundred and sixty-six, two thousand five hundred dollars;

For interest on twenty thousand dollars, at the rate of five per centum per annum, to be paid annually for the support of the Seminole government, as per same article, same treaty, one thousand dollars; in all, twenty-eight thousand five hundred dollars.

SENECAS OF NEW YORK.

Senecas of New York.

For permanent annuity, in lieu of interest on stock, per act of February nineteenth, eighteen hundred and thirty-one, six thousand dollars;

Annuity.

For interest, in lieu of investment, on seventy-five thousand dollars, at five per centum, per act of June twenty-seventh, eighteen hundred and forty-six, three thousand seven hundred and fifty dollars;

33 Stat., 1055.
Interest.

For interest, at five per centum, on forty-three thousand and fifty dollars transferred from the Ontario Bank to the United States Treasury, per act of June twenty-seventh, eighteen hundred forty-six, two thousand one hundred and fifty-two dollars and fifty cents; in all, eleven thousand nine hundred and two dollars and fifty cents.

SHOSHONES AND BANNOCKS.

Shoshones and Bannocks.

SHOSHONES: For pay of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith, as per tenth article of treaty of July third eighteen hundred and sixty-eight, five thousand dollars;

Shoshones.
Physician, etc.
Vol. 2, 1023.

For pay of second blacksmith, and such iron and steel and other materials as may be required, as per eighth article of same treaty, one thousand dollars;

Vol. 2, 1022.

BANNOCKS: For pay of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith, as per tenth article of treaty of July third, eighteen hundred and sixty-eight, five thousand dollars; in all, eleven thousand dollars.

Bannocks.
Physician, etc.

SIX NATIONS OF NEW YORK.

Six Nations of New York.

For permanent annuity, in clothing and other useful articles, per sixth article of treaty of November eleventh, seventeen hundred and ninety-four, four thousand five hundred dollars.

Annuity.
Vol. 2, 36.

SIoux OF DIFFERENT TRIBES, INCLUDING SANTEE SIOUX OF NEBRASKA.

Sioux of different tribes.

For pay of five teachers, one physician, one carpenter, one miller, one engineer, two farmers, and one blacksmith, per thirteenth article of treaty of April twenty-ninth, eighteen hundred and sixty-eight, ten thousand four hundred dollars;

Teachers etc.

Vol. 2, 1002.

For pay of second blacksmith, and furnishing iron, steel, and other material, per eighth article of same treaty, one thousand six hundred dollars;

Vol. 2, 1000.

For pay of additional employees at the several agencies for the Sioux in Nebraska and in North Dakota and South Dakota, eighty-five thousand dollars;

Employees.

For subsistence of the Sioux, and for purposes of their civilization, as per agreement ratified by act of Congress approved February twenty-eighth, eighteen hundred and seventy-seven, seven hundred

Subsistence.
1877, ch. 72, 19 Stat.,
256, vol. 1, p. 170.

Provisos. Transportation. thousand dollars: *Provided*, That this sum shall include transportation of supplies from the termination of railroad or steamboat transportation, and in this service Indians shall be employed whenever practicable: *And provided further*, That the number of rations issued shall not exceed the number of Indians on each reservation, and any excess in the number of rations issued shall be disallowed in the settlement of the agent's account: *Provided further*, That the unexpended balance for the fiscal year nineteen hundred and five is hereby appropriated and made available for nineteen hundred and six;

Rations.

Unexpended balance available.

Schools, etc. For support and maintenance of day and industrial schools, including erection and repairs of school buildings, in accordance with article seven of the treaty of April twenty-ninth, eighteen hundred and sixty-eight, which article is continued in force for twenty years by section seventeen of the act of March second, eighteen hundred and eighty-nine, two hundred and twenty-five thousand dollars; in all, one million and twenty-two thousand dollars. (*Quick Bear v. Leupp*, 210 U. S., 50.)

1889, ch. 405, 25 Stat., 894, vol. 1, p. 335.

Sioux, Yankton Tribe.

SIOUX, YANKTON TRIBE.

Vol. 2, 777. For seventeenth of twenty installments (last series), to be paid to them or expended for their benefit, per fourth article of treaty of April nineteenth, eighteen hundred and fifty-eight, fifteen thousand dollars;

33 Stat., 1056.

Subsistence. For subsistence and civilization of Yankton Sioux, heretofore provided for in appropriations under "Fulfilling treaty with Sioux of different tribes," and so forth, thirty thousand dollars; in all, forty-five thousand dollars.

19 Stat., 287.

Spokanes.

SPOKANES.

Blacksmith, etc. For pay of a blacksmith and carpenter to do necessary work and to instruct the said Indians in those trades, one thousand dollars each, per sixth article of agreement with said Indians, dated March eighteenth, eighteen hundred and eighty-seven, ratified by act of Congress approved July thirteenth, eighteen hundred and ninety-two, two thousand dollars.

27 Stat., 139.

Utes, Confederated Bands.

CONFEDERATED BANDS OF UTES.

Carpenters, etc. For pay of two carpenters, two millers, two farmers, and two blacksmiths, as per tenth article of treaty of October seventh, eighteen hundred and sixty-three, and fifteenth article of treaty of March second, eighteen hundred and sixty-eight, six thousand seven hundred and twenty dollars;

Vol. 2, 858.

Vol. 2, 993.

For pay of two teachers, as per same article of same treaty, one thousand eight hundred dollars;

Vol. 2, 992.

Food. For purchase of iron and steel and the necessary tools for blacksmith shop, per ninth article of same treaty, two hundred and twenty dollars;

For annual amount for the purchase of beef, mutton, wheat, flour, beans, and potatoes, or other necessary articles of food, as per twelfth article of same treaty, thirty thousand dollars;

Employees. For pay of employees at the several Ute agencies, fifteen thousand dollars; in all, fifty-three thousand seven hundred and forty dollars.

Winnebagoes.

WINNEBAGOES.

Interest. For interest on eight hundred and four thousand nine hundred and nine dollars and seventeen cents, at five per centum per annum, per fourth article of treaty of November first, eighteen hundred and

Vol. 2, 498.

thirty-seven, and joint resolution of July seventeenth, eighteen hundred and sixty-two, forty thousand two hundred and forty-five dollars and forty-five cents; and the Secretary of the Interior is hereby directed to expend said interest for the support, education, and civilization of said Indians;

For interest on seventy-eight thousand three hundred and forty dollars and forty-one cents, at five per centum per annum, to be expended under the direction of the Secretary of the Interior for the erection of houses, improvement of their allotments of land, purchase of stock, agricultural implements, seeds, and other beneficial objects, three thousand nine hundred and seventeen dollars and two cents; in all, forty-four thousand one hundred and sixty-two dollars and forty-seven cents.

Purchase of stock.

MISCELLANEOUS SUPPORTS AND GRATUITIES.

Miscellaneous supports, etc.

For subsistence and civilization of the Apaches, Kiowas, Comanches, Wichitas, and affiliated bands who have been collected in the reservations set apart for their use and occupation, twenty-five thousand dollars.

Apaches, Comanches, etc. Kiowas, Wichitas,

For support and civilization of the Arapahoes and Cheyennes who have been collected on the reservations set apart for their use and occupation, thirty-five thousand dollars.

33 Stat., 1057. Arapahoes and Cheyennes.

For support and civilization of the Chippewas of Lake Superior, Wisconsin, to be expended for agricultural and educational purposes; pay of employees, including pay of physician, at one thousand two hundred dollars; purchase of goods and provisions, and for such other purposes as may be deemed for the best interest of said Indians, seven thousand dollars.

Chippewas, Lake Superior.

For support and civilization of Turtle Mountain Band of Chippewas, North Dakota, including seeds, thirteen thousand dollars.

Chippewas, Turtle Mountain Band.

For support and civilization of the confederated tribes and bands in middle Oregon, and for pay of employees, four thousand dollars.

Confederated tribes, middle Oregon.

To furnish such articles of food as, from time to time, the condition and necessities of the Crow Indians may require, fifteen thousand dollars.

Crows.

For support and civilization of the D'Wamish and other allied tribes in Washington, including pay of employees, five thousand dollars.

D'Wamish, etc., Wash.

For support and civilization of Indians at Flathead Agency, Montana, including pay of employees, nine thousand dollars.

Flatheads etc.

For support and civilization of the Apache and other Indians in Arizona and New Mexico who have been or may be collected on reservations in Arizona and New Mexico, two hundred and twenty-five thousand dollars: *Provided*, That the unexpended balance for the fiscal year nineteen hundred and five is hereby appropriated and made available for nineteen hundred and six.

Apaches, etc., Arizona and New Mexico.

Proviso. Unexpended balance available.

For support and civilization of the Indians at Fort Belknap Agency, Montana, including pay of employees, twenty thousand dollars.

Fort Belknap Indians.

For support and civilization of the Shoshones and Bannocks and other Indians of the Fort Hall Reservation in Idaho, including pay of employees, twenty thousand dollars.

Fort Hall Indians.

For the support and civilization of Indians at Fort Berthold Agency, including pay of employees, twenty thousand dollars.

Fort Berthold Indians.

For the construction of fence on said Fort Berthold Indian Reservation, under the direction of the Secretary of the Interior, to be immediately available, five thousand dollars: *Provided*, That so far as it can be done Indians of said reservation shall be exclusively employed in the construction of said fence.

Fence.

Proviso. Indian labor.

- Fort Peck Indians. For support and civilization of the Indians at Fort Peck Agency, including pay of employees, fifty thousand dollars.
- Lemhi Agency Indians. For support, civilization, and instruction of the Shoshones, Ban-nocks, Sheepeaters, and other Indians of the Lemhi Agency, Idaho, including pay of employees, ten thousand dollars.
- Klamath Agency Indians. For support and civilization of the Klamaths, Modocs, and other Indians of the Klamath Agency, Oregon, including pay of employees, five thousand dollars.
- Kansas. For support and civilization of the Kansas Indians, Oklahoma Ter-ritory, including agricultural assistance and pay of employees, two thousand dollars.
- Kickapoos. For support and civilization of the Kickapoo Indians in Oklahoma Territory, two thousand dollars.
- "Kicking Kickapoos." For the purchase of teams, farming implements, seeds, and other necessary articles for the Mexican Kickapoo Indians, known as the "Kicking Kickapoos," in Oklahoma Territory, in the discretion of the Secretary of the Interior, three thousand dollars.
- Makahs. For support and civilization of the Makahs, Washington, including pay of employees, two thousand dollars.
- Mission Indians. For support and civilization of the Mission Indians in California, including pay of employees, five thousand dollars.
- 33 Stat., 1058. Northern Indians, Cal. Investigation and re- port. For support and civilization of the Northern Indians, California, ten thousand dollars. That the Secretary of the Interior is hereby authorized to investi- gate through an inspector or otherwise existing conditions of the Cal- ifornia Indians and to report to Congress at the next session some plan to improve the same.
- Round Valley In- dian Reservation, Cal. Division line fence. For fencing division line between the relinquished and diminished portions of the Round Valley Indian Reservation, California, two thousand five hundred dollars, to be reimbursed to the Treasury of the United States out of any money received from the sale of the said relinquished lands.
- Nez Perce, Joseph's Band. For purchase of agricultural implements, and support and civiliza- tion of Joseph's Band of Nez Perce Indians, one thousand dollars.
- Pima Agency In- dians. For support and civilization of the Indians of Pima Agency, Ari- zona, forty thousand dollars, ten thousand dollars of which shall be made immediately available, to be expended for their benefit in such manner as the Secretary of the Interior, in his discretion, may deem best.
- Poncas. For support and civilization of the Ponca Indians, including pay of employees, ten thousand dollars.
- Qui-nai-elts and Quil-leh-utes. For support and civilization of the Qui-nai-elts and Quil-leh-utes, including pay of employees, one thousand dollars.
- Shoshones, Wyo. For support and civilization of Shoshone Indians in Wyoming, fifteen thousand dollars.
- Shoshones, Nev. For support and civilization of the Indians of the Western Shoshone Agency, Nevada, including pay of employees, eight thousand dollars.
- Absentee Shawnees. Big Jim's Band. For purchase of teams, farming implements, seeds, and other neces- sary articles for the Big Jim's Band of Absentee Shawnee Indians in Oklahoma Territory, in the discretion of the Secretary of the Interior, two thousand dollars.
- Sioux, Devils Lake. For support and civilization of Sioux of Devils Lake, North Dakota, ten thousand dollars.
- Walla Walla, Cay- uses, and Umatillas. For support and civilization of the Walla Walla, Cayuse, and Uma- tilla tribes, Oregon, including pay of employees, three thousand dol- lars.
- Yakimas. For support and civilization of Yakimas, and other Indians at said agency, including pay of employees, eight thousand dollars.

GENERAL INCIDENTAL EXPENSES OF THE INDIAN SERVICE.

Incidental expenses.

ARIZONA: For general incidental expenses of the Indian Service in Arizona, including traveling expenses of agents, one thousand five hundred dollars.

Arizona.

CALIFORNIA: For general incidental expenses of the Indian Service in California, including traveling expenses of agents, and support and civilization of Indians at the Round Valley, Hoopa Valley, and Tule River agencies, four thousand dollars; and pay of employees at same agencies, eight thousand dollars; in all, twelve thousand dollars.

California.

COLORADO: For general incidental expenses of the Indian Service in Colorado, including traveling expenses of agents, five hundred dollars.

Colorado.

IDAHO: For general incidental expenses of the Indian Service in Idaho, including traveling expenses of agents, five hundred dollars.

Idaho.

INDIAN TERRITORY: For general incidental expenses of the Indian Service in the Indian Territory, and for pay of employees, eighteen thousand dollars.

Indian Territory.

MONTANA: For general incidental expenses of the Indian Service in Montana, including traveling expenses of agents and pay of employees, eight thousand five hundred dollars.

Montana.

NEVADA: For general incidental expenses of the Indian Service in Nevada, including traveling expenses of agents, and support and civilization of Indians located on the Piute, Walker River, and Pyramid Lake reservations, five thousand dollars; and pay of employees, including physician at the Walker River Reservation, at nine hundred dollars, four thousand nine hundred dollars; in all, nine thousand nine hundred dollars.

Nevada.

33 Stat., 1059.

NEW MEXICO: For general incidental expenses of the Indian Service in New Mexico, including traveling expenses of agents, one thousand dollars.

New Mexico.

NORTH DAKOTA: For general incidental expenses of the Indian Service in North Dakota, including traveling expenses of agents at three agencies, one thousand dollars.

North Dakota.

OREGON: For general incidental expenses of the Indian Service in Oregon, including traveling expenses of agents, and support and civilization of Indians of Grande Ronde and Siletz agencies, three thousand dollars; and pay of employees at the same agencies, three thousand dollars; in all, six thousand dollars.

Oregon.

SOUTH DAKOTA: For general incidental expenses of the Indian Service in South Dakota, including traveling expenses of agents at seven agencies, two thousand five hundred dollars.

South Dakota.

For clerical work and stationery in the office of the United States surveyor general required on surveys within the Pine Ridge Indian Reservation, South Dakota, three thousand two hundred dollars.

Pine Ridge Indian Reservation. Clerical work, etc., surveyor general's office.

UTAH: For general incidental expenses of the Indian Service in Utah, including traveling expenses of agents, one thousand dollars.

Utah.

WASHINGTON: For general incidental expenses of the Indian Service in Washington, including traveling expenses of agents, and support and civilization of Indians at Colville and Puyallup agencies, and for pay of employees, twelve thousand dollars.

Washington.

WYOMING: For general incidental expenses of the Indian Service in Wyoming, including traveling expenses of agents, five hundred dollars.

Wyoming.

MISCELLANEOUS.

Miscellaneous.

For clerical and incidental expenses of the United States inspector's office, Indian Territory, in accordance with the provisions of section twenty-seven of the act of June twenty-eighth, eighteen hundred and

Indian Territory. Inspector's office. 1898, ch. 517, sec. 27, 30 Stat., 504, vol. 1, p. 100.

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| Confidential clerk to commissioner. | ninety-eight, entitled "An act for the protection of the people of the Indian Territory, and for other purposes," ten thousand dollars. |
| Five Civilized Tribes. Survey, etc. of town sites. 1898 ch. 517 sec. 15, 30 Stat., 500, vol. 1, p. 95. | For pay of confidential clerk in office of Commissioner of Indian Affairs, at the rate of one hundred and fifty dollars per month, one thousand eight hundred dollars, to be immediately available. |
| Provisos. Town-site commissions abolished. Unfinished work of. | To pay all expenses incident to completion of the survey, platting, and appraisement of town sites in the Choctaw, Chickasaw, Creek, and Cherokee Nations, Indian Territory, under the provisions of an act of June twenty-eighth, eighteen hundred and ninety-eight, and all acts amendatory thereof or supplemental thereto, ten thousand dollars, the same to be immediately available: <i>Provided</i> , That the several town-site commissions in the Choctaw, Chickasaw, Creek, and Cherokee Nations shall, upon the completion of the appraisement of the town lots in their respective nations, be abolished by the Secretary of the Interior at such time as in his judgment it is considered proper; and all unfinished work of such commissions, the sale of town lots at public auctions, disposition of contests, the determination of the rights of claimants, and the closing up of all other minor matters appertaining thereto shall be performed by the Secretary of the Interior under such rules and regulations as he may prescribe: <i>Provided further</i> , That all unsold lots, the disposition of which is required by public auction, shall be offered for sale and disposed of from time to time by the Secretary of the Interior for the best obtainable price as will in his judgment best subserve the interests of the several tribes; and the various provisions of law in conflict herewith are modified accordingly. |
| Sale of unsold lots. | Removal of intruders, Five Civilized Tribes: For the purpose of removing intruders and placing allottees in unrestricted possession of their allotments, to be expended under the direction of the Secretary of the Interior, fifteen thousand dollars. |
| Conflicting laws modified. | For clerical work and labor connected with the sale and leasing of Creek and the leasing of Cherokee lands, fifteen thousand dollars. |
| 33 Stat., 1060. Removal of intruders. | For special clerical force in the office of the United States Indian Agent, Union Agency, and miscellaneous expenses in connection with entering of remittances received on account of payments of town lots and issuance of patents, and conveying same, six thousand dollars. |
| Union Agency. Miscellaneous expenses. | For the completion of the work heretofore required by law to be done by the Commission to the Five Civilized Tribes, and the provisions for investigations herein contained, two hundred thousand dollars. Said appropriation to be disbursed under the direction of the Secretary of the Interior: <i>Provided</i> , That the work of completing the unfinished business, if any, of the Commission to the Five Civilized Tribes shall devolve upon the Secretary of the Interior, and that all the powers heretofore granted to the said Commission to the Five Civilized Tribes are hereby conferred upon the said Secretary on and after the first of July, nineteen hundred and five. ¹ |
| Commission Five Civilized Tribes. Completing work of, etc. | It shall be the duty of the Secretary of the Interior to investigate, or cause to be investigated, any lease of allotted land in the Indian Territory which he has reason to believe has been obtained by fraud, or in violation of the terms of existing agreements with any of the Five Civilized Tribes, and he shall in any such case where in his opinion the evidence warrants it refer the matter to the Attorney General for suit in the proper United States court to cancel the same, and in all cases where it may appear to the court that any lease was obtained by fraud, or in violation of such agreements, judgments shall be rendered canceling the same upon such terms and conditions as equity may prescribe, and it shall be allowable in cases where all parties in interest consent thereto to modify any lease and to continue the |
| Proviso. Powers conferred upon Secretary of the Interior. | Leases of allotted lands, Indian Territory. Investigation of. |
| Suits to cancel fraudulent leases. | Cancellation of leases. |

¹Martin v. U. S., 168 Fed. 198; U. S. ex rel. Lowe v. Fisher, 223 U. S., 95; Ross v. Stewart, 227 U. S., 534.

same as modified: *Provided*, No lease made by any administrator, executor, guardian, or curator which has been investigated by and has received the approval of the United States court having jurisdiction of the proceeding shall be subject to suit or proceeding by the Secretary of the Interior or Attorney General: *Provided further*, No lease made by any administrator, executor, guardian, or curator shall be valid or enforceable without the approval of the court having jurisdiction of the proceeding.¹

Proviso.
Leases approved by United States court valid.

Leases not valid.

To enable the President to cause, under the provisions of the act of February eighth, eighteen hundred and eighty-seven, entitled "An act to provide for the allotment of lands in severalty to Indians," such Indian reservations as in his judgment are advantageous for agricultural and grazing purposes to be surveyed or resurveyed, for the purposes of said act, and to complete the allotment of the same, including the necessary clerical work incident thereto in the field and in the Office of Indian Affairs, and delivery of trust patents, so far as allotments shall have been selected under said act, forty thousand dollars.

Allotments.
24 Stat., 388, vol. 1, p. 33.

For construction of ditches and reservoirs, purchase and use of irrigating tools and appliances, and purchase of water rights on Indian reservations, in the discretion of the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior and subject to his control, one hundred and eighty-five thousand dollars, of which twenty-five thousand dollars shall be made immediately available: *Provided*, That the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, may employ such superintendents of irrigation, who shall be skilled irrigation engineers, not to exceed four, as in his judgment may be necessary to secure the construction of ditches and other irrigation works in a substantial and workmanlike manner.

Irrigation.

Proviso.
Skilled engineers.

For survey and subdivision of Indian reservations and of lands to be allotted to Indians, and to make allotments in severalty, to be expended by the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, twenty-five thousand dollars. And the President is hereby authorized, in his discretion, to allot the lands of any tribes of Indians to the individual members thereof whenever, in his judgment, it is advantageous for such Indians that such allotments be made: *Provided*, That any allotments which may be made of the Osage Reservation in Oklahoma Territory shall be made subject to the terms and conditions of the lease herein authorized, the same being a renewal as to a part of the premises covered by a certain lease dated March sixteenth, eighteen hundred and ninety-six, given by the Osage Nation of Indians to Edwin B. Foster and approved by the Secretary of the Interior and now owned by the Indian Territory Illuminating Oil Company under assignments approved by the Secretary of the Interior, which said lease and all subleases thereof duly executed on or before December thirty-first, nineteen hundred and four or executed after that date based upon contracts made prior thereto, and which have been or shall be approved by the Secretary of the Interior, to the extent of six hundred and eighty thousand acres in the aggregate, are hereby extended for the period of ten years from the sixteenth day of March, nineteen hundred and six, with all the conditions of said original lease except that from and after the sixteenth day of March, nineteen hundred and six, the royalty to be paid on gas shall be one hundred dollars per annum on each gas well, instead of fifty dollars as now provided in said lease, and except that the President of the United States shall determine the amount of royalty to be paid for oil. Said determination shall be evidenced by filing with the Secretary of the Interior on or before December thirty-first, nineteen hundred and five, such

33 Stat., 1061.
Surveying and allotting.

Lands allotted to individual Indians.

Proviso.
Oil leases in Osage Reservation.
Indian Territory Illuminating Oil Co.
Renewal of lease to.

Lease, etc., extended.

Royalty on gas to be increased.
On oil, may be determined by the President.
Filing of determination, copy to sublessee.

¹U. S. v. Allen, 171 Fed., 907.

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| | determination; and the Secretary of the Interior shall immediately mail to the Indian Territory Illuminating Oil Company and each sublessee a copy thereof. ¹ |
| Osage Townsite Commission, to be created. | That there shall be created an Osage Townsite Commission consisting of three members, one of whom shall be the United States Indian agent at the Osage Agency, one to be appointed by the chief executive of the Osage Tribe and one by the Secretary of the Interior, who shall receive such compensation as the Secretary of the Interior may prescribe to be paid out of the proceeds of the sale of the lots sold under this act. |
| Composition of. | |
| Compensation. | |
| Town site at Pawhuska. | That the Secretary of the Interior shall reserve from selection and allotment the south half of section four and the north half of section nine, township twenty-five north, range nine east, of the Indian meridian, including the town of Pawhuska, which, except the land occupied by the Indian school buildings, the agency reservoir, the agent's office, the council building, and the residences of agency employees, and a twenty acre tract of land including the Pawhuska cemetery, shall be surveyed, appraised and laid off into lots, blocks, streets, and alleys by said townsite commission, under rules and regulations prescribed by the Secretary of the Interior, business lots to be twenty-five feet wide and residence lots fifty feet wide, and sold at public auction, after due advertisement, to the highest bidder by said townsite commission, under such rules and regulations as may be prescribed by the Secretary of the Interior, and the proceeds of such sale shall be placed to the credit of the Osage Tribe of Indians: <i>Provided</i> , That said lots shall be appraised at their real value exclusive of improvements thereon or adjacent thereto, and the improvements appraised separately: <i>And provided further</i> , That any person, church, school or other association in possession of any of said lots and having permanent improvements thereon, shall have a preference right to purchase the same at the appraised value, but in case the owner of the improvements refuses or neglects to purchase the same, then such lots shall be sold at public auction at not less than the appraised value, the purchaser at such sale to have the right to take possession of the same upon paying the occupant the appraised value of the improvements. There shall in like manner be reserved from selection and allotment one hundred and sixty acres of land, to conform to the public surveys, including the buildings now used by the licensed traders and others, for a town site at the town of Hominy; and the south half of the northwest quarter and the north half of the southwest quarter of section seven, township twenty-four north, range six east, for a town site at the town of Fairfax, and the northeast corner, section thirteen, township twenty-four, range five east, consisting of ten acres, to be used for cemetery purposes; and two town sites of one hundred and sixty acres each on the line of the Midland Valley Railroad Company adjacent to stations on said line, not less than ten miles from Pawhuska. And the town lots at said towns of Fairfax and Hominy and at said town sites on line of the Midland Valley Railroad shall be surveyed, appraised and sold the same as provided for town lots in the town of Pawhuska. ² |
| Survey, appraisal, and subdivision of. | |
| Lots sold at public auction. | |
| Proceeds credited to Osage Indians. | |
| Proviso. | |
| To be appraised at real value. | |
| Preference right of owner. | |
| Refusal to purchase. | |
| 33 Stat., 1062. | |
| Town site at Hominy. | |
| Town site at Fairfax Cemetery. | |
| Two additional town sites. | |
| Sale, etc., of lots. | |
| Choctaw and Chickasaw Citizenship Court. | That the disbursing clerk of the Department of Justice be, and he hereby is, authorized and directed to pay out of the unexpended balances of the appropriations for "Salaries and expenses, Choctaw and Chickasaw Citizenship Court," such expenses as were incurred by the bailiff, reporter, and stenographers of the said court for subsistence while in the performance of their duties at the headquarters of the said court, and which remain unpaid by reason of a decision of the Comptroller of the Treasury, whether such expenses were actually paid by the disbursing clerk and disallowed by the accounting officers |
| Payment to bailiff, reporter, and stenographers. | |

¹ Leahy v. Indian Terr. Illuminating Oil Co., 135 Pac., 416; Barnsdall Oil Co. v. Leahy, 195 Fed., 731.
² 34 L. D. 418.

of the Treasury or payment refused by the disbursing clerk in the first instance.

To maintain at the city of Omaha, Nebraska, in the discretion of the Secretary of the Interior, a warehouse for the receipt, storage, and shipping of goods for the Indian Service, ten thousand dollars.

Omaha, Nebr.
Warehouse.

To maintain at the city of Saint Louis, Missouri, in the discretion of the Secretary of the Interior, a warehouse for the receipt, storage, and shipping of goods for the Indian Service, ten thousand dollars.

St. Louis, Mo.
Warehouse.

That the Secretary of the Treasury is hereby authorized to place to the credit of Howell P. Myton the sum of seven hundred and ninety-six dollars and fourteen cents, being the amount charged against him as money paid to unlawfully enrolled members of said tribes while Indian agent, Uintah and Ouray Agency, Utah, during his term of service ending March thirty-first, nineteen hundred and three.

Howell P. Myton.
Credit in accounts.

For the resurvey and subdivision of a portion of the Fort Peck Indian Reservation, in the State of Montana, seventeen thousand dollars.

Fort Peck Indian
Reservation.
Resurvey, etc.

For payment of certain squatters on the Turtle Mountain Reservation for their improvements, namely, Francois Le Forte, five hundred and ten dollars; Corbet Bercier, six hundred and thirty dollars; William Bercier, three hundred and fifty-eight dollars; and Joseph Bercier, two hundred and seventy-five dollars; in all, one thousand seven hundred and seventy-three dollars: *Provided*, That they shall upon payment relinquish all claim to the lands they are occupying and remove from the reservation at such time as may be prescribed by the Secretary of the Interior.

Turtle Mountain
Reservation.
Payment to squat-
ters on.

Proviso.
Relinquishment of
claims etc.

To pay Albert M. Anderson, formerly agent at the Colville Agency, State of Washington, for expenses incurred in bringing a delegation of Colville Indians from the Colville Agency to Washington and return in January, nineteen hundred, as approved by the Secretary of the Interior, six hundred and two dollars and fifty cents.

Albert M. Anderson.
Payment to.

To enable the President to cause, under the provisions 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," to be allotted the lands in said separate reservations as provided in said act, including the necessary resurveys, ten thousand dollars.

Sioux Indian Reser-
vation, Dak.
Allotments.
33 Stat., 1063.
1889, ch. 405, 25 Stat.,
888, vol. 1, p. 328.

For the equipment and maintenance of the asylum for insane Indians at Canton, South Dakota, for incidental and all other expenses necessary for its proper conduct and management, including pay of employees, and for necessary expense of transporting insane Indians to and from said asylum, twenty-five thousand dollars.

Canton, S. Dak.
Asylum for insane
Indians.

For pay of one special attorney for the Pueblo Indians of New Mexico, one thousand five hundred dollars, and for necessary traveling and incidental expenses of said attorney for the Pueblo Indians of New Mexico, five hundred dollars; in all, two thousand dollars.

Pueblo Indians, N.
Mex.
Attorney.

For payment to J. Hale Sypher, out of any funds in the Treasury of the United States belonging to the Choctaw Nation, five thousand dollars, being in full settlement of the claim of the said Sypher against the said Choctaw Nation growing out of legal services performed by him under and by virtue of a certain agreement made and entered into between the legally authorized commissioners of said nation and said Sypher on the seventh day of November, eighteen hundred and ninety-one, in accordance with the findings of the Court of Claims made in pursuance of the reference of the claim of the said J. Hale Sypher to the said Court of Claims for adjudication, under the act of Congress of April twenty-first, nineteen hundred and four, being "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various

J. Hale Sypher.
Payment to.

33 Stat., 208, 1904, ch.
1402, ante, p. 54.

- Receipt. Indian tribes, for the fiscal year ending June thirtieth, nineteen hundred and five, and for other purposes," which said sum the Secretary of the Treasury is hereby authorized and directed to immediately pay to the said J. Hale Sypher upon execution by him of a receipt in full for all claims against the said Choctaw Nation for legal and professional services rendered by him to said nation under the agreement aforesaid.
- Suits against Indians in Oklahoma. That all actions against Indians or their property in the Territory of Oklahoma, whose affairs are under the supervision of Indian agents or bonded superintendents, shall be brought in the district court of the county in which the Indian resides.
- Axel Jacobson. Reimbursement. To enable the Secretary of the Interior to reimburse, as heretofore approved by him, to Axel Jacobson, the sum of two hundred and forty-three dollars actually expended by him in feeding, clothing, and caring for twenty-five Indian pupils at the Indian school, Wittemberg, Wisconsin, from July first to August twenty-fourth, eighteen hundred and ninety-five.
- Ira M. Jones. Patent in fee to. The President is hereby authorized and directed to issue a patent in fee to Ira M. Jones, an Ottawa allottee, for a part of the land heretofore allotted to him in the Indian Territory, to wit: The northwest quarter of the southeast quarter of section thirty, township twenty-eight north, range twenty-three east, of the Indian meridian, and all restrictions as to the sale, encumbrance, or taxation of said land are hereby removed.
- Joseph E. Milot. May sell part of allotment. That Joseph E. Milot, citizen Pottawatomie allottee numbered one hundred and forty-four, to whom a trust patent has been issued containing restrictions upon the alienation, may sell and convey the unsold portion of his allotment, but such conveyance shall be subject to the approval of the Secretary of the Interior, and when so approved shall convey full title to the purchaser the same as if a final patent without restrictions had been issued to the allottee.
- Kansas Indians. Patents in fee to members of. 33 Stat., 1064. to That the Secretary of the Interior be, and is hereby, authorized and directed to issue a patent in fee simple to W. E. Hardy, Amelia Clavier, Melinda Harris, William Hardy, W. F. S. Hardy, and members of the Kansas Tribe of Indians in Oklahoma, for the land heretofore allotted to her in the Territory of Oklahoma and described as follows: Lot six of section seven, and the north half of the southwest one-quarter of section eight, all in township twenty-seven, range four, containing one hundred and fifty-five acres, and the west half of the southwest one-quarter and the northwest one-quarter of section twenty-one, township twenty-eight, range five, containing two hundred and forty acres, all on the Kansas Reservation in Oklahoma Territory.
- Kickapoos. Patents in fee to members of. to That the Secretary of the Interior be, and is hereby, authorized and directed to issue patents in fee to Okemah and his wife Thithequa, Wahnahkethehah, Noten, Tahpahthea, Shuckequah, and Neconopit, members of the Kickapoo Tribe heretofore allotted in the Territory of Oklahoma for lands so allotted to them, in said Territory, and all restrictions as to sale, incumbrance, or taxation of said land are hereby removed.
- W. T. Whittaker. Patent in fee to. That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent in fee to W. T. Whittaker for the land heretofore allotted to him in the Cherokee Nation, as follows: The west one-half of the northwest quarter of the southwest quarter of section seventeen, township twenty-one north, range nineteen east, and the northeast quarter of the northwest quarter of the southwest quarter of section seventeen, township twenty-one north, range nineteen east, containing thirty acres.

That the following-named allottees of lands in the Quapaw Agency, Indian Territory, are authorized upon approval of the Secretary of Interior, to alienate certain portions of their allotments therein described, as follows: Henry Hicks, lot numbered three, containing three acres, more or less, and Philip R. Dawson, lot numbered four, containing twenty-eight acres, all in section thirty, township twenty-seven north of range twenty-four east.

Henry Hicks and Philip R. Dawson May alienate part of allotments.

That all restrictions on lands of adopted full blood adult white allottees in the Quapaw Agency are hereby removed.

Quapaw Agency. Restrictions on certain allottees, removed. Indiana Consolidated Smelting Co. Land in Colville Indian Reservation granted to.

That the Secretary of the Interior be, and he is hereby, authorized and directed to set apart a tract of land not exceeding one hundred and twenty acres in extent, immediately adjacent to the lands now owned by the Keller and Indiana Consolidated Smelting Company, in the south half of the Colville Indian Reservation, in the State of Washington, suitable in its location for a town site, and that he cause the same to be conveyed to such person as may be designated by said company to receive title thereto, upon payment by said company of such price as may be fixed by him, and that the money received therefrom shall be deposited in the Treasury of the United States to the credit of the Colville Indians.¹

That the President be, and he is hereby, authorized to issue a fee-simple patent to Henry Guitar, an Omaha Indian, for lands heretofore allotted to him in Nebraska, to wit, the northeast quarter of the southwest quarter, and lot four, section fifteen, township twenty-five north, range six east, of the sixth principal meridian, Nebraska, and all restrictions as to the sale, encumbrance, or taxation of said lands are hereby removed.

Henry Guitar. Patent in fee to.

That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent in fee to Susan E. Hines, a member of the Sisseton and Wahpeton Tribe of Indians, for the land heretofore allotted to her in Roberts County, in the State of South Dakota, and all restrictions as to sale, encumbrance, or taxation of said land is hereby removed.

Susan E. Hines. Patent in fee to.

That the Secretary of the Interior be, and hereby is, authorized and directed to issue a patent in fee to Long Jim for the lands heretofore allotted to him by the Secretary of the Interior on April eleventh, eighteen hundred and ninety-four, as modified and changed by Department order of April twentieth, eighteen hundred and ninety-four, 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), and under the decision of the General Land Office of July ninth, eighteen hundred and ninety-two, affirmed by the Department of the Interior January sixth, eighteen hundred and ninety-three, to wit: the northeast quarter, northeast quarter of the southeast quarter and lot one of section eleven, the northwest quarter and southwest quarter of the southwest quarter of section twelve, lot one of section fourteen, and lots one and two of section thirteen, township twenty-seven north, range twenty-two east, Willamette meridian, Washington, free of all restrictions as to sale, incumbrance, or taxation.²

Long Jim. Patent in fee to.

33 Stat., 1065.

1884, ch. 180, 23 Stat., p. 79, vol. 1, p. 224, vol. 2, p. 1073.

That Cornelius Doxtater, Oneida allottee numbered three hundred and ninety, to whom trust patent has been issued containing restrictions upon alienation, may sell and convey any portion of his allotment, but such conveyance shall be subject to the approval of the Secretary of the Interior, and when so approved shall convey a full title

Cornelius Doxtater. May sell part of allotment.

¹ U. S. v. Moore, 161 Fed., 513.

² Starr v. Long Jim, 227 U. S., 613.

to the purchaser of the same as if a final patent without restrictions had been issued to the allottee.

Paith-tite.
May sell part of allotment.

That Paith-tite, Kiowa allottee numbered twenty-six hundred and eighty-seven, to whom a trust patent has been issued containing restrictions upon alienation, may sell and convey not exceeding ten acres of his allotment, and that Otto Wells, Comanche allottee numbered one hundred and two, to whom a similar patent has been issued, may sell and convey not exceeding eighty acres of his allotment, but that such conveyances shall be subject to the approval of the Secretary of the Interior, and when so approved shall convey full title to the purchasers the same as if a final patent, without restrictions, had been issued to the respective allottees.

William Lyons.
Patent in fee to.

That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent in fee simple to William Lyons, a Chipewewa Indian, for the lands heretofore allotted to him on the Fond du Lac Reservation, in the State of Minnesota, to wit: the southeast quarter of the southwest quarter and the southwest quarter of the southeast quarter of section twenty-one, township forty-nine north, range seventeen west of the fourth principal meridian, and all restrictions as to sale, incumbrance, or taxation of said lands are hereby removed.

Theresa Anderson.
Patent in fee to.

That the President be, and he is hereby, authorized and directed to issue a patent in fee to Theresa Anderson, allottee, of allotment of the lands of the Ponca Indian Reservation in Boyd County, Nebraska, numbered twelve, being the southeast quarter and the north one-half of the southwest quarter, and the south one-half of the northwest quarter of section eight, in township thirty-three north of range eleven west of the sixth principal meridian, in the county of Boyd, in the State of Nebraska; and all restrictions as to the sale, incumbrance, or taxation of said lands are hereby removed.

Jennie M. Brown.
Patent in fee to.

That the President be, and he hereby is, authorized to issue a patent in fee to Jennie M. Brown, a member of the Sisseton and Wahpeton band of Sioux Indians, for lands heretofore allotted to her in the State of South Dakota, and all restrictions as to sale, incumbrance, or taxation of said lands are hereby removed.

Louisa Morgan and
Mrs. Mandan.
May sell allotments.

33 Stat., 1066.

That Louisa Morgan and Mrs. Mandan (Wanyagwankewin), Yankton Sioux allottees, to whom trust patents have been issued containing restrictions upon alienation, may sell and convey all, or any part of their allotments, but that such conveyance shall be subject to the approval of the Secretary of the Interior, and when so approved, shall convey full title to the purchaser, the same as if final patent, without restrictions, had been issued to said allottees.

Abraham Elm.
Patent in fee to.

That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent in fee simple to Abraham Elm, an Oneida Indian, for the lands heretofore allotted to him in the State of Wisconsin, and all restrictions as to sale, incumbrance, or taxation of said lands are hereby removed.

Simon Antone.
Patent in fee to.

That the Secretary of the Interior be, and he is hereby, authorized in his discretion to issue a patent in fee simple to Simon Antone, an Oneida Indian, for the lands heretofore allotted to him in the State of Wisconsin, and all restrictions as to sale, incumbrance, or taxation of said lands are hereby removed.

William T. Selwyn.
May purchase lands reserved for Yankton Agency, S. Dak.

That William T. Selwyn, a Yankton Sioux Indian, may purchase, upon such terms and conditions as the Secretary of the Interior may prescribe, a tract of not exceeding thirty-eight and sixty-one one-hundredths acres from the lands reserved for the Yankton Agency, South Dakota, including the land upon which the improvements of the said Selwyn are located, described as follows: Northeast quarter (lot five) of southwest quarter of section twenty-seven, township ninety-four, of range sixty-four, and the Secretary of the Interior is authorized to convey said tract to the said Selwyn by patent in fee.

That the Secretary of the Interior be, and he is hereby, authorized in his discretion to issue a patent in fee to Frank Meecham, a Yakima Indian, whose allotment is numbered eleven hundred and thirty-four, for the east half of the northeast quarter of section fifteen, township eleven north, range nineteen east, of the Willamette meridian, and all restrictions as to sale, incumbrances, or taxation of said lands are hereby removed.

Frank Meecham.
Patent in fee to.

That the Secretary of the Interior be, and he is hereby, authorized and empowered to issue patents in fee simple to the following-named persons for the following tracts of land, respectively, the same being allottees on the Sisseton Indian Reservation of South Dakota, to wit: To Samuel J. Brown, junior, lot five, section twenty-four, township one hundred and twenty-five north, range fifty west, fifth principal meridian; the south half of the southwest quarter of section twenty-nine, and the northwest quarter of the northwest quarter of section thirty-two, township one hundred and twenty-six north, range fifty west. To Phoebe S. Lowe, formerly Phoebe S. Brown, the southwest quarter of the southwest quarter of section twenty-four, township one hundred and twenty-five north, range fifty west; the northeast quarter of the northwest quarter, the northwest quarter of the northeast quarter of section thirty-two, and the southwest quarter of the southeast quarter of section twenty-nine, township one hundred and twenty-six north, range fifty west. To Lillian S. Clay, formerly Lillian S. Brown, lot one, section twenty-five, township one hundred and twenty-five north, range fifty west; the southwest quarter of the northeast quarter, the northwest quarter of the southeast quarter of section thirty-two, and the southeast quarter of the southeast quarter of section twenty-nine, township one hundred and twenty-six north, range fifty west. And all provisions restricting or limiting the issue of patent or alienation of said lands by said allottees are hereby repealed so far as they conflict with this act.

Samuel J. Brown,
Phoebe S. Lowe, Lillian S. Clay.
Patents in fee to.

That the Secretary of the Interior be, and he is hereby, authorized at his discretion to issue patents in fee to Henry Meagher, a Cheyenne and Arapaho Indian, for the lands heretofore allotted to him in the Territory of Oklahoma, to wit: The southwest quarter of section thirty-two, township eleven north, of range seven west, of the Indian meridian; and all restrictions as to sale, incumbrances, or taxation of said lands are hereby removed.

Henry Meagher.
Patent in fee to.

That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patents in fee to Jennet Jackson, formerly Jennie Meagher, a Cheyenne and Arapaho Indian, for the lands heretofore allotted to her in the Territory of Oklahoma, to wit: The northeast quarter of section thirty-one, township eleven north, of range seven west, of the Indian meridian; and all restrictions as to sale, incumbrances, or taxation of said lands are hereby removed.

33 Stat., 1067.
Jennet Jackson.
Patent in fee to.

That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patents in fee to Maggie Meagher, a Cheyenne and Arapaho Indian, for the lands heretofore allotted to her in the Territory of Oklahoma, to wit: The southeast quarter of section thirty-one, township eleven north, of range seven west, of the Indian meridian; and all restrictions as to the sale, incumbrances, or taxation of said lands are hereby removed.

Maggie Meagher.
Patent in fee to.

That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent in fee simple to Jefferson Goulette, for the lands heretofore allotted to him in the State of South Dakota, to wit: The northwest quarter of the southwest quarter, or lots numbered three, four, and five of section thirty-one, township ninety-seven north, range sixty-four west, of the fifth principal meridian, and all restrictions as to sale, incumbrance, or taxation of said lands are hereby removed.

Jefferson Goulette.
Patent in fee to.

Josephine Lillie.
Patent in fee to.

That Josephine Lillie is hereby given and granted the absolute, unqualified fee-simple title to the west half of the northwest quarter of section ten, in township ten north, range twenty east, of the Willamette meridian, in the Yakima Indian Reservation in the State of Washington, under patent heretofore issued to her by the United States of America, bearing date July tenth, eighteen hundred and ninety-seven, which patent is recorded in volume fifty-two, page two hundred and thirty-five, in the records of the General Land Office, free and clear from any trust or reservation, and with full power in her to sell and convey the same, free from any trust or reservation, and that a patent in due form of law shall be issued to her, her heirs and assigns, by the United States of America, giving, granting, and conveying to her the absolute fee-simple title thereto, free and clear from any trusts or reservations, and with full power in her to dispose of the same without restriction. And the provisions of the act of Congress approved February eighth, eighteen hundred and eighty-seven (Twenty-fourth Statutes, page three hundred and eighty-eight), as amended by the act of February twenty-eighth, eighteen hundred and ninety-one (Twenty-sixth Statutes, page seven hundred and ninety-four), shall not hereafter apply to or affect the said real property, and the patent hereto issued to her, bearing date July tenth, eighteen hundred and ninety-seven, and recorded in volume fifty-two, page two hundred and thirty-five, in the records of the General Land Office, be, and the same is hereby, canceled and held for naught.

1887, ch. 119, 24 Stat.,
p. 388, vol. 1, p. 33.
1891, ch. 333, 26 Stat.,
p. 794, vol. 1 p. 56.

Mrs. Kiva C. Lewis.
Patent in fee to.

That the President be, and he is hereby, authorized, in his discretion, to issue a patent in fee to Mrs. Kiva C. Lewis, Rosebud allottee numbered thirty-nine hundred and eighty-six, for the lands heretofore allotted to her, and all restrictions as to sale, incumbrance, or taxation of said lands are hereby removed.

Jennie O. Morton,
Fred. A. Kerr.
Sale restrictions re-
moved.

That all restrictions as to the sale, incumbrance, or taxation of the lands heretofore allotted or that may hereafter be allotted to Mrs. Jennie O. Morton, of Ramona, Indian Territory, or to Fred. A. Kerr, of Hereford, Indian Territory, both citizens of the Cherokee Nation, and duly enrolled as such, be, and the same hereby are, removed.

Henry A. Quinn.
Patent in fee to.

That the Secretary of the Interior is hereby authorized and empowered to issue a patent to Henry A. Quinn for the east half of the northwest quarter, the northeast quarter of the southwest quarter, and the northwest quarter of the southeast quarter of section thirty-two, township one hundred and twenty-five north, range fifty west of the fifth principal meridian, South Dakota.¹

33 Stat., 1068.
Benjamin McBride.
Patent in fee to.

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue a patent in fee to Benjamin McBride, Yankton Sioux allottee, for the lands heretofore allotted him in South Dakota, and all restrictions as to the sale, incumbrance, or taxation of said lands are hereby removed.

Louisa Quinn Miller.
Patent in fee to.

That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent in fee to Louisa Quinn Miller, a member of the Sisseton and Wahpeton Band of Sioux Indians, for lands heretofore allotted to her in the State of South Dakota, and all restrictions as to sale, incumbrance, or taxation of said lands are hereby removed.

Yankton Indian
Reservation.
Land reserved for
park, etc., purposes.

That the Secretary of the Interior be, and he is hereby, authorized and empowered to set apart a tract of land not exceeding twenty acres in extent on the land reserved for agency purposes on the Yankton Indian Reservation, in the State of South Dakota, for the perpetual use of the Yankton Tribe of Sioux Indians for a park and site for a monument or monuments to the memory of deceased Yankton Sioux chiefs and eminent members of their said tribe whose memory they may desire to perpetuate.

John F. Brown.
Sale of lots to, con-
firmed.

That the resolutions of the Seminole council, passed and approved on April eighteenth, nineteen hundred, accepting and ratifying the

¹ Otto Monson v. S. J. Simonson, 231 U. S., 341.

contract and sale made by the Seminole town-site commissioners to John F. Brown, of the unsold lots in the town of Wewoka, Indian Territory, for the sum of twelve thousand dollars, and also providing for the distribution of the said money among the Seminole people per capita, be, and the same is hereby, ratified and confirmed.

That the Secretary of the Interior is hereby authorized to sell and convey a patent to the diocese of Duluth for one hundred and sixty acres of land in the Chippewa Reservation of Minnesota, within the county of Cass, in said State, to be used as a site for a mission church to be established and maintained by said diocese of Duluth, said land to be selected by the Secretary of the Interior: *Provided*, That such sale does not conflict with any prior claim to such land. Such land to be sold for one dollar and twenty-five cents per acre, and the timber, if any, on said land to be sold at such price as may be determined by the Secretary of the Interior, the proceeds of said land and timber to be placed to the credit of the Chippewas of Mississippi.¹

Chippewa Reservation Minn.
Patent to diocese of Duluth for land in.

Proviso.
Prior claim.
Price per acre, etc.

That the Secretary of the Interior be, and he is hereby, authorized to issue patents in fee to Rosa Rice and Thomas Quinn, Sisseton allottees, for the lands heretofore allotted to them in South Dakota, and that he be authorized, in his discretion, to issue a patent in fee to Alice Powless, an Onocida allottee, to lands heretofore allotted to her in Wisconsin, and all restrictions as to sale, encumbrance, and taxation of said lands are hereby removed.

Rosa Rice and Thomas Quinn.
Patents in fee to.

That the President be, and he is hereby, authorized, in his discretion, to issue fee simple patents to Antoine Cabney and Carroll Farley, Omaha Indians, for lands heretofore allotted them in Nebraska, and all restrictions as to the sale, encumbrance, or taxation of said lands are hereby removed.

Antoine Cabney and Carroll Farley.
Patents in fee to.

That Runs Bowling or William Elk, Ponca allottee numbered eighty-four, to whom a trust patent has been issued for lands heretofore allotted to him in Nebraska containing restrictions upon alienation, may sell and convey a tract of land lying on both sides of the right of way of the Chicago and Northwestern Railway, not exceeding five acres, but that such conveyance shall be subject to the approval of the Secretary of the Interior, and when so approved shall convey full title to the purchaser the same as if a final patent without restrictions had been issued to the allottee.

Runs Bowling.
May sell part of allotment.

That the Secretary of the Interior be, and he hereby is, authorized, in his discretion, to issue a patent in fee to John Thompson, a Santee Sioux Indian, in lieu of the trust patent heretofore issued to him for the lands in Nebraska, and all restrictions as to sale, encumbrance, or taxation of said lands are hereby removed.

John Thompson.
Patent in fee to.

33 Stat., 1069.

To enable the Secretary of the Interior to purchase, for the use and benefit of the Mille Lac Indians, lot numbered four in section twenty-eight, township forty-three north, of range twenty-seven west of the fourth principal meridian, Minnesota, reserved by joint resolution of Congress of May twenty-seventh, eighteen hundred and ninety-eight, as a perpetual burial place for the Mille Lac Indians, five hundred dollars, or so much thereof as may be necessary, the person or persons holding the legal title to said lot to deed the same by warranty deed to the United States in trust for the use and benefit of the Mille Lac Indians.

Mille Lac Indians.
Purchase of burial place for.

30 Stat., 745.

That the lands now held by the various villages or pueblos of Pueblo Indians, or by individual members thereof, within Pueblo reservations or lands, in the Territory of New Mexico, and all personal property furnished said Indians by the United States, or used in cultivating said lands, and any cattle and sheep now possessed or that may hereafter be acquired by said Indians shall be free and exempt from taxation of

Pueblo Indians, New Mexico.
Land etc., of, exempt from taxation.

¹ 34 L. D., 708.

any sort whatsoever, including taxes heretofore levied, if any, until Congress shall otherwise provide.

Chippewa Indian Reservation, Minn. Reimbursement to purchasers of timber on.

1889, ch. 24, 25 Stat., 644, vol. 1, p. 301.
1902, ch. 888, 32 Stat., 268, vol. 1, p. 753.

Uintah Reservation Utah. Restriction on grazing lands repealed. 1902, J. R. 31, 32 Stat., 744, vol. 1, p. 799.
1903, ch. 994, 32 Stat., 998, ante, p. 17.

Unallotted lands. Time extended for opening, to entry. 1904, ch. 1402, 33 Stat., 207, ante, p. 53.

1902, ch. 888, 32 Stat., 263, vol. 1, p. 753.

Provisos. Soldiers' and sailors' rights. R. S. secs. 2304, 2305. 33 Stat., 1070.

Sale of remaining lands.

Proceeds of sale. 1902 ch. 888, 32 Stat., 263, vol. 1, p. 753.

Uintah Forest Reserve. Additional land reserved. 32 Stat., 263.

Reservoir site.

That the Secretary of the Treasury be, and he is hereby, authorized to return to the several purchasers of the pine timber from the lands of the ceded Chippewa Indian reservations, in the State of Minnesota, all or such parts of the moneys heretofore or hereafter severally deposited with their sealed bids, being twenty per centum of the amount of such bids, at sales held, or to be held, under the act of January fourteenth, eighteen hundred and eighty-nine, as amended by act of June twenty-seventh, nineteen hundred and two, as the Secretary of the Interior may determine such purchasers entitled to after the completion of their contracts of purchase.

That so much of the act of March third, nineteen hundred and three, as provides that the grazing lands to be set apart for the use of the Uintah, White River Utes, and other Indians on the Uintah Reservation, as provided by public resolution numbered thirty-one of June nineteenth, nineteen hundred and two, shall be confined to the lands south of the Strawberry River, be, and the same is hereby, repealed.

That the time for opening to public entry the unallotted lands on the Uintah Reservation in Utah having been fixed by law as the tenth day of March, nineteen hundred and five, it is hereby provided that the time for opening said reservation shall be extended to the first of September, nineteen hundred and five, unless the President shall determine that the same may be opened at an earlier date and that the manner of opening such lands for settlement and entry, and for disposing of the same, shall be as follows: That the said unallotted lands, excepting such tracts as may have been set aside as national forest reserve, and such mineral lands as were disposed of by the act of Congress of May twenty-seventh, nineteen hundred and two, shall be disposed of under the general provisions of the homestead and town-site laws of the United States, and shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof; and no person shall be permitted to settle upon, occupy, or enter any of such lands, except as prescribed in said proclamation, until after the expiration of sixty days from the time when the same are thereby opened to settlement and entry: *Provided*, That the rights of honorably discharged Union soldiers and sailors of the late Civil and the Spanish War or Philippine insurrection, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes, as amended by the act of March first, nineteen hundred and one, shall not be abridged: *And provided further*, That all lands opened to settlement and entry under this act remaining undisposed of at the expiration of five years from the taking effect of this act shall be sold and disposed of for cash, under rules and regulations to be prescribed by the Secretary of the Interior, not more than six hundred and forty acres to any one person. The proceeds of the sale of such lands shall be applied as provided in the act of Congress of May twenty-seventh, nineteen hundred and two, and the acts amendatory thereof and supplemental thereto.

That before the opening of the Uintah Indian Reservation the President is hereby authorized to set apart and reserve as an addition to the Uintah Forest Reserve, subject to the laws, rules, and regulations governing forest reserves, and subject to the mineral rights granted by the act of Congress of May twenty-seventh, nineteen hundred and two, such portion of the lands within the Uintah Indian Reservation as he considers necessary, and he may also set apart and reserve any reservoir site or other lands necessary to conserve and protect the water supply for the Indians or for general agricultural

development, and may confirm such rights to water thereon as have already accrued: *Provided*, That the proceeds from any timber on such addition as may with safety be sold prior to June thirtieth, nineteen hundred and twenty, shall be paid to said Indians in accordance with the provisions of the act opening the reservation.¹

Proviso.
Proceeds of timber sales.

That the Raven Mining Company shall, within sixty days from the passage of this act, file for record, in the office of the recorder of deeds of the county in which its claims are located, a proper certificate of each location; and it shall also, within the same time, file in the office of the Secretary of the Interior, in the city of Washington, said description and a map showing the locations made by it on the Uintah Reservation, Utah, under the act of Congress of May twenty-seventh, nineteen hundred and two (Statutes at Large, volume thirty-two, page two hundred and sixty-three); and thereupon the Secretary of the Interior shall forthwith cause said locations to be inspected and report made, and if found to contain the character of mineral to which said company is entitled by the act of Congress aforesaid and that each of said claims does not exceed the size of a regular mining claim, to wit, six hundred by fifteen hundred feet, he shall issue a patent in fee to the Raven Mining Company for each of said claims: *Provided further*, That the Florence Mining Company entitled under the act of Congress approved May twenty-seventh, nineteen hundred and two, to the preferential right to locate not to exceed six hundred and forty acres of contiguous mineral land in the Uintah Reservation, Utah, shall within sixty days from the passage of this act file in the office of the recorder of deeds of the county in which its location is made a proper description of its claim, and it shall within the same time file in the office of the Secretary of the Interior said description and a map showing the location made by it on the Uintah Reservation, Utah, and thereupon the Secretary of the Interior shall forthwith cause said location to be inspected and report thereon made, and if found not to exceed six hundred and forty acres he shall issue a patent in fee to said company for the said land: *And provided further*, That the extension of time for opening the unallotted lands to public entry herein granted shall not extend the time to make locations to any person or company heretofore given a preferential right, but the Raven Mining Company and the Florence Mining Company pending the time for opening to public entry the Uintah Reservation shall have the right of ingress and egress to and from their respective properties over and through said reservation.

Raven Mining Co.
Certificate of location of claims, etc.

1902, ch. 888, supra.

Patent to.
Provisos.
Florence Mining Co.
Certificate of location of claim.

Patent to.
Right of ingress, etc.

That in the case entitled "In the matter of enrollment of persons claiming rights in the Cherokee Nation by intermarriage against The United States, Departmental, Numbered Seventy-six," now pending in the Court of Claims, the said court is hereby authorized and empowered to render final judgment in said case, and either party feeling itself aggrieved by said judgment shall have the right of appeal to the Supreme Court of the United States within thirty days from the filing of said judgment in the Court of Claims. And the said Supreme Court of the United States shall advance said case on its calendar for early hearing.²

33 Stat., 1071.
Cherokee Nation.
Enrollment.

That Delaware-Cherokee citizens who have made improvements, or were in rightful possession of such improvements upon lands in the Cherokee Nation on April twenty-first, nineteen hundred and four, to which there is no valid adverse claim, shall have the right within six months from the date of the approval of this act to dispose of such improvements to other citizens of the Cherokee Nation entitled to select allotments at a valuation to be approved by an official to be designated by the President for that purpose and the amount for

Delaware-Cherokee citizens granted right to sell certain improvements.

¹ U. S. v. Bost., 160 Fed., 132; 38 L. D., 549.

² Red Bird v. U. S., 203 U. S., 76; 40 C. of Cls., 411; 42 C. of Cls., 525.

Proviso.
Restriction.

which said improvements are disposed of, if sold according to the provisions of this act, shall be a lien upon the rents and profits of the land until paid, and such lien may be enforced by the vendor in any court of competent jurisdiction: *Provided*, That the right of any Delaware-Cherokee citizen to dispose of such improvements shall, before the valuation at which the improvements may be sold, be determined under such regulations as the Secretary of the Interior may prescribe.¹

Commission, Five
Civilized Tribes.
Choctaw and Chick-
asaw Indians.
Allotments, etc., to
children of, born prior
to Sept. 25, 1902

That the Commission to the Five Civilized Tribes is hereby authorized for sixty days after the date of the approval of this act to receive and consider applications for enrollment of infant children born prior to September twenty-fifth, nineteen hundred and two, and who were living on said date, to citizens by blood of the Choctaw and Chickasaw Tribes of Indians whose enrollment has been approved by the Secretary of the Interior prior to the date of the approval of this act; and to enroll and make allotments to such children.

Subsequent, etc.,
births.

That the Commission to the Five Civilized Tribes is authorized for sixty days after the date of the approval of this act to receive and consider applications for enrollment of children born subsequent to September twenty-fifth, nineteen hundred and two, and prior to March fourth, nineteen hundred and five, and who were living on said latter date, to citizens by blood of the Choctaw and Chickasaw Tribes of Indians whose enrollment has been approved by the Secretary of the Interior prior to the date of the approval of this act; and to enroll and make allotments to such children.

Creek children.

That the Commission to the Five Civilized Tribes is authorized for sixty days after the date of the approval of this act to receive and consider applications for enrollments of children born subsequent to May twenty-five, nineteen hundred and one, and prior to March fourth, nineteen hundred and five, and living on said latter date, to citizens of the Creek Tribe of Indians whose enrollment has been approved by the Secretary of the Interior prior to the date of the approval of this act; and to enroll and make allotments to such children.

Seminole children.

That the Commission to the Five Civilized Tribes is authorized for ninety days after the date of the approval of this act to receive and consider applications for enrollment of infant children born prior to March fourth, nineteen hundred and five, and living on said latter date, to citizens of the Seminole Tribe whose enrollment has been approved by the Secretary of the Interior; and to enroll and make allotments to such children giving to each an equal number of acres of land, and such children shall also share equally with other citizens of the Seminole Tribe in the distribution of all other tribal property and funds.

33 Stat., 1072.
Chickasaws.
Payment of school
warrants.

That the sum of three hundred thousand dollars be, and the same is hereby, appropriated from the trust or invested funds of the Chickasaw tribe now in the Treasury of the United States belonging to said tribe, for the immediate payment of all the outstanding school warrants of said tribe, legally issued for the purpose of maintaining the public schools of said tribe, such payment to be made under the direction of the Secretary of the Interior: *Provided*, That any unexpended balance of said three hundred thousand dollars shall be held by the Secretary of the Interior and be by him added to the interests of the Chickasaw Tribe in the coal and asphaltum royalty fund, and used for the maintenance of public schools of said tribe during the existence of the tribal government: *And provided further*, That the sum of seventy-five thousand dollars of the money in the Treasury belonging to the Creek Nation, derived from the sale of lots in town sites, is hereby appropriated and made immediately available for the payment, under

Provisos.
Unexpended balance.

Creek Nation.
Payment of out-
standing indebtedness.

¹ White v. Starbuck, 133 Pac., 226.

the direction of the Secretary of the Interior, of the outstanding indebtedness of said nation.

That the Secretary of the Interior be, and he is hereby, authorized and directed to pay, out of any available funds of the Creek Nation of Indians in the Treasury of the United States, to the Turner Hardware Company, of Muscogee, Indian Territory, the sum of one thousand two hundred and forty-nine dollars and five cents, in full payment of accounts for certain school supplies purchased by the superintendents for the use of various Creek boarding schools in the years eighteen hundred and ninety-nine and nineteen hundred, which accounts are approved by the superintendent of schools in Indian Territory.

Turner Hardware Co.
Payment to.

To reimburse Delos K. Lonewolf, a Kiowa Indian, for the value of the improvements owned by him and surrendered to the United States on the Kiowa, Comanche, and Apache Indian Reservation, in Oklahoma, the sum of one hundred and fifty dollars, and the acceptance of said sum by said Lonewolf shall be a complete and absolute bar to any and all claims against the United States for said improvements.

Delos K. Lonewolf.
Reimbursement.

That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to George Walker, a Pottawatomie Indian, of Michigan, whose name was omitted from Schedule A of the findings of the Court of Claims, his proportionate share of the sum of seventy-eight thousand three hundred and twenty-nine dollars and twenty-five cents appropriated for certain Pottawatomes of Michigan by the act approved April twenty-first, nineteen hundred and four, amounting to two hundred and eighty-seven dollars and ninety-seven cents.

George Walker.
Payment to.
1904, ch. 1402, 33
Stat., 210, ante, p. 56.

That the provision in the Indian appropriation bill for the fiscal year ending June thirtieth, nineteen hundred and four, authorizing the Secretary of the Interior to sell the residue of the lands of the Creek Nation not taken as allotments is hereby repealed and the provision of the Creek agreement, Article III, approved March one, nineteen hundred and one, is hereby restored and reenacted.

Creek lands.
Sale of unallotted,
repealed.
1904, ch. 1402, 33
Stat., 204, ante, p. 50.
1901, ch. 676, sec. 3
31 Stat., 862, vol. 1, p.
730.

That the Secretary of the Interior shall make an investigation and definitely ascertain what amount of land, if any, belonging to the Creek Nation, has been taken and allotted to the members of the Seminole Tribe and arrange payment to the Creek Nation for such land if there be anything due by the Seminole Nation.

Creek lands allotted
to Seminoles.
Payment for.

That the improvements of Seminole citizens upon Creek lands and the improvements of Creek citizens upon Seminole lands that are unpaid for by said allottees shall be investigated by the Secretary of the Interior and paid for by said nations, respectively.

Improvements.

That all persons who have heretofore purchased any of the lands of the Umatilla Indian Reservation and have made full and final payment thereof in conformity with the acts of Congress of March third, eighteen hundred and eighty-five, and of July first, nineteen hundred and two, respecting the sale of such lands, shall be entitled to receive patent therefor upon submitting satisfactory proof to the Secretary of the Interior that the untimbered lands so purchased are not susceptible of cultivation or residence and are exclusively grazing lands, incapable of any profitable use other than for grazing purposes.¹

Umatilla Indian
Reservation.
Patents for grazing
lands.
1885, ch. 319, 23 Stat.,
342, vol. 1, p. 225.
1902, ch. 1380, 32
Stat., 730, vol. 1, p. 798.
33 Stat., 1073.

That the Secretary of the Interior be and he is hereby authorized and directed to investigate the number of Clatsop Indians of Oregon and Washington, Tillamook Indians of Oregon, Lower Band of Chinook Indians of Washington and Kathlamet Band of Chinook Indians of the State of Oregon, or their heirs, who can be identified as belonging to said tribes at the time of executing certain agreements dated August fifth, August seventh and August ninth, in the year eighteen hundred and fifty-one, and report his findings to Congress at its next session.

Oregon and Wash-
ington Indians.
Investigation.

¹ 38 L. D., 38.

SUPPORT OF SCHOOLS.

| | |
|---------------------------------------|---|
| Indian schools. | |
| Support, etc. | For support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for, one million three hundred thousand dollars. |
| Buildings, etc. | For construction, purchase, lease, and repair of school buildings, and sewerage, water supply, and lighting plants, and purchase of school sites, and improvement of buildings and grounds, four hundred thousand dollars; in all, one million seven hundred thousand dollars. |
| Albuquerque, N. Mex. | For support and education of three hundred Indian pupils at Albuquerque, New Mexico, fifty thousand one hundred dollars; for pay of superintendent of said school, one thousand eight hundred dollars; for improvements to water supply, four thousand dollars; general repairs and improvements, five thousand dollars; in all, sixty thousand nine hundred dollars. |
| Chamberlain, S. Dak. | For the support and education of two hundred Indian pupils at Chamberlain, South Dakota, thirty-three thousand four hundred dollars; for pay of superintendent of said school, one thousand six hundred dollars; for general repairs and improvements, two thousand five hundred dollars; in all, thirty-seven thousand five hundred dollars. |
| Cherokee, N. C. | For support and education of one hundred and sixty pupils at the Indian school at Cherokee, North Carolina, twenty-six thousand seven hundred and twenty dollars; for pay of superintendent of said school, one thousand five hundred dollars; for general repairs and improvements, two thousand five hundred dollars; for laundry, four thousand dollars; in all, thirty-four thousand seven hundred and twenty dollars. |
| Carlisle, Pa. | For support of Indian school at Carlisle, Pennsylvania, for transportation of pupils to and from said school, and for general repairs and improvements, one hundred and fifty thousand dollars; for an addition to hospital, ten thousand dollars; for additional salary for superintendent in charge, one thousand dollars; in all, one hundred and sixty-one thousand dollars. |
| Carson City, Nev. | For support and education of three hundred Indian pupils at the Indian school at Carson City, Nevada, fifty thousand one hundred dollars; for pay of superintendent at said school, one thousand eight hundred dollars; for general repairs and improvements, four thousand dollars; for pumping and power plant, two thousand dollars; in all, fifty-seven thousand nine hundred dollars. |
| Chilocco, Okla. | For support and education of seven hundred Indian pupils at the Indian school at Chilocco, Oklahoma Territory, one hundred and sixteen thousand nine hundred dollars; for pay of superintendent at said school, three thousand dollars; for general repairs and improvements, ten thousand dollars; for cottage for assistant superintendent, three thousand dollars; for steam boilers, three thousand dollars; for ice plant, five thousand dollars; in all, one hundred and forty thousand nine hundred dollars. |
| 33 Stat., 1074. Flandreau, S. Dak. | For support and education of four hundred Indian pupils at Riggs Institute, Flandreau, South Dakota, sixty-six thousand eight hundred dollars; for general repairs and improvements, three thousand five hundred dollars; for pay of superintendent of said school, one thousand eight hundred dollars; in all, sixty-seven thousand nine hundred and twenty-five dollars: <i>Provided</i> , That, if in the discretion of the Commissioner of Indian Affairs it becomes necessary to continue at said school an excess of pupils over three hundred and seventy-five for the fiscal year ending June thirtieth, nineteen hundred and five, there is hereby appropriated therefor, to be immediately available, not exceeding four thousand one hundred and seventy-five dollars. |
| Proviso. Pupils. | |
| Fort Mojave, Ariz. | For support and education of two hundred and ten Indian pupils at the Indian school, Fort Mojave, Arizona, thirty-five thousand and seventy dollars; for pay of superintendent of said school, one thousand |

six hundred dollars; for general repairs and improvements, two thousand dollars; for power house and steam pumps, six thousand dollars; in all, forty-four thousand six hundred and seventy dollars.

For support and education of three hundred and twenty-five Indian pupils at the Indian school, Fort Totten, North Dakota, fifty-four thousand two hundred and seventy-five dollars; for pay of superintendent at said school, one thousand seven hundred dollars; for general repairs and improvements, five thousand dollars; in all, sixty thousand nine hundred and seventy-five dollars.

Fort Totten, N. Dak.

For support and education of three hundred Indian pupils at the Indian school, Genoa, Nebraska, fifty thousand one hundred dollars; for general repairs and improvements, four thousand dollars; for pay of superintendent of said school, one thousand seven hundred dollars; for office building, two thousand five hundred dollars; for shop buildings, six thousand dollars; in all, sixty-four thousand three hundred dollars.

Genoa, Nebr.

Support and education of two hundred Indian pupils at the Indian school at Grand Junction, Colorado, thirty-three thousand four hundred dollars; pay of superintendent at said school, one thousand six hundred dollars; general repairs and improvements, two thousand dollars; dairy barn, four thousand five hundred dollars; superintendent's cottage, three thousand five hundred dollars; increase to gas plant, one thousand two hundred dollars; in all, forty-six thousand two hundred dollars.

Grand Junction,
Colo.

For the support and education of one hundred and twenty Indian pupils at the school at Hampton, Virginia, twenty thousand and forty dollars.

Hampton, Va.

For the support and education of two hundred and fifteen pupils at the Indian school at Hayward, Wisconsin, thirty-three thousand six hundred and seventy dollars; pay of superintendent, one thousand five hundred dollars; general repairs and improvements, two thousand two hundred dollars; addition to warehouse, one thousand five hundred dollars; in all, thirty-eight thousand eight hundred and seventy dollars.

Hayward, Wis.

For support and education of seventy Indian pupils at the Indian school, Kickapoo Reservation, Kansas, eleven thousand six hundred and ninety dollars; for pay of superintendent, one thousand three hundred dollars; general repairs and improvements, one thousand two hundred dollars; in all, fourteen thousand one hundred and ninety dollars.

Kickapoo Reserva-
tion, Kans.

For support and education of seven hundred and fifty Indian pupils at the Indian school, Haskell Institute, Lawrence, Kansas, for transportation of pupils to and from said school, one hundred and thirty-five thousand two hundred and fifty dollars; for pay of superintendent at said school, two thousand five hundred dollars; for general repairs and improvements, twelve thousand dollars; in all, one hundred and forty-nine thousand seven hundred and fifty dollars.

Lawrence, Kans.

For the support and education of one hundred and fifty Indian pupils at Morris, Minnesota, Indian School, twenty-five thousand and fifty dollars; pay of superintendent, one thousand five hundred dollars; for addition to barn, one thousand five hundred dollars; for addition to and seating of school building, five thousand dollars; for equipment of laundry, one thousand dollars; for general repairs and improvements, one thousand five hundred dollars; in all, thirty-six thousand one hundred and fifty dollars.

33 Stat., 1075.
Morris, Minn.

For support and education of three hundred Indian pupils at the Indian school, Mount Pleasant, Michigan, fifty thousand one hundred dollars; for pay of superintendent of said school, one thousand seven hundred dollars; for general repairs and improvements, three thousand one hundred dollars, to be immediately available; for employees' quarters, six thousand dollars, to be immediately available; for dairy

Mount Pleasant,
Mich.

- building, three thousand five hundred dollars, to be immediately available; for superintendent's cottage, four thousand dollars, to be immediately available; in all, sixty-eight thousand four hundred dollars.
- Phoenix, Ariz. For support and education of seven hundred Indian pupils at the Indian school at Phoenix, Arizona, one hundred and sixteen thousand nine hundred dollars; for general repairs and improvements, ten thousand dollars; for pay of superintendent at said school, two thousand five hundred dollars; horse barn, five thousand dollars; in all, one hundred and thirty-four thousand four hundred dollars.
- Pierre, S. Dak. For support and education of one hundred and fifty Indian pupils at the Indian industrial school at Pierre, South Dakota, twenty-five thousand and fifty dollars; for new school building, fifteen thousand dollars; for pay of superintendent of said school, one thousand five hundred dollars; for general repairs and improvements, three thousand dollars, to be immediately available; for equipment for workshop and laundry, three thousand five hundred dollars, to be immediately available; in all, thirty-three thousand and fifty dollars.
- Pipestone, Minn. For support and education of two hundred Indian pupils at the Indian school, Pipestone, Minnesota, thirty-three thousand four hundred dollars; for pay of superintendent at said school, one thousand six hundred dollars; for residence of employees, to be built of stone, ten thousand dollars; for equipment of industrial school, five thousand dollars; for general repairs and improvements, two thousand dollars; for superintendent's residence, four thousand five hundred dollars; in all, fifty-six thousand five hundred dollars.
- Rapid City, S. Dak. For support and education of two hundred and fifty Indian pupils at Rapid City, South Dakota, forty-one thousand seven hundred and fifty dollars; for pay of superintendent, one thousand six hundred dollars; for general repairs and improvements, three thousand dollars; for brick barn, five thousand dollars; in all, fifty-one thousand three hundred and fifty dollars.
- Riverside, Cal. For support and education of four hundred and fifty Indian pupils at the Sherman Institute, Riverside, California, seventy-five thousand one hundred and fifty dollars; for pay of superintendent, two thousand dollars; for additional water system, three thousand dollars; for industrial building for boys, ten thousand dollars; for general repairs and improvements, five thousand dollars; for purchase of reservoir site, five hundred dollars, to be immediately available; in all, ninety-five thousand six hundred and fifty dollars: *Provided*, That the Indian school at Perris, California, is hereby discontinued, and the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, is authorized to sell and convey said property, and apply the proceeds thereof to the improvement of Sherman Institute, at Riverside, California.
- Proviso. Indian school,
Perris, Cal.
Sale of, authorized.
- Salem, Oreg. For support and education of six hundred Indian pupils at the Indian school, Salem, Oregon, one hundred thousand two hundred dollars; for pay of superintendent at said school, two thousand dollars; for general repairs and improvements, ten thousand dollars; in all, one hundred and twelve thousand two hundred dollars.
- 33 Stat., 1076.
- Sac and Fox Reservation, Iowa. For the support and education of eighty Indian pupils, Sac and Fox Reservation, Iowa, thirteen thousand three hundred and sixty dollars; for pay of superintendent, one thousand dollars; for general repairs and improvements, one thousand two hundred dollars; laundry building, three thousand dollars; in all, eighteen thousand five hundred and sixty dollars.
- Santa Fe, N. Mex. For support and education of three hundred Indian pupils at the Indian school at Santa Fe, New Mexico, fifty thousand one hundred dollars; for pay of superintendent at said school, one thousand eight hundred dollars; for water supply, one thousand five hundred dollars; for general repairs and improvements, five thousand dollars; electric-

light plant, three thousand dollars; in all, sixty-one thousand four hundred dollars.

For support and education of one hundred and seventy-five Indian pupils at the Indian school, Shoshone Reservation, Wyoming, twenty-nine thousand two hundred and twenty-five dollars; for pay of superintendent at said school, one thousand five hundred dollars; for general repairs and improvements, three thousand five hundred dollars; for new buildings, twelve thousand dollars (to be made immediately available); for additional water and sewer systems, eight thousand dollars (to be made immediately available); in all, fifty-four thousand two hundred and twenty-five dollars.

Shoshone Reservation, Wyo.

For support and education of seventy-five pupils at the Pauquitch Indian School in Utah, twelve thousand five hundred and twenty-five dollars; pay of superintendent, nine hundred dollars; general repairs and improvements, three thousand dollars; for hospital building, five thousand dollars; in all, twenty-one thousand four hundred and twenty-five dollars.

Pauquitch, Utah.

For the support and education of two hundred and fifty Indian pupils at the Indian school, Tomah, Wisconsin, forty-one thousand seven hundred and fifty dollars; for pay of superintendent at said school, one thousand seven hundred dollars; for girls' dormitory, ten thousand dollars; for purchase of lands, six thousand dollars; for general repairs and improvements, three thousand dollars; in all, sixty-two thousand four hundred and fifty dollars.

Tomah, Wis.

For support and education of one hundred and fifty pupils at the Indian school at Truxton Canyon, Arizona, twenty-five thousand and fifty dollars; pay of superintendent, one thousand five hundred dollars; general repairs and improvements, four thousand dollars; for irrigation plant, four thousand dollars; for barn, three thousand dollars; in all, thirty-seven thousand five hundred and fifty dollars.

Truxton Canyon, Ariz.

For a superintendent in charge of agency and educational matters on the Coeur d'Alene Reservation in Idaho, one thousand two hundred dollars; which reservation is hereby segregated from the Colville Agency in Washington.

Coeur d'Alene Reservation, Idaho.

For the maintenance, strengthening, and enlarging of the tribal schools of the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations, and making provision for the attendance of children of non-citizens therein, and the establishment of new schools under the control of the tribal school boards and the Department of the Interior, the sum of one hundred and fifty thousand dollars, or so much thereof as may be necessary, to be placed in the hands of the Secretary of the Interior, and disbursed by him under such rules and regulations as he may prescribe: *Provided*, That the Attorney General of the United States is hereby authorized and directed to turn over to the Secretary of the Interior all money now in his hands paid over to him by the clerks and deputy clerks of the United States courts in the Indian Territory under the provisions of the act of February nineteenth, nineteen hundred and three, which, under the terms of said act, is to be applied to the permanent school fund of the district, and all money which may hereafter come into his hands from the same source under said act; and the Secretary of the Interior is hereby authorized to use said money in maintaining, strengthening, and enlarging the schools in the Indian Territory as provided for in this paragraph.

Cherokee, Creek, Choctaw, etc., Indians. Maintenance, etc., tribal schools.

Proviso. Permanent school fund. Use of surplus recording fees. 33 Stat., 1077. 1903, ch. 707, 32 Stat., 842, ante, p. 8.

For collection and transportation of pupils to and from Indian schools, and also for the transportation of Indian pupils from all the Indian schools and placing of them, with the consent of their parents, under the care and control of such suitable white families as may in all respects be qualified to give such pupils moral, industrial, and educational training, under arrangements in which their proper care,

Transportation, etc.

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| Supervision of expenditures. | support, and education shall be in exchange for their labor, sixty thousand dollars. |
| Provisos. Limit of per capita expense. | That all expenditure of money appropriated for school purposes in this act shall be at all times under the supervision and direction of the Commissioner of Indian Affairs, and in all respects in conformity with such conditions, rules, and regulations as to the conduct and methods of instruction and expenditure of money as may be from time to time prescribed by him, subject to the supervision of the Secretary of the Interior: <i>Provided</i> , That not more than one hundred and sixty-seven dollars shall be expended for the annual support and education of any one pupil in any school herein specifically provided for, except when, by reason of epidemic, accident, or other sufficient cause, the attendance is so reduced or cost of maintenance so high that a larger expenditure is absolutely necessary for the efficient operation of the school affected, when the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may allow a larger per capita expenditure, such expenditure to continue only so long as the said necessity therefor shall exist: <i>Provided further</i> , That the total amount appropriated for the support of such school shall not be exceeded: <i>Provided further</i> , That the number of pupils in any school entitled to the per capita allowance hereby provided for shall be determined by taking the average enrollment for the entire fiscal year and not any fractional part thereof. |
| Total for schools. | |
| Determination of per capita allowance. | |
| Purchase of supplies to be advertised. | SEC. 2. That no purchase of supplies for which appropriations are herein made, exceeding in the aggregate five hundred dollars in value at any one time, shall be made without first giving at least three weeks' public notice by advertisement, except in case of exigency, when, in the discretion of the Secretary of the Interior, who shall make official record of the facts constituting the exigency, and shall report the same to Congress at its next session, he may direct that purchases may be made in open market in amount not exceeding three thousand dollars at any one purchase: <i>Provided</i> , That supplies may be purchased, contracts let, and labor employed for the construction of artesian wells, ditches, and other works for irrigation, in the discretion of the Secretary of the Interior, without advertising as hereinbefore provided: <i>Provided further</i> , That as far as practicable Indian labor shall be employed and purchase in the open market made from Indians, under the direction of the Secretary of the Interior. |
| Exceptions. | |
| Provisos. Irrigation | |
| Purchases in open market, etc. | |
| Use of surplus for subsistence deficiencies. | SEC. 3. That the Secretary of the Interior, under the direction of the President, may use any surplus that may remain in any of the said appropriations herein made for the purchase of subsistence for the several Indian tribes, to an amount not exceeding twenty-five thousand dollars in the aggregate, to supply any subsistence deficiency that may occur: <i>Provided</i> , That any diversions which shall be made under authority of this section shall be reported in detail, and the reason therefor, to Congress, at the session of Congress next succeeding such diversion: <i>Provided further</i> , That the Secretary of the Interior, under direction of the President, may use any sums appropriated in this act for subsistence, and not absolutely necessary for that purpose, for the purchase of stock cattle for the benefit of the tribe for which such appropriation is made, and shall report to Congress, at its next session thereafter, an account of his action under this provision: <i>Provided further</i> , That funds appropriated to fulfill treaty obligations shall not be used. |
| Provisos. Report of diversions. 33 Stat., 1078. Purchase of stock cattle from subsistence supplies. | |
| Treaty funds. | |
| Transfer of funds for employees, etc. | SEC. 4. That when not required for the purpose for which appropriated, the funds herein provided for the pay of specified employees at any agency may be used by the Secretary of the Interior for the pay of other employees at such agency, but no deficiency shall be thereby created; and, when necessary, specified employees may be detailed for other service when not required for the duty for which |

they were engaged; and that the several appropriations herein or heretofore made for millers, blacksmiths, engineers, carpenters, physicians, and other persons, and for various articles provided for by treaty stipulation for the several Indian tribes, may be diverted to other uses for the benefit of said tribes, respectively, within the discretion of the President, and with the consent of said tribes, expressed in the usual manner; and that he cause report to be made to Congress, at its next session thereafter, of his action under this provision.

SEC. 5. That whenever after advertising for bids for supplies in accordance with sections three and four of this act those received for any article contain conditions detrimental to the interests of the Government, they may be rejected, and the articles specified in such bids purchased in open market, at prices not to exceed those of the lowest bidder and not to exceed the market price of the same, until such time as satisfactory bids can be obtained, for which immediate advertisement shall be made: *Provided*, That so much of the appropriations herein made as may be required to pay for goods and supplies, for expenses incident to their purchase, and for transportation of the same, for the year ending June thirtieth, nineteen hundred and six, shall be immediately available, but no such goods or supplies shall be distributed or delivered to any of said Indians prior to July first, nineteen hundred and five.

Rejection of bids.

Open-market purchases.

Proviso. Amount for supplies immediately available.

SEC. 6. That the following agreement made and concluded on the twenty-eighth day of May, nineteen hundred and four, by James McLaughlin, United States Indian inspector, with the male adult Indians residing on the Port Madison Indian Reservation, in the State of Washington, is hereby accepted, ratified, and confirmed:

Agreement with Port Madison Reservation Indians, Wash., ratified.

This agreement made and entered into on the twenty-eighth day of May, nineteen hundred and four, by and between James McLaughlin, United States Indian inspector, on the part of the United States, and the Indians belonging on the Port Madison Indian Reservation, in the State of Washington, witnesseth:

Agreement.

ARTICLE I. The said Indians belonging on the Port Madison Indian Reservation, in the State of Washington, for the consideration herein-after named, do hereby cede, grant, and relinquish to the United States all right, title, and interest which they may have in and to that portion of the unallotted lands of the said Port Madison Indian Reservation, in the State of Washington, described by legal subdivision of Government survey as lots four and five, in section twenty-one, township twenty-six north, range two east, Willamette meridian, containing forty-eight and seventy-five one-hundredths acres, more or less.

Lands ceded.

ARTICLE II. In consideration of the lands ceded, granted, relinquished, and conveyed by Article I of this agreement, the United States stipulates and agrees to pay to the said Indians per capita in cash the sum of three thousand nine hundred dollars, share and share alike, to each man, woman, and child belonging on the said Port Madison Indian Reservation, within ninety days after the ratification of this agreement, and also to pay to certain of said Indians, within the said time limit, the sum of three thousand six hundred and twenty-eight dollars for certain personal improvements, and four hundred and sixty-six and seventy-five one hundredths dollars to the treasurer of the Port Madison Indian Improvement Club for floating wharf, and three hundred and fifty-five dollars to the treasurer of the board of trustees of the Port Madison Indian Church, as listed in schedule of appraisalment of said improvements upon lands ceded by Article I of this agreement, a copy of which schedule of appraisalment is hereunto attached. And it is further agreed that the disposition of the sum of eight hundred and eighty-four dollars, the appraisalment of the Government schoolhouse and farmer's dwelling, and two hundred dollars for cable anchorages of two telegraph companies, as per attached

Payment to Indians.

33 Stat., 1079.

schedule, is discretionary with the Secretary of the Interior, and may be expended, in his discretion, in the erection of a day school building upon the remaining thirty-six acres unallotted subdivision of the Port Madison Indian Reservation, described as lot three, section twenty-one, township twenty-six north, range two east, Willamette meridian, which unallotted subdivision adjoins lot four of the tract ceded by Article I of this agreement.

Rights of Indians not impaired.

ARTICLE III. It is understood that nothing in this agreement shall be construed to deprive the said Indians of the Port Madison Indian Reservation of any benefits to which they are entitled under existing treaties or agreements not inconsistent with the provisions of this agreement.

Effect.

ARTICLE IV. This agreement shall take effect and be in force when signed by United States Indian Inspector James McLaughlin and by a majority of the male adult Indian parties hereto, and when accepted and ratified by the Congress of the United States.

In witness whereof the said James McLaughlin, United States Indian inspector, on the part of the United States, and the male adult Indians belonging on the Port Madison Indian Reservation, in the State of Washington, have hereunto set their hands and seals at the Port Madison Subagency, Kitsap County, Washington, this twenty-eighth day of May, anno Domini nineteen hundred and four.

Claf-wha George. May sell allotment.

That Claf-wha George, Indian allottee numbered ten, of the Port Madison Indian Reservation, in the State of Washington, to whom a trust patent was issued on November fourth, eighteen hundred and eighty-six, for lot one, in section twenty-eight, township twenty-six north, range two east, of the Willamette meridian, together with other lands, is hereby authorized to sell and convey to the United States of America the said lot one, including improvements thereon.

Qu-dis-kid Big John. May sell allotment.

That Qu-dis-kid Big John, Indian allottee numbered eleven, of the Port Madison Indian Reservation, in the State of Washington, to whom a trust patent was issued on November fourth, eighteen hundred and eighty-six, for lot two, in section twenty-eight, township twenty-six north, range two east, of the Willamette meridian, together with other lands, is hereby authorized to sell and convey to the United States of America the said lot two, including improvements thereon.

Kansas or Kaw Indians. Payment of award. 1902, ch. 1361, 32 Stat., 640, vol. 1, p. 770.

SEC. 7. For payment to the Kansas or Kaw Indians in settlement of their claims against the United States, as established by the award of the Kaw Commission, under the provisions of the act of Congress of July first, nineteen hundred and two (Thirty-second Statutes at Large, page six hundred and thirty-six), one hundred and fifty-five thousand nine hundred and seventy-six dollars and eighty-eight cents, to be

Provisos. Acceptance to be in full.

immediately available: *Provided*, That the amount herein appropriated is accepted by the said Kansas or Kaw Indians in full settlement for all claims of whatever nature which they may have or claim to have against the United States: *Provided further*, That the Secretary of the Interior be, and is hereby, authorized and directed to pay out of the above amount to Samuel J. Crawford, attorney of record for said Indians, an amount equal to ten per cent of said sum of one hundred and fifty-five thousand nine hundred and seventy-six dollars and eighty-eight cents, in full for services and expenses incident to the

33 Stat., 1080. Samuel J. Crawford. Attorney's fees.

General release from Indians.

prosecution of the claims of said Indians: *Provided, however*, That no part of said sum shall be paid until said Indians, in general council lawfully convened for that purpose, shall execute and deliver to the United States a general release of all claims and demands of every name and nature against the United States: *Provided further*, That out of the amount of one hundred and fifty-five thousand nine hundred and seventy-six dollars and eighty-eight cents, for payment of the claim of the Kaw or Kansas Indians, the Secretary of the Interior is hereby authorized and directed to pay the accounts of the twenty-two

Advertising.

newspapers, aggregating the sum of three thousand six hundred and ninety-four dollars and seventy-six cents, set out in the report of the Secretary of the Interior, printed in House of Representatives Executive Document Numbered Sixty, Forty-seventh Congress, first session, at not exceeding the commercial rates at the time the service was rendered, for advertising under previous authority of the Department of the Interior the sale of Kansas trust and diminished reserve Indian lands in eighteen hundred and seventy-four and eighteen hundred and seventy-five.

SEC. 8. That the Secretary of the Interior shall make an investigation as to the practicability of providing a water supply for irrigation purposes to be used on a portion of the reservation of the Southern Utes in Colorado, and he is authorized to contract for and to expend from the funds of said Southern Utes in the purchase of perpetual water rights sufficient to irrigate not exceeding ten thousand acres on the western part of the Southern Ute Reservation and for annual charges for maintenance of such water thereon such amount and upon such terms and conditions as to him may seem just and reasonable, not exceeding one hundred and fifty thousand dollars, for the purchase of such perpetual water rights and not exceeding a maximum of fifty cents per acre per annum for the maintenance of water upon the land to be irrigated: *Provided*, That after such an investigation he shall find all the essential conditions relative to the water supply and to the perpetuity of its availability for use upon said lands as will justify a contract for its perpetual use the contract for such water shall be for a specific number of inches: *Provided*, That the Secretary of the Interior, upon making all such contracts, shall require from the company, person, or persons entering into such contract a bond of indemnity, to be approved by him, for the faithful and continuous execution of such contract as provided therein.

Southern Utes in Colorado.
Purchase of water rights for irrigation.

Provisos.
Condition.

Indemnity bond.

SEC. 9. That section twelve, chapter fourteen hundred and ninety-five, Statutes of the United States of America, entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," be, and the same is hereby, amended so as to read as follows:

1904, ch. 1495, sec. 12,
33 Stat., 304, ante p. 79.

"SEC. 12. That the President may reserve and except from said lands, not to exceed one thousand two hundred and eighty acres, for Catholic mission schools, church, and hospital and such other eleemosynary institutions as may now be maintained by the Catholic Church on said reservation, which lands are hereby granted to those religious organizations of the Catholic Church now occupying the same, known as the Society of Jesus, the Sisters of Charity of Providence, and the Ursuline Nuns, the said lands to be granted in the following amounts, namely: To the Society of Jesus, six hundred and forty acres; to the Sisters of Charity of Providence, three hundred and twenty acres; and to the Ursuline Nuns, three hundred and twenty acres, such lands to be reserved and granted for the uses indicated only so long as the same are maintained, used, and occupied by said organizations for the purposes indicated, except that forty acres of the six hundred and forty acres hereinbefore mentioned as granted to the Society of Jesus are hereby granted in fee simple to said Society of Jesus, its successors and assigns: *And be it further provided*, That the President shall further reserve and except from said lands for the use of the University of Montana for biological station purposes one hundred and sixty acres, which land is hereby granted to the State of Montana for the use of the University of Montana. The governor of said State, with the approval of the Secretary of the Interior, is hereby authorized to locate said last-mentioned lands.

Flathead Indian Reservation.
Land for Catholic mission schools, etc.

33 Stat., 1081.

Proviso.
Lands granted to University of Montana.

Land for other religious organizations.

“The President is also authorized to reserve lands upon the same conditions and for similar purposes for any other missionary or religious societies that may make application therefor within one year after the passage of this act in such quantity as he may deem proper. The President may also reserve such of said lands as may be convenient or necessary for the occupation and maintenance of any and all agency buildings, substations, mills, and other governmental institutions now in use on said reservation or which may be used or occupied by the Government of the United States.”

Indian fuel supply.

The President is also hereby authorized to reserve not to exceed five thousand acres of timber-lands for the use of said Indians as a fuel supply, under such restrictions and regulations as may be prescribed by the Secretary of the Interior.

Pima Indians.
Irrigation of lands of.

SEC. 10. For the construction of an irrigation system necessary for developing and furnishing a water supply for the irrigation of the lands of the Pima Indians in the vicinity of Sacaton on the Gila River Indian Reservation the sum of fifty thousand dollars, to be expended under the direction of the Secretary of the Interior: *Provided*, That the total cost of the entire construction and installation of said irrigating system shall not exceed five hundred and forty thousand dollars: *Provided further*, That when said irrigation system is in successful operation and the Indians have become self-supporting the cost of operating the said system shall be equitably apportioned upon the lands irrigated and to the annual charge shall be added an amount sufficient to pay back into the Treasury the cost of the work within thirty years, suitable deduction being made for the amounts received from disposal of lands which now form a part of the said reservation.

Provisos.
Cost limit.

Reimbursement.

Otoe and Missouri Indian Reservation.
Part of, attached to Noble County, Okla.

SEC. 11. That townships twenty-two north of ranges one and two east of the Indian meridian, all in the Oto and Missouri Indian Reservation, shall be attached to and become a part of Noble County, Oklahoma Territory.

Appeals, etc., Indian Territory courts.

SEC. 12. That hereafter all appeals and writs of error shall be taken from the United States courts in the Indian Territory to the United States court of appeals in the Indian Territory and from the United States court of appeals in the Indian Territory to the United States circuit court of appeals for the eighth circuit in the same manner as is now provided for in cases taken by appeal or writ of error from the circuit courts of the United States to the circuit court of appeals of the United States for the eighth circuit.¹

Ottawa and Chippewa Indians, Mich.
Suit to settle ownership of certain stocks, etc., of trust fund.

SEC. 13. That the Ottawa and Chippewa Indians of the State of Michigan are hereby authorized, within ninety days from the approval of this act, to file a petition in the Court of Claims of the United States for the purpose of settling the question as to the ownership of the stocks, Government bonds, or moneys held in trust by the Government at the date of the treaty of July, eighteen hundred and fifty-five, between the Ottawa and Chippewa Indians and the United States (Eleventh Statutes, page six hundred and twenty-four) under the treaty of eighteen hundred and thirty-six (Seventh Statutes, page four hundred and ninety-nine), which was then deposited in the Treasury of the United States; and for the further purpose of ascertaining the amount, if any, due the Ottawa and Chippewa Indians under a conversion made on March ninth, eighteen hundred and eighty-five, as set forth in the report of the honorable Secretary of the Interior on Senate bill numbered sixty-seven hundred and sixty-six, Fifty-seventh Congress, second session, bearing date January seventeenth, nineteen

33 Stat., 1082.

¹ Morrison v. Burnette, 154 Fed., 617; Martin v. United States, 168 Fed., 198; In re Terrell's Estate, 98 S. W., 143; U. S. Fidelity & Guaranty Co. v. Shirk, 103 S. W., 773; In re Berryhill's Estate, 104 S. W., 847; Lewis v. Sittle, 104 S. W., 850, 165 Fed., 157; Muskogee Land Co. v. Blackwin, 95 Pac., 252; Porter v. Brook, 97 Pac., 645; Bickford v. Bruce, 97 Pac., 648; Utterback v. Rock Island Plow Co., 97 Pac., 649; Parks v. City of Ada, 103 Pac., 607; Kelly v. McCombs, 102 Pac., 186; Riverside Oil & Gas Co. v. Tulsa Water, Light, Heat & Power Co., 103 Pac., 608; Faulter v. Manuel, 104 Pac., 749; Chouteau v. Chouteau, 106 Pac., 854; First National Bank v. Jacobs, 111 Pac., 303; Lewis v. Sittle, 121 Pac., 1078; United States v. Allen, 171 Fed., 907, 179 Fed., 13; Laurel Oil Co. v. Morrison, 212 U. S., 291; Lowe v. Fisher, 223 U. S., 95; Goat v. United States, 224 U. S., 458.

hundred and three, and the report of the Commissioner of Indian Affairs, bearing date January fourteenth, nineteen hundred and three, thereunto attached. That said petition shall name the United States as defendant and may be verified by attorney. That the Court of Claims is hereby granted jurisdiction in law and in equity to render judgment upon said petition and to pass upon and find, as a matter of law, whether or not the conversion of said funds was authorized under the third article of the treaty of eighteen hundred and fifty-five, above referred to. That the Court of Claims shall advance said cause upon the docket, and if judgment be rendered for the petitioner shall award a proper attorney fee for the attorneys of record, to be paid on separate warrants from the amount recovered.

Court of Claims granted jurisdiction.

Attorney's fee.

Approved, March 3, 1905.

PUBLIC ACTS OF THE FIFTY-NINTH CONGRESS, FIRST SESSION, 1906.

CHAP. 7.—An act to provide for the extension of time within which homestead settlers may establish their residence upon certain lands which were heretofore a part of the Uinta Indian Reservation, within the counties of Uinta and Wasatch, in the State of Utah.

Jan. 27, 1906.
[S. 321.]

[Public, No. 7.]
34 Stat., 9.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the homestead settlers on lands which were heretofore a part of the Uinta Indian Reservation, within the counties of Uinta and Wasatch, in the State of Utah, opened under the acts of May twenty-seventh, nineteen hundred and two, and March third, nineteen hundred and three, and March third, nineteen hundred and five, be, and they are hereby, granted an extension of time in which to establish their residence upon the lands so opened and filed upon until the fifteenth day of May, anno Domini nineteen hundred and six: *Provided, however,* That this act shall in no manner affect the regularity or validity of such filings, or any of them, so made by the said settlers on the lands aforesaid; and it is only intended hereby to extend the time for the establishment of such residence as herein provided, and the provisions of said acts are in no other manner to be affected or modified.

Uinta Indian Reservation, Utah.
Time extended to homestead settlers in.
32 Stat., 263, vol. 1, 753.
32 Stat., 998.
33 Stat., 1069.
Ante, pp. 17, 53, 146.

Proviso.
Validity, etc., of filings not affected.

Approved, January 27, 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.

Mar. 6, 1906.
[H. R. 10067.]
[Public, No. 36.]
34 Stat., 53.

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.¹

Yakima Indian Reservation, Wash.
Withdrawal, etc., of irrigable lands for reclamation.
33 Stat., 595.
Ante, p. 110.

32 Stat., 388.

SEC. 2. That the irrigable surplus and unallotted lands in any such project shall be subject to homestead entry under all the provisions of

Lands subject homestead entries.

¹ 35 L. D., 110.

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| 33 Stat., 596. Ante, p. 110. | 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 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. |
| 33 Stat., 597. Ante, p. 111. | |
| Forfeiture. | |
| 34 Stat., 54. | |
| Canceled entries. | |
| Disposal of allotted irrigable lands. | 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. |
| Payments. | |
| Forfeiture. | |
| Use of proceeds of sales. | 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. |
| Balance credited to individual Indians. | |
| Maintenance, etc., charges. | 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: <i>Provided</i> , That any Indian taking advantage of this act shall have a perpetual water right so long as the maintenance |
| Water supply. | |
| Provisos. Perpetual water rights. | |

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.

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.

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.¹

Use of funds.

Patent in fee.

34 Stat., 55.

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

Amendment.
33 Stat., 595, ante p. 110.

Regulations.

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

[Public No. 37.]
34 Stat., 55.

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

23 Stat., 79, vol. 1, p. 225.

Lands held in trust for 10 years.

Patent in fee at expiration.

Prior conveyance etc., by allottee void.

¹ U. S. v. Moore, 151 Fed., 513; Starr v. Long Jim, 227 U. S., 613; 40 L. D., 212.

Allottees may sell lands.

Restriction.
Sales by heirs.

Approval by Secretary of the Interior.
34 Stat., 56.

Taxation.

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 the Interior, and when so approved shall convey a full title to the purchaser the same as if a final patent without restrictions upon alienation had been issued to the allottee. All allotted land alienated under the provisions of this act shall thereupon be subject to taxation under the laws of the State of Washington.

Approved, March 8, 1906.

Mar. 19, 1906.
[H. R. 8107.]

[Public, No. 57.]
34 Stat., 78.

Wyoming.
Land laws extended to cession of Shoshone and Arapaho Indians in.
30 Stat., 93, vol. 1, p. 624.

CHAP. 961.—An act extending the public-land laws to certain lands in Wyoming.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the public-land laws of the United States be, and the same are hereby, extended to the lands embraced within the territory ten miles square ceded to the United States by the Shoshone and Arapaho Indians by the agreement ratified by the act approved June seventh, eighteen hundred and ninety-seven.

Approved, March 19, 1906.

Mar. 19, 1906.
[H. R. 10101.]

[Public, No. 58.]
34 Stat., 78.

Minnesota.
Sale of lands to, in Dakota County.

Description.

Proviso.
Minimum price.

Use of proceeds, etc.

CHAP. 962.—An act authorizing and directing the Secretary of the Interior to sell and convey to the State of Minnesota a certain tract of land situated in the county of Dakota, State of Minnesota.

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 sell and convey unto the State of Minnesota, under such provision as he may direct, and for such compensation as he may deem adequate, the following tract of land, which was heretofore purchased by the United States for the purpose of allotting the same to certain Sioux Indians, residing in the State of Minnesota, situated in the county of Dakota and State of Minnesota, described as follows, to wit: Southeast quarter of the southeast quarter of section twenty-seven, township numbered one hundred and fifteen, range seventeen: *Provided,* That the land shall not be sold at less than the appraised value.

SEC. 2. That the proceeds arising from the sale of such land shall, if the Secretary of the Interior so elect, be paid to said proposed allottees or their representatives, or lieu lands purchased for them elsewhere.

Approved, March 19, 1906.

Mar. 20, 1896.
[H. R. 11783.]

[Public, No. 60.]
34 Stat., 80.

Oklahoma.
Town sites authorized on Kiowa, etc., lands.

Surveys, etc.

CHAP. 1125.—An act for the establishment of town sites, and for the sale of lots within the common lands of the Kiowa, Comanche, and Apache Indians in Oklahoma.

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 is hereby authorized to set aside and reserve from allotment or leasing such of the common grazing lands of said tribes as he shall deem necessary for the establishment of town sites.

SEC. 2. That the lands so set aside and reserved shall be laid off and surveyed into lots, blocks, streets, and alleys, under rules and regula-

tions to be prescribed by said Secretary; business lots to be twenty-five feet wide and residence lots fifty feet wide. The lots in said town sites shall be appraised, and after due advertisement shall be sold at public auction to the highest bidder, at not less than the appraised value, under such rules and regulations as the Secretary may prescribe: *Provided*, That in each of said town sites there shall be reserved from sale or other disposition, at the discretion of the Secretary, not to exceed one block for the establishment of common schools under the laws of Oklahoma: *Provided further*, That no person shall sell or give away any intoxicating liquor or other intoxicants upon any of the lands sold and conveyed by the provisions of this act, and any person so selling or giving away liquor or other intoxicants shall be guilty of a misdemeanor and shall be punished, upon conviction, by imprisonment for not more than two years and by a fine of not more than one thousand dollars.

Provisos.
Land reserved for school purposes.

Sale, etc., of intoxicants prohibited.

Penalty.

SEC. 3. That the surveys, appraisals, and sales herein provided for shall be made by such person or persons connected with the Indian service as the Secretary of the Interior may designate, and all of the expenses connected with the survey, appraisal, and sale of the lots shall be paid out of the proceeds of the sales. The net proceeds of the sales shall be deposited in the Treasury to the credit of the Kiowa, Comanche, and Apache Indians, with interest to be paid them at the rate of four per centum per annum, or shall be paid to them per capita, in the discretion of the Secretary of the Interior.

Expense of surveys, etc.

Disposal of net proceeds.

Approved, March 20, 1906.

CHAP. 1126.—An act to authorize the sale and disposition of surplus or unallotted lands of the diminished Colville Indian Reservation, in the State of Washington, and for other purposes.

Mar. 22, 1906.
[S. 4229.]

[Public, No. 61.]
34 Stat., 80.

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, as hereinafter provided, to sell or dispose of unallotted lands in the diminished Colville Indian Reservation, in the State of Washington.

Colville Indian Reservation, Wash.
Sale, etc., of unallotted lands in.

SEC. 2. That as soon as the lands embraced within the diminished Colville Indian Reservation shall have been surveyed, the Secretary of the Interior shall cause allotments of the same to be made to all persons belonging to or having tribal relations on said Colville Indian Reservation, to each man, woman, and child eighty acres, and, upon the approval of such allotments by the Secretary of the Interior, he shall cause patents to issue therefor under the provisions of the general allotment law of the United States.¹

Allotments.

SEC. 3. That upon the completion of said allotments to said Indians the residue or surplus lands—that is, lands not allotted or reserved for Indian school, agency, or other purposes—of the said diminished Colville Indian Reservation shall be classified under the direction of the Secretary of the Interior as irrigable lands, grazing lands, timber lands, mineral lands, or arid lands, and shall be appraised under their appropriate classes by legal subdivisions, with the exception of the lands classed as mineral lands, which need not be appraised, and which shall be disposed of under the general mining laws of the United States, and, upon completion of the classification and appraisement, such surplus lands shall be open to settlement and entry under the provisions of the homestead laws at not less than their appraised value in addition to the fees and commissions now prescribed by law for the disposition of lands of the value of one dollar and twenty-five cents per acre by proclamation of the President, which proclamation shall prescribe the manner in which these lands shall be settled upon, occupied, and entered

Classification, etc., of surplus lands.

34 Stat., 81, post, 527.

Opening to settlement.
Minimum price.

¹ 35 L. D., 220.

- by persons entitled to make entry thereof: *Provided*, That the price of said lands when entered shall be fixed by the appraisement, as herein provided for, which shall be paid in accordance with rules and regulations to be prescribed by the Secretary of the Interior upon the following terms: One-fifth of the purchase price to be paid in cash at the time of entry and the balance in five equal annual installments to be paid in one, two, three, four, and five years, respectively, from and after the date of entry, and in case any entryman fails to make the annual payments, or any of them, promptly when due all rights in and to the land covered by his or her entry shall cease, and any payments theretofore made shall be forfeited and the entry canceled, and the lands shall be reoffered for sale and entry: *Provided further*, That the lands remaining undisposed of at the expiration of five years from the opening of the said lands to entry shall be sold to the highest bidder for cash, at not less than one dollar per acre, under rules and regulations to be prescribed by the Secretary of the Interior, and that any lands remaining unsold ten years after the said lands shall have been opened to entry may be sold to the highest bidder for cash without regard to the above minimum limit of price.
- Proclamation.** SEC. 4. That the said lands shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the time when and the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, and enter any of said lands except as prescribed in such proclamation: *Provided*, That the rights of honorably discharged Union soldiers and sailors of the late Civil and Spanish Wars, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes, as amended by the act of March first, nineteen hundred and one, shall not be abridged.
- Sale of timber lands.** SEC. 5. That all of said lands returned and classified as timber lands shall be sold and disposed of by the Secretary of the Interior under sealed bids to the highest bidder for cash or at public auction, as the Secretary of the Interior may determine, and under such rules and regulations as he may prescribe.
- Net proceeds to credit of Indians.** SEC. 6. That the proceeds not including fees and commissions arising from the sale and disposition of the lands aforesaid, including the sums paid for mineral and town-site lands shall be, after deducting the expenses incurred from time to time in connection with the allotment, appraisement, and sales, and surveys, herein provided, deposited in the Treasury of the United States to the credit of the Colville and confederated tribes of Indians belonging and having tribal rights on the Colville Indian Reservation, in the State of Washington, and shall be expended for their benefit, under the direction of the Secretary of the Interior, in the education and improvement of said Indians, and in the purchase of stock cattle, horse teams, harness, wagons, mowing machines, horserakes, thrashing machines, and other agricultural implements, for issue to said Indians, and also for the purchase of material for the construction of houses or other necessary buildings and a reasonable sum may also be expended by the Secretary, in his discretion, for the comfort, benefit, and improvement of said Indians: *Provided*, That a portion of the proceeds may be paid to the Indians in cash per capita, share and share alike, if, in the opinion of the Secretary of the Interior, such payments will further tend to improve the condition and advance the progress of said Indians, but not otherwise.
- Lands reserved for agency, school, etc., purposes.** SEC. 7. That any of said lands necessary for agency, school, and religious purposes, and any lands now occupied by the agency buildings and the site of any sawmill, gristmill, or other mill property on said lands are hereby reserved from the operation of this act: *Provided*, That all such reserved lands shall not exceed in the aggregate three
- Provisos.**
Payments.
- Forfeiture.**
- Sale of remaining lands.**
- Proviso.**
Homestead rights of soldiers and sailors not affected.
R. S., secs. 2304, 2305.
- 31 Stat., p. 847.
- Proviso.**
Per capita payments.
- 34 Stat., 82.
- Proviso.**
Restriction.

sections and must be selected in legal subdivisions conformable to the public surveys, such selection to be made by the Indian agent of the Colville Agency, under the direction of the Secretary of the Interior and subject to his approval.

SEC. 8. That the Secretary of the Interior is hereby vested with full power and authority to make all needful rules and regulations as to the manner of sale, notice of same, and other matters incident to the carrying out of the provisions of this act, and with authority to reappraise and reclassify said lands if deemed necessary from time to time, and to continue making sales of the same, in accordance with the provisions of this act, until all of the lands shall have been disposed of.

Regulations, etc.

SEC. 9. That nothing in this act contained shall be construed to bind the United States to find purchasers for any of said lands, it being the purpose of this act merely to have the United States to act as trustee for said Indians in the disposition and sales of said lands and to expend or pay over to them the net proceeds derived from the sales as herein provided.

Nonresponsibility of the United States.

SEC. 10. That to enable the Secretary of the Interior to survey, allot, classify, appraise, and conduct the sale and entry of said lands as in this act provided the sum of seventy-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated, from any money in the Treasury not otherwise appropriated, the same to be reimbursed from the proceeds of the sales of the aforesaid lands: *Provided*, That when funds shall have been procured from the first sales of the land the Secretary of the Interior may use such portion thereof as may be actually necessary in conducting future sales and otherwise carrying out the provisions of this act.

Appropriation.

Reimbursement.

Proviso.
Use of proceeds of first sales.

SEC. 11. That nothing contained in this act shall prohibit the Secretary of the Interior from reserving from said lands, whether surveyed or unsurveyed, such tracts for town-site purposes, as in his opinion may be required for the future public interests, and he may cause any such reservations, or parts thereof, to be surveyed into blocks and lots of suitable size, and to be appraised and disposed of under such regulations as he may prescribe, and the net proceeds derived from the sale of such lands shall be paid to said Indians, as provided in section six of this act.

Lands reserved for town sites.

Ante, p. 164.

SEC. 12. That if any of the lands of said diminished Colville Indian Reservation can be included in any feasible irrigation project under the reclamation act of June seventeenth, nineteen hundred and two, the Secretary of the Interior is authorized to withhold said lands from disposition under this act and to dispose of them under the said reclamation act, and the charges provided for by said reclamation act shall be in addition to the appraised value of said lands fixed as hereinbefore provided and shall be paid in annual installments as required under the said reclamation act, and the amounts to be paid for the land, according to appraisement, shall be credited to the fund herein established for the benefit of the Colville Indians.

Irrigable lands reserved.
32 Stat., 388.

Sale of.

Payments.

Approved, March 22, 1906.

CHAP. 1348.—An act leasing and demising certain lands in La Plata County, Colorado, to the P. F. U. Rubber Company.

Mar. 27, 1906.
[H. R. 16381.]

[Public, No. 69.]
34 Stat., 88.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following-described tract of land, situated in the county of La Plata, in the State of Colorado, to wit, the fractional section three U; lots one, two, and three of fractional section four U; east half and east half of west half of section nine U; west half and west half of east half of section ten U; southwest quarter of southwest quarter of section eleven U; west half of

Southern Ute Reservation, Colo.
Lease, etc., of lands in, to the P. F. U. Rubber Co.
Description.

west half of section fourteen; all of sections fifteen and sixteen; east half of northeast quarter and south half of section seventeen; east half of southwest quarter, southeast quarter, and north half of section twenty; north half of northeast quarter, southwest quarter of northeast quarter, northwest quarter of southeast quarter, and west half of section twenty-one; west half of section twenty-eight; southeast quarter of section twenty-nine; all of section thirty-two, and west half of section thirty-three, containing five thousand four hundred and ten and fifty-five one-hundredths acres, more or less, all in township thirty-four north, range eleven west, New Mexico principal meridian, Colorado, excepting therefrom lands covered by any valid subsisting right, be, and is hereby, set apart and withdrawn from entry or settlement under any of the land laws of the United States. And the Secretary of the Interior is hereby authorized, directed, and empowered to lease and demise to the P. F. U. Rubber Company, a Michigan corporation, and its successors and assigns, for and during the full period of ten years from and after the approval of this act, for its and their sole and exclusive use, for the purpose, however, of an experimental farm on which to plant, improve, and harvest the plant known as the pinguay weed, or similar rubber producing plants or shrubs, with permission to the said P. F. U. Rubber Company, its successors and assigns, to erect and construct thereon such buildings, machinery, and fences, and to construct and make such ditches, flumes, canals, roads, telegraph, telephone, and power transmission lines, tracks, and trails over the said lands and over and upon the public lands adjacent thereto, as may be necessary or proper for the uses and purposes herein set forth, subject, however, to the power and right in the Secretary of the Interior to require the removal, change of location, character, or nature of any of the said structures or improvements, and with full power, right, and authority to gather and collect said plants, shrubs, and weeds, and remove the same, and also to make any beneficial use of said lands not inconsistent with the limitations and conditions herein contained, in furtherance only, however, of the uses and purposes of said experimental farm. The said lease to be in consideration of such annual rental therefor as the Secretary of the Interior may, in his discretion deem best, at not less than three cents an acre, the amount thereof for the term of said lease to be fixed and determined prior to the execution thereof, and the compensation thereunder to be received to be held by the Secretary of the Interior for the use and benefit of the Southern Ute Indians. And it shall be further stipulated in said lease that said P. F. U. Rubber Company shall, in so far as it may be reasonably practicable so to do, employ and prefer in the work and labor to be done on said premises suitable and competent Indians, without limiting the rights of the said P. F. U. Rubber Company to employ such other labor as may at any time be necessary or expedient to carry on said operations.

SEC. 2. That the President of the United States may at any time during said period of ten years, at his discretion, terminate and cancel this lease by revoking the same and the annulling thereof in case the said experiment proposed or the use to be made of said lands shall be unsatisfactory to the Secretary of the Interior; or the President may, in his discretion, convey all of said lands, or any part thereof, by patenting the same to said rubber company, its successors and assigns, in fee and absolutely without restrictions, upon payment to the United States of America of at such price as the Secretary of the Interior may fix not less than one dollar and twenty-five cents per acre therefor, for the sole and exclusive use and benefit, however, of the Southern Ute Indians.

SEC. 3. That nothing herein contained shall grant or convey or be held to grant or convey to said company, its successors or assigns,

34 Stat., 89.

Lands excepted.

Terms of lease.

Lands to be used as an experimental farm.

Rent.

Minimum price.

Use of proceeds.

Employment of Indian labor.

Cancellation of lease.

Sale of land to rubber company.

Minimum price.

Removal of timber, stone, etc., prohibited.

during such time as it or they may hold said lands under the lease hereby authorized, any right, license, or privilege to take or remove from said premises, or any part thereof, any growing timber, stone, clay, ore, metals, or minerals of any kind or nature whatsoever, save and except such timber and stone as may be necessary for the immediate use of said company, its successors and assigns, in the building, erection, or maintenance of such fences, flumes, ditches, roads, telephone, telegraph, and power transmission lines, buildings, and machinery: *Provided, however,* That no patent shall issue for the said land or any part thereof until the Secretary of the Interior shall ascertain by such examination, prospecting, and mineral tests as he may deem necessary and proper the existence of any valuable and merchantable deposits of coal or other mineral upon such premises; and any such merchantable deposits of coal or other mineral so determined, together with the right of ingress or egress, shall be excluded from said patent. The right of entry and egress for the purposes of such examinations and tests shall further be reserved in said lease.

Exception.

34 Stat., 90.
Proviso.
Mineral deposits reserved.

SEC. 4. That the rights and privileges hereby granted shall not be sold, assigned, transferred, or conveyed to any person or persons, firm, or corporation whatsoever, save and except upon the express permission in writing of the Secretary of the Interior. And in case of any violation of this provision the lease and privileges hereby granted shall at once and forever cease and determine.

Right to sell, etc., restricted.

Forfeiture.

Approved, March 27, 1906.

CHAP. 1350.—An act authorizing the sale of timber on the Jicarilla Apache Indian Reservation for the benefit of the Indians belonging thereto.

Mar. 28, 1906.
[H. R. 15848.]

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, under such rules and regulations as he may prescribe, to sell or otherwise dispose of any or all of the timber on the Jicarilla Apache Indian Reservation in New Mexico, whether allotted or unallotted; if allotted, with the consent of the allottee, the proceeds to be deposited in the United States Treasury, to be expended by the Secretary of the Interior for the benefit of said Indians, in such manner as in his judgment will tend to promote their welfare and advance them in civilization.

[Public, No. 71.]
34 Stat., 91.
Jicarilla Apache Indian Reservation, N. Mex.
Sale of timber on, for benefit of Indians.

Approved, March 28, 1906.

CHAP. 1645.—An act to authorize the sale of a portion of the Lower Brule Indian Reservation in South Dakota, and for other purposes.

Apr. 21, 1906.
[S. 980.]

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, as hereinafter provided, to sell or dispose of the west half of townships one hundred and six, one hundred and seven, one hundred and eight, one hundred and nine, and one hundred and ten north, range seventy-seven west of the fifth principal meridian, and fractional townships one hundred and six, one hundred and seven, one hundred and eight, one hundred and nine, and one hundred and ten north, range seventy-eight west of the fifth principal meridian, and fractional township one hundred and ten north, range seventy-nine west of the fifth principal meridian, the same being the western portion of the Lower Brule Indian Reservation in South Dakota, comprising approximately fifty-six thousand five hundred and sixty acres: *Provided,* That sections sixteen and thirty-six of the lands in each township shall not be disposed of, but shall be

[Public, No. 113.]
34 Stat., 124.
Lower Brule Indian Reservation, S. Dak.
Sale of portion of, authorized.
Description.

Provisos.
Lands reserved for school purposes.

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| Indians may exchange allotments for other lands. | reserved for the use of the common schools and paid for by the United States at one dollar and twenty-five cents per acre, and the same are hereby granted to the State of South Dakota for such purpose: <i>Provided further</i> , That any Indians to whom allotments have been made on the tract to be ceded may, in case they desire to do so before said lands are offered for sale, relinquish same and select allotments in lieu thereof on the diminished reservation. |
| Appraisement, etc. | <p>SEC. 2. That the Secretary of the Interior shall cause said lands, except sections sixteen and thirty-six in each township, to be appraised by legal subdivisions, and when all of said lands have been appraised the same shall be disposed of under the general provisions of the homestead laws of the United States, and shall be opened to settlement and entry at not less than their appraised value by proclamation of the President, which proclamation shall prescribe the manner in which these lands shall be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, or enter any of said lands, except as prescribed in such proclamation, until after the expiration of sixty days from the time when the same are opened to settlement and entry: <i>Provided</i>, That the rights of honorably discharged Union soldiers and sailors of the late Civil and Spanish Wars and the Philippine insurrection, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes, as amended by the act of March first, nineteen hundred and one, shall not be abridged: <i>Provided further</i>, That the price of said lands when entered shall be that fixed by the appraisement or by the President, as herein provided for, which shall be paid, in accordance with rules and regulations to be prescribed by the Secretary of the Interior, upon the following terms: One-fifth of the purchase price to be paid in cash at the time of entry, and the balance in five equal annual installments, to be paid in one, two, three, four, and five years, respectively, from and after the date of entry. In case any entryman fails to make the annual payments, or any of them, promptly when due, all rights in and to the land covered by his entry shall cease, and any payments theretofore made shall be forfeited and the entry canceled, and the lands shall be reoffered for sale and entry: <i>And provided further</i>, That the lands embraced within such canceled entry shall, after the cancellation of such entry, be subject to entry under the provisions of the homestead law, at the appraised value until otherwise directed by the President, as herein provided.</p> |
| Proclamation. 34 Stat., 125. | |
| Provisos. Soldiers and sailors' homestead rights not affected. R. S., secs. 2304, 2305. 31 Stat., 847. | |
| Price. | |
| Payments. | |
| Forfeiture. | |
| Canceled entries. | |
| Patents. | |
| Provisos. Final proofs. | |
| Commutation. R. S., sec. 2301. | |
| Aliens. | |
| Fees, etc. | |
| Sale of remaining lands. | <p>When the entryman shall have complied with all the requirements and terms of the homestead laws as to settlement and residence and shall have made all the required payments aforesaid, he shall be entitled to a patent for the lands entered: <i>Provided</i>, That the entryman shall make his final proofs in accordance with the homestead laws within six years, but nothing in this act shall prevent homestead settlers from commuting their entries under section twenty-three hundred and one, Revised Statutes, by paying for the land entered the appraised price, receiving credit for payments previously made; and that aliens who have declared their intention to become citizens of the United States may become such entrymen, but before making final proof and receiving patent they must have received their full naturalization papers: <i>Provided further</i>, That the fees and commissions to be paid in connection with such entries and final proofs shall be the same as those now provided by law where the price of the land is one dollar and twenty-five cents per acre: <i>And provided further</i>, That when, in the judgment of the President, no more of the said land can be disposed of at the appraised price, he may, by proclamation, to be repeated at his discretion, sell from time to time the remaining lands subject to the provisions of the homestead laws, or otherwise as he may</p> |

deem most advantageous, at such price or prices, in such manner, upon such conditions, with such restrictions, and upon such terms as he may deem best for all the interests concerned.

SEC. 3. That the proceeds arising from the sale and disposition of the lands aforesaid, exclusive of the customary fees and commissions, shall, after deducting the amounts of the expenses incurred from time to time in connection with the appraisements and sales, be deposited in the Treasury of the United States to the credit of the Indians belonging and having tribal rights on the Lower Brule Reservation, and shall be expended for their benefit, under the direction of the Secretary of the Interior.

Proceeds credited to account of Indians.

SEC. 4. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of five thousand dollars, or so much thereof as may be necessary, to pay for the lands granted to the State of South Dakota, as provided in this act, and for the necessary expenses of appraising said lands as provided herein: *Provided*, That the money expended in appraising said lands shall be reimbursable and shall be deducted from the proceeds received from the sale thereof.

Appropriation.

34 Stat., 126.

Proviso.

Reimbursement.

SEC. 5. That the Secretary of the Interior is hereby vested with full power and authority to make all needful rules and regulations as to manner of sale, notice of same, and other matters incident to the carrying out of the provisions of this act, and with authority to reappraise said lands if deemed necessary from time to time, and to continue making sales of the same, in accordance with the provisions of this act, until all of the lands shall have been disposed of: *Provided*, That all lands herein ceded and opened to settlement under this act remaining undisposed of at the expiration of five years from the taking effect of this act shall be sold and disposed of for cash, under rules and regulations to be prescribed by the Secretary of the Interior, not more than six hundred and forty acres to any one purchaser.

Regulations.

Proviso.

Cash sale of undisposed lands.

Restriction.

SEC. 6. That nothing in this act contained shall in any manner bind the United States to purchase any portion of the land herein described, except sections sixteen and thirty-six or the equivalent in each township, 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 and expend the proceeds received from the sale thereof only as received, as herein provided.

Nonresponsibility of the United States.

Approved, April 21, 1906.

CHAP. 1876.—An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes.

Apr. 26, 1906.
[H. R. 5976.]

[Public, No. 129.]
34 Stat., 137.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That after the approval of this act no person shall be enrolled as a citizen or freedman of the Choctaw, Chickasaw, Cherokee, Creek, or Seminole Tribes of Indians in the Indian Territory, except as herein otherwise provided, unless application for enrollment was made prior to December first, nineteen hundred and five, and the records in charge of the Commissioner to the Five Civilized Tribes shall be conclusive evidence as to the fact of such application; and no motion to reopen or reconsider any citizenship case, in any of said tribes, shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered except as to decisions made prior to the passage of this act, in which cases such motion shall be made within sixty days after the passage of this act:

Five Civilized Tribes.
Final disposition of affairs of.

Enrollment rules.

Proviso.
Applications filed
prior to Dec. 1, 1905.

Provided, That the Secretary of the Interior may enroll persons whose names appear upon any of the tribal rolls and for whom the records in charge of the Commissioner to the Five Civilized Tribes show application was made prior to December first, nineteen hundred and five, and which was not allowed solely because not made within the time prescribed by law.¹

Minor children.

SEC. 2. That for ninety days after approval hereof applications shall be received for enrollment of children who were minors living March fourth, nineteen hundred and six, whose parents have been enrolled as members of the Choctaw, Chickasaw, Cherokee, or Creek Tribes, or have applications for enrollment pending at the approval hereof, and for the purpose of enrollment under this section illegitimate children shall take the status of the mother, and allotments shall be made to children so enrolled. If any citizen of the Cherokee Tribe shall fail to receive the full quantity of land to which he is entitled as an allotment, he shall be paid out of any of the funds of such tribe a sum equal to twice the appraised value of the amount of land thus

Status of illegitimate children.

Payment to Cherokees.

34 Stat., 138.

Equalization of Creek allotments continued.

31 Stat., 864.
Vol. 1, p. 731.

deficient. The provisions of section nine of the Creek agreement ratified by act approved March first, nineteen hundred and one, authorizing the use of funds of the Creek Tribe for equalizing allotments, are hereby restored and reenacted, and after the expiration of nine months from the date of the original selection of an allotment of land in the Choctaw, Chickasaw, Cherokee, Creek, or Seminole Tribes, and after the expiration of six months from the passage of this act as to allotments heretofore made, no contest shall be instituted against such allotment: *Provided*, That the rolls of the tribes affected by this act shall be fully completed on or before the fourth day of March, nineteen hundred and seven, and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after said date: *Provided further*, That nothing herein shall be construed so as to hereafter permit any person to file an application for enrollment in any tribe where the date for filing application has been fixed by agreement between said tribe and the United States: *Provided*, That nothing herein shall apply to the intermarried whites in the Cherokee Nation, whose cases are now pending in the Supreme Court of the United States.²

Provisos.
Completion of rolls.

Filing enrollment applications restricted.

Post, p. 209.

Intermarried whites not affected.

Approved roll of Creek freedmen.

SEC. 3. That the approved roll of Creek freedmen shall include only those persons whose names appear on the roll prepared by J. W. Dunn, under authority of the United States prior to March fourteenth, eighteen hundred and sixty-seven, and their descendants born since said roll was made, and those lawfully admitted to citizenship in the Creek Nation subsequent to the date of the preparation of said roll, and their descendants born since such admission, except such, if any, as have heretofore been enrolled and their enrollment approved by the Secretary of the Interior.

Cherokee freedmen.

The roll of Cherokee freedmen shall include only such persons of African descent, either free colored or the slaves of Cherokee citizens and their descendants, who were actual personal bona fide residents of the Cherokee Nation August eleventh, eighteen hundred and sixty-six, or who actually returned and established such residence in the Cherokee Nation on or before February eleventh, eighteen hundred and sixty-seven; but this provision shall not prevent the enrollment of any person who has heretofore made application to the Commission to the Five Civilized Tribes or its successor and has been adjudged entitled to enrollment by the Secretary of the Interior.³

¹ *Ligon v. Johnston*, 164 Fed., 670; *Garfield v. U. S. ex rel. Goldsby*, 211 U. S., 249; *Garfield v. U. S. ex rel. Allison*, 211 U. S., 264.

² *Fleming v. McCurtain*, 215 U. S., 56; *Gritts v. Fisher*, 224 U. S., 640; *Henry Gas Co. v. U. S.*, 191 Fed., 132; *U. S. v. Allen*, 171 Fed., 907; same, 224 U. S., 413.

³ *U. S. ex rel. Lowe v. Fisher*, 223 U. S., 95; *In re Davis Estate*, 122 Pac., 547.

Lands allotted to freedmen of the Choctaw and Chickasaw Tribes shall be considered "homesteads," and shall be subject to all the provisions of this or any other act of Congress applicable to homesteads of citizens of the Choctaw and Chickasaw Tribes.

Choctaw and Chickasaw freedmen homestead allotments.

SEC. 4. That no name shall be transferred from the approved freedmen, or any other approved rolls of the Choctaw, Chickasaw, Cherokee, Creek, or Seminole Tribes, respectively, to the roll of citizens by blood, unless the records in charge of the Commissioner to the Five Civilized Tribes show that application for enrollment as a citizen by blood was made within the time prescribed by law by or for the party seeking the transfer, and said records shall be conclusive evidence as to the fact of such application, unless it be shown by documentary evidence that the Commission to the Five Civilized Tribes actually received such application within the time prescribed by law.

Citizens by blood. Transfer to roll of, restricted.

Post, p. 209.

SEC. 5. That all patents or deeds to allottees in any of the Five Civilized Tribes to be hereafter issued shall issue in the name of the allottee, and if any such allottee shall die before such patent or deed becomes effective, the title to the lands described therein shall inure to and vest in his heirs, and in case any allottee shall die after restrictions have been removed, his property shall descend to his heirs or his lawful assigns, as if the patent or deed had issued to the allottee during his life, and all patents heretofore issued, where the allottee died before the same became effective, shall be given like effect; and all patents or deeds to allottees and other conveyances affecting lands of any of said tribes shall be recorded in the office of the Commissioner to the Five Civilized Tribes, and when so recorded shall convey legal title, and shall be delivered under the direction of the Secretary of the Interior to the party entitled to receive the same:¹ *Provided*, The provisions of this section shall not affect any rights involved in contests pending before the Commissioner to the Five Civilized Tribes or the Department of the Interior at the date of the approval of this act.²

Patents, etc., to issue in name of allottee.

34 Stat., 139. All patents, etc., recorded convey legal title.

Proviso. Pending contests not affected.

SEC. 6. That if the principal chief of the Choctaw, Cherokee, Creek, or Seminole Tribe, or the governor of the Chickasaw Tribe shall refuse or neglect to perform the duties devolving upon him, he may be removed from office by the President of the United States, or if any such executive become permanently disabled, the office may be declared vacant by the President of the United States, who may fill any vacancy arising from removal, disability or death of the incumbent, by appointment of a citizen by blood of the tribe.

Removal of principal chief for nonperformance of duties.

If any such executive shall fail, refuse or neglect, for thirty days after notice that any instrument is ready for his signature, to appear at a place to be designated by the Secretary of the Interior and execute the same, such instrument may be approved by the Secretary of the Interior without such execution, and when so approved and recorded shall convey legal title, and such approval shall be conclusive evidence that such executive or chief refused or neglected after notice to execute such instrument.

Approval of conveyances on failure of chief to execute.

Provided, That the principal chief of the Seminole Nation is hereby authorized to execute the deeds to allottees in the Seminole Nation prior to the time when the Seminole government shall cease to exist.

Proviso. Approval by principal chief of Seminoles.

SEC. 7. That the Secretary of the Interior shall, by written order, within ninety days from the passage of this act, segregate and reserve from allotment sections one, two, three, four, five, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, the east half of section sixteen, and the northeast quarter of section six, in township nine south, range twenty-six east, and sections five, six, seven, eight, seventeen, eighteen and the west half of section sixteen, in township nine south, range

Segregation of specified Choctaw lands.

¹ U. S. ex rel. Herman Knight v. Franklin K. Lane, 228 U. S., 6.
² Perryman v. Woodward, 133 Pac., 248; DeGraffenreid v. Iowa Land & Trust Co., 95 Pac., 624; in re Davis Estate, 122 Pac., 547; Shulthis v. McDougal, 170 Fed., 529; 225 U. S., 561; the 30,000 Land Suits, 199 Fed., 811; Goat v. U. S., 224 U. S., 458.

Exceptions; amended, post, 529.

Appraisal and sale of pine timber, etc.

Land-office records transferred to clerk of district court.

34 Stat., 140. Transcripts. Fees.

Payments to loyal Seminoles ratified.

31 Stat., 240; vol. 1, 700.

Proviso. Recoveries by individuals not barred. Charles F. Winton. Claims of estate of to be heard by Court of Claims.

Tribal schools transferred to control of Secretary of Interior.

twenty-seven east, Choctaw Nation, Indian Territory, except such portions of said lands upon which substantial, permanent, and valuable improvements were erected and placed prior to the passage of this act and not for speculation, but by members and freedmen of the tribes actually themselves and for themselves for allotment purposes, and where such identical members or freedmen of said tribes now desire to select same as portions of their allotments, and the action of the Secretary of the Interior in making such segregation shall be conclusive. The Secretary of the Interior shall also cause to be estimated and appraised the standing pine timber on all of said land, and the land segregated shall not be allotted, except as hereinbefore provided, to any member or freedman of the Choctaw and Chickasaw Tribes. Said segregated land and the pine timber thereon shall be sold and disposed of at public auction, or by sealed bids for cash, under the direction of the Secretary of the Interior.

SEC. 8. That the records of each of the land offices in the Indian Territory, should such office be hereafter discontinued, shall be transferred to and kept in the office of the clerk of the United States court in whose district said records are now located. The officer having custody of any of the records pertaining to the enrollment of the members of the Choctaw, Chickasaw, Cherokee, Creek, or Seminole Tribes, and the disposition of the land and other property of said tribes, upon proper application and payment of such fees as the Secretary of the Interior may prescribe, may make certified copies of such records, which shall be evidence equally with the originals thereof; but fees shall not be demanded for such authenticated copies as may be required by officers of any branch of the Government nor for such unverified copies as such officer, in his discretion, may deem proper to furnish. Such fees shall be paid to bonded officers or employees of the Government designated by the Secretary of the Interior, and the same or so much thereof as may be necessary may be expended under the direction of the Secretary of the Interior for the purposes of this section, and any unexpended balance shall be deposited in the Treasury of the United States, as are other public moneys.

SEC. 9. The disbursements, in the sum of one hundred and eighty-six thousand dollars, to and on account of the loyal Seminole Indians, by James E. Jenkins, special agent appointed by the Secretary of the Interior, and by A. J. Brown as administrator de bonis non, under an act of Congress approved May thirty-first, nineteen hundred, appropriating said sum, be, and the same are hereby, ratified and confirmed: *Provided*, That this shall not prevent any individual from bringing suit in his own behalf to recover any sum really due him.

That the Court of Claims is hereby authorized and directed to hear, consider, and adjudicate the claims against the Mississippi Choctaws of the estate of Charles F. Winton, deceased, his associates and assigns, for services rendered and expenses incurred in the matter of the claims of the Mississippi Choctaws to citizenship in the Choctaw Nation, and to render judgment thereon on the principle of quantum meruit, in such amount or amounts as may appear equitable or justly due therefor, which judgment, if any, shall be paid from any funds now or hereafter due such Choctaws by the United States. Notice of such suit shall be served on the governor of the Choctaw Nation, and the Attorney General shall appear and defend the said suit on behalf of said Choctaws.¹

SEC. 10. That the Secretary of the Interior is hereby authorized and directed to assume control and direction of the schools in the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Tribes, with the lands and all school property pertaining thereto, March fifth, nineteen hundred and six, and to conduct such schools under rules and regulations to be prescribed by him, retaining tribal educational officers, subject to dis-

¹ Estate of Charles F. Winton et al. v. Jack Amos et al. No. 29821, Court of Claims Docket.

missal by the Secretary of the Interior, and the present system so far as practicable, until such time as a public-school system shall have been established under Territorial or State government, and proper provision made thereunder for the education of the Indian children of said tribes, and he is hereby authorized and directed to set aside a sufficient amount of any funds, invested or otherwise, in the Treasury of the United States, belonging to said tribes, including the royalties on coal and asphalt in the Choctaw and Chickasaw Nations, to defray all the necessary expenses of said schools, using, however, only such portion of said funds of each tribe as may be requisite for the schools of that tribe, not exceeding in any one year for the respective tribes the amount expended for the scholastic year ending June thirtieth, nineteen hundred and five; and he is further authorized and directed to use the remainder, if any, of the funds appropriated by the act of Congress approved March third, nineteen hundred and five, "for the maintenance, strengthening, and enlarging of the tribal schools of the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations," unexpended March fourth, nineteen hundred and six, including such fees as have accrued or may hereafter accrue under the act of Congress approved February nineteenth, nineteen hundred and three, Statutes at Large, volume thirty-two, page eight hundred and forty-one, which fees are hereby appropriated, in continuing such schools as may have been established, and in establishing such new schools as he may direct, and any of the tribal funds so set aside remaining unexpended when a public school system under a future State or Territorial government has been established, shall be distributed per capita among the citizens of the nations, in the same manner as other funds.¹

SEC. 11. That all revenues of whatever character accruing to the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Tribes, whether before or after dissolution of the tribal governments, shall, after the approval hereof, be collected by an officer appointed by the Secretary of the Interior under rules and regulations to be prescribed by him; and he shall cause to be paid all lawful claims against said tribes which may have been contracted after July first, nineteen hundred and two, or for which warrants have been regularly issued, such payments to be made from any funds in the United States Treasury belonging to said tribes. All such claims arising before dissolution of the tribal governments shall be presented to the Secretary of the Interior within six months after such dissolution, and he shall make all rules and regulations necessary to carry this provision into effect and shall pay all expenses incident to the investigation of the validity of such claims or indebtedness out of the tribal funds: *Provided*, That all taxes accruing under tribal laws or regulations of the Secretary of the Interior shall be abolished from and after December thirty-first, nineteen hundred and five, but this provision shall not prevent the collection after that date nor after dissolution of the tribal government of all such taxes due up to and including December thirty-first, nineteen hundred and five, and all such taxes levied and collected after the thirty-first day of December, nineteen hundred and five, shall be refunded.¹

Upon dissolution of the tribal governments, every officer, member, or representative of said tribes, respectively, having in his possession, custody, or control any money or other property of any tribe shall make full and true account and report thereof to the Secretary of the Interior, and shall pay all money of the tribe in his possession, custody, or control, and shall deliver all other tribal property so held by him, to the Secretary of the Interior, and if any person shall willfully and fraudulently fail to account for all such money and property

Distribution of school funds.

Use of remainder of appropriated funds.
33 Stat., 1076.
Ante, p. 153.

Use of surplus fees, etc.
32 Stat., 841.
Ante, p. 8.

34 Stat., 141.

Tribal revenues to be collected by special officer.

Payment of claims.

Proviso. Tribal taxes abolished.

Refund.

Accounting, delivery, etc., of tribal property.

Failure to account.

¹ 26 Opp. Atty. Genl., 340.

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| Penalty. | so held by him, or to pay and deliver the same as herein provided for sixty days from dissolution of the tribal government, he shall be deemed guilty of embezzlement and upon conviction thereof shall be punished by a fine of not exceeding five thousand dollars or by imprisonment not exceeding five years, or by both such fine and imprisonment, according to the laws of the United States relating to such offense, and shall be liable in civil proceedings to be prosecuted in behalf of and in the name of the tribe for the amount or value of the money or property so withheld. |
| Choctaw and Chickasaw town lots. Sale of those reserved for mining leases. | SEC. 12. That the Secretary of the Interior is authorized to sell, upon such terms and under such rules and regulations as he may prescribe, all lots in towns in the Choctaw and Chickasaw Nations reserved from appraisement and sale for use in connection with the operation of coal and asphalt mining leases or for the occupancy of miners actually engaged in working for lessees operating coal and asphalt mines, the proceeds arising from such sale to be deposited in the Treasury of the United States as are other funds of said tribes. |
| Proceeds. | If the purchaser of any town lot sold under the provisions of law regarding the sale of town sites in the Choctaw, Chickasaw, Cherokee, Creek, or Seminole Nations fail for sixty days after approval hereof to pay the purchase price or any installment thereof then due, or shall fail for thirty days to pay the purchase price or any installment thereof falling due hereafter, he shall forfeit all rights under his purchase, together with all money paid thereunder, and the Secretary of the Interior may cause the lots upon which such forfeiture is made to be resold at public auction for cash, under such rules and regulations as he may prescribe. All municipal corporations in the Indian Territory are hereby authorized to vacate streets and alleys, or parts thereof, and said streets and alleys, when vacated, shall revert to and become the property of the abutting property owners. |
| Forfeiture for non-payment. | SEC. 13. That all coal and asphalt lands whether leased or unleased shall be reserved from sale under this act until the existing leases for coal and asphalt lands shall have expired or until such time as may be otherwise provided by law. |
| Resale. | SEC. 14. That the lands in the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Nations reserved from allotment or sale under any act of Congress for the use or benefit of any person, corporation, or organization shall be conveyed to the person, corporation, or organization entitled thereto: <i>Provided</i> , That if any tract or parcel thus reserved shall before conveyance thereof be abandoned for the use for which it was reserved by the party in whose interest the reservation was made, such tract or parcel shall revert to the tribe and be disposed of as other surplus lands thereof: <i>Provided further</i> , That this section shall not apply to land reserved from allotment because of the right of any railroad or railway company therein in the nature of an easement for right of way, depot, station grounds, water stations, stock yards, or other uses connected with the maintenance and operation of such company's railroad, title to which tracts may be acquired by the railroad or railway company under rules and regulations to be prescribed by the Secretary of the Interior at a valuation to be determined by him; but if any such company shall fail to make payment within the time prescribed by the regulations or shall cease to use such land for the purpose for which it was reserved, title thereto shall thereupon vest in the owner of the legal subdivision of which the land so abandoned is a part, except lands within a municipality the title to which, upon abandonment, shall vest in such municipality. |
| 34 Stat., 142. Reversion of vacated streets, etc. | The principal chief of the Choctaw Nation and the governor of the Chickasaw Nation are, with the approval of the Secretary of the Interior, hereby authorized and directed to issue patents to the Murrow Indian Orphans' Home, a corporation of Atoka, Indian Territory, in |
| Coal and asphalt lands reserved from sale. | |
| Conveyance to owner of lands reserved from allotment or sale. | |
| Provisos. Reversion. | |
| Railroad easements not affected. | |
| Exception. | |
| Murrow Indian Orphans' Home. Donation patents to, authorized. | |

all cases where tracts have been allotted under the direction of the Secretary of the Interior for the purpose of allowing the allottees to donate the tract so allotted to said Murrow Indian Orphans' Home.

In all cases where enrolled citizens of either the Choctaw or Chickasaw Tribe have taken their homestead and surplus allotment and have remaining over an unallotted right to less than ten dollars on the basis of the allotment value of said land, such unallotted right may be conveyed by the owners thereof to the Murrow Indian Orphans' Home aforesaid; and whenever said conveyed rights shall amount in the aggregate to as much as ten acres of average allottable land, land to represent the same shall be allotted to the said Murrow Indian Orphans' Home, and certificate and patent shall issue therefor to said Murrow Indian Orphans' Home.

And there is hereby authorized to be conveyed to said Murrow Indian Orphans' Home, in the manner hereinbefore prescribed for the conveyance of land, the following-described lands in the Choctaw and Chickasaw Nations, to wit: Sections eighteen and nineteen in township two north, range twelve east; the south half of the northeast quarter, the northeast quarter of the northeast quarter, the south half of the northwest quarter of the northeast quarter, the south half of the southeast quarter, the northeast quarter of the southeast quarter, the south half of the northwest quarter of the southeast quarter, the northeast quarter of the northwest quarter of the southeast quarter, the northeast quarter of the southeast quarter of the southwest quarter, and the northwest quarter of the northwest quarter of section twenty-four, and the northwest quarter of the southeast quarter, the north half of the southwest quarter of the southeast quarter, the south half of the southwest quarter of the southwest quarter, the northeast quarter of the southwest quarter of the southwest quarter, and the southeast quarter of the northwest quarter of the southwest quarter of section twenty-three, and the southwest quarter of the southwest quarter of the southeast quarter of section twenty-six, and the southeast quarter of the northwest quarter of the northwest quarter, the south half of the northeast quarter of the northwest quarter, the northeast quarter of the northeast quarter of the northwest quarter, and the east half of the southeast quarter of the northwest quarter of section twenty-five, all in township two north, range eleven east, containing one thousand seven hundred and ninety acres, as shown by the Government survey, for the purpose of the said Home.

SEC. 15. The Secretary of the Interior shall take possession of all buildings now or heretofore used for governmental, school, and other tribal purposes, together with the furniture therein and the land appertaining thereto, and appraise and sell the same at such time and under such rules and regulations as he may prescribe, and deposit the proceeds, less expenses incident to the appraisal and sale, in the Treasury of the United States to the credit of the respective tribes: *Provided*, That in the event said lands are embraced within the geographical limits of a State or Territory of the United States, such State or Territory or any county or municipality therein shall be allowed one year from date of establishment of said State or Territory within which to purchase any such lands and improvements within their respective limits at not less than the appraised value. Conveyances of lands disposed of under this section shall be executed, recorded, and delivered in like manner and with like effect as herein provided for other conveyances.

SEC. 16. That when allotments as provided by this and other acts of Congress have been made to all members and freedmen of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes, the residue of lands in each of said nations not reserved or otherwise disposed of shall be sold by the Secretary of the Interior under rules and regula-

Conveyance of fractional rights.

Conveyance of other lands.

Description.

34 Stat., 143.

Tribal buildings, etc., to be sold.

Post, p. 210, 319.

Proceeds.

Proviso.

Purchases by municipalities.

Residue of unallotted, etc., lands to be sold.

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| Proceeds. | tions to be prescribed by him and the proceeds of such sales deposited in the United States Treasury to the credit of the respective tribes. |
| Preference rights of Choctaw and Chickasaw freedmen. | In the disposition of the unallotted lands of the Choctaw and Chickasaw Nations each Choctaw and Chickasaw freedman shall be entitled to a preference right, under such rules and regulations as the Secretary of the Interior may prescribe, to purchase at the appraised value enough land to equal with that already allotted to him forty acres in area. If any such purchaser fails to make payment within the time prescribed by said rules and regulations, then such tract or parcel of land shall revert to the said Indian tribes and be sold as other surplus lands thereof. The Secretary of the Interior is hereby authorized to sell, whenever in his judgment it may be desirable, any of the unallotted land in the Choctaw and Chickasaw Nations, which is not principally valuable for mining, agricultural, or timber purposes, in tracts of not exceeding six hundred and forty acres to any one person, for a fair and reasonable price, not less than the present appraised value. Conveyances of lands sold under the provisions of this section shall be executed, recorded, and delivered in like manner and with like effect as herein provided for other conveyances: <i>Provided further</i> , That agricultural lands shall be sold in tracts of not exceeding one hundred and sixty acres to any one person. |
| Reversion and sale on nonpayment. | |
| Sale of unallotted nonmineral, etc., lands. | |
| Proviso. Agricultural lands. | |
| Per capita distribution of tribal funds. | SEC. 17. That when the unallotted lands and other property belonging to the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes of Indians have been sold and the moneys arising from such sales or from any other source whatever have been paid into the United States Treasury to the credit of said tribes, respectively, and when all the just charges against the funds of the respective tribes have been deducted therefrom, any remaining funds shall be distributed per capita to the members then living and the heirs of deceased members whose names appear upon the finally approved rolls of the respective tribes, such distribution to be made under rules and regulations to be prescribed by the Secretary of the Interior. |
| 34 Stat., 144; post, 516. | |
| Jurisdiction of tribal suits. | SEC. 18. That the Secretary of the Interior is hereby authorized to bring suit in the name of the United States, for the use of the Choctaw, Chickasaw, Cherokee, Creek, or Seminole tribes, respectively, either before or after the dissolution of the tribal governments, for the collection of any moneys or recovery of any land claimed by any of said tribes, whether such claim shall arise prior to or after the dissolution of the tribal governments, and the United States courts in Indian Territory are hereby given jurisdiction to try and determine all such suits, and the Secretary of the Interior is authorized to pay from the funds of the tribe interested any costs and necessary expenses incurred in maintaining and prosecuting such suits: <i>Provided</i> , That proceedings to which any of said tribes is a party pending before any court or tribunal at the date of dissolution of the tribal governments shall not be thereby abated or in anywise affected, but shall proceed to final disposition. ¹ |
| Proviso. Pending suits not affected. | |
| Set-offs allowed defendants. | Where suit is now pending, or may hereafter be filed in any United States court in the Indian Territory, by or on behalf of any one or more of the Five Civilized Tribes to recover moneys claimed to be due and owing to such tribe, the party defendants to such suit shall have the right to set up and have adjudicated any claim it may have against such tribe; and any balance that may be found due by any tribe or tribes shall be paid by the Treasurer of the United States out of any funds of such tribe or tribes upon the filing of the decree of the court with him. |
| Alienation restrictions extended. | SEC. 19. That no full-blood Indian of the Choctaw, Chickasaw, Cherokee, Creek, or Seminole tribes shall have power to alienate, sell, |

¹ U. S. to use *Creek Nation v. Rea-Read Mill & Elevator Co.*, 171 Fed., 501.

dispose of, or encumber in any manner any of the lands allotted to him for a period of twenty-five years from and after the passage and approval of this act, unless such restriction shall, prior to the expiration of said period, be removed by act of Congress; and for all purposes the quantum of Indian blood possessed by any member of said tribes shall be determined by the rolls of citizens of said tribes approved by the Secretary of the Interior: *Provided, however,* That such full-blood Indians of any of said tribes may lease any lands other than homesteads for more than one year under such rules and regulations as may be prescribed by the Secretary of the Interior; and in case of the inability of any full-blood owner of a homestead, on account of infirmity or age, to work or farm his homestead, the Secretary of the Interior, upon proof of such inability, may authorize the leasing of such homestead under such rules and regulations: *Provided further,* That conveyances heretofore made by members of any of the Five Civilized Tribes subsequent to the selection of allotment and subsequent to removal of restriction, where patents thereafter issue, shall not be deemed or held invalid solely because said conveyances were made prior to issuance and recording or delivery of patent or deed; but this shall not be held or construed as affecting the validity or invalidity of any such conveyance, except as hereinabove provided; and every deed executed before, or for the making of which a contract or agreement was entered into before the removal of restrictions be, and the same is hereby, declared void: *Provided further,* That all lands upon which restrictions are removed shall be subject to taxation, and the other lands shall be exempt from taxation as long as the title remains in the original allottee.¹

Provisos.
Lease of other than homestead lands permitted.

Prior conveyances not invalid.

Taxes.

SEC. 20. That after the approval of this act all leases and rental contracts, except leases and rental contracts for not exceeding one year for agricultural purposes for lands other than homesteads, of full-blood allottees of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Tribes shall be in writing and subject to approval by the Secretary of the Interior and shall be absolutely void and of no effect without such approval: *Provided,* That allotments of minors and incompetents may be rented or leased under order of the proper court: *Provided further,* That all leases entered into for a period of more than one year shall be recorded in conformity to the law applicable to recording instruments now in force in said Indian Territory.²

34 Stat., 145.
Leases by full-blood allottees restricted.

Provisos.
Minors, etc.

Leases to be recorded.

SEC. 21. That if any allottee of the Choctaw, Chickasaw, Cherokee, Creek, or Seminole Tribes die intestate without widow, heir or heirs, or surviving spouse, seized of all or any portion of his allotment prior to the final distribution of the tribal property, and such fact shall be known by the Secretary of the Interior, the lands allotted to him shall revert to the tribe and be disposed of as herein provided for surplus lands; but if the death of such allottee be not known by the Secretary of the Interior before final distribution of the tribal property, the land shall escheat to and vest in such State or Territory as may be formed to include said lands. That heirs of deceased Mississippi Choctaws who died before making proof of removal to and settlement in the Choctaw country and within the period prescribed by law for making such proof may within sixty days from the passage of this act.

Lands of allottees dying intestate without heirs.

Mississippi Choctaws.
Claims of heirs of.

¹ Brown & Gritts v. U. S., 224 U. S., 640; Heckman v. U. S., 224 U. S., 443; Mullen v. U. S., 224 U. S., 448; Goat v. U. S., 224 U. S., 458; Frame v. Bivens, 189 Fed., 785; U. S. v. Comet Oil & Gas Co., 187 Fed., 674; U. S. v. Shock, 187 Fed., 862, 870; 26 Opp. Atty. Genl., 340 and 351; Godfrey v. Iowa Land & Trust Co., 95 Pac., 792; Western Investment Co. v. Tiger, 96 Pac., 602; McWilliams Investment Co. v. Livingston, 98 Pac., 914; Simmons v. Whittington, 112 Pac., 1018; Groom v. Wright, 122 Pac., 547; Stout v. Simpson, 124 Pac., 754; Joiner v. Ardmore Loan & Trust Co., 124 Pac., 1073; Muskrat v. U. S., 219 U. S., 346; Tiger v. Western Investment Co., 221 U. S., 286; Casey v. Bingham, 132 Pac., 663.
² Jennings v. Wood, 192 Fed., 507; U. S. v. Comet Oil & Gas Co., 187 Fed., 674; U. S. v. Shock, 187 Fed., 862, 870; Morrison v. Burnette, 154 Fed., 617; Wade v. Fisher, 39 App. D. C., 246; 26 Opp. Atty. Genl., 127; Western Investment Co. v. Tiger, 96 Pac., 602; Groom v. Wright, 121 Pac., 215; Chapman v. Siler, 120 Pac., 698; In re Davis' Estate, 122 Pac., 547; Alluwee Oil Co. v. Shufflin, 124 Pac., 15; Stout v. Simpson, 124 Pac., 754; Cowles v. Lee, 128 Pac., 688; Tiger v. Western Investment Co., 221 U. S., 286; Goat v. U. S., 224 U. S., 458.

appear before the Commissioner to the Five Civilized Tribes and make such proof as would be required if made by such deceased Mississippi Choctaws; and the decision of the Commissioner to the Five Civilized Tribes shall be final therein, and no appeal therefrom shall be allowed.

Conveyance of inherited lands.

SEC. 22. That the adult heirs of any deceased Indian of either of the Five Civilized Tribes whose selection has been made, or to whom a deed or patent has been issued for his or her share of the land of the tribe to which he or she belongs or belonged, may sell and convey the lands inherited from such decedent; and if there be both adult and minor heirs of such decedent, then such minors may join in a sale of such lands by a guardian duly appointed by the proper United States court for the Indian Territory. And in case of the organization of a State or Territory, then by a proper court of the county in which said minor or minors may reside or in which said real estate is situated, upon an order of such court made upon petition filed by guardian. All conveyances made under this provision by heirs who are full-blood Indians are to be subject to the approval of the Secretary of the Interior, under such rules and regulations as he may prescribe.¹

Disposal of property by will permitted.

Proviso. Restriction. U. S. v. Shock, 187 Fed. 862, 870.

SEC. 23. Every person of lawful age and sound mind may by last will and testament devise and bequeath all of his estate, real and personal, and all interest therein: *Provided*, That no will of a full-blood Indian devising real estate shall be valid, if such last will and testament disinherits the parent, wife, spouse, or children of such full-blood Indian, unless acknowledged before and approved by a judge of the United States court for the Indian Territory, or a United States commissioner.²

Choctaw, Chickasaw, and Seminole lands. Highways on section lines of.

Damages.

SEC. 24. That in the Choctaw, Chickasaw, and Seminole Nations public highways or roads two rods in width, being one rod on each side of the section line, may be established on all section lines; and all allottees, purchasers, and others shall take title to such land subject to this provision, and if buildings or other improvements are damaged in consequence of the establishment of such public highways or roads, such damages accruing prior to the inauguration of a State government shall be determined under the direction of the Secretary of the Interior and be paid for from the funds of said tribes, respectively.

34 Stat., 146. Expenses.

All expenses incident to the establishment of public highways or roads in the Creek, Cherokee, Choctaw, Chickasaw, and Seminole Nations, including clerical hire, per diem, salary, and expenses of viewers, appraisers, and others, shall be paid under the direction of the Secretary of the Interior from the funds of the tribe or nation in which such public highways or roads are established. Any person, firm, or corporation obstructing any public highway or road, and who shall fail, neglect, or refuse for a period of ten days after notice to remove or cause to be removed any and all obstructions from such public highway or road, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding ten dollars per day for each and every day in excess of said ten days which said obstruction is permitted to remain: *Provided, however*, That notice of the establishment of public highways or roads need not be given to allottees or others, except in cases where such public highways or roads are obstructed, and every person obstructing any such public highway or road, as aforesaid, shall also be liable in a civil action for all damages sustained by any person who has in any manner whatever been damaged by reason of such obstruction.³

Obstruction of highway.

Penalty.

Proviso. Notice.

¹ *Marchie Tiger v. Western Investment Co.*, 96 Pac., 602; 221 U. S., 285; *Harris v. Gale*, 188 Fed., 712; U. S. v. Shock, 187 Fed., 862, 870; *Shulthis v. McDougal*, 170 Fed., 529; same, 162 Fed., 331; same, 225 U. S., 561; U. S. v. Knight, 206 Fed., 145; *Sanders v. Sanders*, 118 Pac., 338; *McHarry v. Eatman*, 116 Pac., 935; *Wilson v. Morton*, 119 Pac., 213; *Skelton v. Dill*, 119 Pac., 267; *In re Davis' Estate*, 122 Pac., 547; *Parkinson v. Skelton*, 128 Pac., 131; *Heckman v. U. S.*, 224 U. S., 413; *Western Investment Co. v. Tiger*, 96 Pac., 602; 221 U. S., 286; *Jefferson v. Winkler*, 110 Pac., 755; 29 Opp. Atty. Genl., 131.

² *In re Davis' Estate*, 122 Pac., 547; *Proctor v. Harrison*, 125 Pac., 479; U. S. v. Shock, 187 Fed., 862.

³ *Mills v. Glasscock*, 110 Pac., 377; *Good v. Keel*, 116 Pac., 777.

SEC. 25. That any light, or power company doing business within the limits of the Indian Territory, in compliance with the laws of the United States that are now or may be in force therein, be, and the same are hereby, invested and empowered with the right of locating, constructing, owning, operating, using, and maintaining canals, reservoirs, auxiliary steam works, and a dam or dams across any nonnavigable stream within the limits of said Indian Territory, for the purpose of obtaining a sufficient supply of water to manufacture and generate water, electric, or other power, light, and heat and to utilize and transmit and distribute such power, light, and heat to other places for its own use or other individuals or corporations, and the right of locating, constructing, owning, operating, equipping, using, and maintaining the necessary pole lines and conduits for the purpose of transmitting and distributing such power, light, and heat to other places within the limits of said Indian Territory.

Power and light companies granted rights of way for dams, etc.

That the right to locate, construct, own, operate, use, and maintain such dams, canals, reservoirs, auxiliary steam works, pole lines, and conduits in or through the Indian Territory, together with the right to acquire, by condemnation, purchase or agreement between the parties, such land as it may deem necessary for the locating, constructing, owning, operating, using, and maintaining of such dams, canals, reservoirs, auxiliary steam works, pole lines, and conduits in or through any land held by any Indian tribe or nation, person, individual, corporation, or municipality in said Indian Territory, or in or through any lands in said Indian Territory which have been or may hereafter be allotted in severalty to any individual Indian or other person under any law or treaty, whether the same have or have not been conveyed to the allottee, with full power of alienation, is hereby granted to any company complying with the provisions of this act: *Provided*, That the purchase from and agreements with individual Indians, where the right of alienation has not theretofore been granted by law, shall be subject to approval by the Secretary of the Interior.

Proceedings to acquire lands, etc.

Proviso. Approval by Secretary of Interior.

In case of the failure of any light, or power company to make amicable settlement with any individual owner, occupant, allottee, tribe, nation, corporation, or municipality for any lands or improvements sought to be condemned or appropriated under this act all compensation and damages to be paid to the dissenting individual owner, occupant, allottee, tribe, nation, corporation, or municipality by reason of the appropriation and condemnation of said lands and improvements shall be determined as provided in sections fifteen and seventeen of an act of Congress entitled "An act to grant a right of way through Oklahoma Territory and the Indian Territory to the Enid and Anadarko Railway Company, and for other purposes," approved February twenty-eighth, nineteen hundred and two (Public Numbered Twenty-six), and all such proceedings hereunder shall conform to said sections, except that sections three and four of said act shall have no application, and except that hereafter the plats required to be filed by said act shall be filed with the Secretary of the Interior and with the Commissioner to the Five Civilized Tribes, and where the words "Principal Chief or Governor" of any tribe or nation occur in said act, for the purpose of this act there is inserted the words Commissioner to the Five Civilized Tribes. Whenever any such dam or dams, canals, reservoirs, and auxiliary steam works, pole lines, and conduits are to be constructed within the limits of any incorporated city or town in the Indian Territory, the municipal authorities of such city or town shall have the power to regulate the manner of construction therein, and nothing herein contained shall be so construed as to deny the right of municipal taxation in such cities and towns: *Provided*, That all rights granted hereunder shall be subject to the control of the future Territory or State within which the Indian Territory may be situated.

Appraisement by referees on failure of amicable settlement.

32, Stat., 47, 49. Vol. 1, p. 114.

34 Stat. 147.

Municipal control, etc.

Proviso. Future control of granted rights.

Municipalities
granted additional
powers.

Improvement of
streets, etc.

Special assessments.

Maximum.

Issue of script or
certificates.

34 Stat., 148.
Taxation of railroad
property.

Municipal assess-
ments.

Proviso.
Appeal.

Costs.

SEC. 26. That in addition to the powers now conferred by law, all municipalities in the Indian Territory having a population of over two thousand to be determined by the last census taken under any provision of law or ordinance of the council of such municipality, are hereby authorized and empowered to order improvements of the streets or alleys or such parts thereof as may be included in an ordinance or order of the common council with the consent of a majority of the property owners whose property as herein provided is liable to assessment therefor for the proposed improvement; and said council is empowered and authorized to make assessments and levy taxes with the consent of a majority of the property owners whose property is assessed, for the purpose of grading, paving, macadamizing, curbing, or guttering streets and alleys, or building sidewalks upon and along any street, roadway, or alley within the limits of such municipality, and the cost of such grading, paving, macadamizing, curbing, guttering, or sidewalk constructed, or other improvements under authority of this section, shall be so assessed against the abutting property as to require each parcel of land to bear the cost of such grading, paving, macadamizing, curbing, guttering, or sidewalk, as far as it abuts thereon, and in the case of streets or alleys to the center thereof; and the cost of street intersections or crossings may be borne by the city or apportioned to the quarter blocks abutting thereon upon the same basis. The special assessments provided for by this section and the amount to be charged against each lot or parcel of land shall be fixed by the city council or under its authority and shall become a lien on such abutting property, which may be enforced as other taxes are enforced under the laws in force in the Indian Territory. The total amount charged against any tract or parcel of land shall not exceed twenty per centum of its assessed value, and there shall not be required to be paid thereon exceeding one per centum per annum on the assessed value and interest at six per centum on the deferred payments.

For the purpose of paying for such improvements the city council of such municipality is hereby authorized to issue improvement script or certificates for the amount due for such improvements, said script or certificates to be payable in annual installments and to bear interest from date at the rate of six per centum per annum, but no improvement script shall be issued or sold for less than its par value. All of said municipalities are hereby authorized to pass all ordinances necessary to carry into effect the above provisions and for the purpose of doing so may divide such municipality into improvement districts.

That the tangible property of railroad corporations (exclusive of rolling stock) located within the corporate limits of incorporated cities and towns in the Indian Territory shall be assessed and taxed in proportion to its value the same as other property is assessed and taxed in such incorporated cities and towns; and all such city or town councils are hereby empowered to pass such ordinances as may be necessary for the assessment, equalization, levy, and collection, annually, of a tax on all property except as herein stated within the corporate limits and for carrying the same into effect: *Provided*, That should any person or corporation feel aggrieved by any assessment of property in the Indian Territory, an appeal from such assessment may be taken within sixty days by original petition to be filed in United States court in the district in which such city or town is located, and the question of the amount and legality of such assessment, and the validity of the ordinance under which such assessment is made may be determined by such court and the costs of such proceeding shall be taxed and apportioned between the parties as the court shall find to be just and equitable.

SEC. 27. That the lands belonging to the Choctaw, Chickasaw, Cherokee, Creek, or Seminole Tribes, upon the dissolution of said tribes, shall not become public lands nor property of the United States, but shall be held in trust by the United States for the use and benefit of the Indians respectively comprising each of said tribes, and their heirs as the same shall appear by the rolls as finally concluded as heretofore and hereinafter provided for: *Provided*, That nothing herein contained shall interfere with any allotments heretofore or hereafter made or to be made under the provisions of this or any other act of Congress.

Tribal lands to be held in trust.

Proviso. Allotments not affected.

SEC. 28. That the tribal existence and present tribal governments of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Tribes or nations are hereby continued in full force and effect for all purposes authorized by law, until otherwise provided by law, but the tribal council or legislature in any of said tribes or nations shall not be in session for a longer period than thirty days in any one year: *Provided*, That no act, ordinance, or resolution (except resolutions of adjournment) of the tribal council or legislature of any of said tribes or nations shall be of any validity until approved by the President of the United States: *Provided further*, That no contract involving the payment or expenditure of any money or affecting any property belonging to any of said tribes or nations made by them or any of them or by any officer thereof, shall be of any validity until approved by the President of the United States.¹

Tribal governments continued. Post, p. 262.

Provisos. Restriction.

Contracts.

SEC. 29. That all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.²

Repeal.

Approved April 26, 1906.

CHAP. 2348.—An act to amend section six of an act approved February eighth, eighteen hundred and eight-seven, entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes."

May 8, 1906.
[H. R. 11946.]

[Public, No. 149.]
34 Stat., 182.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section six of an act approved February eighth, eighteen hundred and eighty-seven, entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," be amended to read as follows:

Lands in severalty to Indians. 24 Stat., 390, amended. Vol. 1, p. 33.

"SEC. 6. That at the expiration of the trust period and when the lands have been conveyed to the Indians by patent in fee, as provided in section five of this act, then each and every allottee shall have the benefit of and be subject to the laws, both civil and criminal, of the State or Territory in which they may reside; and no Territory shall pass or enforce any law denying any such Indian within its jurisdiction the equal protection of the law. And every Indian born within the territorial limits of the United States to whom allotments shall have been made and who has received a patent in fee simple under the provisions of this act, or under any law or treaty, and every Indian born within the territorial limits of the United States who has voluntarily taken up within said limits his residence, separate and apart from any tribe of Indians therein, and has adopted the habits of civilized life, is hereby declared to be a citizen of the United States, and is entitled to all the rights, privileges, and immunities of such citizens, whether said Indian has been or not, by birth or otherwise, a member of any tribe of Indians within the territorial limits of the United States without in

Citizenship rights to allottees on issue of fee-simple title.

¹ U. S. Express Co. v. Friedman, 191 Fed., 673; Gritts v. Fisher, 224 U. S., 640; Tiger v. Investment Co., 221 U. S., 286; 29 Opp. Atty. Gen., p. 231.

² U. S. v. Shock, 157 Fed., 862; Morrison v. Burnette, 154 Fed., 617; Gritts v. Fisher, 224 U. S., 640.

any manner impairing or otherwise affecting the right of any such Indian to tribal or other property: *Provided*, That the Secretary of the Interior may, in his discretion, and he is hereby authorized, whenever he shall be satisfied that any Indian allottee is competent and capable of managing his or her affairs, at any time to cause to be issued to such allottee a patent in fee simple, and thereafter all restrictions as to sale, incumbrance, or taxation of said land shall be removed and said land shall not be liable to the satisfaction of any debt contracted prior to the issuing of such patent:¹ *Provided further*, That until the issuance of fee-simple patents all allottees to whom trust patents shall hereafter be issued shall be subject to the exclusive jurisdiction of the United States: *And provided further*, That the provisions of this act shall not extend to any Indians in the Indian Territory.”

That hereafter, when an allotment of land is made to any Indian and any such Indian dies before the expiration of the trust period, said allotment shall be cancelled and the land shall revert to the United States, and the Secretary of the Interior shall ascertain the legal heirs of such Indian, and shall cause to be issued to said heirs and in their names, a patent in fee simple for said land, or he may cause the land to be sold as provided by law and issue a patent therefor to the purchaser or purchasers, and pay the net proceeds to the heirs, or their legal representatives, of such deceased Indian. The action of the Secretary of the Interior in determining the legal heirs of any deceased Indian, as provided herein, shall in all respects be conclusive and final.²

Approved; May 8, 1906.

May 17, 1906.
[S. 5537.]

CHAP. 2469.—An act authorizing the Secretary of the Interior to allot homesteads to the natives of Alaska.

[Public, No. 171.]
34 Stat. 197.

Alaska.
Homestead allotments to natives.

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 is hereby authorized and empowered, in his discretion and under such rules as he may prescribe, to allot not to exceed one hundred and sixty acres of nonmineral land in the district of Alaska to any Indian or Eskimo of full or mixed blood who resides in and is a native of said district, and who is the head of a family, or is twenty-one years of age; and the land so allotted shall be deemed the homestead of the allottee and his heirs in perpetuity, and shall be inalienable and nontaxable until otherwise provided by Congress. Any person qualified for an allotment as aforesaid shall have the preference right to secure by allotment the nonmineral land occupied by him not exceeding one hundred and sixty acres.

Approved, May 17, 1906.

May 31, 1906.
[H. R. 19572.]

CHAP. 2567.—An act making appropriations to supply additional urgent deficiencies in appropriations for the fiscal year nineteen hundred and six, and for other purposes.

[Public, No. 186.]
34 Stat., 205.

Urgent deficiencies appropriations.
United States courts.
Fees, witnesses and jurors.
Balances transferred.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to transfer to the credit of the appropriation “Fees of witnesses, United States courts, nineteen hundred and six,” sixty thousand dollars of the unexpended balance of the appropriation “Fees of witnesses, United States courts, nineteen hundred and five,” and to the credit of the appropriation “Fees of jurors, United States courts, nineteen hundred and six,” thirty thousand dollars of the unexpended balance of the appropriation “Fees of jurors, United States courts, nineteen hundred and five.”

¹ Chase v. Doxtater, 132 N. W., 904.
² In re Albert Heff, 197 U. S., 488; U. S. v. Garden, 189 Fed., 690; Bond v. U. S., 181 Fed., 613; U. S. v. Sutton, 165 Fed., 253; In re Heirs Grace Cox, 42 Land Office Dec., 493; 38 L. D., 427, 559.

To meet the expenses of opening to entry and settlement during the fiscal years nineteen hundred and six and nineteen hundred and seven the ceded lands of the Flathead Indian Reservation in the State of Montana, under act of April twenty-third, nineteen hundred and four; the Crow Indian Reservation in the State of Montana, under act of April twenty-seventh, nineteen hundred and four; the Yakima Indian Reservation in the State of Washington, under act of December twenty-first, nineteen hundred and four; the Shoshone Indian Reservation in the State of Wyoming, under act of March third, nineteen hundred and five, and such other Indian reservations that may be open to entry and settlement during the fiscal year nineteen hundred and seven, the sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, to continue available during the fiscal year nineteen hundred and seven: *Provided*, That the expenses pertaining to the opening of each of said reservations and paid for out of this appropriation shall be reimbursed to the United States from the money received from the sale of the lands embraced in said reservations, respectively: *Provided further*, That clerks detailed to assist in the opening of said reservations, while on such duty, shall be allowed per diem, in lieu of subsistence, at a rate not exceeding three dollars per day each, and actual necessary expenses for transportation, including necessary sleeping-car fares.

Approved, May 31, 1906.

Opening Indian reservations to entry, etc. Expenses.

33 Stat., 304.

33 Stat., 352.

33 Stat., 595.

33 Stat., 1016.

Ante, 117.

Provisos. Reimbursement.

Allowances to clerks.

CHAP. 2573.—An act providing for a recorder of deeds, and so forth, in the Osage Indian Reservation, in Oklahoma Territory.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Osage Indian Reservation, in Oklahoma Territory, be, and the same is hereby, declared to be a recording district for the purpose of recording and filing such deeds, mortgages, and other instruments in writing as are authorized by the law of Oklahoma Territory affecting property within said reservation. And the deputy clerk of the district court located at the town of Pawhuska, on the said reservation, shall be ex officio register of deeds. As compensation for services the said recorder is hereby authorized to retain the fees legally collected by him for the recording of deeds and other instruments, up to and including the sum of one thousand eight hundred dollars per annum, and the fees collected by him shall be the same as are charged for like service in other recording districts in said Territory. Said recorder shall make monthly reports to the Secretary of the Interior of the fees collected by him, and said Secretary is hereby authorized to use such part of said fees as may be needed for the purchase of records, books, supplies, and expenses of said office. If the receipts of said office exceed the said sum of one thousand eight hundred dollars, the said excess shall be turned into the Treasury of the United States. This act shall not be construed to in any way obligate the Government to pay the said recorder any deficiency below the sum of one thousand eight hundred dollars yearly.

SEC. 2. That all deeds, papers, and other instruments recorded by said recorder in the Osage Nation shall have the same effect, legally or otherwise, as if recorded in the recording office of any regularly organized county in the Oklahoma Territory: *Provided*, That this act shall become inoperative when the Osage Reservation shall become an organized county of Oklahoma, and all records shall be turned over to the proper county officer whenever such county is organized.

Approved, June 4, 1906.

June 4, 1906.
[H. R. 17220.]

[Public, No. 192.]
34 Stat., 208.

Oklahoma. Osage Indian Reservation made a recording district.

34 Stat., 209

Recorder at Pawhuska.

Compensation.

Reports.

Disposal of surplus fees.

Effect of recording deeds, etc.

Proviso. Termination.

June 5, 1906.
[H. R. 17507.]

[Public, No. 197.]
34 Stat., 213.

CHAP. 2580.—An act to open for settlement five hundred and five thousand acres of land in the Kiowa, Comanche, and Apache Indian Reservations, in Oklahoma Territory.

Oklahoma,
Kiowa, Comanche,
and Apache Indian
Reservations pasture,
etc., lands opened for
settlement.
31 Stat., 677, re-
pealed.
Vol. 1, p. 709.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all of that part of article three of section six of the act of Congress of date June sixth, nineteen hundred, entitled "An act to ratify and confirm an agreement with the Indians of the Fort Hall Indian Reservation, in Idaho," and making appropriations to carry the same into effect, which reads as follows, to wit: "That in addition to the allotment of lands to said Indians as provided for in this agreement the Secretary of the Interior shall set aside for the use in common for said Indian tribes four hundred and eighty thousand acres of grazing land to be selected by the Secretary of the Interior either in one or more tracts, as will best subserve the interests of said Indians," be, and the same is hereby, repealed.

Land to be opened
for entry.
Post, pp. 259, 314,
511, 521.

SEC. 2. That the four hundred and eighty thousand acres of land set apart in the Kiowa, Comanche, and Apache Indian Reservations, in Oklahoma Territory, by the Secretary of the Interior, referred to and mentioned in section one of this act, and the twenty-five thousand acres of land set apart as a wood reservation in the Kiowa, Comanche, and Apache Indian Reservations, in Oklahoma Territory, by the Secretary of the Interior, shall be opened to settlement by proclamation of the President of the United States within six months from the passage of this act and be disposed of upon sealed bids or at public auction, at the discretion of the Secretary of the Interior, to the highest bidder under the provisions of the homestead laws of the United States and under the rules and regulations adopted by the Secretary of the Interior, and such purchaser must be duly qualified to make entry under the general homestead laws: *Provided*, That the money arising from the sale of said lands shall be paid into the Treasury of the United States and placed to the credit of said tribes of Indians, and said deposit of money shall draw four per centum interest per annum; and the principal and interest of said deposit shall be expended for the benefit of said Indians in such manner as Congress may direct: *Provided further*, That such sales shall be subject to any leases made for agricultural purposes prior to this act, the rentals accruing after such sale to belong to the purchasers under this act.

Proclamation.

Public sale.

Provisos.
Disposal of proceeds.

Sales subject to prior
leases, etc.

Price and terms of
sale.

34 Stat., 214.

Forfeiture.

Title.

SEC. 3. That said lands shall be sold for not less than five dollars per acre, and shall be sold upon the following terms: One-fifth of the price bid therefor to be paid at the time the bid is made and the balance of the purchase price of said land to be paid in four equal annual installments; and in case any purchaser fails to make such annual payment when due all rights in and to the land covered by his or her purchase shall at once cease and any payments theretofore made shall be forfeited and his or her entry shall be canceled. And no title to said land shall inure to the purchaser, nor any patent of the United States issue to the purchaser, until the purchaser shall have in all respects complied with the terms and provisions of the homestead laws of the United States.

Regulations.

SEC. 4. That the Secretary of the Interior is hereby vested with full power and authority to make such rules and regulations as to the time of notice, manner of sale, and other matters incident to the carrying out of the provisions of this act as he may deem necessary.

Sale of undisposed
lands.

SEC. 5. That all lands remaining undisposed of at the expiration of five years from the taking effect of this act shall be disposed of for cash, under rules and regulations to be prescribed by the Secretary of the Interior.

Allotments to chil-
dren born since June
6, 1900.

SEC. 6. That prior to the said proclamation the Secretary of the Interior shall allot one hundred and sixty acres of land to each child

of Indian parentage born since June sixth, nineteen hundred, whose father or mother was a duly enrolled member of either the Kiowa, Comanche, or Apache Tribes of Indians and entitled to an allotment of land under the act of June sixth, nineteen hundred, opening said Kiowa, Comanche, or Apache Reservations to settlement, said allotments to be made out of the lands known as the pasture reserves in said reservations.¹

Approved, June 5, 1906.

31 Stat., 677.
Vol. 1, p. 709.

CHAP. 3298.—An act to enable the Indians allotted lands in severalty within the boundaries of drainage district numbered one, in Richardson County, Nebraska, to protect their lands from overflow, and for the segregation of such of said Indians from their tribal relations as may be expedient, and for other purposes.

June 14, 1906.
[S. 2418.]

[Public, No. 227.]
34 Stat., 262.

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, in his discretion, under such rules and regulations as he may prescribe, to pay per capita to the Indians of the Sac and Fox Tribe, of Missouri, allotted lands in severalty within the boundaries of drainage district numbered one, in Richardson County, Nebraska, the proportionate share of such Indians in the one hundred and fifty-seven thousand dollars "paper principal" remaining to the credit of said tribe under the second article of the treaty of October twenty-first, eighteen hundred and thirty-seven: *Provided*, That sufficient of the amount due said Indians shall be retained and expended by the Secretary of the Interior in paying the assessments that may be made by the said drainage district on the allotments of said Indians for the purpose of protecting the lands embraced in the drainage district from overflow, not exceeding seven dollars per acre, and there is hereby appropriated the sum of fifty thousand dollars, or so much thereof as may be necessary, to enable the Secretary of the Interior to make the per capita payments herein provided. If any surplus remain it shall be credited to the remainder of the tribe.

Sac and Fox Indians of the Missouri.

Payment to, in Richardson County, Nebr.

7 Stat., 543, vol. 2, 405.
34 Stat., 263, amended, post, 455.

Proviso.
Drainage assessment.

Appropriation.

Appropriation for drainage assessment.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to pay the assessments that may be made on the Sac and Fox tribal lands by said drainage district, not exceeding seven dollars per acre, and there is hereby appropriated for this purpose seven thousand dollars to be deducted from the "paper principal" of one hundred and fifty-seven thousand dollars: *Provided*, That the amount disbursed under the provisions of this section shall be reimbursed from the proceeds derived from the sale of said tribal lands.

Proviso.
Reimbursement.

SEC. 3. That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to pay the assessments on lands allotted to the Iowa Indians that may be made by said drainage district, not exceeding seven dollars per acre, and there is hereby appropriated for such purpose two thousand six hundred dollars.

Appropriation for assessments on lands of Iowas.

SEC. 4. That the said drainage district be, and it is hereby, authorized to assess the cost of reclaiming the tribal lands of the Sac and Fox Indians, and all lands allotted to the Indians in severalty and held by patents containing restrictions as to sale, taxation, and alienation within said district, and to condemn any of said lands necessary for the purpose of reclamation in the same manner as said district may condemn other lands: *Provided*, That the payments to be made or the taking of lands under the provisions of this section shall be subject to the approval of the Secretary of the Interior.

Assessment on tribal lands.

Proviso.
Payments.

SEC. 5. That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, upon application, to issue a fee simple patent to any Indian for the lands allotted to him within said drainage district, and the issuance of such patent shall operate as a removal of

Fee simple patents.

¹ 35 L. D., 145.

all restrictions as to the sale, encumbrance, or taxation of the lands covered thereby.

Approved, June 14, 1906.

June 16, 1906.
[H. R. 12707.]

[Public, No. 234.]
34 Stat., 267.

CHAP. 3335.—An act to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Admission of new States.
Oklahoma.
To comprise Oklahoma and Indian Territories.
Proviso.
Indian rights unimpaired.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the inhabitants of all that part of the area of the United States now constituting the Territory of Oklahoma and the Indian Territory, as at present described, may adopt a constitution and become the State of Oklahoma, as hereinafter provided: *Provided,* That nothing contained in the said constitution shall be construed to limit or impair the rights of person or property pertaining to the Indians of said Territories (so long as such rights shall remain unextinguished) or to limit or affect the authority of the Government of the United States to make any law or regulation respecting such Indians, their lands, property, or other rights by treaties, agreement, law, or otherwise, which it would have been competent to make if this act had never been passed.¹

34 Stat., 268.
Constitutional convention.
Qualifications of voting for delegates.

SEC. 2. That all male persons over the age of twenty-one years, who are citizens of the United States, or who are members of any Indian nation or tribe in said Indian Territory and Oklahoma, and who have resided within the limits of said proposed State for at least six months next preceding the election, are hereby authorized to vote for and choose delegates to form a constitutional convention for said proposed State; and all persons qualified to vote for said delegates shall be eligible to serve as delegates; and the delegates to form such convention shall be one hundred and twelve in number, fifty-five of whom shall be elected by the people of the Territory of Oklahoma and fifty-five by the people of Indian Territory, and two shall be elected by the electors residing in the Osage Indian Reservation in the Territory of Oklahoma; and the governor, the chief justice, and the secretary of the Territory of Oklahoma shall apportion the Territory of Oklahoma into fifty-six districts, as nearly equal in population as may be, except that such apportionment shall include as one district the Osage Indian Reservation, and the governor, the chief justice, and the secretary of the Territory of Oklahoma shall appoint an election commissioner who shall establish voting precincts in said Osage Indian Reservation, and shall appoint the judges for election in said Osage Indian Reservation; and two delegates shall be elected from said Osage district; and the Commissioner to the Five Civilized Tribes, and two judges of the United States courts for the Indian Territory, to be designated by the President, shall constitute a board, which shall apportion the said Indian Territory into fifty-five districts, as nearly equal in population as may be, and one delegate shall be elected from each of said districts; and the governor of said Oklahoma Territory, together with the judge senior in service of the United States courts in Indian Territory, shall, by proclamation in which such apportionment shall be fully specified and announced, order an election of the delegates aforesaid in said proposed State at a time designated by them within six months after the approval of this act, which proclamation shall be issued at least sixty days prior to the time of holding said election of delegates. The election for delegates in the Territory of Oklahoma and in said Indian Territory shall be con-

From Oklahoma.
Indian Territory.
Osage Reservation.

Voting districts.
Oklahoma.

Osage Reservation.

Indian Territory.

Proclamation ordering election.

Conduct of election.

¹ *Gritts v. Fisher*, 224 U. S., 640; *U. S. v. Allen*, 171 Fed., 937, same, 224 U. S., 6; *Bell v. Cook*, 192 Fed., 597; *Geards v. Johnson*, 185 Fed., 622; *U. S. v. Abrams*, 181 Fed., 847.

ducted, the returns made, the result ascertained, and the certificates of all persons elected to such convention issued in the same manner as is prescribed by the laws of the Territory of Oklahoma regulating elections for Delegates to Congress. That the election laws of the Territory of Oklahoma now in force, as far as applicable and not in conflict with this act, including the penal laws of said Territory of Oklahoma relating to elections and illegal voting, are hereby extended to and put in force in said Indian Territory until the legislature of said proposed State shall otherwise provide, and until all persons offending against said laws in the election aforesaid shall have been dealt with in the manner therein provided. And the United States courts of said Indian Territory shall have the same power to enforce the laws of the Territory of Oklahoma, hereby extended to and put in force in said Territory, as have the courts of the Territory of Oklahoma: *Provided, however,* That said board to apportion districts in Indian Territory shall, for the purpose of said election, appoint an election commissioner for each district who shall distribute all ballots and election supplies, to the several precincts in his district, receive the election returns from the judges in precincts, and deliver the same to the canvassing board herein named, establish and define the necessary election precincts, and appoint three judges of election for each precinct, not more than two of whom shall be of the same political party, which judges may appoint the necessary clerk or clerks; that said judges of election, so appointed, shall supervise the election in their respective precincts, and canvass and make due return of the vote cast, to the election commissioner for said district who shall deliver said returns, poll books, and ballots to said board, which shall constitute the ultimate and final canvassing board of said election, and they shall issue certificates of election to all persons elected to such convention from the various districts of the Indian Territory, and their certificates of election shall be prima facie evidence as to the election of delegates: *Provided further,* That in said Indian Territory and Osage Indian Reservation, nominations for delegate to said constitutional convention may be made by convention, by the Republican, Democratic, and People's Party, or by petition in the manner provided by the laws of the Territory of Oklahoma; and certificates and petitions of nomination in said Indian Territory shall be filed with the districting and canvassing board who shall perform the duties of election commissioner under said law, and shall prepare, print, and distribute all ballots, poll books, and election supplies necessary for the holding of said election under said laws. The capital of said State shall temporarily be at the city of Guthrie, in the present Territory of Oklahoma, and shall not be changed therefrom previous to anno Domini nineteen hundred and thirteen, but said capital shall, after said year, be located by the electors of said State at an election to be provided for by the legislature: *Provided, however,* That the legislature of said State, except as shall be necessary for the convenient transaction of the public business of said State at said capital, shall not appropriate any public moneys of the State for the erection of buildings for capitol purposes during such period.

SEC. 3. That the delegates to the convention thus elected shall meet at the seat of government of said Oklahoma Territory on the second Tuesday after their election, excluding the day of election in case such day shall be Tuesday, but they shall not receive compensation for more than sixty days of service, and, after organization, shall declare, on behalf of the people of said proposed State, that they adopt the Constitution of the United States; whereupon the said convention shall, and is hereby authorized to, form a constitution and State government for said proposed State. The constitution shall be republican in form, and make no distinction in civil or political rights on account

Extension of Oklahoma laws.

Authority of United States courts.

Provisos. Election officers, Indian Territory.

34 Stat., 269.

Nominations, Indian Territory and Osage Reservation.

Capital at Guthrie till 1913.

Buildings limited.

Meeting of convention.

Duties.

Constitution. General principles.

of race or color, and shall not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence. And said convention shall provide in said constitution—

Provisions.
Religious freedom. First. That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship, and that polygamous or plural marriages are forever prohibited.

Polygamy prohibited.
Liquor trade. Prohibited for 21 years in Indian Territory, etc. Second. That the manufacture, sale, barter, giving away, or otherwise furnishing, except as hereinafter provided, of intoxicating liquors within those parts of said State now known as the Indian Territory and the Osage Indian Reservation and within any other parts of said State which existed as Indian reservations on the first day of January, nineteen hundred and six, is prohibited for a period of twenty-one years from the date of the admission of said State into the Union, and thereafter until the people of said State shall otherwise provide by amendment of said constitution and proper State legislation. Any person, individual or corporate, who shall manufacture, sell, barter, give away, or otherwise furnish any intoxicating liquor of any kind, including beer, ale, and wine, contrary to the provisions of this section, or who shall, within the above-described portions of said State, advertise for sale or solicit the purchase of any such liquors, or who shall ship or in any way convey such liquors from other parts of said State into the portions hereinbefore described, shall be punished, on conviction thereof, by fine not less than fifty dollars and by imprisonment not less than thirty days for each offense: *Provided*, That the legislature may provide by law for one agency under the supervision of said State in each incorporated town of not less than two thousand population in the portions of said State hereinbefore described; and if there be no incorporated town of two thousand population in any county in said portions of said State, such county shall be entitled to have one such agency, for the sale of such liquors for medicinal purposes; and for the sale, for industrial purposes, of alcohol which shall have been denaturized by some process approved by the United States Commissioner of Internal Revenue; and for the sale of alcohol for scientific purposes to such scientific institutions, universities, and colleges as are authorized to procure the same free of tax under the laws of the United States; and for the sale of such liquors to any apothecary who shall have executed an approved bond, in a sum not less than one thousand dollars, conditioned that none of such liquors shall be used or disposed of for any purpose other than in the compounding of prescriptions or other medicines, the sale of which would not subject him to the payment of the special tax required of liquor dealers by the United States, and the payment of such special tax by any person within the parts of said State hereinabove defined shall constitute prima facie evidence of his intention to violate the provisions of this section. No sale shall be made except upon the sworn statement of the applicant in writing setting forth the purpose for which the liquor is to be used, and no sale shall be made for medicinal purposes except sales to apothecaries as hereinabove provided unless such statement shall be accompanied by a bona fide prescription signed by a regular practicing physician, which prescription shall not be filled more than once. Each sale shall be duly registered, and the register thereof, together with the affidavits and prescriptions pertaining thereto, shall be open to inspection by any officer or citizen of said State at all times during business hours. Any person who shall knowingly make a false affidavit for the purpose aforesaid shall be deemed guilty of perjury. Any physician who shall prescribe any such liquor, except for treatment of disease which after his own personal diagnosis he shall deem to require such treatment, shall upon conviction thereof, be punished for each offense by fine of not less

Penalty for sale, etc.

34 Stat., 270. Proviso. Agency for sale for medicinal purposes.

Denatured alcohol.

Scientific uses.

Bond by apothecaries.

Sales, etc.

Penalties.

Unlawful use by physicians.

than two hundred dollars or by imprisonment for not less than thirty days, or by both such fine and imprisonment; and any person connected with any such agency who shall be convicted of making any sale or other disposition of liquor contrary to these provisions shall be punished by imprisonment for not less than one year and one day. Upon the admission of said State into the Union these provisions shall be immediately enforceable in the courts of said State.¹

Agency officials.

Third. That the people inhabiting said proposed State do agree and declare that they forever disclaim all right and title in or to any unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian, tribe, or nation; and that until the title to any such public land shall have been extinguished by the United States, the same shall be and remain subject to the jurisdiction, disposal, and control of the United States. That land belonging to citizens of the United States residing without the limits of said State shall never be taxed at a higher rate than the land belonging to residents thereof; that no taxes shall be imposed by the State on lands or property belonging to or which may hereafter be purchased by the United States or reserved for its use.²

Disclaimer of right to public and Indian lands.

Equality of taxation.

Fourth. That the debts and liabilities of said Territory of Oklahoma shall be assumed and paid by said State.

Assuming Territorial debts.

Fifth. That provisions shall be made for the establishment and maintenance of a system of public schools, which shall be open to all the children of said State and free from sectarian control; and said schools shall always be conducted in English: *Provided*, That nothing herein shall preclude the teaching of other languages in said public schools: *And provided further*, That this shall not be construed to prevent the establishment and maintenance of separate schools for white and colored children.

Provision for public schools.

34 Stat., 271. Provisos. Languages.

White and colored schools.

Sixth. That said State shall never enact any law restricting or abridging the right of suffrage on account of race, color, or previous condition of servitude.

Right of suffrage.

* * * * *

SEC. 7. That upon the admission of the State into the Union sections numbered sixteen and thirty six, in every township in Oklahoma Territory, and all indemnity lands heretofore selected in lieu thereof, are hereby granted to the State for the use and benefit of the common schools: *Provided*, That sections sixteen and thirty-six embraced in permanent reservations for national purposes shall not at any time be subject to the grant nor the indemnity provisions of this act, nor shall any lands embraced in Indian, military, or other reservations of any character, nor shall land owned by Indian tribes or individual members of any tribe be subjected to the grants or to the indemnity provisions of this act until the reservation shall have been extinguished and such lands be restored to and become a part of the public domain: *Provided*, That there is sufficient untaken public land within said State to cover this grant: *And provided*, That in case any of the lands herein granted to the State of Oklahoma have heretofore been confirmed to the Territory of Oklahoma for the purposes specified in this act, the amount so confirmed shall be deducted from the quantity specified in this act.

34 Stat., 272. Grant of lands for schools.

Provisos. Lands exempted from selection.

Condition. Deduction of grants to Territory.

There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of five million dollars for the use and benefit of the common schools of said State in lieu of sections sixteen and thirty-six, and other lands of the Indian Territory. Said appropriation shall be paid by the Treasurer of the United States at such time and to such person or persons as may be authorized by said

Appropriation for schools in lieu of Indian Territory lands.

Payments delayed.

¹ U. S. Express Co. v. Friedman, 191 Fed., 673; U. S. v. U. S. Express Co., 180 Fed., 1006. Ex parte Charley Webb, 225 U. S., 696; Henry Clairmont v. U. S., 225 U. S. 551; U. S. v. Bob. Wright, 229 U. S., 226; Ferrin v. U. S., 232 U. S., 478; U. S. v. Pellican, 232 U. S., 442

² Kohlmeier v. Wolverine Oil Co., 132 Pac., 497.

State to receive the same under laws to be enacted by said State, and until said State shall enact such laws said appropriation shall not be paid, but said State shall be allowed interest thereon at the rate of three per centum per annum, which shall be paid to said State for the use and benefit of its public schools. Said appropriation of five million dollars shall be held and invested by said State, in trust, for the use and benefit of said schools, and the interest thereon shall be used exclusively in the support and maintenance of said schools: *Provided*, That nothing in this act contained shall repeal or affect any act of Congress relating to the Sulphur Springs Reservation as now defined or as may be hereafter defined or extended, or the power of the United States over it or any other lands embraced in the State hereafter set aside by Congress as a national park, game preserve, or for the preservation of objects of archæological or ethnological interest; and nothing contained in this act shall interfere with the rights and ownership of the United States in any land hereafter set aside by Congress as national park, game preserve, or other reservation, or in the said Sulphur Springs Reservation, as it now is or may be hereafter defined or extended by law; but exclusive legislation, in all cases whatsoever, shall be exercised by the United States, which shall have exclusive control and jurisdiction over the same; but nothing in this proviso contained shall be construed to prevent the service within said Sulphur Springs Reservation or national parks, game preserves, and other reservations hereafter established by law, of civil and criminal processes lawfully issued by the authority of said State, and said State shall not be entitled to select indemnity school lands for the thirteenth, sixteenth, thirty-third, and thirty-sixth sections that may be embraced within the metes and bounds of the national park, game preserve, and other reservation or the said Sulphur Springs Reservation, as now defined or may be hereafter defined.

Trust created.

Proviso.
Sulphur Springs and other reservations reserved.

34 Stat., 273.

Exclusive jurisdiction retained.

Service of process, etc.

Indemnity selections excluded from parks, etc.

University, etc., grants.
28 Stat., 1229.
Vol. 1, p. 967.

Allotment.

Proviso.
Use of lands and proceeds.

Control, etc.

Lands for public institutions and buildings.

Mineral and oil lands.

Sale restricted.

Leases authorized.

SEC. 8. That section thirteen in the Cherokee Outlet, the Tonkawa Indian Reservation, and the Pawnee Indian Reservation, reserved by the President of the United States by proclamation issued August nineteenth, eighteen hundred and ninety-three, opening to settlement the said lands, and by any act or acts of Congress since said date, and section thirteen in all other lands which have been or may be opened to settlement in the Territory of Oklahoma, and all lands heretofore selected in lieu thereof, is hereby reserved and granted to said State for the use and benefit of the University of Oklahoma and the University Preparatory School, one-third; of the normal schools now established or hereafter to be established, one-third; and of the Agricultural and Mechanical College and the Colored Agricultural Normal University, one-third. The said lands or the proceeds thereof as above apportioned shall be divided between the institutions as the legislature of said State may prescribe: *Provided*, That the said lands so reserved or the proceeds of the sale thereof shall be safely kept or invested and held by said State, and the income thereof, interest, rentals, or otherwise, only shall be used exclusively for the benefit of said educational institutions. Such educational institutions shall remain under the exclusive control of said State, and no part of the proceeds arising from the sale or disposal of any lands herein granted for educational purposes, or the income or rentals thereof, shall be used for the support of any religious or sectarian school, college, or university.

That section thirty-three, and all lands heretofore selected in lieu thereof, heretofore reserved under said proclamation, and acts for charitable and penal institutions and public buildings, shall be apportioned and disposed of as the legislature of said State may prescribe.

Where any part of the lands granted by this act to the State of Oklahoma are valuable for minerals, which terms shall also include gas and oil, such lands shall not be sold by the said State prior to Jan-

uary first, nineteen hundred and fifteen; but the same may be leased for periods not exceeding five years by the State officers duly authorized for that purpose, such leasing to be made by public competition after not less than thirty days' advertisement in the manner to be prescribed by law, and all such leasing shall be done under sealed bids and awarded to the highest responsible bidder. The leasing shall require and the advertisement shall specify in each case a fixed royalty to be paid by the successful bidder, in addition to any bonus offered for the lease, and all proceeds from leases shall be covered into the fund to which they shall properly belong, and no transfer or assignment of any lease shall be valid or confer any right in the assignee without the consent of the proper State authorities in writing: *Provided, however,* That agricultural lessees in possession of such lands shall be reimbursed by the mining lessees for all damage done to said agricultural lessees' interest therein by reason of such mining operations. The legislature of the State may prescribe additional legislation governing such leases not in conflict herewith.

Royalties, etc.

Proviso.
Rights of agricultural
lessees.
34 Stat., 274.

SEC. 9. That said sections sixteen and thirty-six, and lands taken in lieu thereof, herein granted for the support of the common schools, if sold, may be appraised and sold at public sale in one hundred and sixty acre tracts or less, under such rules and regulations as the legislature of the said State may prescribe, preference right to purchase at the highest bid being given to the lessee at the time of such sale, the proceeds to constitute a permanent school fund, the interest of which only shall be expended in the support of such schools. But said lands may, under such regulations as the legislature may prescribe, be leased for periods not to exceed ten years; and such lands shall not be subject to homestead entry or any other entry under the land laws of the United States, whether surveyed or unsurveyed, but shall be reserved for school purposes only.

Disposal of common
school lands.

School fund from pro-
ceeds.

Leases, etc.

SEC. 10. That said sections thirteen and thirty-three, aforesaid, if sold, may be appraised and sold at public sale, in one hundred and sixty acre tracts or less, under such rules and regulations as the legislature of said State may prescribe, preference right to purchase at the highest bid being given to the lessee at the time of such sale, but such lands may be leased for periods of not more than five years, under such rules and regulations as the legislature shall prescribe, and until such time as the legislature shall prescribe such rules these and all other lands granted to the State shall be leased under existing rules and regulations, and shall not be subject to homestead entry or any other entry under the land laws of the United States, whether surveyed or unsurveyed, but shall be reserved for designated purposes only, and until such time as the legislature shall prescribe as aforesaid such lands shall be leased under existing rules: *Provided,* That before any of the said lands shall be sold, as provided in sections nine and ten of this act, the said lands and the improvements thereon shall be appraised by three disinterested appraisers, who shall be nonresidents of the county wherein the land is situated, to be designated as the legislature of said State shall prescribe, and the said appraisers shall make a true appraisement of said lands at the actual cash value thereof, exclusive of improvements, and shall separately appraise all permanent improvements thereon at their fair and reasonable value, and in case the leaseholder does not become the purchaser, the purchaser at said sale shall, under such rules and regulations as the legislature may prescribe, pay to or for the leaseholder the appraised value of said improvements, and to the State the amount bid for the said lands, exclusive of the appraised value of improvements; and at said sale no bid for any tract at less than the appraisement thereof shall be accepted.

University and pub-
lic institution lands.
Sales or leases.

Proviso.
Appraisal of im-
provements.

Payment by pur-
chaser.

Use of 5 per cent fund for common schools.

SEC. 11. That an amount equal to five per centum of the proceeds of the sales of public lands lying within said State shall be paid to the said State, to be used as a permanent fund, the interest only of which shall be expended for the support of the common schools within said State.

Lands in lieu of internal improvements and swamp lands grants.
5 Stat., 455.

SEC. 12. That in lieu of the grant of land for purposes of internal improvement made to new States by the eighth section of the act of September fourth, eighteen hundred and forty-one, which section is hereby repealed as to said State, and in lieu of any claim or demand of the State of Oklahoma under the act of September twenty-eighth, eighteen hundred and fifty, and section twenty-four hundred and seventy-nine of the Revised Statutes, making a grant of swamp and overflowed lands, which grant it is hereby declared is not extended to said State from public lands of the United States within said State, for the purposes indicated, namely: For the benefit of the Oklahoma University, two hundred and fifty thousand acres; for the benefit of the University Preparatory School, one hundred and fifty thousand acres; for the benefit of the Agricultural and Mechanical College, two hundred and fifty thousand acres; for the benefit of the Colored Agricultural and Normal University, one hundred thousand acres; for the benefit of normal schools, now established or hereafter to be established, three hundred thousand acres. The lands granted by this section shall be selected by the board for leasing school lands of the Territory of Oklahoma immediately upon the approval of this act. Said selections as soon as made shall be certified to the Secretary of the Interior, and the lands so selected shall be thereupon withdrawn from homestead entry.

9 Stat., 519.
R. S., sec. 2479.

Allotment.

34 Stat., 275.
Oklahoma University.
University Preparatory School, Agricultural, etc., College.
Colored Agricultural, etc., University.
Normal schools.

Selections.

* * * * *

34 Stat., 277.
Election of full State officers.

SEC. 21. That the constitutional convention may by ordinance provide for the election of officers for a full State government, including members of the legislature and five Representatives to Congress, and shall constitute the Osage Indian Reservation a separate county, and provide that it shall remain a separate county until the lands in the Osage Indian Reservation are allotted in severalty and until changed by the legislature of Oklahoma, and designate the county seat thereof, and shall provide rules and regulations and define the manner of conducting the first election for officers in said county. Such State government shall remain in abeyance until the State shall be admitted into the Union and the election for State officers held, as provided for in this act. The State legislature when organized shall elect two Senators of the United States, in the manner now prescribed by the laws of the United States, and the governor and secretary of said State shall certify the election of the Senators and Representatives in the manner required by law; and said Senators and Representatives shall be entitled to be admitted to seats in Congress and to all the rights and privileges of Senators and Representatives of other States in the Congress of the United States. And the officers of the State government formed in pursuance of said constitution, as provided by said constitutional convention, shall proceed to exercise all the functions of such State officers; and all laws in force in the Territory of Oklahoma at the time of the admission of said State into the Union shall be in force throughout said State, except as modified or changed by this act or by the constitution of the State, and the laws of the United States not locally inapplicable shall have the same force and effect within said State as elsewhere within the United States.

Osage Reservation to be separate county, etc.

State government in abeyance till admission.

Election of Senators.

Certifying election of Senators and Representatives.

Operation of State government, etc.

34 Stat., 278.
United States laws.

Acceptance of this act.

SEC. 22. That the constitutional convention provided for herein shall, by ordinance irrevocable, accept the terms and conditions of this act.

* * * * *

Approved, June 16, 1906.

CHAP. 3504.—An act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June thirtieth, nineteen hundred and seven.

June 21, 1906.
[H. R. 15331.]
[Public, No. 258.]
34 Stat., 325.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and in full compensation for all offices the salaries for which are specially provided for herein for the service of the fiscal year ending June thirtieth, nineteen hundred and seven, namely:

Indian Department appropriations.

I. GENERAL PROVISIONS.

General provisions.

PRESIDENT.

Under the President.

* * * * *
Mission schools on an Indian reservation may, under rules and regulations prescribed by the Commissioner of Indian Affairs, receive for such Indian children duly enrolled therein, the rations of food and clothing to which said children would be entitled under treaty stipulations if such children were living with their parents.

34 Stat., 326.
Rations to mission schools.

That prior to the expiration of the trust period of any Indian allottee to whom a trust or other patent containing restrictions upon alienation has been or shall be issued under any law or treaty the President may in his discretion continue such restrictions on alienation for such period as he may deem best: *Provided, however,* That this shall not apply to lands in the Indian Territory.

Continuing alienation restrictions.

Proviso.
Indian Territory excepted.

SECRETARY.

Under the Secretary.

That no purchase of supplies for which appropriations are herein made, exceeding in the aggregate five hundred dollars in value at any one time, shall be made without first giving at least three weeks' public notice by advertisement, except in case of exigency, when, in the discretion of the Secretary of the Interior, who shall make official record of the facts constituting the exigency, and shall report the same to Congress at its next session, he may direct that purchases may be made in open market in amount not exceeding three thousand dollars at any one purchase: *Provided,* That supplies may be purchased, contracts let, and labor employed for the construction of artesian wells, ditches, and other works for irrigation, in the discretion of the Secretary of the Interior, without advertising as hereinbefore provided: *Provided further,* That as far as practicable Indian labor shall be employed and purchases in the open market made from Indians, under the direction of the Secretary of the Interior.

Purchase of supplies to be advertised.

Exception.

Provisos.
Irrigation.

Open-market purchases, etc.

Use of surplus for subsistence deficiencies.

That the Secretary of the Interior, under the direction of the President, may use any surplus that may remain in any of the appropriations herein made for the purchase of subsistence for the several Indian tribes, to an amount not exceeding twenty-five thousand dollars in the aggregate, to supply any subsistence deficiency that may occur: *Provided,* That any diversions which shall be made under authority of this section shall be reported to Congress with the reason therefor in detail, at the session of Congress next succeeding such diversion: *Provided further,* That the Secretary of the Interior, under direction of the President, may use any sums appropriated in this act for subsistence, and not absolutely necessary for that purpose, for the

Provisos.
Report of diversions.

Stock cattle from subsistence funds.

- purchase of stock cattle for the benefit of the tribe for which such appropriation is made, and shall report to Congress, at its next session thereafter, an account of his action under this provision: *Provided further*, That funds appropriated to fulfill treaty obligations shall not be so used: *Provided further*, That in lieu of the milch cows, mares, and implements to be issued to Sioux allottees under the provisions of section seventeen of the "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, the Secretary of the Interior may, in his discretion, issue to any allottee entitled to benefits under said section who shall petition therefor an equal value in good stock cattle.
- Treaty funds. Stock cattle to Sioux. 25 Stat., 895, vol. 1, 335.
- Extension of time to settlers in Minnesota. That the homestead settlers on all ceded Indian reservations in Minnesota who purchased the lands occupied by them as homesteads be, and they hereby are, granted an extension of one year's time in which to make the payments now provided by law.
- Transfer of funds for employees, etc. 34 Stat., 327. That when not required for the purpose for which appropriated, the funds herein provided for the pay of specified employees at any agency may be used by the Secretary of the Interior for the pay of other employees at such agency, but no deficiency shall be thereby created; and, when necessary, specified employees may be detailed for other service when not required for the duty for which they were engaged; and that the several appropriations herein or heretofore made for millers, blacksmiths, engineers, carpenters, physicians, and other persons, and for various articles provided for by treaty stipulation for the several Indian tribes, may be diverted to other uses for the benefit of said tribes, respectively, within the discretion of the President, and with the consent of said tribes, expressed in the usual manner; and that he cause report to be made to Congress, at its next session thereafter, of his action under this provision.
- Rejection of bids. That whenever after advertising for bids for supplies in accordance with the provisions of this act those received for any article contain conditions detrimental to the interests of the Government, they may be rejected, and the articles specified in such bids purchased in open market, at prices not to exceed those of the lowest bidder, and not to exceed the market price of the same, until such time as satisfactory bids can be obtained, for which immediate advertisement shall be made: *Provided*, That so much of the appropriations herein made as may be required to pay for goods and supplies, for expenses incident to their purchase, and for transportation of the same, for the year ending June thirtieth, nineteen hundred and seven, shall be immediately available, but no such goods or supplies shall be distributed or delivered to any of said Indians prior to July first, nineteen hundred and six.
- Open-market purchases. Provide. Amount for supplies immediately available. That the act entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," approved February eighth, eighteen hundred and eighty-seven, be, and is hereby, amended by adding the following:
- Allotments in severalty. 24 Stat., 388. Vol. 1, p. 33. No lands acquired under the provisions of this act shall, in any event, become liable to the satisfaction of any debt contracted prior to the issuing of the final patent in fee therefor.
- Lands not liable for prior debts. Trust funds. That no money accruing from any lease or sale of lands held in trust by the United States for any Indian shall become liable for the payment of any debt of, or claim against, such Indian contracted or arising during such trust period, or, in case of a minor, during his minority, except with the approval and consent of the Secretary of the Interior.

That the shares of money due minor Indians as their proportion of the proceeds from the sale of ceded or tribal Indian lands, whenever such shares have been, or shall hereafter be, withheld from their parents, legal guardians, or others, and retained in the United States Treasury by direction of the Secretary of the Interior, shall draw interest at the rate of three per centum per annum, unless otherwise provided for, from the period when such proceeds have been or shall be distributed per capita among the members of the tribe of which such minor is a member; and the Secretary of the Treasury is hereby authorized and directed to allow interest on such unpaid amounts belonging to said minors as shall be certified by the Secretary of the Interior as entitled to draw interest under this act.

Interest on funds held for minors.

That any Indian allotted lands under any law or treaty without the power of alienation, and within a reclamation project approved by the Secretary of the Interior, may sell and convey any part thereof, under rules and regulations prescribed by the Secretary of the Interior, but such conveyance shall be subject to his approval, and when so approved shall convey full title to the purchaser the same as if final patent without restrictions had been issued to the allottee: *Provided*, That the consideration shall be placed in the Treasury of the United States, and used by the Commissioner of Indian Affairs to pay the construction charges that may be assessed against the unsold part of the allotment, and to pay the maintenance charges thereon during the trust period, and any surplus shall be a benefit running with the water right to be paid to the holder thereof.¹

Sales within reclamation projects.

Proviso. Proceeds.

34 Stat., 328.

COMMISSIONER.

Commissioner.

For construction of ditches and reservoirs, purchase and use of irrigating tools and appliances, and purchase of water rights on Indian reservations, in the discretion of the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior and subject to his control, one hundred and fifty-five thousand dollars, of which twenty-five thousand dollars shall be made immediately available: *Provided*, That the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, may employ superintendents of irrigation, who shall be skilled irrigation engineers, not to exceed four, as in his judgment may be necessary to secure the construction of ditches and other irrigation works in a substantial and workman-like manner.

Irrigation.

Proviso. Skilled engineers.

For survey and subdivision of Indian reservations and of lands to be allotted to Indians, and to make allotments in severalty, to be expended by the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, fifteen thousand dollars.

Surveying and allotting.

That the Commissioner of Indian Affairs, under the supervision of the Secretary of the Interior, is hereby authorized to investigate and report to Congress upon the desirability of establishing a sanitarium for the treatment of such Indians as are afflicted with tuberculosis, and to report upon a location and the cost thereof, and also upon the feasibility of utilizing some present Government institution therefor; said report to include, as far as possible, the extent of the prevalence of tuberculosis among Indians.

Tuberculosis sanitarium. Investigation, etc., for.

The Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, is hereby authorized and directed to select and designate some one of the schools or other institution herein specifically provided for as an "Indian Reform School," and to make all needful rules and regulations for its conduct, and the placing of Indian youth therein: *Provided*, That the appropriation for collection and transportation, and so forth, of pupils, and the specific appropriation for such school so selected shall be available for its support

Indian Reform School. Designation to be made.

Provisos. Funds available.

- Consent of parents, etc., not necessary. and maintenance: *Provided further*, That the consent of parents, guardians, or next of kin shall not be required to place Indian youth in said school.
- Annual report modified. 19 Stat., 199. Vol. 1, p. 27. That so much of the section three of the act of August fifteenth, eighteen hundred and seventy-six, as required the Commissioner of Indian Affairs to embody in his annual report a detailed and tabular statement of all bids and proposals received for any services, supplies, and annuity goods for the Indian service, together with a detailed statement of all awards of contracts made for any such services, supplies, and annuity goods for which said bids or proposals were received, is hereby repealed, and hereafter he shall embody in his annual report only a detailed statement of the awards of contracts made for any services, supplies, and annuity goods for the Indian service; and that so much of the acts of March second, eighteen hundred and ninety-two, and April twenty-first, nineteen hundred and four, which require the commissioner to report annually the names of all employees in the Indian service is hereby also repealed.
- Detailed statement of contracts. Reporting employees repealed. 32 Stat., 1007, 33 Stat., 217. Ante, p. 63. To enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to take action to suppress the traffic of intoxicating liquors among Indians, twenty-five thousand dollars, fifteen thousand dollars of which to be used exclusively in the Indian Territory and Oklahoma.
- Suppressing liquor traffic. 34 Stat., 329. Support of schools. For support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for, one million three hundred thousand dollars;
- Buildings, construction, etc. For construction, purchase, lease, and repair of school buildings, and sewerage, water supply, and lighting plants, and purchase of school sites, and improvement of buildings and grounds, four hundred and fifty thousand dollars;
- Transporting pupils. In all, one million seven hundred and fifty thousand dollars. For collection and transportation of pupils to and from Indian schools, and also for the transportation of Indian pupils from all the Indian schools and placing of them, with the consent of their parents, under the care and control of such suitable white families as may in all respects be qualified to give such pupils moral, industrial, and educational training, under arrangements in which their proper care, support, and education shall be in exchange for their labor, sixty thousand dollars: *Provided*, That not exceeding five thousand dollars of this amount may be used under direction of the Commissioner of Indian Affairs in the transportation and placing of Indian pupils in positions where remunerative employment can be found for them in industrial pursuits. The provisions of this section shall apply to native pupils brought from Alaska.
- Proviso. Positions for pupils. Alaska natives. That all expenditure of money appropriated for school purposes in this act shall be at all times under the supervision and direction of the Commissioner of Indian Affairs, and in all respects in conformity with such conditions, rules, and regulations as to the conduct and methods of instruction and expenditure of money as may be from time to time prescribed by him, subject to the supervision and control of the Secretary of the Interior: *Provided*, That not more than one hundred and sixty-seven dollars shall be expended for the annual support and education of any one pupil in any school herein specifically provided for, except when, by reason of epidemic, accident, or other sufficient cause, the attendance is so reduced or cost of maintenance so high that a larger expenditure is absolutely necessary for the efficient operation of the school affected, when the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may allow a larger per capita expenditure, such expenditure to continue only so long as the said necessity therefor shall exist: *Provided further*, That the total amount appropriated for the support of such school shall not be
- Supervision of expenditures. Provisos. Limit per capita expense. Total for school.

exceeded: *Provided further*, That the number of pupils in any school entitled to the per capita allowance hereby provided for shall be determined by taking the average enrollment for the entire fiscal year and not any fractional part thereof.

Determining per capita allowance.

MISCELLANEOUS.

Telegraphing, telephoning, and purchase of Indian supplies: To pay the expense of purchasing goods and supplies for the Indian service, including inspection and pay of necessary employees; advertising, at rates not exceeding regular commercial rates, and all other expenses connected therewith, and for telegraphing and telephoning, and for transportation of Indian goods and supplies, including pay and expenses of transportation agents and rent of warehouses, two hundred and ninety thousand dollars, and warehouses for the receipt, storage, and shipping of goods for the Indian service shall be maintained at the following places: New York, Chicago, Omaha, Saint Louis, and San Francisco.

Supplies.
All expenses.

Warehouses.

For buildings and repairs of buildings at agencies and for rent of buildings for agency purposes, and for water supply at agencies, seventy-five thousand dollars.

Agency buildings.

For pure vaccine matter and vaccination of Indians, five thousand dollars.

34 Stat., 330.
Vaccination.

That the provisions of section thirty-seven hundred and eighty-six of the Revised Statutes of the United States shall not apply to such work of the Indian Department as can be executed at the several Indian schools.

Printing in schools.
R. S., sec. 3786.

That section two of an act of Congress entitled "An act to provide for the acquiring of rights of way of railroad companies through Indian reservations, Indian lands, and Indian allotments, and for other purposes," approved March second, eighteen hundred and ninety-nine, be, and the same hereby is, amended so as to read as follows:

Right of way through Indian lands.
30 Stat., 990, amended.
Vol. 1, p. 103.

"Sec. 2. That such right of way shall not exceed fifty feet in width on each side of the center line of the road, except where there are heavy cuts and fills, when it shall not exceed one hundred feet in width on each side of the road, and may include grounds adjacent thereto for station buildings, depots, machine shops, side tracks, turnouts, and water stations, not to exceed two hundred feet in width by a length of three thousand feet, and not more than one station to be located within any one continuous length of ten miles of road."

Width.

For stations, etc., increased.

II. GENERAL OFFICERS AND EMPLOYEES.

General officers and employees.

BOARD OF INDIAN COMMISSIONERS.

For expenses of the commission of citizens, serving without compensation, appointed by the President under the provisions of the fourth section of the act of April tenth, eighteen hundred and sixty-nine, four thousand dollars, of which amount not to exceed three hundred dollars may be used by the commission for office rent.

Citizen commission.
16 Stat., 40.

INSPECTORS.

For pay of eight Indian inspectors, two of whom shall be engineers, one to be designated as chief, competent in the location, construction, and maintenance of irrigation works, at two thousand five hundred dollars per annum each, except the chief engineer, who shall receive three thousand five hundred dollars, twenty-one thousand dollars.

Inspectors.
Irrigation.

For traveling expenses of eight Indian inspectors, at three dollars per day when actually employed on duty in the field, exclusive of

Expenses.

transportation and sleeping-car fare, in lieu of all other expenses now authorized by law, and for incidental expenses of negotiation, inspection, and investigation, including telegraphing and expenses of going to and going from the seat of government, and while remaining there under orders and direction of the Secretary of the Interior, for a period not to exceed twenty days, twelve thousand eight hundred dollars.

SUPERINTENDENT OF INDIAN SCHOOLS.

Superintendent of schools. For pay of one superintendent of Indian schools, three thousand dollars.

Expenses. For necessary traveling expenses of one superintendent of Indian schools, including telegraphing and incidental expenses of inspection and investigation, one thousand five hundred dollars: *Provided*, That he shall be allowed three dollars per day for traveling expenses when actually on duty in the field, exclusive of cost of transportation and sleeping-car fare, in lieu of all other expenses now allowed by law:

Provisos. Per diem. *And provided further*, That he shall perform such other duties as may be imposed upon him by the Commissioner of Indian Affairs, subject to the approval of the Secretary of the Interior.

Other duties.

INTERPRETERS.

34 Stat., 331. Interpreters. For payment of necessary interpreters, to be distributed in the discretion of the Secretary of the Interior, four thousand dollars; but no person employed by the United States and paid for any other service shall be paid for interpreting.

POLICE.

Police. For services of officers at twenty-five dollars per month each, and privates at twenty dollars per month each, of Indian police, to be employed in maintaining order and prohibiting illegal traffic in liquor on the several Indian reservations and within the Territory of Alaska, in the discretion of the Secretary of the Interior, for the purchase of equipments, and for the purchase of rations for policemen at nonration agencies, two hundred thousand dollars.

MATRONS.

Matrons. To enable the Secretary of the Interior to employ suitable persons as matrons to teach Indian girls in housekeeping and other household duties, at a rate not to exceed sixty dollars per month, and for furnishing necessary equipments, and renting quarters where necessary, twenty-five thousand dollars: *Provided*, That the amount paid said matrons shall not come within the limit for employees fixed by the act of June seventh, eighteen hundred and ninety-seven.

Proviso. Additional. 30 Stat., 90.

FARMERS AND STOCKMEN.

Farmers and stockmen. To enable the Commissioner of Indian Affairs to employ practical farmers and practical stockmen, subject only to such examination as to qualifications as the Secretary of the Interior may prescribe, in addition to the agency farmers now employed, at wages not exceeding seventy-five dollars each per month, to superintend and direct farming and stock raising among such Indians as are making effort for self-support, one hundred and twenty-five thousand dollars: *Provided*, That the amounts paid said farmers and stockmen shall not come within the limit for employees fixed by the act of June seventh, eighteen hundred and ninety-seven: *Provided further*, That the Commissioner of Indian Affairs may employ additional farmers at any Indian

Provisos. Additional. 30 Stat., 90.

At schools.

school at not exceeding sixty dollars per month, subject only to such examination as the Secretary of the Interior may prescribe, said farmers to be in addition to the school farmers now employed.

JUDGES.

For compensation of judges of Indian courts, twelve thousand dollars. Judges, Indian courts.

CONTINGENCIES.

For contingencies of the Indian Service, including traveling and incidental expenses of Indian agents and of their offices, and of the Commissioner of Indian Affairs; also traveling and incidental expenses of special agents, at three dollars per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses now authorized by law, and expenses of going to and going from the seat of government, and while remaining there under orders and direction of the Commissioner of Indian Affairs, for a period not to exceed twenty days; for pay of employees not otherwise provided for, and for pay of special agents, at two thousand dollars per annum each, seventy-five thousand dollars. Contingencies.

INDIAN AGENTS—PROVISO.

The appropriations for the salaries of Indian agents shall not take effect nor become available in any case for or during the time in which any officer of the Army of the United States shall be engaged in the performance of the duties of Indian agent at any of the agencies above named; and the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may devolve the duties of any Indian agency or part thereof upon the superintendent of the Indian school located at such agency or part thereof whenever in his judgment such superintendent can properly perform the duties of such agency. And the superintendent upon whom such duties devolve shall give bond as other Indian agents. 34 Stat., 332.
Indian agents.
Salaries not available
for Army officers.

School superintend-
ents may act as agents.

Bond.

ARIZONA.

Arizona.

For pay of Indian agent at the San Carlos Agency, Arizona, one thousand eight hundred dollars. San Carlos Agency.
Agent.

For support and civilization of the Apache and other Indians in Arizona and New Mexico who have been or may be collected on reservations in Arizona and New Mexico, two hundred and twenty-five thousand dollars: *Provided*, That the unexpended balance for the fiscal year nineteen hundred and six is hereby appropriated and made available for nineteen hundred and seven. Apaches, etc.
Support, etc.

Proviso.
Balance available.

For support and civilization of the Indians of Pima Agency, Arizona, forty thousand dollars, to be expended for their benefit in such manner as the Secretary of the Interior, in his discretion, may deem best. Pima Agency.
Support, etc., of In-
dians.

FORT MOJAVE SCHOOL.

For support and education of two hundred Indian pupils at the Indian school at Fort Mojave, Arizona, thirty-three thousand four hundred dollars; Fort Mojave school.

For pay of superintendent of said school, one thousand six hundred dollars;

For general repairs and improvements, five thousand dollars;

For irrigation for farm, five thousand dollars;

In all, forty-five thousand dollars.

PHOENIX SCHOOL.

Phoenix school. For support and education of seven hundred Indian pupils at the Indian school at Phoenix, Arizona, one hundred and sixteen thousand nine hundred dollars;
 For general repairs and improvements, eight thousand dollars;
 For pay of superintendent at said school, two thousand five hundred dollars;
 Heating system, sixteen thousand dollars;
 In all, one hundred and forty-three thousand four hundred dollars.

TRUXTON CANYON SCHOOL.

Truxton Canyon school. For support and education of one hundred and thirty-five pupils at the Indian school at Truxton Canyon, Arizona, twenty-two thousand five hundred and forty-five dollars;
 Pay of superintendent, one thousand five hundred dollars;
 General repairs and improvements, three thousand dollars;
 In all, twenty-seven thousand and forty-five dollars.

Incidentals. For general incidental expenses of the Indian service in Arizona, including traveling expenses of agents, one thousand five hundred dollars.

34 Stat., 333.
 Gila River Reservation.
 Irrigation. Proviso.
 Annual charge. For the construction of an irrigation system necessary for developing and furnishing a water supply for the irrigation of the lands of the Pima Indians in the vicinity of Sacaton, on the Gila River Indian Reservation, two hundred and fifty thousand dollars, to be expended under the direction of the Secretary of the Interior: *Provided further*, That when said irrigation system is in successful operation, and the Indians have become self-supporting, the cost of operating the said system shall be equitably apportioned upon the lands irrigated, and to the annual charge shall be added an amount sufficient to pay back into the Treasury the cost of the work within thirty years, suitable deduction being made for the amounts received from disposal of lands which now form a part of said reservation.

California.

CALIFORNIA.

Mission Indians.
 Support, etc. For support and civilization of the Mission Indians in California, including pay of employees, five thousand dollars.

Northern Indians.
 Support, etc. For support and civilization of the Northern Indians, California, ten thousand dollars.

SHERMAN INSTITUTE.

Sherman Institute,
 Riverside. For support and education of five hundred Indian pupils at the Sherman Institute, Riverside, California, eighty-three thousand five hundred dollars;

For pay of superintendent, two thousand two hundred and fifty dollars;

For additional water and sewer system, three thousand dollars;

For addition to dining hall and kitchen, twelve thousand dollars;

For stable, four thousand dollars;

For coal house, two thousand dollars;

For ice and cold storage, six thousand dollars;

For general repairs and improvements, five thousand dollars;

In all, one hundred and seventeen thousand seven hundred and fifty dollars.

Incidentals. For general incidental expenses of the Indian service in California, including traveling expenses of agents, and support and civilization of Indians at the Round Valley, Hoopa Valley, and Tule River agencies, four thousand dollars;

And pay of employees at same agencies, seven thousand dollars;
In all, eleven thousand dollars.

For the purpose of removing obstructions from the bed of the stream which drains into the Eel River in the Round Valley Reservation, Mendocino County, California, eight thousand dollars.

Round Valley Reservation.
Improving.

That the Secretary of the Interior be, and he is hereby, authorized to expend not to exceed one hundred thousand dollars to purchase for the use of the Indians in California now residing on reservations which do not contain land suitable for cultivation, and for Indians who are not now upon reservations in said State, suitable tracts or parcels of land, water, and water rights in said State of California, and have constructed the necessary ditches, flumes, and reservoirs for the purpose of irrigating said lands, and the irrigation of any lands now occupied by Indians in said State, and to construct suitable buildings upon said lands, and to fence the tracts of land so purchased, and fence, survey, and mark the boundaries of such Indian reservations in the State of California as the Secretary of the Interior may deem proper. One hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, for the purpose of carrying out the provisions of this act.

Lands, etc., for Indians.

COLORADO.

Colorado.
34 Stat., 334.

FORT LEWIS SCHOOL.

For the support and education of two hundred Indian pupils at the Indian school at Fort Lewis, Colorado, thirty-three thousand four hundred dollars;

Fort Lewis school.

For pay of superintendent at said school, one thousand seven hundred dollars;

For general repairs and improvements, two thousand dollars;

For additional buildings, twenty-five thousand dollars;

In all, sixty-two thousand one hundred dollars.

GRAND JUNCTION SCHOOL.

For support and education of two hundred Indian pupils at the Indian school at Grand Junction, Colorado, thirty-three thousand four hundred dollars;

Grand Junction school.

Pay of superintendent at said school, one thousand six hundred dollars;

General repairs and improvements, four thousand dollars;

Driveways, one thousand five hundred dollars;

Increase to lighting plant, two thousand dollars;

In all, forty-two thousand dollars.

For general incidental expenses of the Indian Service in Colorado, including traveling expenses of agents, one thousand dollars.

Incidentals.

IDAHO.

Idaho.

For a superintendent in charge of agency and educational matters on the Coeur d'Alene Reservation, Idaho, one thousand two hundred dollars.

Coeur d'Alene Reservation.

For support and civilization of the Shoshones and Bannocks and other Indians of the Fort Hall Reservation in Idaho, including pay of employees, twenty thousand dollars.

Fort Hall Reservation.
Support, etc., of Indians.

For support, civilization, and instruction of the Shoshones, Bannocks, Sheepeaters, and other Indians of the Lemhi Agency, Idaho, including pay of employees, ten thousand dollars.

Lemhi Agency.
Support, etc., of Indians.

That if any adult member of the Nez Perce Tribe of Indians in Idaho believes himself or herself competent to make leases and transact his

Nez Perces.
Leases permitted.

- or her affairs, such member may file a request with the Commissioner of Indian Affairs for a permit to lease the lands which have been allotted to him or her and the minor children of such member.
- Certificate.** And if upon consideration and examination of the request the said commissioner finds said member to be fully competent and capable of managing and caring for his or her own individual affairs, he may issue a certificate to such member authorizing him or her to make leases or rental contracts for the lands allotted to such member and his or her minor children.
- Surveys, Fort Hall and Lemhi Reservations.** That there be appropriated from the moneys of the United States Treasury not otherwise appropriated the sum of twenty-five thousand dollars for completing the survey on the Fort Lemhi and the Fort Hall Indian Reservations, in Idaho; including expenses in the office of the surveyor general for Idaho, and for the examination of said surveys; and for a reconnoissance survey and preparation of plans for an irrigation system and storage system for Indian lands and lands ceded by the act of June sixth, nineteen hundred, on the Fort Hall Reservation, in Idaho.
- Irrigation plan.** 31 Stat., 672. Vol. 1, p. 704.
- Lemhi Reservation.** That before any of the lands in the Lemhi Reservation, in Idaho, ceded by the agreement concluded on May fourteenth, eighteen hundred and eighty, set forth in the act of February twenty-third, eighteen hundred and eighty-nine (Twenty-fifth Statutes, page six hundred and eighty-seven), the provisions of which are accepted by agreement executed December twenty-eighth, nineteen hundred and five, by a majority of all the adult male members belonging on or occupying the said reservation, and approved by the President on January twenty-seventh, nineteen hundred and six, be opened to settlement or entry, the Commissioner of Indian Affairs shall cause to be prepared a schedule of the improved lands to be abandoned, with a description of the improvements thereon and the names of the Indian occupants, a duplicate of which shall be filed with the Commissioner of the General Land Office.
- Schedule of abandoned lands.**
- Appraisal.** Before entry shall be allowed of any tract of land occupied and cultivated and included in the schedule aforesaid, the Secretary of the Interior shall cause the improvements on said tract to be appraised and sold to the highest bidder.
- Sales.** No sale of such improvements shall be for less than the appraised value. The purchaser of such improvements shall have thirty days after such purchase for preference right of entry of the lands upon which the improvements purchased by him are situated, not to exceed one hundred and sixty acres: *Provided*, That the proceeds of the sale of such improvements shall be paid to the Indians owning the same:
- Provisos. Proceeds.** *Provided further*, That any missionary or religious society to which the Government has assigned lands in said reservation may remove or dispose of the improvements thereon within a reasonable time after the removal of the Indians to the Fort Hall Reservation, and if sold the purchaser of such improvements shall have thirty days from the date of sale thereof for preference right to entry of the lands upon which the improvements purchased by him are situated, not exceeding one hundred and sixty acres.
- Sale of mission land.**
- Incidentals.** For general incidental expenses of the Indian Service in Idaho, including traveling expenses of agents, one thousand dollars.
- SHOSHONES AND BANNOCKS. (Treaty.) (For Shoshones, see Wyoming.)**
- Bannocks. Fulfilling treaty.** 15 Stat., 676, vol. 2, 1023.
- BANNOCKS:** For pay of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith, as per tenth article of treaty of July third, eighteen hundred and sixty-eight, five thousand dollars.

COEUR D'ALENES. (Treaty.)

For last of fifteen installments of eight thousand dollars each, to be expended under the direction of the Secretary of the Interior, under the sixth article of agreement of March twenty-sixth, eighteen hundred and eighty-seven, ratified by act of March third, eighteen hundred and ninety-one, eight thousand dollars;

Coeur d'Alenes.
Fulfilling treaty.

26 Stat., 1028, vol. 1,
421.

For pay of blacksmith, carpenter, and physician, and purchase of medicines, as per the eleventh article of said agreement, three thousand five hundred dollars.

26 Stat., 1029, vol. 1,
421.

In all, eleven thousand five hundred dollars.

That the Secretary of the Interior be, and he is hereby, authorized and directed, as hereinafter provided, to sell or dispose of unallotted lands in the Coeur d'Alene Indian Reservation, in the State of Idaho.

Disposal of unallotted lands.

That as soon as the lands embraced within the Coeur d'Alene Indian Reservation shall have been surveyed, the Secretary of the Interior shall cause allotments of the same to be made to all persons belonging to or having tribal relations on said Coeur d'Alene Indian Reservation, to each man, woman, and child one hundred and sixty acres, and upon the approval of such allotments by the Secretary of the Interior, he shall cause patents to issue therefor under the provisions of the general allotment law of the United States.

Allotments.

34 Stat., 336.

That upon the completion of said allotments to said Indians the residue or surplus lands—that is, lands not allotted or reserved for Indian school, agency, or other purposes—of the said Coeur d'Alene Indian Reservation shall be classified under the direction of the Secretary of the Interior as agricultural lands, grazing lands, or timber lands, and shall be appraised under their appropriate classes by legal subdivisions, and, upon completion of the classification and appraisal, such surplus lands shall be opened to settlement and entry, under the provisions of the homestead laws, at not less than their appraised value, in addition to the fees and commissions now prescribed by law for the disposition of lands of the value of one dollar and twenty-five cents per acre, by proclamation of the President, which proclamation shall prescribe the manner in which these lands shall be settled upon, occupied, and entered by persons entitled to make entry thereof: *Provided*, That the price of said lands when entered shall be fixed by the appraisal, as herein provided for, which shall be paid in accordance with rules and regulations to be prescribed by the Secretary of the Interior upon the following terms: One-fifth of the purchase price to be paid in cash at the time of entry and the balance in five equal annual installments to be paid in one, two, three, four, and five years, respectively, from and after the date of entry, and in case any entryman fails to make the annual payments, or any of them, promptly when due, all rights in and to the land covered by his or her entry shall cease, and any payment theretofore made shall be forfeited and the entry canceled, and the lands shall be reoffered for sale and entry: *Provided*, That the right to commute by said entryman shall be allowed as to any lands classified as agricultural and grazing lands, but the entryman, upon commutation, shall not be required to pay in the aggregate any sum in excess of the appraised value of such lands; and nothing in this act shall be held to repeal or extend the provisions of the homestead laws permitting the entryman to cut and remove, or cause to be cut and removed, so much timber as is actually necessary for buildings, fences, and other improvements on the land entered: *Provided further*, That the general mining laws of the United States shall extend after the approval of this act to any of said lands and mineral entry may be made on any of said lands, but no such mineral selection shall be permitted upon any lands allotted in severalty to the Indians: *Provided further*, That all the coal or oil deposits in or under the lands on the said reservation shall be and remain

Classification of unallotted lands.

Opening to entry.

Provisos.
Terms.

Amended, post, 518.

Commutation.

Timber.

Mineral lands.

Coal and oil deposits reserved.

the property of the United States, and no patent that may be issued under the provisions of this or any other act of Congress shall convey any title thereto: *Provided further*, That the lands remaining undisposed of at the expiration of five years from the opening of the said lands to entry shall be sold to the highest bidder for cash, at not less than one dollar per acre, under rules and regulations to be prescribed by the Secretary of the Interior, and that any lands remaining unsold ten years after the said lands shall have been opened to entry may be sold to the highest bidder for cash without regard to the above minimum limit of price: *And provided further*, That sections sixteen and thirty-six of said lands be, and they are hereby, excepted from the foregoing provisions and are hereby granted to the State of Idaho for school purposes, and the United States shall pay to said Indians therefor the sum of one dollar and twenty-five cents per acre:

Sale of lands remaining. *And provided also*, That if the State of Idaho has made any selections under existing law in lieu of sections sixteen and thirty-six of the lands affected by this act the acreage of such selections shall be deducted from the acreage to be paid for under the preceding proviso.

Purchase of school lands. That the said lands shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the time when and the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, and enter any of said lands except as prescribed in such proclamation.

Indemnity selections. That the Secretary of the Interior shall reserve from said lands, whether surveyed or unsurveyed, such tracts for town-site purposes as in his opinion may be required for the future public interests, and he may cause any such reservations, or parts thereof, to be surveyed into blocks and lots of suitable size, and to be appraised and disposed of under such regulations as he may prescribe, and the net proceeds derived from the sale of such lands shall be paid to said Indians as provided in section seven of this act.

34 Stat., 337. Proclamation of opening. That the net proceeds arising from the sale and disposition of the lands aforesaid, including the sums paid for mineral and town-site lands, shall be, after deducting the expenses incurred from time to time in connection with the allotment, appraisement, and sales and surveys herein provided, deposited in the Treasury of the United States to the credit of the Coeur d'Alene and confederated tribes of Indians belonging and having tribal rights on the Coeur d'Alene Indian Reservation, in the State of Idaho, and shall be expended for their benefit, under the direction of the Secretary of the Interior, in the education and improvement of said Indians and in the purchase of stock cattle, horse teams, harness, wagons, mowing machines, horserakes, thrashing machines, and other agricultural implements for issue to said Indians, and also for the purchase of material for the construction of houses or other necessary buildings, and a reasonable sum may also be expended by the Secretary, in his discretion, for the comfort, benefit, and improvement of said Indians: *Provided*, That a portion of the proceeds may be paid to the Indians in cash per capita, share and share alike, if in the opinion of the Secretary of the Interior such payments will further tend to improve the condition and advance the progress of said Indians, but not otherwise: *Provided*, That any sums placed in the Treasury of the United States to the credit of said Indians shall bear interest at the rate of three per centum per annum, which interest shall be expended in the same manner as the principal.

Town sites reserved. That any of said lands necessary for agency, school, and religious purposes, including any lands now occupied by the agency buildings, and the site of any sawmill, gristmill, or other mill property on said lands are hereby reserved for such uses so long as said land shall be

Disposal of proceeds.

Provisos. Per capita payment.

Interest on tribal fund.

Agency, etc., lands reserved.

occupied for the purposes above designated: *Provided*, That all such reserved lands shall not exceed in the aggregate three sections and must be selected in legal subdivisions conformable to the public surveys, such selection to be under the direction of the Secretary of the Interior and subject to his approval.

Proviso.
Maximum.

That the Secretary of the Interior is hereby vested with full power and authority to make all needful rules and regulations as to the manner of sale, notice of same, and other matters incident to the carrying out of the provisions of this act, and with authority to reappraise and reclassify said lands if deemed necessary from time to time, and to continue making sales of the same, in accordance with the provisions of this act, until all of the lands shall have been disposed of.

Rules, etc.

That nothing in this act contained shall be construed to bind the United States to find purchasers for any of said lands, it being the purpose of this act merely to have the United States to act as trustee for said Indians in the disposition and sales of said lands and to expend or pay over to them the net proceeds derived from the sales as herein provided.

Liability of United States limited.

That to enable the Secretary of the Interior to allot, classify, appraise, and conduct the sale and entry of said lands as in this act provided the sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated from any money in the Treasury not otherwise appropriated, the same to be reimbursed from the proceeds of the sales of the aforesaid lands: *Provided*, That when funds shall have been procured from the first sales of the land the Secretary of the Interior may use such portion thereof as may be actually necessary in conducting future sales and otherwise carrying out the provisions of this act.

34 Stat., 338.
Appropriation for expenses.

Proviso.
Use of proceeds.

FORT HALL INDIANS. (Treaty.)

Fort Hall Indians.

For eighteenth of twenty installments, as provided in agreement with said Indians approved February twenty-third, eighteen hundred and eighty-nine, to be used by the Secretary of the Interior for the benefit of the Indians in such manner as the President may direct, six thousand dollars.

Fulfilling treaty.
25 Stat., 688, vol. 1, 315.

INDIAN TERRITORY.

Indian Territory.

For pay of Indian agent at the Union Agency, Indian Territory, three thousand dollars.

Union Agency.
Agent.

For special clerical force in the office of the United States Indian agent, Union Agency, and miscellaneous expenses in connection with entering of remittances received in account of payments of town lots and issuance of patents, and conveying same, ten thousand dollars.

Clerks, etc.

For clerical work and labor connected with the sale and leasing of Creek and the leasing of Cherokee lands, thirty thousand dollars.

Creek and Cherokee lands.

That there shall be reserved from allotment one acre of the unallotted lands of the Choctaw and Chickasaw tribes for each church under the control of or used exclusively by the Choctaw or Chickasaw freedmen; and there shall be reserved from allotment one acre of said lands for each school conducted by Choctaw or Chickasaw freedmen, under the supervision of the authorities of said tribes and officials of the United States, and patents shall issue, as provided by law, to the person or organization entitled to receive the same. There are also reserved such tracts from said lands as the Secretary of the Interior may approve for cemeteries; and such cemeteries may be reserved, respectively, for Indians, freedmen, and whites, as the Secretary may designate.

Choctaw and Chickasaw freedmen.
Reservations for churches, etc.

Cemeteries.

That the Secretary of the Interior is hereby authorized and empowered to segregate and reserve from allotment, and to cancel any filings or applications that may heretofore have been made with a view to

Choctaw coal lands.

- allotting, the following-described lands, situate in the Choctaw Nation, Indian Territory, to wit: The northwest quarter of section twelve, in township five north, range fifteen east, containing in the aggregate one hundred and sixty acres more or less. That the provisions of sections fifty-six to sixty-three, inclusive, of the act of Congress approved July first, nineteen hundred and two, entitled "An act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes, and for other purposes," be, and the same are hereby, made applicable to the lands above described, the same as if the said described lands had been made a part of the segregation as contemplated by said sections fifty-six to sixty-three, inclusive, of said above act approved July first, nineteen hundred and two: *Provided*, That the Secretary of the Interior may, in his discretion, add to and make a part of the coal mining leases now in effect, and to which said lands are contiguous, the northwest quarter of section twelve, in township five north of range fifteen east, Government subdivisions being followed as nearly as possible: *Provided further*, That the holder or holders of the lease or leases to which such lands shall be added shall, before the same are added, pay the Indian or Indians who have filed upon or applied for such lands as their allotments, or who are in possession thereof, the value of the improvements placed on the land by said Indian or Indians, such value to be determined under the direction of the Secretary of the Interior.
- 32 Stat., 653, vol. 1, 783.
- Provisos.
Additional lands.
- 34 Stat., 339.
Payments by lessees.
- Toney E. Proctor.
Payment to.
- Removal of intruders.
- Whittaker Home.
Support of orphans.
- Suppressing small-pox, 1900.
- Removing alienation restrictions.
33 Stat., 204.
- Ante, p. 50.
Proviso.
Clerks.
- Incidentals.
- Highways, Creek and Cherokee lands.
32 Stat., 502, 722, vol. 1, 763-793.
- That there is appropriated, out of any money in the United States Treasury not otherwise appropriated, the sum of one thousand two hundred and thirty-six dollars, to pay Toney E. Proctor two dollars per day in lieu of subsistence from August thirteenth, eighteen hundred and ninety-nine, until April twenty-third, nineteen hundred and one, while serving as town-site appraiser of Wagoner, Indian Territory, Creek Nation.
- Removal of intruders, Five Civilized Tribes: For the purpose of removing intruders and placing allottees in unrestricted possession of their allotments, to be expended under the direction of the Secretary of the Interior, twenty thousand dollars.
- That the Secretary of the Interior be, and he is hereby, authorized to make such contracts as in his judgment seems advisable for the care of orphan Indian children at the Whittaker Home, Pryor Creek, Indian Territory, and for the purpose of carrying this provision into effect, the sum of ten thousand dollars, or so much thereof as is necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated.
- Ten thousand dollars, or so much thereof as may be necessary, to be immediately available, in the payment of indebtedness already incurred, necessarily expended in suppressing the spread of smallpox in the Indian Territory during the fiscal year ended June thirtieth, nineteen hundred, all accounts to be first examined and approved by the Secretary of the Interior as just and reasonable before being paid.
- To enable the Secretary of the Interior to carry out the provisions of the act approved April twenty-first, nineteen hundred and four, for the removal of restrictions upon the alienation of lands of all allottees of the Five Civilized Tribes, eighteen thousand dollars: *Provided*, That so much as may be necessary may be used in the employment of clerical force in the office of the Commissioner of Indian Affairs.
- For general incidental expenses of the Indian Service in the Indian Territory, and for pay of employees, eighteen thousand dollars.
- To carry out the provisions of section ten of the supplemental agreement with the Creek Nation, as ratified by the act of June thirtieth, nineteen hundred and two, and section thirty-seven of the Cherokee agreement, as ratified by the act of July first, nineteen hundred and two, eight thousand dollars.

INSPECTOR.

For clerical and incidental expenses of the United States inspector's office, Indian Territory, in accordance with the provisions of section twenty-seven of the act of June twenty-eighth, eighteen hundred and ninety-eight, entitled "An act for the protection of the people of the Indian Territory, and for other purposes," ten thousand dollars.

To enable the Secretary of the Interior to investigate, or cause to be investigated, any lease of allotted land in the Indian Territory which he has reason to believe has been obtained by fraud, or in violation of the terms of existing agreements with any of the Five Civilized Tribes, as provided by the act approved March third, nineteen hundred and five, ten thousand dollars.

SCHOOLS.

For the maintenance, strengthening, and enlarging of the tribal schools of the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations, and making provision for the attendance of children of parents of other than Indian blood therein, and the establishment of new schools under the control of the Department of the Interior, the sum of one hundred and fifty thousand dollars, or so much thereof as may be necessary, to be placed in the hands of the Secretary of the Interior, and disbursed by him under such rules and regulations as he may prescribe.

That the Court of Claims be, and is hereby, authorized and empowered, upon final determination of the case or cases involving the claim of the intermarried white persons in the Cherokee Nation to share in the common property of the Cherokee people, and to be enrolled for such purpose (being numbers four hundred and nineteen, four hundred and twenty, four hundred and twenty-one, and four hundred and twenty-two, on the docket of the United States Supreme Court for October term, nineteen hundred and five), to ascertain and determine the amount to be paid the attorney and counsel of record for the Cherokee Indians by blood in said cases, in reimbursement of necessary expenses incurred, and as reasonable compensation for services rendered in such proceedings not exceeding sixty thousand dollars. Such court shall further designate the persons, class, or body of persons by whom such payment should equitably be made and the fund or funds held by the United States out of which the same shall be paid and enter a decree for the amount so found; and the sum necessary to pay the same is hereby appropriated out of the fund or funds designated by the court, and the Secretary of the Treasury shall pay the same: *Provided*, That notice of hearing of such application to determine such compensation shall be given the governor of the Cherokee Nation, or the attorney of record thereof, and the Secretary of the Interior, at least thirty days before the day of said hearing.

The amount awarded by the court when paid shall be in full for all expenses and services of said attorney and counsel in connection with the claim of the intermarried whites.

FIVE CIVILIZED TRIBES.

For the completion of the work heretofore required by law to be done by the Commission to the Five Civilized Tribes, two hundred thousand dollars. Said appropriation to be disbursed under the direction of the Secretary of the Interior.

That the Commissioner of the Five Civilized Tribes is hereby authorized to add the names of the following persons to the final roll of the citizens by blood of the Choctaw Tribe: Malinda Pickens, Morris Battiest, and Samuel Sydney Burris; and the names of the following persons to the final roll of the citizens by blood of the Chickasaw

Inspector.

Office expenses.

36 Stat., 504, vol. 1, 100.

Investigating leases.

33 Stat., 1060.

34 Stat., 340. Schools.

Five Civilized Tribes.

Cherokee intermarried whites. Court of Claims to determine rights of attorney.

Designation of funds, etc.

Proviso. Notice to Cherokees.

Award to be in full.

Five Civilized Tribes.

Completing Commission's work.

Names added to rolls.

Tribe: Rebecca Pitts, Maggie Wade; and the names of Nancy Bigknife, Alice Owen and her children, to the final roll of the citizens by blood of the Cherokee Tribe, the said persons being either Choctaw, Chickasaw, or Cherokee Indians by blood, whose names, through neglect on their part or on the part of their parents, have been omitted from the tribal rolls: *Provided*, That the enrollment of said persons by the Commissioner to the Five Civilized Tribes shall not be objected to by the said tribes, and shall be approved by the Secretary of the Interior.¹

Proviso.
Condition.

Rolls of citizenship.
Ante, p. 170, 171.

34 Stat., 341.
Penalty for illegally
copying, etc.

That the Secretary of the Interior shall upon completion of the approved rolls, have prepared and printed in a permanent record book such rolls of the Five Civilized Tribes and that one copy of such record book shall be deposited in the office of the recorder in each of the recording districts for public inspection. That any person who shall copy any roll of citizenship of the Creek, Cherokee, Choctaw, Chickasaw, or Seminole tribes of Indians, prepared by or under the direction of the Secretary of the Interior, the Commissioner to the Five Civilized Tribes or the Commissioner to the Five Civilized Tribes, whether completed or not, or any person who shall, directly or indirectly, exhibit, sell, offer to sell, give away, offer to give away, or in any manner or by any means offer to dispose of, or who shall have in his possession, any such roll or rolls, any copy of the same, or a copy of any portion thereof, shall be deemed guilty of a misdemeanor, and punished by imprisonment for not exceeding two years: *Provided*, That this act shall not apply to any persons authorized by the Secretary of the Interior, the Commissioner of Indian Affairs, or the Commissioner to the Five Civilized Tribes to copy, exhibit, or use such rolls, or a copy thereof, for any purpose necessary or required by law.

Proviso.
Authorized copies.

Mississippi Choctaws.
Enrollment.

No distinction shall be made in the enrollment of full-blood Mississippi Choctaws who have been identified by the United States Commission to the Five Civilized Tribes, and who had removed to the Indian Territory prior to March fourth, nineteen hundred and six, and who shall furnish proof thereof.

Choctaws.

CHOCTAWS. (Treaty.)

Annuities.
7 Stat., 99, vol. 2, 87.
11 Stat., 614, vol. 2,
709.

For permanent annuity, per second article of treaty of November sixteenth, eighteen hundred and five, and thirteenth article of treaty of June twenty-second, eighteen hundred and fifty-five, three thousand dollars;

Light horsemen.
7 Stat., 213, vol. 2, 193.
11 Stat., 614, vol. 2,
709.

For permanent annuity for support of light horsemen, per thirteenth article of treaty of October eighteenth, eighteen hundred and twenty, and thirteenth article of treaty of June twenty-second, eighteen hundred and fifty-five, six hundred dollars;

Blacksmith.
7 Stat., 212, 236, vol.
2, 192, 213
11 Stat., 614, vol. 2,
709.

For permanent annuity for support of blacksmith, per sixth article of treaty of October eighteenth, eighteen hundred and twenty, ninth article of treaty of January twentieth, eighteen hundred and twenty-five, and thirteenth article of treaty of June twenty-second, eighteen hundred and fifty-five, six hundred dollars;

Education.
7 Stat., 235, vol. 2, 212.
11 Stat., 614, vol. 2,
709.

For permanent annuity for education, per second and thirteenth articles of last two treaties named above, six thousand dollars;

Iron and steel.
7 Stat., 236, vol. 2, 213.
11 Stat., 614, vol. 2,
709.

For permanent annuity for iron and steel, per ninth article of treaty of January twentieth, eighteen hundred and twenty-five, and thirteenth article of treaty of June twenty-second, eighteen hundred and fifty-five, three hundred and twenty dollars;

Interest.

For interest on three hundred and ninety thousand two hundred and fifty-seven dollars and ninety-two cents, at five per centum per annum, for education, support of the government, and other beneficial purposes, under the direction of the general council of the Choctaws, in conformity with the provisions contained in the ninth and thirteenth

7 Stat., 236, vol. 2, 213.

articles of treaty of January twentieth, eighteen hundred and twenty-five, and treaty of June twenty-second, eighteen hundred and fifty-five, nineteen thousand five hundred and twelve dollars and eighty-nine cents;

In all, thirty thousand and thirty-two dollars and eighty-nine cents.

And provided, The Secretary of the Interior is hereby authorized in case after investigation he deems it for the best interest of the tribe to set aside six hundred and forty acres of Choctaw land for the benefit of Old Goodland Indian Orphan Industrial School, and to convey the same to said school in conjunction with the executive of the Choctaw Tribe.

11 Stat., 614, vol. 2, 709.

Proviso. Old Goodland Indian School. Lands for.

That section two of the act entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved April twenty-sixth, nineteen hundred and six, be, and the same is hereby, amended by striking out thereof the words "Provided further, That nothing herein shall be construed so as to hereafter permit any person to file an application for enrollment in any tribe where the date for filing application has been fixed by agreement between said tribe and the United States:"¹ *Provided further*, That nothing herein shall apply to the intermarried whites in the Cherokee Nation whose cases are now pending in the Supreme Court of the United States." And insert in said act in lieu of the matter repealed, the following: *Provided further*, That nothing herein shall be construed so as hereafter to permit any person to file an application for enrollment or to be entitled to enrollment in any of said tribes, except for minors the children of Indians by blood, or of freedmen members of said tribes, or of Mississippi Choctaws identified under the fourteenth article of the treaty of eighteen hundred and thirty, as herein otherwise provided, and the fact that the name of a person appears on the tribal roll of any of said tribes shall not be construed to be an application for enrollment.

Applications for enrollment. Ante, p. 170, amended. 34 Stat., 342.

Provisos repealed.

That section fifteen of the act entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved April twenty-sixth, nineteen hundred and six, be, and the same is hereby, amended by inserting after the word "conveyances," at the end of said section, the following: "Provided, That this section shall not take effect until the date of the dissolution of the tribal governments of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Tribes."²

Further applications barred.

Minors excepted. 7 Stat., 335, vol. 2, 313.

Sale of tribal buildings, etc. Ante, p. 175, amended.

Proviso. To await dissolution of tribal governments.

That, in addition to the places now provided by law for holding courts in the central judicial district of Indian Territory, terms of the district court of the central district shall hereafter be held at the town of Wilburton, and the United States judge of said central district is hereby authorized to establish by metes and bounds a recording district for said court to be known as recording district numbered thirty. That all laws regulating the holding of courts in the Indian Territory shall be applicable to the court hereby created at the town of Wilburton.

Recording district No. 30, established.

Court at Wilburton.

That there is hereby created in the Cherokee Nation, Indian Territory, an additional recording district, to be known as district numbered twenty-seven. Said district shall be bounded as follows: Beginning at the northwest corner of the Cherokee Nation, thence east along the north boundary line of the Cherokee Nation to the northeast corner of section seventeen, in township twenty-nine north, of range fourteen east; thence south to the township line at the corner of section thirty-two; thence west along said township line to the northeast corner of section four, in township twenty-eight north, of range fourteen east; thence south with the section line to the township line

Recording district No. 27, established.

¹ Gritts v. Fisher, 224 U. S., 640.
² Henry Gas Co. v. U. S., 191 Fed., 132; Spade v. Morton, 114 Pac., 724; Lawless v. Raddis, 129 Pac., 711.

between townships twenty-three and twenty-four; thence west to the dividing line between the Osage and Cherokee Nations; thence north along said dividing line between the Osage and Cherokee Nations to the place of beginning.

Court at Bartlesville.

32 Stat., 841.

That not less than two terms of court in each year shall be held at the town of Bartlesville, in said recording district numbered twenty-seven, and a United States commissioner's court shall be established in said recording district numbered twenty-seven and maintain an office at Bartlesville, in said district, and an act of Congress entitled "An act providing for the recording of deeds and other conveyances and instruments in writing in Indian Territory, and for other purposes," approved February nineteenth, nineteen hundred and three, shall have the same force and effect in said district numbered twenty-seven as it has in the districts created by said act approved February nineteenth, nineteen hundred and three.

34 Stat., 343.
Recording district
No. 28, established.

That there is hereby created in Indian Territory an additional recording district, to be known as recording district numbered twenty-eight. Said district shall be bounded as follows: Beginning at the southwest corner of the Cherokee Nation; thence north along the western boundary line of the Cherokee Nation to the township line between townships twenty-three and twenty-four north; thence east along the township line between townships twenty-three and twenty-four north to the range line between ranges fourteen and fifteen east; thence south along the range line between ranges fourteen and fifteen east to the township line between townships sixteen and seventeen north; thence west along the township line between townships sixteen and seventeen north to the range line between ranges twelve and thirteen east; thence north along the range line between ranges twelve and thirteen east to the township line between townships eighteen and nineteen north; thence west along the township line between townships eighteen and nineteen north to the range line between ranges ten and eleven east; thence north along said range line to the Arkansas River; thence northwest up said river to a point where it crosses the north line of the Creek Nation; thence east along the north line of the Creek Nation to the place of beginning.

Court at Tulsa.

32 Stat., 841.
Ante, p. 8.

That the judge of the western judicial district of Indian Territory shall hold not less than three terms of court in each year at the town of Tulsa, in said recording district numbered twenty-eight; and a United States commissioner's court shall be established and maintained in said recording district numbered twenty-eight, which commissioner shall maintain his office at Tulsa, in said district, and an act of Congress entitled "An act providing for the recording of deeds and other conveyances and instruments in writing in Indian Territory, and for other purposes," approved February nineteenth, nineteen hundred and three, shall have the same force and effect in said recording district numbered twenty-eight as it has in the districts created by the said act approved February nineteenth, nineteen hundred and three.

Attached to western
district.

That all that portion of territory included in said recording district numbered twenty-eight, as herein defined, lying within the boundaries of the Cherokee Nation, and being now a part of the northern judicial district of Indian Territory, shall become, and the same is hereby, attached to and made a part of the western judicial district of Indian Territory; and all of the power, authority, and jurisdiction of the United States court of the western judicial district of Indian Territory and of the judges and marshals thereof are hereby extended to and put in force over all the territory included within the boundaries of said twenty-eighth recording district as herein defined and established.

Court at Duncan.

That in addition to the places now provided by law for holding courts in the southern judicial district of Indian Territory courts shall be held in the town of Duncan, and all laws regulating the holding of

the courts in the Indian Territory shall be applicable to the said court hereby created in the said town of Duncan.

That the territory next hereinafter described shall be known as recording district numbered twenty-nine, beginning at a point where township line between townships two and three north reaches the east boundary line of Oklahoma Territory; thence east on said township line twenty-four miles to where it intersects with range line three and four west; thence south on said range line twelve miles to where it intersects the base line between townships one north and one south; thence east said base line six miles to the range line between ranges two and three west; thence south twelve miles along said range line to the township line between townships two and three south; thence west thirty miles along said township line to where it intersects with the east line of Oklahoma Territory; thence north along said line twenty-four miles to the place of beginning; and the place of recording and holding court in said district shall be Duncan.

Recording district No. 29, established.

Court at Duncan.

QUAPAWS. (Treaty.)

34 Stat., 344.
Quapaws.

For education, per third article of treaty of May thirteenth, eighteen hundred and thirty-three, one thousand dollars;

Fulfilling treaty.
7 Stat., 425, vol. 2, 396.

For blacksmith and assistants, and tools, iron, and steel for blacksmith shop, per same article and treaty, five hundred dollars;

In all, one thousand five hundred dollars: *Provided*, That the President of the United States shall certify the same to be for the best interests of the Indians.

Proviso.
Certificate of President.

That Leander J. Fish, an allottee of two hundred acres of land in section thirty-two, township twenty-nine, range twenty-three east, and of forty acres in section fourteen, township twenty-nine, range twenty-four east, in the Quapaw Reservation, under the provisions of the act of March second, eighteen hundred and ninety-five (Twenty-eighth Statutes, page nine hundred and seven), and the act of March third, nineteen hundred and one (Thirty-first Statutes, page ten hundred and fifty-eight), be, and he is hereby, authorized to alienate such portion of said land as he may see fit, not exceeding one hundred and twenty acres, under such rules and regulations as the Secretary of the Interior may prescribe, and any conveyance of such land made by said Fish shall be executed subject to the approval of the Secretary of the Interior.

Leander J. Fish.
May alienate part of land.

28 Stat., 907, vol. 1,
742.

31 Stat., 1067, vol. 1,
566.

That the Court of Claims is hereby authorized to hear and adjudicate the claim of Joseph P. T. Fish, an Indian of nonage, born January twenty-first, eighteen hundred and ninety-five, on the Quapaw Reservation, son of Leander J. Fish, a Shawnee by birth, who was duly enrolled on the Quapaw Agency rolls and an allottee of lands therein, to be enrolled and participate in the allotment of lands of the Shawnee-Cherokee Indians, and to have full jurisdiction to hear, try, and determine the claims of said minor child to enrollment, the judgment of said court to be certified to the Secretary of the Interior; and, if the court shall determine that the said minor child is entitled to enrollment with said tribe, the Secretary of the Interior shall cause his name to be so enrolled and lands allotted as to other minor children in said tribe.

Joseph P. T. Fish.
Claim for enrollment referred to Court of Claims.

SEMINOLES. (Treaty.)

Seminoles.

For five per centum interest on two hundred and fifty thousand dollars, to be paid as annuity, per eighth article of treaty of August seventh, eighteen hundred and fifty-six, twelve thousand five hundred dollars;

Interest.
11 Stat., 702, vol. 2,
760.

For five per centum interest on two hundred and fifty thousand dollars, to be paid as annuity (they having joined their brethren West),

per eighth article of treaty of August seventh, eighteen hundred and fifty-six; twelve thousand five hundred dollars;

14 Stat., 757, vol. 2,
911.

For interest on fifty thousand dollars, at the rate of five per centum per annum, to be paid annually for the support of schools, as per third article of treaty of March twenty-first, eighteen hundred and sixty-six, two thousand five hundred dollars;

For interest on twenty thousand dollars, at the rate of five per centum per annum, to be paid annually for the support of the Seminole government, as per same article, same treaty, one thousand dollars;

In all, twenty-eight thousand five hundred dollars.

C. W. Turner.
Payment of Creek
warrant.

That the Secretary of the Interior is hereby authorized and directed to pay, out of any money in the Treasury belonging to the Creek Nation, to C. W. Turner, of Muskogee, Indian Territory, Creek warrant numbered twenty-six hundred and seventy-one, drawn on the Creek treasurer on March twelfth, eighteen hundred and ninety-eight, for one thousand dollars, and now unpaid, which said warrant was drawn under an appropriation act of the Creek council, was presented to the Creek treasurer for payment, and is yet unpaid: *Provided*, That before any payment is made to said Turner he shall prove, to the satisfaction of the Secretary of the Interior, that he is an innocent holder of said warrant and was a purchaser of the same in good faith.

34 Stat., 345.
Proviso.
Proof required.

State National Bank.
Payment to.

That the Secretary of the Interior is hereby authorized and directed to pay, out of any money in the Treasury of the United States belonging to the Chickasaw Nation, the amount due the State National Bank of Denison, Texas, upon a note given by the governor and treasurer of the Chickasaw Nation, under an act entitled "An act authorizing and requesting the governor and treasurer of the Chickasaw Nation to borrow the sum of twenty-six thousand one hundred and ninety-five dollars and thirty-five cents to pay the expenses of the present session of the legislature, exclusive of the four dollars per day allowed by law for the expenses of the members and officers of the present session of the legislature," approved by the governor of the Chickasaw Nation on December twentieth, nineteen hundred and five.

Employees of com-
mission not allowed
to practice as agent,
etc.

That no person who has been, now is, or may hereafter be an employee of the Government under the Commission to the Five Civilized Tribes, or its successor, shall be permitted to practice in any manner as an agent or attorney before the Commissioner to the Five Civilized Tribes within two years after said person shall cease to be an employee of the Government.

Cherokee Advocate.
Publication to con-
tinue.

That the Secretary of the Interior is authorized, under such rules and regulations as he may prescribe, to continue the publication of the Cherokee Advocate, at Tahlequah, Indian Territory, until June thirtieth, nineteen hundred and seven, and to pay the expense of the same out of the tribal funds of the Cherokee Nation.

Peter P. Pitchlynn.
Court of Claims to try
claims against Choctaw
by heirs of.

That the Court of Claims is hereby authorized and directed to hear and adjudicate the claims against the Choctaw Nation of the heirs of Peter P. Pitchlynn, deceased, and to render judgment thereon in such amounts, if any, as may appear to be equitably due. Said judgment, if any, in favor of the heirs of Pitchlynn, shall be paid out of any funds in the Treasury of the United States belonging to the Choctaw Nation, said judgment to be rendered on the principle of quantum meruit for services rendered and expenses incurred. Notice of said suit shall be served on the governor of the Choctaw Nation, and the Attorney General of the United States shall appear and defend in said suit on behalf of said nation.¹

Wyatt S. Hawkins.
Alienation restric-
tions removed.

That to enable the Red River Bridge Company, of Denison, Texas, to acquire land necessary to the proper conduct and operation of its property, Wyatt S. Hawkins, an intermarried citizen of the Chickasaw Nation, is hereby authorized to sell and convey the whole or any

¹ Sophia C. Pitchlyn v. Choctaw Nation, No. 30532 C. of Cla. Docket.

part of the homestead allotted to him as such intermarried citizen, and all restriction on the alienation of such homestead imposed by any existing law is hereby removed.

That all restrictions as to the sale, incumbrance, or taxation of the lands heretofore allotted to William P. Ross, of Tahlequah, Maud W. Ross, Edward G. Ross, Mrs. Josephine Rider, William P. Ross of Bartlesville, Nevermore Trainer, Annie C. Bennett, Nathan F. Adams, Annie Potts, and Sam Spade, Famous Dew numbered twenty-eight thousand five hundred, Alexander Procter numbered twenty-eight thousand three hundred and thirty-two, Lizzie Sunday numbered fifteen hundred and twenty-two, Sarah Ooyusuttah numbered twenty thousand three hundred and ninety-nine, Betsy Galcatcher numbered fifteen thousand two hundred and eleven, George W. Bark numbered eighteen thousand five hundred and sixty-five, Nellie Hicks numbered sixty-one hundred and seventy-nine, Charley Ellis numbered twenty-nine thousand five hundred and twenty-five, Tillman England numbered eighteen thousand and three, Taylor Soldier numbered sixty-three hundred and fifteen, Carry Downing numbered eighteen thousand one hundred and sixty-eight, Tyler Tilden numbered sixty-four hundred and forty-one, Lewis Dragger numbered twenty-seven thousand four hundred and seven, Joshua Young numbered sixty-two hundred and ninety-one, all citizens of the Cherokee Nation, Indian Territory, and duly enrolled as such, be, and the same are hereby, removed.

Alienation restrictions removed. Cherokees.

34 Stat., 346.

That the restrictions upon the alienation of the homestead of Benjamin Marshall, a Creek Indian, it being the southeast quarter of the southwest quarter of section twenty-eight, township sixteen north, and range seventeen east of the Indian base meridian, in Indian Territory, containing forty acres, be, and the same are hereby, removed. That all restrictions upon the sale of the northeast quarter of the southwest quarter of section fifteen, township ten, range eleven east, in the Creek Nation, the homestead of Martha Lowe, be and hereby are removed: *Provided*, That the same be sold under direction of the Secretary of the Interior and upon condition that the said Secretary shall retain the proceeds of such sale and disburse the same in such amounts and at such times as he deems advisable. That all restrictions upon the alienation of the west half of the southeast quarter of the southeast quarter and the southeast quarter of the southeast quarter of the southeast quarter of section twelve, township seven, north of range eight, formerly owned by Manda Proctor, deceased Creek Indian, are hereby removed. That all restrictions upon the alienation or leasing of lands held by Sallie Carey, Bell Leverett (née Murrell), Maria Williams (née Jamison), Andrew Wiley and Susie Wiley, mixed blood Creek Indians, and William N. Taliaferro and Mary Estella Taliaferro (his wife), Choctaw allottees, in the Indian Territory, be and the same are hereby removed. That all restriction upon the alienation, leasing, or incumbrance as to the homestead of Nocos Fixico, in the Creek Nation, Indian Territory, be and are hereby removed.

Benjamin Marshall.

Martha Lowe. Proviso. Proceeds.

Certain Creeks, etc.

That the restrictions upon the alienation of the homestead of John A. Jacobs, a Creek Indian, it being the southwest quarter of the southwest quarter of section eighteen, township seven north, and range nine east of the Indian base meridian, in Indian Territory, containing forty acres, be, and the same are hereby, removed.

John A. Jacobs.

That the Secretary of the Interior be, and he is hereby, authorized to issue a fee-simple patent to Maynard C. Armstrong, Wyandotte allottee numbered fifty-three; William Nichols, Seneca allottee numbered one hundred and eighty-five; Eulala Smith, Wyandotte allottee numbered fifteen; Thomas F. Richardville, Mary Richardville, Katherine R. Simpson, Western Miami Indians, for land heretofore allotted them, and the issuance of said patent shall operate as a removal of all

Fee-simple patents to certain Wyandotte and Miami allottees.

restrictions as to the sale, incumbrance, or taxation of the lands so patented.

Coal lands.
Investigation of
Choctaw and Chickasaw.

That the Secretary of the Interior is hereby authorized and directed to make practical and exhaustive investigation of the character, extent and value of the coal deposits in and under the segregated coal lands of the Choctaw and Chickasaw Nations, Indian Territory; and the expense thereof, not exceeding the sum of fifty thousand dollars, shall be paid out of the funds of the Choctaw and Chickasaw Nations in the Treasury of the United States: *Provided*, That any and all information obtained under the provisions of this act shall be available at all times for the use of the Congress and its committees.

Proviso.
Use of information.

Care of insane.

For the care and support of insane persons in Indian Territory, to be expended under the direction of the Secretary of the Interior, fifty thousand dollars, or so much thereof as may be necessary: *Provided*, however, That Indian citizens in said Territory shall be cared for at the asylum in Canton, Lincoln County, South Dakota.

Proviso.
Indians at Canton,
S. Dak.

IOWA.

34 Stat., 347.

SAC AND FOX SCHOOL.

Sac and Fox Reser-
vation school.

For support and education of eighty Indian pupils, at the Indian school on the Sac and Fox Reservation, Iowa, thirteen thousand three hundred and sixty dollars;

For pay of superintendent, one thousand dollars;

For general repairs and improvements, one thousand five hundred dollars;

In all, fifteen thousand eight hundred and sixty dollars.

Kansas.

KANSAS.

HASKELL INSTITUTE.

Haskell Institute,
Lawrence.

For support and education of seven hundred and fifty Indian pupils at the Indian school, Haskell Institute, Lawrence, Kansas, and for transportation of pupils to and from said school, one hundred and thirty-five thousand two hundred and fifty dollars;

For pay of superintendent at said school, two thousand five hundred dollars;

For general repairs and improvements, eight thousand dollars;

For dairy barn, ten thousand dollars, to be immediately available;

For draining and ditching, four thousand five hundred dollars, to be immediately available;

In all, one hundred and fifty-six thousand two hundred and fifty dollars.

KICKAPOO INDIAN SCHOOL.

Kickapoo Reser-
vation school.

For support and education of seventy Indian pupils at the Indian school, Kickapoo Reservation, Kansas, eleven thousand six hundred and ninety dollars;

For pay of superintendent, one thousand three hundred dollars;

General repairs and improvements, one thousand two hundred dollars;

In all, fourteen thousand one hundred and ninety dollars.

Iowas.

IOWAS. (Treaty.)

Interest.

For interest in lieu of investment on fifty-seven thousand five hundred dollars, balance of one hundred and fifty-seven thousand five hundred dollars, to July first, nineteen hundred and six, at five per

centum per annum, for education or other beneficial purposes, under the direction of the President, per ninth article of treaty of May seventeenth, eighteen hundred and fifty-four, two thousand eight hundred and seventy-five dollars. 10 Stat., 1071; vol. 2, 629.

KICKAPOOS IN KANSAS. (Treaty.)

Kickapoos.

For interest on sixty-four thousand eight hundred and sixty-five dollars and twenty-eight cents, at five per centum per annum, for educational and other beneficial purposes, per treaty of May eighteenth, eighteen hundred and fifty-four, three thousand two hundred and forty-three dollars and twenty-six cents. Interest.
10 Stat., 1079; vol. 2, 634.

POTTAWATOMIES. (Treaty.)

Pottawatomies.

For permanent annuity, in silver, per fourth article of treaty of August third, seventeen hundred and ninety-five, three hundred and fifty-seven dollars and eighty cents; Annuities.
7 Stat., 51; vol. 2, 41.

For permanent annuity, in silver, per third article of treaty of September thirtieth, eighteen hundred and nine, one hundred and seventy-eight dollars and ninety cents; 34 Stat., 348.
7 Stat., 114; vol. 2, 101.

For permanent annuity, in silver, per third article of treaty of October second, eighteen hundred and eighteen, eight hundred and ninety-four dollars and fifty cents; 7 Stat., 185; vol. 2, 169.

For permanent annuity, in money, per second article of treaty of September twentieth, eighteen hundred and twenty-eight, seven hundred and fifteen dollars and sixty cents; 7 Stat., 317; vol. 2, 294.

For permanent annuity, in specie, per second article of treaty of July twenty-ninth, eighteen hundred and twenty-nine, and second article of treaty of September twentieth, eighteen hundred and twenty-eight, five thousand seven hundred and twenty-four dollars and seventy-seven cents; 7 Stat., 320; vol. 2, 298.
7 Stat., 317; vol. 2, 294.

For permanent provision for payment of money in lieu of tobacco, iron, and steel, per second article of treaty of September twentieth, eighteen hundred and twenty-eight, and tenth article of treaties of June fifth and seventeenth, eighteen hundred and forty-six, one hundred and seven dollars and thirty-four cents; 7 Stat., 318; vol. 2, 294.
9 Stat., 855; vol. 2, 559.

For permanent provision for three blacksmiths and assistants, and for iron and steel for shops, per third article of treaty of October sixteenth, eighteen hundred and twenty-six; second article of treaty of September twentieth, eighteen hundred and twenty-eight, and second article of treaty of July twenty-ninth, eighteen hundred and twenty-nine, one thousand and eight dollars and ninety-nine cents; 7 Stat., 296; vol. 2, 274.
7 Stat., 318; vol. 2, 294.
7 Stat., 321; vol. 2, 298.

For permanent provision for fifty barrels of salt, per second article of treaty of July twenty-ninth, eighteen hundred and twenty-nine, fifty dollars; 7 Stat., 320; vol. 2, 298.

For interest on two hundred and thirty thousand and sixty-four dollars and twenty cents, at five per centum, in conformity with provisions of article seven of treaties of June fifth and seventeenth, eighteen hundred and forty-six, eleven thousand five hundred and three dollars and twenty-one cents; Interest.
9 Stat., 854; vol. 2, 558.

In all, twenty thousand five hundred and forty-one dollars and eleven cents.

SACS AND FOXES OF THE MISSOURI. (Treaty.)

Sacs and Foxes of the Missouri.

For interest on one hundred and fifty-seven thousand four hundred dollars, at five per centum, under the direction of the President, per second article of treaty of October twenty-first, eighteen hundred and thirty-seven, seven thousand eight hundred and seventy dollars; Interest.
7 Stat., 541; vol. 2, 495.

- 12 Stat., 1173; vol. 2, 812. For support of a school, per fifth article of treaty of March sixth, eighteen hundred and sixty-one, two hundred dollars;
In all, eight thousand and seventy dollars.
- Wyandotte Cemetery, Kansas City. Sale. That the Secretary of the Interior is hereby authorized to sell and convey, under such rules and regulations as he may prescribe, the tract of land located in Kansas City, Kansas, reserved for a public burial ground under a treaty made and concluded with the Wyandotte Tribe of Indians on the thirty-first day of January, eighteen hundred and fifty-five. And authority is hereby conferred upon the Secretary of the Interior to provide for the removal of the remains of persons interred in said burial ground and their reinterment in the Wyandotte Cemetery at Quindaro, Kansas, and to purchase and put in place appropriate monuments over the remains reinterred in the Quindaro Cemetery.
- 10 Stat., 1160; vol. 2, 677. Removal of bodies. And after the payment of the costs of such removal, as above specified, and the costs incident to the sale of said land, and also after the payment to any of the Wyandotte people, or their legal heirs, of claims for losses sustained by reason of the purchase of the alleged rights of the Wyandotte Tribe in a certain ferry named in said treaty, if, in the opinion of the Secretary of the Interior, such claims or any of them are just and equitable, without regard to the statutes of limitation, the residue of the money derived from said sale shall be paid per capita to the members of the Wyandotte tribe of Indians who were parties to said treaty, their heirs, or legal representatives.¹
- Distribution of proceeds. That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue patents in fee simple to the members of the Sac and Fox of Missouri and Iowa tribes of Indians, for the lands heretofore allotted them in Kansas and Nebraska; and the issuance of such patents shall operate to remove all restrictions as to sale, taxation, and incumbrance of the lands so patented.
- 34 Stat., 349. Allotment to children born since prior allotment. That the Secretary of the Interior shall cause all the surplus unallotted lands of the Sac and Fox of Missouri tribe to be allotted to those members born since the completion of allotments to said tribe and alive and in being on June thirtieth, nineteen hundred and six, as near as may be an equal quantity of land in acres, and to issue patents therefor in fee simple, or under the provisions of the fifth section of the act of Congress approved February eighth, eighteen hundred and eighty-seven, Twenty-fourth Statutes at Large, page three hundred and eighty-eight, in his discretion.
- Trust patents. 24 Stat., 389. Vol 1, p. 33. That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue fee-simple patents to the following parties for the lands heretofore allotted them: John Dupins, Sac and Fox of Iowa allottee, William A. Margrave, Margaret Margrave, William C. Margrave, James T. Margrave, Earl I. Margrave, Julia LeClere, and Willie Connell, Sac and Fox of Missouri allottees numbered sixty, sixty-one, sixty-two, sixty-three, sixty-four, fifty-eight, and twenty-seven, respectively; and the issuance of said patents shall operate as a removal of all restrictions as to the sale, incumbrance, or taxation of the lands so patented.
- Fee-simple patents to Sacs and Foxes and Iowas. That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue fee-simple patents to the following parties for the lands heretofore allotted them: John Dupins, Sac and Fox of Iowa allottee, William A. Margrave, Margaret Margrave, William C. Margrave, James T. Margrave, Earl I. Margrave, Julia LeClere, and Willie Connell, Sac and Fox of Missouri allottees numbered sixty, sixty-one, sixty-two, sixty-three, sixty-four, fifty-eight, and twenty-seven, respectively; and the issuance of said patents shall operate as a removal of all restrictions as to the sale, incumbrance, or taxation of the lands so patented.

Michigan.

MICHIGAN.

MOUNT PLEASANT SCHOOL.

- Mount Pleasant school. For support and education of three hundred Indian pupils at the Indian school, Mount Pleasant, Michigan, fifty thousand one hundred dollars.
For pay of superintendent of said school, one thousand seven hundred dollars.

¹ Conley v. Ballinger, 216 U. S., 83; 26 Opp. Atty. Genl., 491.

For general repairs and improvements, four thousand one hundred dollars.

For storehouse, three thousand dollars.

In all, fifty-eight thousand eight hundred dollars.

To pay to Margaret Bushman, five hundred and forty-seven dollars and ninety cents, being the amount awarded her in eighteen hundred and eighty-six under article two of the treaty of eighteen hundred and sixty-one with the Pottowatomie Indians and not heretofore paid.

Margaret Bushman.
Payment to.

Vol. 2, 824.

That the Secretary of the Interior be, and he is hereby authorized, in his discretion, to cancel the record of the patent issued to Charlotte Nay taw me ge zhick, on the L'Anse Reservation, in Michigan, and to issue a patent of like force and effect to Charles Beneche, a member of said tribe.

Charles Beneche.
Transfer of patent to.

MINNESOTA.

Minnesota.

For pay of Indian agent at the Leech Lake Agency, Minnesota, one thousand eight hundred dollars.

Agents.
Leech Lake Agency.

For pay of Indian agent at White Earth Agency, Minnesota, one thousand eight hundred dollars.

White Earth Agency.

MORRIS SCHOOL.

For the support and education of one hundred and fifty Indian pupils at the Indian school, Morris, Minnesota, twenty-five thousand and fifty dollars;

34 Stat., 350.
Morris school.

Pay of superintendent, one thousand five hundred dollars;

For general repairs and improvements, two thousand dollars;

In all, twenty-eight thousand four hundred and fifty dollars.

PIPESTONE SCHOOL.

For support and education of two hundred and twenty-five Indian pupils at the Indian school, Pipestone, Minnesota, thirty-seven thousand five hundred and seventy-five dollars;

Pipestone school.

For pay of superintendent at said school, one thousand six hundred dollars;

For hospital, six thousand dollars;

For improvement to water system, four thousand dollars;

For general repairs and improvements, two thousand dollars;

In all, fifty-one thousand one hundred and seventy-five dollars.

CHIPPEWAS OF THE MISSISSIPPI. (Treaty.)

Chippewas of the
Mississippi.

For support of a school or schools upon said reservation, during the pleasure of the President, in accordance with third article of treaty of March nineteenth, eighteen hundred and sixty-seven, four thousand dollars.

Schools.
16 Stat., 720, vol. 2,
975.

CHIPPEWAS OF MINNESOTA; REIMBURSABLE. (Treaty.)

Chippewas of Minne-
sota.

Advance interest to the Chippewa Indians in Minnesota, as required by section seven of "An act for the relief of the Chippewa Indians in the State of Minnesota," approved January fourteenth, eighteen hundred and eighty-nine, to be expended under the direction of the Secretary of the Interior, in the manner required by said act (reimbursable), ninety thousand dollars.

Advance Interest.
25 Stat., 645, vol. 1,
305.

To enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to carry out an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January fourteenth, eighteen hundred and eighty-nine, namely, the purchase of material and employment of labor

Civilization, etc.
25 Stat., 642 vol. 1,
301.

- for the erection of houses for Indians; for the purchase of agricultural implements, stock and seeds, breaking and fencing land; for payment of expenses of delegations of Chippewa Indians to visit the White Earth Reservation; for the erection and maintenance of day and industrial schools; for subsistence and for pay of employees; for pay of commissioners and their expenses, and for removal of Indians and for their allotments, to be reimbursed to the United States out of the proceeds of sale of their lands, one hundred and fifty thousand dollars.
- Hiram W. Allen.
Payment to widow. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of one hundred and ninety-seven dollars and fifty cents to Martha A. Allen, widow of Hiram W. Allen, late additional farmer at Red Lake Indian Reservation, Minnesota, said sum being the amount of said Hiram W. Allen's salary withheld for the third quarter, eighteen hundred and eighty-five: *Provided*, That the Secretary of the Interior shall first approve said payment.
- Proviso.
Approval. To enable the Secretary of the Interior to pay to the heirs of Thomas Le Blanc, deceased, Sioux scout, the sum alleged to be due said heirs, nine hundred and one dollar and twenty-three cents.
- Thomas Le Blanc.
Payment to heirs. That the restrictions upon the alienation upon the allotment of James I. Coffey, Chippewa allottee number one hundred and twenty-three, of the Fond du Lac (Minnesota) band, are hereby removed, and patent may issue therefor.
- 34 Stat., 351.
James I. Coffey.
Alienation restrictions removed. That the Secretary of the Interior is hereby authorized and directed to pay to D. C. Lightbourn, of Ada, Minnesota, the sum of one thousand two hundred and forty-four dollars and forty-five cents; and to George D. Hamilton, of Detroit, Minnesota, the sum of eight hundred and thirty dollars, out of any moneys standing to the credit of the Chippewa Indians, of Mississippi, in payment for bills incurred in advertising; and the said sums are hereby appropriated for said purpose: *Provided*, That the Secretary of the Interior shall first examine said accounts and approve the same. That the sum of two thousand two hundred dollars, or so much thereof as may be necessary, is hereby appropriated, to settle the account of Charles H. Armstrong on contract numbered one hundred and fifteen for survey of Indian lands in the State of Minnesota.
- D. C. Lightbourn
and George D. Hamilton.
Payment from Chippewa funds.
- Proviso.
Approval.
Charles H. Armstrong.
Payment to. That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of two thousand and ninety-one dollars and ninety-two cents, and the Secretary of the Treasury is hereby authorized and directed to pay said sum to Alice Fairbanks Mee, administratrix of the late George Fairbanks, formerly a member of the firm of Fairbanks Brothers, assignees of W. R. Spears, of claims against Chippewa Indian loggers on the Red Lake Reservation during the logging season of eighteen hundred and eighty-four and eighteen hundred and eighty-five, said sum to be immediately available: *Provided*, That Alice Fairbanks Mee shall furnish satisfactory evidence to the Secretary of the Interior that she is the rightful owner of the claim, the amount being a balance due on time checks and supplies furnished said loggers engaged in logging under contract with Frank J. Johnson: *Provided further*, That no part of the amount to be charged against any funds belonging to the Chippewa Indians.
- Alice Fairbanks Mee.
Payment to. That the Secretary of the Treasury be, and he is hereby, authorized to return to the several purchasers of the pine timber from the lands of the ceded Chippewa Indian Reservations, in the State of Minnesota, at sales held, or to be held, under the act of January fourteenth, eighteen hundred and eighty-nine, as amended by the act of June twenty-seventh, nineteen hundred and two, such amounts as the Secretary of the Interior may determine, after the scale books have been rechecked, to have been paid by said purchasers on their completed contracts in excess of the correct amount due for the timber cut from the land.
- Provisos.
Evidence required.
- Not chargeable to Chippewas.
- Reimbursement to timber purchasers.
- 25 Stat., 344, vol. 1, 304.
32 Stat., 268, vol. 1, 755.

That the Secretary of the Interior is hereby authorized to pay from the proceeds of the sale of timber on ceded Chippewa lands in Minnesota, under the act of June twenty-seventh, nineteen hundred and two, to the superintendent of logging appointed under said act four dollars and to his assistant superintendent two dollars and fifty cents per diem in lieu of subsistence while on duty, said allowances for subsistence to date from the date of appointment of such superintendent and assistants.

Logging superintendents.
32 Stat., 404, vol. 1, 760.

That for the purpose of preserving the living and growing timber on the ten sections of land in the Chippewa of the Mississippi Indian Reservation, in the State of Minnesota, reserved from sale or settlement in accordance with the provisions of the act of January fourteenth, eighteen hundred and eighty-nine, as amended by the act of June twenty-seventh, nineteen hundred and two, the Secretary of the Interior, under such rules and regulations as he shall prescribe, may sell, at not less than a minimum price to be fixed by the Secretary of the Interior, the down timber, both merchantable and unmerchantable, the latter to be sold as cord wood, on said ten sections, as well as the hay on the meadow lands therein. Prior to the sale the timber shall be suitably designated by the superintendent of logging or one of the assistant superintendents of logging, appointed under the act of June twenty-seventh, nineteen hundred and two, for which no additional compensation shall be allowed, or by some person designated by the Secretary of the Interior. Payment for the timber and for the hay shall be made to the Indian agent at the Leech Lake Agency, and the money arising therefrom, after defraying the expenses incident to the sale, shall be placed in the Treasury of the United States to the credit of all the Chippewa Indians in the State of Minnesota, as a part of the permanent fund provided for by section seven of the act of January fourteenth, eighteen hundred and eighty-nine. Notice of the proposed sale shall be given for not less than thirty days in at least two newspapers having a general circulation in the county in which the ten sections are situated. Should no bid be accepted for the timber, or any part thereof, the Secretary of the Interior may permit, under rules and regulations to be prescribed by him, the use for firewood of the unmerchantable down timber on said ten sections, free of charge, by bona fide settlers and residents not residing on said ten sections.

Timber prices.
25 Stat., 643, vol. 1, 303.
32 Stat., 400, vol. 1, 756.
34 Stat., 352, Classifying.

Payments.
25 Stat., 645, vol. 1, 305.

Sales.
Cooper Island reserved for public park.
25 Stat., 644, vol. 1, 756.

32 Stat., 402, amended, vol. 1, 758.

Description.

That section five of an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," as amended by the act of Congress approved on the twenty-seventh day of June, nineteen hundred and two, entitled "An act to amend an act entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' approved January fourteenth, eighteen hundred and eighty-nine," is hereby amended in line ninety-two by inserting after the word "lakes" the words "excepting Cooper Island in Cass Lake," and in line ninety-four, after the word "Interior," by inserting the sentence "And Cooper Island in Cass Lake composed of the following-described pieces of land situate in the State of Minnesota, to wit, lots one and two of section twenty-five; lot one of section twenty-six; the southeast quarter of the southeast quarter, and lots five and six of section twenty-seven; lots one, two, three, and four of section thirty-four; the west half of the northwest quarter, the northwest quarter of the southwest quarter, the southeast quarter of the southwest quarter, and lots one, two, three, four, five, six, seven, and eight of section thirty-five; lots one, two, three, and four of section thirty-six; all in township one hundred and forty-six north, range thirty-one west; also lot one of section one; lots one, two, three, and four of section two, of township one hundred and forty-five north, range thirty-one west, is hereby reserved for and granted to the State

of Minnesota, to be used as a State forest reserve or public park, upon condition that if at any time the State shall cease to use the said island so reserved and granted for forest reserve or park purposes the title to the same shall be forfeited and shall revert to the United States": *Provided*, That the Secretary of the Interior is authorized to convey the same to the State of Minnesota for such consideration and under such terms as may be agreed upon between said Secretary and the governor of said State.

Proviso.
Terms, etc.

Drainage survey,
etc., of unsold ceded
lands.

25 Stat., 642, vol. 1,
301.

33 Stat., 48.

34 Stat., 353.

Provisos.
Reimbursement.

Withdrawal of lands.

Allottees, White
Earth Reservation.
Alienation, etc., re-
strictions removed
from certain.

That the Secretary of the Interior is hereby authorized to cause to be made a drainage survey of the lands ceded by the Chippewa Indians in the State of Minnesota under the act of Congress entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January fourteenth, eighteen hundred and eighty-nine, and an act entitled "An act to authorize the sale of a part of what is known as the Red Lake Indian Reservation, in the State of Minnesota," approved February twentieth, nineteen-hundred and four which remain unsold, and are wet, overflowed or swampy in character, with a view to determining what portions thereof may be profitably and economically reclaimed by drainage, the number, location, cost, and extent of drainage ditches, canals, or improved natural water courses required to afford drainage outlets; and whether a sufficient fund for such improvement could be provided by an increase in the price at which such unsold ceded lands should be sold in the future, and the sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying for the expenses of said survey and carrying the foregoing provision into effect: *Provided*, That said amount shall be reimbursable from any funds in the Treasury belonging to said Indians derived from the sale of lands under said act: *Provided further*, That the Secretary of the Interior in his discretion may withdraw said unsold ceded lands, or any portion thereof, from sale and entry pending the survey herein provided for or pending the improvement contemplated thereby.

That all restrictions as to sale, incumbrance, or taxation for allotments within the White Earth Reservation in the State of Minnesota, now or hereafter held by adult mixed-blood Indians, are hereby removed, and the trust deeds heretofore or hereafter executed by the department for such allotments are hereby declared to pass the title in fee simple, or such mixed bloods upon application shall be entitled to receive a patent in fee simple for such allotments; and as to full bloods, said restrictions shall be removed when the Secretary of the Interior is satisfied that said adult full-blood Indians are competent to handle their own affairs, and in such case the Secretary of the Interior shall issue to such Indian allottee a patent in fee simple upon application. ¹

Montana.

MONTANA.

Agents.

For pay of Indian agents in Montana at the following-named agencies at the rates respectively indicated, namely:

Blackfeet Agency.

At the Blackfeet Agency, Montana, one thousand eight hundred dollars.

Crow Agency.

At the Crow Agency, Montana, one thousand eight hundred dollars.

Flathead Agency.

At the Flathead Agency, Montana, one thousand five hundred dollars.

Fort Belknap
Agency.
Support, etc., of In-
dians.

For support and civilization of the Indians at Fort Belknap Agency, Montana, including pay of employees, twenty thousand dollars.

Crows.
Support, etc.

For support and civilization of the Crow Indians in Montana, including pay of employees, eight thousand dollars.

¹ First Nat. Bank of Detroit, Minn., v. U. S. and Nichols-Chisholm Lumber Co., v. U. S., 208 Fed., 988; Stephenson v. Lohu, 131 N. W., 1618.

For support and civilization of Indians at Flathead Agency, Montana, including pay of employees, nine thousand dollars.

Flathead Agency. Support, etc., of Indians.

For support and civilization of the Indians at Fort Peck Agency in Montana, including pay of employees, fifty thousand dollars.

Fort Peck Agency. Support, etc., of Indians.

For general incidental expenses of the Indian Service in Montana, including traveling expenses of agents, two thousand five hundred dollars.

Incidentals.

INDIANS AT BLACKFEET AGENCY. (Treaty.)

Blackfeet Agency.

For last of nine installments, to be disposed of as provided in article two of the agreement with the Indians of the Blackfeet Reservation, ratified by act approved June tenth, eighteen hundred and ninety-six, one hundred and fifty thousand dollars.

Fulfilling treaty. 26 Stat., 355, vol. 1, 605.

CROWS. (Treaty.)

Crows.

For the last of twenty-five installments, as provided in agreement with the Crows, dated June twelfth, eighteen hundred and eighty, to be used by the Secretary of the Interior in such manner as the President may direct, thirty thousand dollars;

Fulfilling treaty. 22 Stat., 43, vol. 1, 196.

For pay of physician, as per tenth article of same treaty, one thousand two hundred dollars;

15 Stat., 652.

For pay of carpenter, miller, engineer, farmer, and blacksmith, as per tenth article of same treaty, three thousand six hundred dollars;

34 Stat., 354.

For pay of second blacksmith, as per eighth article of same treaty, one thousand two hundred dollars;

In all, thirty-six thousand dollars.

NORTHERN CHEYENNES AND ARAPAHOES. (Treaty.)

Northern Cheyennes and Arapahoes.

For subsistence and civilization, as per agreement with the Sioux Indians approved February twenty-eighth, eighteen hundred and seventy-seven, including subsistence and civilization of Northern Cheyennes removed from Pine Ridge Agency to Tongue River, Montana, ninety thousand dollars;

Subsistence, etc. 19 Stat., 256, vol. 1, 170.

For pay of physician, two teachers, two carpenters, one miller, two farmers, a blacksmith, and engineer, per seventh article of the treaty of May tenth, eighteen hundred and sixth-eight, nine thousand dollars;

Vol. 2, 1014.

In all, ninety-nine thousand dollars.

Cattle.

For the purchase of heifers and bulls for the Indians on the Northern Cheyenne Indian Reservation, Tongue River Agency, Montana, thirty thousand dollars: *Provided*, That the expenditure of this money shall be under the direction of the Secretary of the Interior, who shall purchase the cattle and regulate their distribution according to such rules and regulations as in his discretion he may deem best.

Provisos. Purchases.

FLATHEAD RESERVATION.

Flathead Reservation.

That the act of April twenty-third, nineteen hundred and four (Thirty-third Statutes at Large, page three hundred and two), entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," as amended by section nine of the act of March third, nineteen hundred and five (Thirty-third Statutes at Large, page one thousand and forty-eight), be amended by adding the following sections:

Townsite provisions. 33 Stat., 302, amended.

Ante, p. 79.

"SEC. 17. That the Secretary of the Interior is hereby authorized and directed to reserve and set aside for town-site purposes, and to survey, lay out, and plat into town lots, streets, alleys, and parks not less than forty acres of said land at or near each of the present set-

33 Stat., 1080.

Town sites authorized.

tlements of Arlee, Dayton, Ravalli, Dixon, and Ronan, and not less than eighty acres of the present settlements of Saint Ignatius and Polson, and at such other places as the Secretary of the Interior may deem necessary or convenient for town sites, in such manner as will best subserve the present needs and the reasonable prospective growth of said settlements.

Surveys, etc.
R. S., 2381, 436.

Provisos.
Rights of occupants.

Receiving proof, etc.

34 Stat., 355.
Duties of appraisers.

Size of lots.

Camas Hot Springs
reserved.

Control, etc.

Water rights.

Appropriation for
expenses.

Proviso.
Per diem, etc., to em-
ployees.

“Such town sites shall be surveyed, appraised, and disposed of as provided in section twenty-three hundred and eighty-one of the United States Revised Statutes: *Provided*, That any person who, at the date when the appraisers commence their work upon the land, shall be an actual resident upon any one such lot and the owner of substantial and permanent improvements thereon, and who shall maintain his or her residence and improvements on such lot to the date of his or her application to enter, shall be entitled to enter, at any time prior to the day fixed for the public sale and at the appraised value thereof, such lot and any one additional lot of which he or she may also be in possession and upon which he or she may have substantial and permanent improvements: *Provided further*, That before making entry of any such lot or lots the applicant shall make proof, to the satisfaction of the register and receiver of the land district in which the land lies, of such residence, possession, and ownership of improvements, under such regulations as to time, notice, manner, and character of proof as may be prescribed by the Commissioner of the General Land Office, with the approval of the Secretary of the Interior: *Provided further*, That in making their appraisal of the lots so surveyed, it shall be the duty of the appraisers to ascertain the names of the residents upon and occupants of any such lots, the character and extent of the improvements thereon, and the name of the reputed owner thereof, and to report their findings in connection with their report of appraisal, which report of findings shall be taken as prima facie evidence of the facts therein set out. All such lots not so entered prior to the day fixed for the public sale shall be offered at public outcry in their regular order, with the other unimproved and unoccupied lots. That no lot shall be sold for less than ten dollars: *And provided further*, That said lots, when surveyed, shall approximate fifty by one hundred and fifty feet in size.

“SEC. 18. That the Secretary of the Interior is hereby authorized and directed to reserve and set aside one hundred and sixty acres of land at and surrounding the present hot springs, situated on said reservation near the settlement of Camas.

“That said hot springs and the said one hundred and sixty acres of land last mentioned shall be under the control and direction of the Secretary of the Interior, under such rules and regulations as he may prescribe, but any and all moneys that shall be derived from such use shall be for the benefit of the persons holding tribal relations with said tribes of Indians, the same to be disbursed as provided in section thirteen of this act.

“SEC. 19. That nothing in this act shall be construed to deprive any of said Indians, or said persons or corporations to whom the use of land is granted by the act, of the use of water appropriated and used by them for the necessary irrigation of their lands or for domestic use or any ditches, dams, flumes, reservoirs constructed and used by them in the appropriation and use of said water.

“SEC. 20. That there is hereby appropriated, for the survey, appraisement, and sale of said town sites, out of any money in the Treasury not otherwise appropriated, the sum of fifteen thousand dollars, or so much thereof as may be necessary, the same to be reimbursable out of the funds arising from the sale of said lands: *Provided*, That the persons employed or detailed under this appropriation shall

be allowed therefrom while on duty a per diem in lieu of subsistence, at a rate to be fixed by the Secretary of the Interior, not exceeding three dollars per day each, and actual necessary expenses for transportation, including necessary sleeping-car fares."

NEBRASKA.

Nebraska.

GENOA SCHOOL.

For support and education of three hundred Indian pupils at the Indian school, Genoa, Nebraska, fifty thousand one hundred dollars; For pay of superintendent of said school, one thousand seven hundred dollars; For general repairs and improvements, six thousand dollars; In all, fifty-seven thousand eight hundred dollars.

Genoa school.

WINNEBAGOES. (Treaty.)

Winnebagoes.

For interest on eight hundred and four thousand nine hundred and nine dollars and seventeen cents, at five per centum per annum, per fourth article of treaty of November first, eighteen hundred and thirty-seven, forty thousand two hundred and forty-five dollars and forty-five cents; and the Secretary of the Interior is hereby directed to expend said interest for the support, education, and civilization of said Indians; to be expended in such manner and to whatever extent that he may judge to be necessary and expedient for their welfare and best interest.

Support, etc.
7 Stat., 545, vol. 2, 499.

34 Stat., 356.

For interest on seventy-eight thousand three hundred and forty dollars and forty-one cents, at five per centum per annum, to be expended under the direction of the Secretary of the Interior for the erection of houses, improvement of their allotments of land, purchase of stock, agricultural implements, seeds, and other beneficial objects, three thousand nine hundred and seventeen dollars and two cents;

Civilization, etc.

In all, forty-four thousand one hundred and sixty-two dollars and forty-seven cents.

That the Secretary of the Interior be, and he is hereby, authorized and directed, under such rules and regulations as he may prescribe, to pay to the Santee Sioux Indians in Nebraska and the Ponca Indians in Nebraska the shares of said Indians in the principal permanent fund appropriated and placed in the Treasury of the United States to the credit of the Sioux Nation of Indians by the seventeenth section of the act of Congress approved March second, eighteen hundred eighty-nine (Statutes at Large, volume twenty-five, page eight hundred and ninety-five): *Provided*, That the shares of minors until they become of age, and the shares of incompetents, shall remain in the Treasury, and the interest on such shares may, in the discretion of the Secretary of the Interior, be paid to the parents or legally appointed guardians of such minors and incompetents under such regulations as he may prescribe; or he may direct that the share of any minor or incompetent to be paid to the parent or legal guardian, on the recommendation of the Commissioner of Indian Affairs, if deemed necessary for their best interests: *Provided further*, That the Secretary of the Interior may withhold any of the payments herein provided for if in his judgment it would be to the best interests of the member entitled to said payment to do so. And so much of the act of April twenty-first, nineteen hundred and four (volume thirty-three, Statutes at Large, page two hundred and one), as relates to retaining minors' and incompetents' shares in the Treasury is hereby amended so as to permit the shares of the tribal trust funds belonging to minors or incompetents to be paid in like manner to the parents or legal guardians.

Payment to Santee
Sioux and Poncas.

25 Stat., 895, vol. 1,
335.

Provisos.
Shares of minors, etc.

Withholding pay-
ments.

Shares of minors, etc.
in trust fund.
33 Stat., 201, amend-
ed, ante, 46.

Fee-simple patents
to certain Omaha allot-
tees.

Winnebagoes.

Poncas.

34 Stat., 357.

Santee Sioux, etc.

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue fee-simple patents to the following parties for the lands heretofore allotted them: Reuben Cabana, Lewis Dick, Margaret La Flesche Diddock, Henry Warner, Roy Owens, D. Stabler, Ne ka ga he, or Noah La Flesche, Taingena Cook, James B. Atkin, Omaha allottees; Millie Neff, Sac and Fox allottee; Louis Dick and Ida C. Shott, Elsie Grace Pilcher, William H. Campbell, Henry Guitar, Harriet L. Pilcher, Me khu bae, or Anna Mary Walker, Omaha allottees numbered nine hundred and sixty-two, nine hundred and sixteen, four hundred and ninety-two, eight hundred and ninety-two, four hundred and twenty, three hundred and sixty-six, and three hundred and sixty-nine, respectively; David Saint Cyr, Daniel Rice, Alexander Saint Cyr, Charles Raymond, Louis Armell, Louis Saint Cyr, Mrs. Elsie E. Paulson, nee Perry, Mrs. Henrietta Lemmon, and Henry Lemmon, Winnebago allottees numbered two hundred and forty-eight, four hundred and nineteen, one hundred and thirty-nine, three hundred and thirty-eight, two hundred and thirty-seven, two hundred and forty-five, five hundred and nine, one hundred and thirty-two, and one hundred and thirty-six, respectively; Mary Whiting, Ponca (Nebraska) allottee numbered eleven; Rosa Baker, Emma M. Post, Mary Knudsen, Bertha F. Knudsen, Buffalo Chip, White Dog, Frank Sherman, Runs Bowing or William Elk, William Bear, and Mary Lessor, Ponca (Nebraska) allottees numbered thirty-nine, one hundred and six, twenty, two, one hundred eighty-eight, eighty-four, ninety-five, and one hundred and thirty-three, respectively; Josephine Amell, Winnebago allottee numbered two hundred and thirty-five; Zally Rulo, Ponca (Nebraska) allottee numbered eighty-three; George W. Dupuis, Koyakewin, William Holmes, Mary Rockwood, Henry Ross, Frank H. Young, Samuel Baskin, John Hoffman, David Thomas, Joseph Coursoll, junior, Samuel Thomas, Cecilia Coursoll, Julia Rouillard, Frederick A. Dupuis, Alesia Jones, Eliza Rouillard, Edward Mackey, Andrew Jackson Felix, David Mazakute, Henry Felix, Wakinyangi or Samuel, Alfred Dupuis, Samuel Campbell, Mary Coursoll, Thomas Whipple, Jannie Cox, Reuben H. Cahney, Sarah Sheridan, Tae hu tam be or Harvey Warner, Ge u ka or Charles Stabler, Peter Felix, junior, Him han skaden or Thomas Whiteowl, Dennie Felix, James Hemans, Charles Wicanhpidutawin, Bushman Chapman, Wacanga, George Goodteacher, Asdohewin, John Halfiron, David Boy, Hupojanjanwin, Samuel Stone, Andrew Sherman, Wospimaniwin, Phillip Webster, Joseph Paypay, Sarah Jones, Cantanna or Thomas Whipple, Wihaki or Lina Whipple, Thomas Rouillard, Samuel Whipple, August Trudell, John Ross, and Joseph Samuels, Santee Sioux allottees numbered one hundred and ninety-five, thirty-two, eight hundred and thirty-nine, one hundred and seventy-nine, seven hundred and fifty-eight, ninety-nine, eight hundred and forty-four, three hundred and fifty-nine, four hundred and twenty-seven, fifty-three, four hundred and twenty-five, seventy-six, eight hundred and thirty-one, seventy-one, eight hundred and sixteen, eight hundred and thirty, six hundred and seventy-seven, seven hundred and ten, three hundred and ninety-four, seven hundred and nine, three hundred and eighty-six, one hundred and ninety-four, eight hundred and twenty-one, seventy-four, eight hundred and seven, two hundred and forty-six, three hundred and fourteen, two hundred and ninety-two, five hundred and eight, three hundred and ninety-six, seven hundred and eight, four hundred and sixty-eight, seven hundred and fourteen, three hundred and sixty-three, three hundred and seventy-five, six hundred and fifty, fifteen, one hundred, three hundred and forty-four, two hundred and four, seven hundred and eighty-eight, three hundred and forty-nine, three hundred and eleven, three hundred and seventy-

nine, fifty, three hundred and twenty-six, four hundred and seventy-two, one hundred and twenty-six, eight hundred and nine, eight hundred and ten, eight hundred and twenty-eight, three hundred and ninety-six, five hundred and forty-eight, five hundred and thirteen, and eight hundred and twenty-six, respectively; Edward Blacksmith, Maud N. Dupuis, Louis Frenier, Nagiiyoptewin, David Whale, Charles Hedges, allottee numbered forty-six; John B. Wapaha, allottee numbered two hundred and thirty-four; Samuel Hoffman, allottee numbered three hundred and forty-three, Santee Sioux schedule; Fannie Baker, Rosebud Sioux allottee numbered one, Sioux Ceded Tract; James Garvie, Santee allottee numbered fifteen; and the issuance of said patents shall operate as a removal of all restrictions as to the sale, incumbrance, or taxation of the lands so patented.

That the Secretary of the Interior be, and he is hereby, authorized in his discretion to issue a fee-simple patent to Demas Eastman, a Santee Sioux allottee numbered eight hundred and thirty-seven, and the issuance of said patent shall operate as a removal of all restrictions as to the sale, incumbrance, or taxation of the land so patented.

Demas Eastman.
Fee-simple patent to.

That the Secretary of the Interior may in his discretion issue patent in fee to Good Hawk, Ponca (Nebraska) allottee numbered one hundred and ninety-nine, for such portion of the land allotted him as he may so approve, to be sold under direction of said Secretary; and the issuance of said patent shall operate to remove all restrictions as to the sale, incumbrance, or taxation of the land so patented.

Good Hawk.
Fee-simple patent to.

That John Oldman, Santee Sioux allottee numbered one hundred and sixty-two and one hundred and sixty-three, to whom a patent has been issued containing restrictions on alienation, may sell and convey his allotment, but such conveyance shall be subject to the approval of the Secretary of the Interior, and when so approved shall convey full title to the purchaser the same as if a final patent without restrictions had been issued to the allottee.

34 Stat., 358.
John Oldman.
Alienation restrictions removed.

NEVADA.

Nevada.

For support and civilization of the Indians of the Western Shoshone Agency, Nevada, including pay of employees, eight thousand dollars.

Western Shoshone Agency.
Support of Indians, etc.

CARSON SCHOOL.

For support and education of three hundred Indian pupils at the Indian school at Carson City, Nevada, fifty thousand one hundred dollars;

Carson school.

For pay of superintendent at said school, one thousand eight hundred dollars;

For general repairs and improvements, three thousand dollars;

For addition to schoolhouse, five thousand dollars;

For employees' cottages, three thousand dollars;

For moving and rebuilding barn, one thousand dollars;

In all, sixty-three thousand nine hundred dollars.

For general incidental expenses of the Indian Service in Nevada, including traveling expenses of agents, and support and civilization of Indians located on the Piute, Walker River, and Pyramid Lake Reservations, five thousand dollars;

Incidentals.

And pay of employees, including physician at the Walker River Reservation, four thousand dollars;

In all, nine thousand dollars.

That in addition to the allotment in severalty of lands in the Walker River Indian Reservation in the State of Nevada, and the selection and setting apart for the use in common of the Indians nonirrigable graz-

Walker River Reservation.
Wood lands reserved.

32 Stat., 744, vol. 1, 799. ing lands therein, as provided by the joint resolution of June nineteenth, nineteen hundred and two (Thirty-second Statutes, page seven hundred and forty-four), the Secretary of the Interior shall, before any of said lands are open to disposition under any public land law, select and set apart for the use in common of the Indians of said reservation such tract or tracts of timber land therein at one or more places as will subserve the reasonable requirements of said Indians for fuel and improvements.

Pah Utes.
Purchase of land for. For the purpose of purchasing from the State of Nevada lots two, three, and four, section thirteen, township forty-seven north, range thirty-eight east, Mount Diablo meridian (forty-eight and eight hundredths acres), for allotment to Pah Ute Indians in connection with adjoining public lands, seventy dollars, or as much thereof as may be necessary.

New Mexico. NEW MEXICO. (See Arizona for "Support and civilization of the Apache, etc.," in Arizona and New Mexico.)

ALBUQUERQUE SCHOOL.

Albuquerque school. For support and education of three hundred Indian pupils at the Indian school at Albuquerque, New Mexico, fifty thousand one hundred dollars;

For pay of superintendent of said school, one thousand eight hundred dollars;

34 Stat., 359. For improvements to water supply, three thousand five hundred dollars;

General repairs and improvements, five thousand dollars;
In all, sixty thousand four hundred dollars.

SANTA FE SCHOOL.

Santa Fe school. For support and education of three hundred Indian pupils at the Indian school at Santa Fe, New Mexico, fifty thousand one hundred dollars;

For pay of superintendent at said school, one thousand eight hundred dollars;

For water supply, one thousand five hundred dollars;

For general repairs and improvements, five thousand dollars;

For bakery, one thousand dollars;

For addition to warehouse, two thousand dollars;

In all, sixty-one thousand four hundred dollars.

Attorney for Pueblos. For pay of one special attorney for the Pueblo Indians of New Mexico, one thousand five hundred dollars;

And for necessary traveling and incidental expenses of said attorney, five hundred dollars;

In all, two thousand dollars.

Santa Fe school.
Additional building. That the sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to construct an additional building for dining room and other purposes at the Indian school at Santa Fe, New Mexico.

Incidentals. For general incidental expenses of the Indian Service in New Mexico, including traveling expenses of agents, one thousand dollars.

New York.

NEW YORK.

New York Agency. For pay of Indian agent at the New York Agency, New York, one thousand dollars.

For pay of physician, New York Agency, six hundred dollars.

SENECAS OF NEW YORK. (Treaty.)

Senecas.

For permanent annuity, in lieu of interest on stock, per act of February nineteenth, eighteen hundred and thirty-one, six thousand dollars;

Annuity.
4 Stat., 442.

For interest, in lieu of investment, on seventy-five thousand dollars, at five per centum, per act of June twenty-seventh, eighteen hundred and forty-six, three thousand seven hundred and fifty dollars;

Interest.
9 Stat., 35.

For interest, at five per centum, on forty-three thousand and fifty dollars transferred from the Ontario Bank to the United States Treasury, per act of June twenty-seventh, eighteen hundred and forty-six, two thousand one hundred and fifty-two dollars and fifty cents;

In all, eleven thousand nine hundred and two dollars and fifty cents.

SIX NATIONS OF NEW YORK. (Treaty.)

Six Nations.

For permanent annuity, in clothing and other useful articles, per sixth article of treaty of November eleventh, seventeen hundred and ninety-four, four thousand five hundred dollars.

Annuity.
7 Stat., 46, vol. 2, 36.

NORTH CAROLINA.

North Carolina.

CHEROKEE SCHOOL.

For support and education of one hundred and sixty pupils at the Indian school at Cherokee, North Carolina, twenty-six thousand seven hundred and twenty dollars;

Cherokee school.

For pay of superintendent of said school, one thousand five hundred dollars;

34 Stat., 360.

For general repairs and improvements, two thousand five hundred dollars;

In all, thirty thousand seven hundred and twenty dollars.

NORTH DAKOTA.

North Dakota.

For pay of Indian agent at the Standing Rock Agency, North Dakota, one thousand eight hundred dollars.

Agent, Standing
Rock Agency.

For support and civilization of Sioux of Devils Lake, North Dakota, five thousand dollars.

Devils Lake Sioux.
Support, etc.

For support and civilization of Indians at Fort Berthold Agency, in North Dakota, including pay of employees, twenty thousand dollars.

Fort Berthold
Agency Indians.
Support, etc.

For support and civilization of Turtle Mountain Band of Chippewas, North Dakota, including seeds, thirteen thousand dollars.

Turtle Mountain
Band, Chippewas.
Support, etc.

FORT TOTTEN SCHOOL.

For support and education of three hundred and twenty-five Indian pupils at the Indian school, Fort Totten, North Dakota, fifty-four thousand two hundred and seventy-five dollars.

Fort Totten school.

For pay of superintendent at said school, one thousand seven hundred dollars.

For general repairs and improvements, five thousand dollars.

In all, sixty thousand nine hundred and seventy-five dollars.

WAHPETON INDIAN SCHOOL.

For the support and education of one hundred Indian pupils at the Indian school at Wahpeton, North Dakota, sixteen thousand seven hundred dollars.

Wahpeton school.

For pay of superintendent of said school, one thousand five hundred dollars.

For minor improvements, five thousand dollars.

For purchasing live stock and equipment of building, six thousand dollars, or so much thereof as may be necessary.

In all, twenty-nine thousand two hundred dollars.

Incidentals.

For general incidental expenses of the Indian Service in North Dakota, including traveling expenses of agents at three agencies, one thousand dollars.

Devils Lake Sioux.
Payment of deficit.
33 Stat., 321.

That the Secretary of the Interior is hereby authorized to pay to the Devils Lake Sioux Indians of North Dakota, in addition to any one of installments of thirty thousand dollars provided by article three of the act approved April twenty-seventh, nineteen hundred and four, the sum of fifty-seven thousand eight hundred and seventy-four dollars and eighty-seven cents, or so much as may be available from the proceeds of the sales of their ceded lands, being the amount of the deficit of the one hundred and forty-five thousand dollars authorized by said act as the first payment.

Graham's Island.
Restored to public
domain.
23 Stat., 103.

That a part of the land reserved by general order numbered seven-teen of the War Department, dated August twenty-eighth, eighteen hundred and seventy-six, for military purposes, but now abandoned, and subject to disposal under the act of Congress approved July fifth, eighteen hundred and eighty-four (Twenty-third Statutes at Large, page one hundred and three), to wit: Part of sections thirty and thirty-one, township one hundred and fifty-three north, range sixty-five west, and part of sections twenty-five, twenty-six, twenty-seven, thirty-five, and thirty-six, in township one hundred and fifty-three north, range sixty-six west (known as Graham's Island), in the State of North Dakota, be, and the same is hereby, restored to the public domain and declared to be public lands of the United States: *Provided*, That the lands so restored shall, in the discretion of the Secretary of the Interior, be held for a period of twelve months, subject to allotments to the Turtle Mountain Band of Chippewa Indians, in accordance with the provisions of the amended agreement with said band approved April twenty-first, nineteen hundred and four (Thirty-third Statutes at Large, page one hundred and ninety-four).

34 Stat., 361.
Proviso.
Allotment to Turtle
Mountain Band, Chip-
pewas.

33 Stat., 194.

Standing Rock Res-
ervation.
Surveys.

For completing the surveys on the Standing Rock Indian Reserva-tion in North Dakota, six thousand five hundred dollars.

And for expenses in connection therewith in the office of the sur-veyor general for North Dakota and for the examination of said sur-veys, three thousand dollars.

In all, nine thousand five hundred dollars.

Bismarck school.
Purchase of water.

That until otherwise provided by law, all water for the use of the Indian school located at Bismarck, North Dakota, shall be furnished by the Bismarck Water Company at such price as may be agreed upon between said company and the Secretary of the Interior, not exceeding thirty cents per thousand gallons. And there is hereby appropriated for the purchase of such water, for the year ending June thirtieth, nineteen hundred and seven, the sum of four hundred dollars, or so much thereof as may be necessary.

Alienation restric-
tions removed from
three Devils Lake al-
lottees.

That Michael Okinyanwastena, Devils Lake allottee numbered two hundred and seven; Johnnie Heikoyagmani, Devils Lake allottee num-bered two hundred and nine; and Wasicuka, Devils Lake allottee num-bered five hundred and twenty-six, to whom trust patents have been issued containing restriction on alienation, may sell and convey all or part of their allotments under such rules and regulations as the Secre-tary of the Interior may prescribe, and any conveyances made here-under shall be subject to his approval and when so approved shall convey full title to the purchasers the same as if a final patent without restrictions had been issued to the respective allottees.

That the Secretary of the Interior be, and he is hereby, authorized in his discretion to cancel the patents for lands allotted to the following Indians of the Devils Lake Indian Reservation, North Dakota, namely: Tiidezewin, numbered one thousand and fifty-one; Thomas Buhinhda, numbered eleven hundred and eighteen; Yiwastewin, numbered eleven hundred and nineteen; Kasto, numbered one thousand and ninety-six; Wicite, numbered one thousand and ninety-seven; Sungode, numbered one thousand and eighty-nine; Hetahuna, numbered one thousand and ninety-nine; Hicahewicazena, numbered eleven hundred; Thomas Kasto, numbered eleven hundred and two; Wamditowin, numbered eleven hundred and one; Wajunhunta, numbered eleven hundred and twenty-six; Napewastowin, numbered eleven hundred and twenty-seven; Hutopawin, numbered eleven hundred and twenty-eight; Baptiste Wajunhunta, numbered eleven hundred and twenty-nine; Wickatena, numbered eleven hundred and thirty; and Ohiya, numbered eleven hundred and thirty-one.

Patents of certain Devils Lake allottees may be canceled.

OKLAHOMA.

Oklahoma.

For pay of Indian agents in Oklahoma at the following-named agencies at the rates respectively indicated, namely:

Agents.

At the Kiowa Agency, Oklahoma Territory, one thousand eight hundred dollars.

Kiowa Agency.

At the Osage Agency, Oklahoma Territory, one thousand eight hundred dollars.

Osage Agency.

For support and civilization of the Apaches, Kiowas, Comanches, Wichitas, and affiliated bands who have been collected in the reservations set apart for their use and occupation, twenty-five thousand dollars.

Apaches, etc.
Support, etc.

For support and civilization of the Arapahoes and Cheyennes who have been collected on the reservations set apart for their use and occupation, thirty-five thousand dollars.

34 Stat., 362.
Arapahoes and Cheyennes.
Support, etc.

For support and civilization of the Kansas Indians, Oklahoma Territory, including agricultural assistance and pay of employees, one thousand five hundred dollars.

Kansas.
Support, etc.

For support and civilization of the Kickapoo Indians in Oklahoma Territory, two thousand dollars.

Kickapoos.
Support, etc.

For support and civilization of the Ponca Indians, including pay of employees, nine thousand dollars.

Poncas.
Support, etc.

CHILOCCO SCHOOL.

For support and education of seven hundred Indian pupils at the Indian school at Chilocco, Oklahoma, one hundred and sixteen thousand nine hundred dollars;

Chilocco school.

For pay of superintendent at said school, three thousand dollars;

For general repairs and improvements, ten thousand dollars;

For dynamo and electric extensions, five thousand dollars;

For steam boilers, three thousand dollars;

For cottage, one thousand two hundred dollars;

In all, one hundred and thirty-nine thousand one hundred dollars: *Provided*, That the Commissioner of Indian Affairs, under such rules and restrictions as he may prescribe, subject to the approval of the Secretary of the Interior, is hereby authorized to lease such portion of the Chilocco Indian School Reservation as may not be required for school-farming purposes, and apply the proceeds to the maintenance and support of said school.

Proviso.
Lease permitted.

That the Secretary of the Interior be, and he is hereby, authorized to sell, in such a manner as he may deem best, for cash, twenty acres of land, described as the south half of the northeast quarter of the

Shawnee Training School.
Sale of lands for.

southeast quarter of section thirty-six, township ten north, range three east of the Indian Meridian in Oklahoma, and apply the proceeds to the improvement of the Shawnee Indian Training School.

Iowas.

IOWAS IN OKLAHOMA. (Treaty.)

Per capita.
26 Stat., 756, vol. 1,
395.

For the first of five installments, fourth series, to be paid per capita as provided in the seventh article of the agreement ratified by the act approved February thirteenth, nineteen hundred and one, one thousand eight hundred dollars.

Anticipating install-
ments.

26 Stat., 753; vol. 1,
395.

To enable the Secretary of the Interior to anticipate five installments of the fourth series and five installments of the fifth series due the Iowa Indians in Oklahoma under the seventh article of the agreement ratified by the act approved February thirteenth, eighteen hundred and ninety-one, fifteen thousand dollars; to be immediately available and paid per capita in cash or expended otherwise for their benefit, under such rules and regulations as he may prescribe.

Kickapoos.

KICKAPOOS.

Kicking Mexican
Kickapoos.
Payment of retained
moneys.
27 Stat., 533, vol. 1,
483.

That the Secretary of the Interior be, and he hereby is, directed to immediately cause to be paid to those Kicking Mexican, Kickapoo allottees, who under the act of Congress of March third, eighteen hundred and ninety-three, elected to leave in the Treasury their share of the funds provided for in Article V of said act, the sum of money to their credit, together with interest thereon, as provided by said act, and as also provided by the act of June tenth, eighteen hundred and ninety-six; the shares of minors to be paid to the parents or next of kin having the care and custody of said minors, the shares of deceased persons to be paid to their heirs; all of said payments to be made upon claim through the First National Bank or the Border National Bank, of Eagle Pass, Texas, except that the Kickapoos now residing in Oklahoma may receive their shares through the United States Indian agent at Shawnee, Oklahoma, if they so desire; and for the purpose of carrying this provision into effect there is hereby appropriated the sum of forty thousand dollars, or so much thereof as may be necessary, out of any funds in the Treasury of the United States not otherwise appropriated, the same to be immediately available.

29 Stat., 326; vol. 1,
597.
Mode of payment.

34 Stat., 333.

Alienation restric-
tions removed.

All restrictions as to sale and incumbrance of all lands, inherited and otherwise, of all adult Kickapoo Indians, and of all Shawnee, Delaware, Caddo, and Wichita Indians who have heretofore been or are now known as Indians of said tribes, affiliating with said Kickapoo Indians now or hereafter nonresident in the United States, who have been allotted land in Oklahoma or Indian Territory are hereby removed: *Provided*, That any such Indian allottee who is a nonresident of the United States may lease his allotment without restriction for a period not exceeding five years: *Provided further*, That the parent or the person next of kin having the care and custody of a minor allottee may lease the allotment of said minor as herein provided, except that no such lease shall extend beyond the minority of said allottee.

Provisos.
Leases by nonresi-
dent allottees.
Lands of minors.

Osages.

OSAGES. (Treaty.)

Interest.

7 Stat., 242, vol. 2, 217.

For interest on sixty-nine thousand one hundred and twenty dollars, at five per centum per annum, being value of fifty-four sections of land set apart by treaty of June second, eighteen hundred and twenty-five, for educational purposes, per Senate resolution of January ninth, eighteen hundred and thirty-eight, three thousand four hundred and fifty-six dollars.

PAWNEES. (Treaty.)

Pawnees.

For perpetual annuity, which is to be paid in cash to them, per second article of treaty of September twenty-fourth, eighteen hundred and fifty-seven, and agreement of November twenty-third, eighteen hundred and ninety-two, article three, thirty thousand dollars;

Annuity.
11 Stat., 729, vol. 2, 764.
27 Stat., 644, vol. 1, 496.

For support of two manual-labor schools, per third article of same treaty, of September twenty-fourth, eighteen hundred and fifty-seven, ten thousand dollars;

School.
11 Stat., 730, vol. 2, 764.

For pay of one farmer, two blacksmiths, one miller, one engineer and apprentices; and two teachers, as per fourth article of same treaty, five thousand four hundred dollars;

Farmer, etc.
11 Stat., 730, vol. 2, 765.

For pay of physician and purchase of medicines, one thousand two hundred dollars;

Physician, etc.

For purchase of iron and steel and other necessaries for the shops, as per fourth article of treaty of September twenty-fourth, eighteen hundred and fifty-seven, five hundred dollars;

Iron, steel, etc.

In all, forty-seven thousand one hundred dollars.

SACS AND FOXES OF THE MISSISSIPPI. (Treaty.)

Sacs and Foxes of the Mississippi.

For permanent annuity, in goods or otherwise, per third article of treaty of November third, eighteen hundred and four, one thousand dollars;

Annuity.
7 Stat., 85, vol. 2, 75.

For interest on two hundred thousand dollars, at five per centum, per second article of treaty of October twenty-first, eighteen hundred and thirty-seven, ten thousand dollars;

Interest.
7 Stat., 541, vol. 2, 497.

For interest on eight hundred thousand dollars, at five per centum, per second article of treaty of October eleventh, eighteen hundred and forty-two, forty thousand dollars: *Provided*, That the sum of one thousand five hundred dollars of this amount shall be used for the pay of a physician and for purchase of medicine;

7 Stat., 596, vol. 2, 546.
Proviso.
Physician, etc.

In all, fifty-one thousand dollars.

That the Secretary of the Interior is hereby authorized and directed, under such rules and regulations as he may prescribe, to pay to the Sac and Fox Indians in Oklahoma, per capita, in cash, or to expend otherwise for their benefit, the sum of fifty thousand dollars out of the amount of money now to their credit in the United States Treasury, to be immediately available.

Per capita payment.

34 Stat., 364.

That the boundary line between the Creek Nation, Indian Territory, and the Territory of Oklahoma, as surveyed by Frederick W. Bardwell in eighteen hundred and seventy-one, and reestablished by the Geological Survey in eighteen hundred and ninety-five and eighteen hundred and ninety-six is hereby declared to be the west boundary line of the Creek Nation.

Creek Nation.
West boundary established.

That Tah lah to ti, or Emma Saumty, Kiowa allottee numbered ten hundred and twenty-five, to whom a trust patent has been issued containing restrictions upon alienation, may sell and convey not exceeding five acres of her allotment for a cemetery site; but such conveyance shall be subject to the approval of the Secretary of the Interior, and when so approved shall convey full title to the purchaser the same as if a final patent without restrictions had been issued to the allottee.

Emma Saumty.
May sell land for cemetery.

That the Secretary of the Interior be, and he is hereby, authorized and directed, in his discretion, to cancel the fee-simple patent issued June twenty-fourth, nineteen hundred and five, to W. E. Hardy, Amelia Clavier, Melinda Harris, William Hardy, and W. F. S. Hardy, heirs of Victoria Hardy, deceased, a member of the Kansas Tribe of Indians, for the land heretofore allotted to her in Oklahoma Territory, described as follows: Lot six, in section seven, and the north half of the southwest quarter of section eight, in township twenty-seven

Victoria Hardy.
Allotments to heirs modified.
33 Stat., 1063.

north, range four east; and the west half of the southwest quarter and the northwest quarter of section twenty-one, in township twenty-eight north, range five east, of the Indian meridian, all on the Kansas Reservation, in Oklahoma; and he is hereby authorized and directed to issue a patent in fee simple to W. E. Hardy, Amelia Clavier, Melinda Harris, William Hardy, W. F. S. Hardy, D. W. Hardy, G. M. C. Hardy, and Lee Cross Hardy, heirs of Victoria Hardy, deceased, late a member of the Kansas Tribe of Indians in Oklahoma, for the lands heretofore allotted to her as a member of said tribe of Indians, and described as follows: Lot six of section seven, the north half of the southwest quarter and the southeast quarter of the southwest quarter of section eight, in township twenty-seven north, of range four east, of the Indian meridian, containing one hundred and fifty-five acres; and the west half of the southwest quarter and the northwest quarter of section twenty-one, in township twenty-eight north, of range five east, of the Indian meridian, containing two hundred and forty acres; all on the Kansas Indian Reservation, in the Territory of Oklahoma.

Ots se kuddy kid
dah hay.
Trust patent to.

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to cancel a patent issued to Annie Adams, Wichita allottee numbered eight hundred and forty-two, on the thirty-first day of December, nineteen hundred and one, and allot forty acres of the land covered thereby to Ots se kuddy kid dah hay, Wichita allottee numbered five hundred and twenty-six, and cause a patent to be issued therefor, in accordance with the provisions of the act of Congress approved March second, eighteen hundred and ninety-five.

28 Stat., 896; vol. 1,
561.

Margaret Bourassa.
Patent to, canceled.

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to cancel the patent to Margaret Bourassa, Citizen Pottawatomie allottee numbered thirteen hundred and thirty-six, and to allot the lands covered thereby to some member or members of the Citizen Band of Pottawatomie Indians who have failed to receive an allotment, although legally entitled thereto; the patent issued December thirty-first, nineteen hundred and one, in the name of James Longhat, Wichita allottee numbered five hundred and eighty-two, and he is further authorized to cause the land covered thereby to be allotted to Gertrude Lamb, a member of the Wichita Tribe of Indians who failed to receive an allotment, although legally entitled thereto.

James Longhat.
Patent to, canceled,
and land allotted to
Gertrude Lamb.

34 Stat., 365.
Restrictions re-
moved, certain Shaw-
nee, etc., allottees.

That all restrictions as to sale and incumbrance as to the lands heretofore allotted in Oklahoma to Frank Shincis and Josephine Barone, absentee Shawnee allottees numbered twenty-nine and thirty-two, Emily Bertrand as to the northwest quarter of section fifteen, township six north of range one east, and the heirs of Gertrude E. Collister as to the south half of section fifteen, town six north of range one east of the Indian meridian in Oklahoma, are hereby removed.

Allotments for re-
ligious, etc., work.
Patents authorized.

That any missionary society or religious organization now occupying, under proper authority, for religious or educational work among the Indians, any of the lands in the Territory of Oklahoma heretofore ceded to the United States by the Indians theretofore occupying the same, and reserved to such societies or organizations for such religious uses on the schedules of allotments approved by the Secretary of the Interior, shall have the right for two years within which to make application for a patent therefor; and the Secretary of the Interior is hereby authorized and directed, upon such application, to issue patents in fee to such religious societies or organizations, severally, for the lands so occupied, not to exceed one hundred and sixty acres to any one institution: *Provided*, That where such Indians, in their agreement under which the lands were ceded and allotted, reserved to themselves a reversionary interest in such lands, such religious society or organization shall pay therefor a fair valuation to be fixed by the Secretary of the Interior, not to be less than the price paid such Indians by the United States for the lands so ceded, and the proceeds there-

Proviso.
Payment to Indians.

from shall be placed to the credit of the tribes or bands by whom such lands were ceded.

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue fee-simple patents to the following parties for the lands heretofore allotted them: Frank O. Jones, Sac and Fox allottee numbered ten, Per Mam Su or Comanche Jack, Comanche allottee numbered two thousand and twenty-five, Mary McCoy, Sac and Fox allottee, Isaac McCoy, Ottawa allottee, Minnie Plumb, Mississippi Sac allottee numbered five hundred and forty-six, Victoria Ezell (née Bradley), Glen Bradley, Alexander B. Peltier, Lincoln Kennedy, John B. Bruno, Lucy A. Lourane, Zoe Rhodd, Nellie Finley, Eliza J. Neiswender, Davis Hardin, Daniel Chilsom, Amanda Nadeau (née Toupin), R. W. Dike, Doshia E. Phillips (née Kennedy), Joseph Bertrand, Benjamin Bertrand, Dan. O'Brien, Philip Wickens, and William Frapp, Citizen Pottawatomie allottees numbered one hundred and eighty, one hundred and eighty-two, one hundred and thirteen, thirteen hundred and fifty-one, one hundred and twenty-one, two hundred and ten, one hundred and four, five hundred and sixty-three, seventeen, forty-one, seven hundred and two, ninety-eight, seven hundred and thirty-eight, three hundred and seventy-one, one hundred and forty, seven hundred and seventy-two, seven hundred and seventy-four, one hundred and nine, and five hundred and eighty-three, respectively; Albert M. Glardy, John B. Bergeron, Catherine Peltier, and Anthony Bourbonnais, junior, Citizen Pottawatomie allottees in Oklahoma numbered thirteen hundred and sixty-three, thirty-seven, and thirty-four, respectively; Julia Lazelle and Phillip Wickens, Citizen Pottawatomie allottees numbered one hundred and seventeen and five hundred and eighty-three, respectively; heir of Horace P. Jones, Kiowa allottee numbered two thousand three hundred and fifty-six; and the issuance of said patents shall operate as a removal of all restrictions as to the sale, incumbrance, or taxation of the lands so patented.

Fee-simple patents to certain allottees.

That jurisdiction is hereby conferred upon the Court of Claims to hear and determine the claim for services rendered by Clement N. Vann and William P. Adair, late of the Indian Territory, to the Osage Nation of Indians, in defeating a treaty between the said nation and the United States, executed in eighteen hundred and sixty-eight, commonly known as the "Drum Creek treaty," and certain proposed legislation injurious to the Osage Indians for the sale of their lands in Kansas, and in procuring the enactment of other legislation favorable to said Indians for the sale of said lands.

Clement N. Vann and William P. Adair. Claim for services to Osages, sent to Court of Claims.

34 Stat., 306.

That a petition may be filed by the executor or administrator of the estates of said Adair and Vann, respectively, in said court within forty days from the approval of this act against the Osage Nation of Indians, and service of said petition shall be had by delivering a copy thereof to the Secretary of the Interior and to the governor or principal chief of said nation, with a notice to answer within the time herein prescribed; and said answer shall be filed in said court within ninety days after the service of the petition.

Petition.

The court may receive and consider all papers, depositions, records, and documents heretofore filed either in said court or the Executive Departments of the Government, together with any other evidence offered by either party to the case, and shall render a judgment or decree against the Osage Nation of Indians for such amount, if any, as the court shall find legally or equitably due for the services of said Adair and Vann, either upon contract or upon a quantum meruit, provided said court shall determine that a plea of quantum meruit may be interposed and considered, not exceeding one hundred and eighty thousand dollars. The court shall enter judgment for the total amount found to be due, if any, and shall specify therein the amounts

Jurisdiction of court.

Judgment.

payable to any person or persons under any contract or assignment made since September twenty-sixth, nineteen hundred and two, covering any portion of said claim.

Advance of cause.

Said cause shall be advanced on the calendar of said court. The amount for which judgment may be rendered by the Court of Claims, when paid to the parties named in said judgment, shall be received in full and final settlement of the claim for said services of said Adair and Vann against said nation of Indians: *Provided*, That the Osage tribe be, and are hereby, authorized to employ counsel, with the consent of the Secretary of the Interior, to represent them in said cause.¹

Proviso.
Counsel for Osages.

Otoes and Missourias.
Payment for transportation by.

That the Secretary of the Interior be, and he is hereby, authorized and directed to pay, out of the funds of the Otoe and Missouri Indians, of Oklahoma Territory, the sum of one hundred and eighty-two dollars and fifty cents to the Choctaw, Oklahoma and Gulf Railroad Company for five tickets from Oklahoma City to Washington, District of Columbia, furnished members of said tribe, the payment of which has been asked by the council of said tribe.

Lorenzo A. Bailey.
Payment for services to Osages.

That the Secretary of the Interior is hereby authorized and directed to pay to Lorenzo A. Bailey six thousand one hundred and fifty-five dollars and twenty-two cents, out of any money in the Treasury of the United States belonging to the Osage Nation or Tribe of Indians, for his retainer fee and his contingent fee in the Watson Stewart case, under his contract with said nation bearing date February twenty-ninth, nineteen hundred and four, and such further sum as the Court of Claims may hereafter determine to be a fair and reasonable fee to him under said contract.

Decision by Court of Claims.

Osage Reservation.
Limit of credit allowed by traders, increased.
31 Stat., 1065, vol. 1, 741.

That the Indian appropriation act of March third, nineteen hundred and one (Thirty-first Statutes, page one thousand and sixty-five), be amended so as to read as follows: "That it shall be unlawful hereafter for the traders upon the Osage Indian Reservation to give credit to any individual Indian, head of a family, to an amount greater than seventy-five per centum of the next quarterly annuity to which such Indian will be entitled."²

Oregon.

OREGON.

Klamath Agency.
Support, etc., of Indians.

For support and civilization of the Klamaths, Modocs, and other Indians of the Klamath Agency, Oregon, including pay of employees, five thousand dollars.

34 Stat., 367.
Warm Springs Agency.
Support, etc., of Indians.

For support and civilization of the confederated tribes and bands under Warm Springs Agency, and for pay of employees, four thousand dollars.

Walla Walla, etc.
Support, etc.

For support and civilization of the Walla Walla, Cayuse, and Umatilla Tribes, Oregon, including pay of employees, three thousand dollars.

Klamath Reservation.
30 Stat., 592.
Cession of part of.

Whereas James McLaughlin, an Indian inspector for and on behalf of the Secretary of the Interior, under and by virtue of an act of Congress approved July first, eighteen hundred and ninety-eight (Thirtieth United States Statute Laws, page five hundred and seventy-one), entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, eighteen hundred and ninety-nine, and for other purposes," did, on the seventeenth day of June, nineteen hundred and one, make and conclude an agreement with the Klamath and Modoc Tribes and Yahooskin Band of Snake Indians, residing on the Klamath Indian Reservation, in the State of Oregon, which agreement is as follows:

¹ Sue M. Rogers v. Osage Nation of Indians, 45 Court of Claims, 388.
² Tinker v. Midland Valley Mercantile Co., 231 U. S., 681.

This agreement, made and entered into on the seventeenth day of June, nineteen hundred and one, by and between James McLaughlin, U. S. Indian inspector, on the part of the United States, and the Klamath and Modoc Tribes and Yahooskin Band of Snake Indians, belonging to the Klamath Indian Agency, in the State of Oregon, witnesseth:¹

Agreement.

ARTICLE I. The said Klamath and other Indians belong to the Klamath Agency, Oregon, for the consideration hereinafter named, do hereby cede, surrender, grant, and convey to the United States all their claim, right, title, and interest in and to all that part of the Klamath Indian Reservation lying between the boundaries described in the treaty with said Indians concluded October fourteenth, eighteen hundred and sixty-four, and proclaimed February seventeenth, eighteen hundred and seventy, as confirmed by the Klamath boundary commission in their report to the Secretary of the Interior, dated December eighteenth, eighteen hundred and ninety-six, and the reservation boundary lines as established by the survey approved in eighteen hundred and eighty-eight by the General Land Office, the tract of land hereby ceded and relinquished comprising six hundred and twenty-one thousand eight hundred and twenty-four acres.

Lands ceded.

^{16 Stat., 707, vol. 2, 865.}

ARTICLE II. In consideration of the land ceded, relinquished, and conveyed by Article I of this agreement, and in full of all claims and demands of said Klamath and other Indians arising or growing out of the erroneous survey of the outboundaries of their reservation in eighteen hundred and seventy-one, the United States stipulates and agrees to pay to and expend for said Indians, in the manner hereinafter provided, the sum of five hundred and thirty-seven thousand and seven dollars and twenty cents (\$537,007.20), being at the rate of eighty-six and $\frac{3}{100}$ (.86 $\frac{3}{100}$) cents per acre, the price awarded for said lands by the Klamath boundary commissioners in their report to the Secretary of the Interior, dated December eighteenth, eighteen hundred and ninety-six.

Payment to Indians.

ARTICLE III. It is agreed that of the amount to be paid to the said Klamath and other Indians, as stipulated in Article II of this agreement, the sum of twenty-five thousand dollars shall be paid in cash pro rata, share and share alike, to each man, woman, and child belonging to said Klamath, and other tribes and under the jurisdiction of the Klamath Indian Agency, within one hundred and fifty days from and after the date of the ratification of this agreement, and the sum of three hundred and fifty thousand dollars shall be deposited in the Treasury of the United States to the credit of said Indians, and shall draw interest at the rate of five per centum per annum, which interest shall be paid to said Indians annually per capita in cash, and that the remainder of said sum of five hundred and thirty-seven thousand and seven dollars and twenty cents, after the payment of the legal fees of attorneys having duly approved contracts, shall be expended for the benefit of said Indians, under the direction of the Secretary of the Interior, upon requisition of the Indians through the U. S. Indian agent, in the drainage and irrigation of their lands, and the purchase of stock cattle for issue to said Indians, and for such other purposes as may, in his opinion, best promote their welfare: *Provided*, That beneficiaries whose allotments will not be benefited by the irrigation systems constructed under this provision shall not bear any of the expense of such irrigation construction, and shall, as nearly as practicable, receive an equivalent in value of the stock cattle or other articles herein contemplated, that each beneficiary may thus receive his or her proportionate share of the benefits of this provision: *And provided further*, That in addition to the interest on the fund deposited in the U. S. Treasury, the Secretary of the Interior may, in his discretion,

Per capita distribution.

Expenditure for irrigation, cattle, etc.

^{34 Stat., 368.}

Provisos.
Nonirrigable lands.

Additional payments.

¹ U. S. v. Anderson, 189 Fed., 262; 228 U. S., 50.

expend for the benefit of said Indians, including reasonable cash payments per capita, not to exceed ten per centum per annum of the principal fund, upon a majority of the male adult Indians of Klamath Agency petitioning for same through the Commissioner of Indian Affairs.

Treaty benefits.

ARTICLE IV. It is understood that nothing in this agreement shall be construed to deprive the said Klamath and other Indians of the Klamath Agency of any benefits to which they are entitled under existing treaties, not inconsistent with the provisions of this agreement.

Effect.

ARTICLE V. This agreement shall take effect and be in force when signed by U. S. Indian Inspector James McLaughlin, and by a majority of the male adult Indians, parties thereto, and when approved by the Secretary of the Interior and accepted and ratified by the Congress of the United States.

Ratification and appropriation.

For the purpose of carrying into effect the foregoing agreement the sum of five hundred and thirty-seven thousand and seven dollars and twenty cents is hereby appropriated out of any money in the Treasury not otherwise appropriated, and the said agreement is hereby ratified and confirmed. Of the said sum so appropriated, three hundred and fifty thousand dollars shall be deposited in the Treasury of the United States to the credit of said Indians and the remainder shall be expended as provided in the third article of said agreement.

Railroad grant lands in Klamath Reservation. Exchange authorized.

That the Secretary of the Interior be, and is hereby, authorized, in his discretion, to exchange the whole of the odd numbered sections and parts thereof in the Klamath Indian Reservation in the State of Oregon, now held in private ownership under the final decree and decision of the Supreme Court of the United States, affirming the title of the California and Oregon Land Company thereto, in the suit of the United States against said company as reported in volume one hundred and ninety-two, at page three hundred and fifty-five, of the decisions of said court, and aggregating one hundred and eleven thousand three hundred and eighty-five acres, for other lands not exceeding eighty-seven thousand acres, situate in one or more compact bodies, in townships thirty-one and thirty-two south, of ranges eleven, twelve, and thirteen east in said reservation, said lands so taken in exchange to be selected, subject to the approval of the Secretary of the Interior; and in order to facilitate such exchange and the development of the lands to be so taken thereunder there may also be selected in like manner and as part of the quantity aforesaid other lands in said reservation for the location, construction, and operation of mills and power plants, and with the right to construct railroads, dams, reservoirs, and power-transmission lines, subject to the provisions of existing law and such rules and regulations as the Secretary of the Interior may prescribe thereunder. And when such exchange is effected patents for the lands so selected and approved shall issue therefor.

Power plants, mills, etc.

SALEM SCHOOL.

34 Stat., 369.
Salem school.

For support and education of six hundred Indian pupils at the Indian school, Salem, Oregon, one hundred thousand two hundred dollars;

For pay of superintendent at said school, two thousand dollars;

For general repairs and improvements, including construction of viaduct, five thousand dollars;

For bakery and equipment, four thousand dollars;

In all, one hundred and eleven thousand two hundred dollars.

Incidentals.

For general incidental expenses of the Indian Service in Oregon, including traveling expenses of agents, and support and civilization of Indians of Grande Ronde and Siletz agencies, three thousand dollars;

Pay of employees at the same agencies, three thousand dollars;

In all, six thousand dollars.

MOLELS. (Treaty.)

Molels.

For pay of teachers and for manual-labor schools, and for all necessary materials therefor, and for the subsistence of the pupils, per second article of treaty of December twenty-first, eighteen hundred and fifty-five, three thousand dollars.

Schools.
12 Stat., p. 981, vol. 2,
740.

That the Secretary of the Interior is hereby authorized and directed to investigate as to the validity of the following claims against the United States, namely, the claims, respectively, of the Waukikum bands of the Chinook Indians of the State of Washington, of the Nuc que clah we muck band of the Chinook Indians of the State of Oregon, of the Chehalis tribe of Indians of the State of Washington, and of the Wheelappa band of the Chinook Indians of the State of Washington; and to report said investigation, with such recommendation as he may deem proper.

Chinook Indians.
Investigation of
claims.

That the Secretary of the Interior is hereby authorized subject to such regulations as he may prescribe, to permit owners of sheep and cattle to cross the Umatilla Indian Reservation, in the State of Oregon, with their flocks in going to and returning from summer ranges.

Umatilla Reser-
vation.
Crossing of sheep
and cattle.

PENNSYLVANIA.

Pennsylvania.

For support and education at Indian school at Carlisle, Pennsylvania, for transportation of pupils to and from said school, and for general repairs and improvements, one hundred and fifty-eight thousand five hundred dollars, three thousand five hundred dollars of which shall be made immediately available;

Carlisle school.

For additional salary for superintendent in charge, one thousand dollars;

For cottage for physician, two thousand five hundred dollars;

For new hospital, ten thousand dollars, and the amount of ten thousand dollars for addition to hospital, act of March third, nineteen hundred and five, is hereby reappropriated for this purpose;

In all, one hundred and seventy-two thousand dollars.

SOUTH DAKOTA.

South Dakota.

For pay of Indian agents in South Dakota at the following-named agencies at the rates respectively indicated, namely:

Agents at agencies.

At the Cheyenne River Agency, one thousand eight hundred dollars;

Cheyenne River.

At the Crow Creek Agency, one thousand six hundred dollars;

Crow Creek.

At the Lower Brulé Agency, one thousand four hundred dollars;

Lower Brulé.

At the Pine Ridge Agency, one thousand eight hundred dollars;

Pine Ridge.

At the Rosebud Agency, one thousand eight hundred dollars;

Rosebud.

At the Sisseton Agency, one thousand five hundred dollars;

34 Stat., 370.

At the Yankton Agency, one thousand six hundred dollars.

Sisseton.
Yankton.

CHAMBERLAIN SCHOOL.

Chamberlain school.

For the support and education of two hundred Indian pupils at the Indian school at Chamberlain, South Dakota, thirty-three thousand four hundred dollars;

For pay of superintendent of said school, one thousand six hundred dollars;

For general repairs and improvements, for fire house and equipment, for two reservoirs or water tanks, and for changing sewer, twelve thousand dollars, to be immediately available;

In all, forty-seven thousand dollars.

FLANDREAU SCHOOL.

Flandreau school.

For support and education of three hundred and seventy-five Indian pupils at the Indian school at Flandreau, South Dakota, sixty-two thousand six hundred and twenty-five dollars;

For pay of superintendent of said school, one thousand eight hundred dollars;

For general repairs and improvements, and for cement veneer for old buildings, and for industrial and domestic school building, seventeen thousand dollars; two thousand five hundred dollars to be immediately available;

For New silo, and equipment thereof, two thousand dollars, to be immediately available;

In all, eighty-three thousand four hundred and twenty-five dollars.

PIERRE SCHOOL.

Pierre school.

For support and education of one hundred and fifty Indian pupils at the Indian school at Pierre, South Dakota, twenty-five thousand and fifty dollars;

For pay of superintendent of said school, one thousand five hundred dollars;

For general repairs and improvements, toilet facilities, fencing farm, and moving buildings, six thousand dollars, two thousand dollars of which is to be immediately available;

For artesian well, water system, and irrigation plant, ten thousand dollars;

In all, forty-two thousand five hundred and fifty dollars.

RAPID CITY SCHOOL.

Rapid City school.

For support and education of two hundred and fifty Indian pupils at the Indian school, Rapid City, South Dakota, forty-one thousand seven hundred and fifty dollars;

For pay of superintendent, one thousand six hundred dollars;

For office building, three thousand dollars;

For general repairs and improvements, two thousand dollars;

Water supply.

For the purchase of one thousand acres of land and springs and water right for a permanent water supply for the Indian school at Rapid City, South Dakota, eight thousand six hundred and fifty dollars;

In all, fifty-seven thousand dollars.

Incidentals.

For general incidental expenses of the Indian Service in South Dakota, including traveling expenses of agents at seven agencies, three thousand dollars.

34 Stat., 371,
Sioux of different
tribes.

SIoux OF DIFFERENT TRIBES, INCLUDING SANTEE SIOUX OF NEBRASKA.
(Treaty.)

Teachers, etc.
15 Stat., 640, vol. 2,
1002.

For pay of five teachers, one physician, one carpenter, one miller, one engineer, two farmers, and one blacksmith, per thirteenth article of treaty of April twenty-ninth, eighteen hundred and sixty-eight, ten thousand four hundred dollars;

For pay of second blacksmith, and furnishing iron, steel, and other material, per eighth article of same treaty, one thousand six hundred dollars;

Employees.

For pay of additional employees at the several agencies for the Sioux in Nebraska and Dakota, eighty-five thousand dollars;

Subsistence, etc.
19 Stat., 256.

For subsistence of the Sioux, and for purposes of their civilization, as per agreement ratified by act of Congress approved February

twenty-eighth, eighteen hundred and seventy-seven, six hundred thousand dollars: *Provided*, That this sum shall include transportation of supplies from the termination of railroad or steamboat transportation, and in this service Indians shall be employed whenever practicable: *And provided further*, That the number of rations issued shall not exceed the number of Indians on each reservation, and any excess in the number of rations issued shall be disallowed in the settlement of the agent's account: *Provided further*, That the unexpended balance for the fiscal year nineteen hundred and six is hereby appropriated and made available for nineteen hundred and seven;

Provisos.
Transportation.

Rations.

Unexpended balance available.

For support and maintenance of day and industrial schools, including erection and repairs of school buildings, in accordance with article seven of the treaty of April twenty-ninth, eighteen hundred and sixty-eight, which article is continued in force for twenty years by section seventeen of the act of March second, eighteen hundred and eighty-nine, two hundred and twenty-five thousand dollars;

Schools, etc.

15 Stat., 637, vol. 2, 1000.

25 Stat., 894, vol. 1, 335.

In all, nine hundred and twenty-two thousand dollars.

SIoux, YANKTON TRIBE. (Treaty.)

Sioux, Yankton tribe.

For eighteenth of twenty installments (last series), to be paid to them or expended for their benefit, per fourth article of treaty of April nineteenth, eighteen hundred and fifty-eight, fifteen thousand dollars;

Fulfilling treaty.

11 Stat., 744, vol. 2, 777.

For subsistence and civilization of Yankton Sioux, heretofore provided for in appropriations under "Fulfilling treaty with Sioux of different tribes," and so forth, thirty thousand dollars;

Subsistence, etc.

19 Stat., 287.

In all, forty-five thousand dollars.

For the equipment and maintenance of the asylum for insane Indians at Canton, South Dakota, for incidental and all other expenses necessary for its proper conduct and management, including pay of employees, and for necessary expense of transporting insane Indians to and from said asylum, twenty-five thousand dollars.

Canton. Expenses of insane asylum.

For water system, three thousand five hundred dollars. to be immediately available.

In all, twenty-eight thousand five hundred dollars.

That the sum of five thousand dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Secretary of the Interior to put down an artesian well or wells at or near Lake Andes, on the Yankton Indian Reservation, South Dakota, at such place or places as he may determine, for the purpose of supplying said Indians with water for domestic purposes, for stock, and for irrigation purposes.

Yankton Reservation. Artesian wells.

For clerical work and stationery in the office of the United States surveyor-general required on surveys within the Pine Ridge Indian Reservation, South Dakota, the sum of three thousand two hundred dollars, and for the completion of the survey of said reservation, one thousand dollars. In all, four thousand two hundred dollars.

Pine Ridge Reservation. Surveys.

34 Stat., 372.

That jurisdiction be, and hereby is, conferred upon the Court of Claims in Congressional case numbered twenty-two thousand five hundred and twenty-four, on file in said court, entitled "The Sisseton and Wahpeton Bands of Sioux Indians against the United States," to further receive testimony, hear, determine, and render final judgment in said cause, for balance, if any is found due said bands, with right of appeal as in other cases, for any annuities which would be due to said bands of Indians under the treaty of July twenty-third, eighteen hundred and fifty-one (Tenth Statutes at Large, page nine hundred and forty-nine), as if the act of forfeiture of the annuities of said bands, approved February sixteenth, eighteen hundred and sixty-three, had not been passed; and to ascertain and set off against the

Sisseton and Wahpeton Sioux. Court of Claims to determine claims for forfeited annuities.

10 Stat., 949, vol. 2, 588.

12 Stat., 652.

amount found to be due to said Indians, if any, all payments or other provisions of every name or nature made to or for said bands by the United States, or to or for any members thereof, since said act of forfeiture was passed, which are properly chargeable against said unpaid annuities.

Distribution of proceeds of judgment.

Upon the rendition of such judgment and in conformity therewith the Secretary of the Interior is hereby directed to determine which of said Indians now living took part in said outbreak and to prepare a roll of the persons entitled to share in said judgment by placing on said roll the names of all living members of the said bands residing in the United States at the time of the passage of this act, excluding therefrom the names of those found to have participated in the outbreak; and he is directed to distribute the proceeds of such judgment, except as hereinafter provided, per capita to the persons borne on the said roll; and the court shall consider the evidence now on file in said cause in connection with such other evidence as may hereafter be adduced therein, and the said cause shall be advanced on the docket of the Court of Claims and of the Supreme Court of the United States if the same shall be appealed; and the court shall fix and determine, after full hearing, the amount that shall be deemed reasonable and just to be paid to the attorneys for said Indians for services rendered or to be rendered in said cause, and the court may consider all contracts or agreements heretofore entered into by said Indians with attorneys who have represented them in the matter of their claim, and the Secretary of the Treasury is hereby directed to pay the said sum of money to the said attorneys immediately upon the rendition of final judgment, out of the proceeds of said judgment, if any, when an appropriation for the payment thereof is made by Congress.¹

Attorneys' fees.

Allotments in Sioux reservations.
25 Stat., 888, vol. 1, 328.

To enable the President to cause, under the provisions 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," to be allotted the lands in said separate reservations as provided in said act, including the necessary resurveys, seven thousand five hundred dollars.

James Staley.
Payment to administratrix.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to allow Bertha D. Staley, administratrix of the estate of James Staley, deceased, credit in the sum of four hundred and seventy-five dollars and sixty-three cents in the settlement of the accounts of said James Staley, deceased, late superintendent Indian training school, Yankton Agency, South Dakota, and special disbursing agent.

Yuhunhunzewin.
May sell part of allotment.

That Yuhunhunzewin, Sisseton, and Wahpeton allottee numbered eight hundred and sixty-three, to whom a trust patent has been issued containing restrictions upon alienation, may sell and convey any part of her allotment, but such conveyance shall be subject to the approval of the Secretary of the Interior, under such rules and regulations as he may prescribe, and when so approved shall convey full title to the purchaser the same as if a final patent without restriction had been issued to the allottee.

34 Stat., 373.

Town-site lands.
Alienation restrictions removed in.

That for the purpose of allowing any Indian allottee to sell for town-site purposes any portion of the lands allotted to him the Secretary of the Interior may, by order, remove restrictions upon the alienation of such lands and issue fee-simple patents therefor under such rules and regulations as he may prescribe.

Railroad station locations.

That upon the recommendation of the Commissioner to the Five Civilized Tribes and with the approval of the Secretary of the Interior any allottee in the Indian Territory may be permitted to survey and plat at his own expense for town-site purposes his allotment when

¹ The Sisseton and Wahpeton Bands of Indians v. The United States, 42 C. Cls. Rep., 416; 208 U. S., 561.

the same is located along the line of any railroad where stations are located.

That the Secretary of the Interior be, and he is hereby, authorized and directed to investigate the allotments made to It ko ki po pi or Joshua, John Joshua, Thomas Bull, Sarah Bull, and Lillie Bull, Yankton Sioux allottees numbered eleven hundred and thirty-nine, eleven hundred and forty, eleven hundred and thirty-six, eleven hundred and thirty-seven, and eleven hundred and thirty-eight, respectively; and if he becomes satisfied that there did not in fact exist said allottees or any of them at the time the said allotments were made, he is hereby authorized and directed to reallocate the lands embraced in said allotments to the members of the Yankton Tribe who were entitled to allotment but failed to receive lands when the Indians of said tribe were allotted lands in severalty.

Yankton Sioux.
Reallotment of lands to certain.

That the restrictions contained in terms or by provisions of law then in force, upon the patent issued on the tenth day of June, eighteen hundred and eighty-nine, to Angelique Dupuis, on the following-described property, to wit: The south half of the southeast quarter of section seventeen and the north half of the northeast quarter of section twenty, township one hundred and twenty-four north, of range fifty west, principal meridian, in the Territory (now the State) of South Dakota, be, and the same are hereby, removed; and the heirs of the said Angelique Dupuis are hereby vested with title in fee simple in and to said land, and authorized to sell and convey the same, subject to the laws of the State of South Dakota relating to the estates of decedents.

Angelique Dupuis.
Restrictions on lands of, removed.

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue fee-simple patents to the following parties for the lands heretofore allotted to them: Collins La Monte, allottee numbered eight hundred and thirty-seven; Mrs. Artie Barber, allottee numbered five hundred and seventy-four; Mrs. Mary S. Rouse, Ellen Young, Julia D. Picotte, and Joseph Leonard Smith, Yankton Sioux allottees numbered five hundred and ninety-seven, eleven hundred and three, eight hundred and ninety-seven, two hundred and forty-nine (and four hundred and eighty-eight), respectively; Charles Henry Bonnin, Mercy Conger Bonnin, Joseph Shunk Laroche, Julia Shunk Laroche, Hermine Shunk, Alexander Shunk, William Shunk, Yankton Sioux allottees, and Jennie Quinn, a Sisseton and Wahpeton allottee, and the issuance of said patents shall operate as a removal of all restrictions as to the sale, encumbrance, or taxation of the lands so patented.

Yankton and Sisseton and Wahpeton Sioux.
Fee-simple titles to certain allottees.

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue fee-simple patents to the following parties for the lands heretofore allotted to them: Daniel Dowan, Annie B. White, William B. Robertson, Henry Red Earth, Samuel Quinn, Jennie M. Bailly, Sarah La Batte, John La Batte, Mason S. La Batte, Mary Wynde, Viola Moore, formerly Viola Faribault, Joseph R. Brown, junior, Amanda Brown, and Arthur Gray Cloud, Sisseton and Wahpeton allottees, and the issuance of said patents shall operate as a removal of all restrictions as to the sale, encumbrance, or taxation of the lands so patented.

Sisseton and Wahpeton Sioux.
Fee-simple titles to certain allottees.

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue fee-simple patents to the heir or heirs of Charles E. Vandel, Arthur M. Vandel, James E. Vandel, Yankton Sioux Indians, deceased, for the land heretofore allotted them; and the issuance of said patents shall operate as a removal of all restrictions as to the sale, incumbrance, or taxation of the lands so patented.

34 Stat., 374.
Yankton Sioux.
Restrictions removed from lands of certain.

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue fee-simple patent to Wanyanka Mani, or

Luke C. Walker.
Fee-simple patent to.

Reverend Luke C. Walker, for the land heretofore allotted to him on the Sioux ceded tract, and the issuance of said patent shall operate as a removal of all restrictions as to the sale, incumbrance, or taxation of the lands so patented.

Yankton Sioux.
Fee-simple titles
may be issued to cer-
tain allottees.

That Johah Iromwhip, allottee numbered ninety-seven; Amos Sitoka, allottee numbered twelve hundred and fourteen; Sunrise, allottee numbered eight hundred and eighty-five; Josephine Brunot, allottee numbered six hundred and fifteen; John Wahcalunka, allottee numbered one thousand and twenty-five; Tunkasapa, or Joseph T. Cook, Anpaodutawin, or Mary Ann Langlois, Yankton Sioux allottees to whom trust patents have been issued containing restrictions on alienation, may sell and convey not exceeding forty acres of their allotments; but such conveyance shall be subject to the approval of the Secretary of the Interior, and when so approved shall convey full title to the purchaser the same as if a final patent without restriction had been issued to the allottee.

Approval of Secre-
tary of Interior.

Fee-simple titles au-
thorized.
Yankton Sioux al-
lottees.

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue fee simple patents to the following parties for the lands heretofore allotted them: Frances Ree, Victoria McBride, Peter Picotte, Louis Shunk, Frank La Rochelle, Louise Barbier Moran, Kate Marion Barbier, Peter La Grande; Lucy S. Patton, Joseph Dubray, Frederick Barbier, and Marie Barbier, Yankton Sioux allottees numbered two hundred and twenty-eight, four hundred and sixty-two, one hundred and sixty-two, one thousand and thirty-eight, eight hundred and seventeen, one thousand four hundred and sixteen, one thousand three hundred and fifty-six, seven hundred and seventy-six, one thousand and seven, one thousand and forty, one thousand three hundred and fifty-four, seven hundred and seventy-nine, two hundred and forty-two, and seven hundred and eighty, respectively; Louise Cutschall, née Herman, Rosebud allottee numbered six hundred and forty-three; George W. Dripps, Yankton Sioux allottee numbered fourteen hundred and thirty-five; Joseph Volin, Yankton allottee numbered eleven hundred and twenty-nine; and the issuance of said patents shall operate as a removal of all restrictions as to the sale, incumbrance, or taxation of the lands so patented; William Jandrin, Yankton Sioux allottee numbered eleven hundred and forty-seven, Louise Ange and Angel Ange Bagan, Sisseton and Wahpeton allottees, heirs of Louis Dechon, Alexis V. Renville, William M. Weatherstone, Daisy Rice, Mary S. Weatherstone, James Weatherstone, Ada Cloutier, Ralph Weatherstone, and Joseph La Fromboise, Sisseton and Wahpeton allottees numbered two hundred and fifteen, ten hundred and seventy, thirteen hundred, thirteen hundred and seven, twelve hundred and ninety-six, thirteen hundred and one, two hundred and twelve, and seven hundred and twenty-four (two numbers), twelve hundred and ninety-nine, and thirteen hundred and thirty-seven, respectively; and the issuance of said patents shall operate as a removal of all restrictions as to the sale, incumbrance, or taxation of the lands so patented.

Rosebud allottee.

Sisseton and Wahpe-
ton allottees.

Pine Ridge Agency
Indians.
Payment for prop-
erty.

For payment to fifteen Sioux Indians of Pine Ridge Agency, South Dakota, for property taken from them in the year eighteen hundred and seventy-six by the United States military authorities for reasons of military expediency, while they were in amity with the Government, the names of the Indians and amounts to be paid to each having heretofore been found by the Department of the Interior and reported in estimates for appropriations required for the service of the fiscal year ending June thirtieth, nineteen hundred and five, and prior years, by the Indian Service, the sum of six thousand three hundred and twenty dollars.

UTAH.

Utah.

For pay of Indian agent at the Uintah and Ouray Agency, Utah (consolidated), one thousand eight hundred dollars.

Agent, Uintah and Ouray Agency.

That the Secretary of the Interior is hereby authorized, in his discretion, to sell, at such price as he may deem fair and reasonable, one hundred and sixty acres of land of the tract now occupied by the Shebit Indians in Washington County, Utah, to the Utah and Eastern Copper Company, including the twenty acres of land leased by the Secretary of the Interior to the said Utah and Eastern Copper Company on November fifth, nineteen hundred and three, under the authority of the Indian appropriation act, approved March third, nineteen hundred and three; and the Secretary of the Interior is hereby authorized to make, execute, and deliver proper deeds of conveyance therefor and to expend the proceeds of the sale for the use and benefit of the Shebit Indians in such manner as he may deem best: *Provided*, That said deed shall contain the following conditions or covenants, to wit: Prohibiting the sale or use of intoxicating liquor on any part of the land sold so long as the adjoining territory is used for an Indian reservation, and also prohibiting the pollution of the water after it leaves the smelters of the Utah and Eastern Copper Company, and also prohibiting the commission of nuisances of any kind whatsoever on the tract of land sold.

Shebit Indians. Sale of tract to Utah & Eastern Copper Co.

Proviso. Prohibition, no liquor selling, etc.

SOUTHERN UTAH SCHOOL.

For support and education of seventy-five pupils at the Panguitch Indian school in southern Utah, twelve thousand five hundred and twenty-five dollars;

Panguitch school.

Pay of superintendent, nine hundred dollars;

General repairs and improvements, four thousand dollars;

For warehouse, two thousand dollars;

In all, nineteen thousand four hundred and twenty-five dollars.

For general incidental expenses of the Indian Service in Utah, including traveling expenses of agents, one thousand dollars.

Incidentals.

IRRIGATION.

Irrigation.

For constructing irrigation systems to irrigate the allotted lands of the Uncompahgre, Uintah, and White River Utes in Utah, the limit of cost of which is hereby fixed at six hundred thousand dollars, one hundred and twenty-five thousand dollars which shall be immediately available, the cost of said entire work to be reimbursed from the proceeds of the sale of the lands within the former Uintah Reservation: *Provided*, That such irrigation systems shall be constructed and completed and held and operated, and water therefor appropriated under the laws of the State of Utah, and the title thereto until otherwise provided by law shall be in the Secretary of the Interior in trust for the Indians, and he may sue and be sued in matters relating thereto: *And provided further*, That the ditches and canals of such irrigation systems may be used, extended, or enlarged for the purpose of conveying water by any person, association, or corporation under and upon compliance with the provisions of the laws of the State of Utah: *And provided further*, That when said irrigation systems are in successful operation the cost of operating same shall be equitably apportioned upon the lands irrigated, and, when the Indians have become self-supporting, to the annual charge shall be added an amount sufficient to pay back into the Treasury the cost of the work done, in their behalf, within thirty years, suitable deduction being made for the amounts received from disposal of the lands within the former Uintah Reservation.

Lands of Uncompahgre, Uintahs, and White River Utes.

Provisos. Construction and operation.

Use of ditches by other persons.

Payment of charges.

34 Stat., 376.

Utes, confederated bands.

CONFEDERATED BANDS OF UTES. (Treaty.)

Carpenters, etc. For pay of two carpenters, two millers, two farmers, and two blacksmiths, as per tenth article of treaty of October seventh, eighteen hundred and sixty-three, and fifteenth article of treaty of March second, eighteen hundred and sixty-eight, six thousand seven hundred and twenty dollars;

13 Stat., 675, vol. 2, 858.
15 Stat., 622, vol. 2, 993.

For pay of two teachers, as per same article of same treaty, one thousand eight hundred dollars;

For purchase of iron and steel and the necessary tools for blacksmith shop, per ninth article of same treaty, two hundred and twenty dollars;

Food.
15 Stat., 622, vol. 2, 992.

For annual amount for the purchase of beef, mutton, wheat, flour, beans, and potatoes, or other necessary articles of food, as per twelfth article of same treaty, thirty thousand dollars;

Employees.

For pay of employees at the several Ute agencies. fifteen thousand dollars;

In all, fifty-three thousand seven hundred and forty dollars.

Mining claims, Uncompahgre Reservation.
32 Stat., 998, amended.

That the act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, nineteen hundred and four, and for other purposes," approved March third, nineteen hundred and three, be amended by adding after the words "Uintah County, Utah," in the thirty-fourth line of page nine hundred and ninety-eight of part one of volume thirty-two of the United States Statutes at Large, the words "or in the office of the county recorder of Wasatch County, Utah, or with the recorder of the mining district in which such mining claims are situate," and by adding after the words "Uintah County," in the fortieth line of page nine hundred and ninety-eight of part one of volume thirty-two of the United States Statutes at Large, the words "or Wasatch County": *Provided, however,* That where patents have been issued prior to March third, nineteen hundred and three, upon locations made prior to January first, eighteen hundred and ninety-one, of mining claims within the said Uncompahgre Reservation, said patents are hereby validated and confirmed as against any claim or title of the United States.

Recording claims.

Proviso.
Prior patents validated.

Uintah Reservation.
Sale of timber from grazing lands.

32 Stat., 744, vol. 1, 799.

That the Secretary of the Interior may authorize the Indians of the former Uintah Reservation, in the State of Utah, to cut and sell cedar and pine timber for posts or fuel from the tracts reserved for grazing purposes for said Indians under joint resolution of June nineteenth, nineteen hundred and two, in such quantities and upon such terms and under such rules and regulations as the said Secretary of the Interior may prescribe.

San Juan Pah-Utes.

For the purchase of lands and sheep for the San Juan Pah-Ute Indians, five thousand dollars.

Kaibabs.
Support, etc.

For the support and civilization of the Kaibab Indians in Utah, and for the purchase and acquiring of land and water, together with the necessary farming implements and machinery and live stock for their use, ten thousand five hundred dollars, to be immediately available.

Virginia.

VIRGINIA.

Hampton school.

For the support and education of one hundred and twenty Indian pupils at the school at Hampton, Virginia, twenty thousand and forty dollars

WASHINGTON.

34 Stat., 377.

For pay of Indian agent at the Colville Agency, Washington, one thousand five hundred dollars; Agent, Colville Agency.

For support and civilization of the D'Wamish and other allied tribes in Washington, including pay of employees, five thousand dollars; Support, etc. D'Wamish, etc., Indians.

For support and civilization of the Makahs, Washington, including pay of employees, two thousand dollars; Makahs.

For support and civilization of the Qui-nai-elts and Quil-leh-utes, including pay of employees, one thousand dollars; Qui-nai-elts and Quil-leh-utes.

For support and civilization of Yakimas, and other Indians at said agency, including pay of employees, five thousand dollars; Yakimas, etc.

For general incidental expenses of the Indian Service in Washington, including traveling expenses of agents, and support and civilization of Indians at Colville and Puyallup Agencies, and for pay of employees, thirteen thousand dollars. Incidentals.

That the Secretary of the Interior, in his discretion, is hereby authorized to sell, under rules and regulations to be prescribed by him, any tract or tracts of land heretofore reserved for the Puyallup Indian School not now needed for school purposes, and to use the proceeds of said sale for the establishment of an industrial and manual training school for the Puyallup and allied tribes and bands of Indians at the site of the present Puyallup Indian School. Puyallup school. Sale of lands. Proceeds for industrial, etc., school.

SPOKANES. (Treaty.)

Spokanes.

For pay of a blacksmith and carpenter to do necessary work and to instruct the said Indians in those trades, one thousand dollars each, per sixth article of agreement with said Indians, dated March eighteenth, eighteen hundred and eighty-seven, ratified by act of Congress approved July thirteenth, eighteen hundred and ninety-two, two thousand dollars; Blacksmith, etc. 27 Stat., 139, vol. 1, 449.

For purchase of agricultural implements, and support and civilization of Joseph's Band of Nez Perce Indians, one thousand dollars; Joseph's Band, Nez Perces.

For the extension of the irrigation system on lands allotted to Yakima Indians in Washington, fifteen thousand dollars, to be reimbursed from the proceeds of the sale of surplus lands, as provided by the act of 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;" Irrigating allotments. 33 Stat., 597.

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to sell and convey by patent with such reservations as to flowage rights, dam sites, and mill sites appurtenant to water powers, as he may prescribe, such tract or tracts of lands of the Spokane Indian Reservation, State of Washington, lying at or near the junction of the Columbia and Spokane Rivers, not exceeding three hundred and sixty acres in extent, for town-site and terminal purposes, upon the payment of such price as may be fixed by him, and that the money received therefrom shall be deposited in the Treasury of the United States to the credit of the Spokane Indians. Spokane Reservation. Sale of flowage rights. Proceeds for Indians.

COLVILLE RESERVATION.

Colville Reservation.

To carry into effect the agreement bearing date May ninth, eighteen hundred and ninety-one, entered into between the Indians residing on the Colville Reservation and commissioners appointed by the President of the United States under authority of the act of Congress approved August nineteenth, eighteen hundred and ninety, to negotiate with the Colville and other bands of Indians on said Colville Reservation for the Marion Butler and Josiah M. Vale. Claim for services to Indians, referred to Court of Claims.

- 34 Stat., 378. cession of such portion of said reservation as said Indians might be willing to dispose of, there shall be set aside and held in the Treasury of the United States for the use and benefit of said Indians, which shall at all times be subject to the appropriation of Congress and payment to said Indians, in full payment for one million five hundred thousand acres of land opened to settlement by the act of Congress "To provide for the opening of a part of the Colville Reservation, in the State of Washington, and for other purposes," approved July first, eighteen hundred and ninety-two, the sum of one million five hundred thousand dollars, and jurisdiction is hereby conferred upon the Court of Claims to hear, determine and render final judgment in the name of Butler and Vale (Marion Butler and Josiah M. Vale), attorneys and counsellors at law, of the city of Washington, District of Columbia, for the amount of compensation which shall be paid to the attorneys who have performed services as counsel on behalf of said Indians in the prosecution of the claim of said Indians for payment for said land, and in determining the amount of compensation for such services the court may consider all contracts or agreements heretofore entered into by said Indians with attorneys who have represented them in the prosecution of said claim, and also all services rendered by said attorneys for said Indians in the matter of said claim. Petition hereunder shall be filed in said court by the said attorneys (Butler and Vale), within thirty days from the passage of this act, and the Attorney General shall appear on behalf of the defendants, and said cause shall be given preference for immediate hearing in said court, and the Secretary of the Treasury is hereby authorized and directed to pay the sum of money so awarded by said court to the said attorneys (Butler and Vale), upon the rendition of final judgment, out of the said sum herein set apart or appropriated for the benefit of said Indians, and payment of said judgment shall be in full compensation to all attorneys who have rendered services to said Indians in the matter of their said claim, the same to be apportioned among said attorneys by said Butler and Vale as agreed among themselves: *Provided*, That before any money is paid to any attorney having an agreement with Butler and Vale as to the distribution of said fee, each of the same shall execute and deliver to the Secretary of the Interior a satisfaction and discharge of all claims and demands for services rendered said Indians in the matter of their said claim.¹
- Proceedings. That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent, under the general allotment act, to Ignas, a grandson of Doc Jim, for the east half of the southeast quarter of section five, township twenty-three north, range nineteen east, Willamette meridian, Washington: *Provided*, That the patentee may sell and convey all or a part of the land under the supervision of the Secretary of the Interior, and that any deed of conveyance shall be approved by him to pass title.
- Payment of judgment. That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue fee-simple patents to the following parties for the lands heretofore allotted to them: George Bowen, Charles Finkbonner, Tee ah Ligh or George, Tang Weah or Louis, Tom Wha-quiskun, Yah Him Aloo or Mary, Descanum or Albert, Kwina or Henry, Lummi allottees numbered one, two, three, eleven, sixteen, twenty-two, twenty-eight, and thirty, respectively, on the schedule of allotments approved by the President October fourteenth, eighteen hundred and eighty-four, and the issuance of said patents shall operate as a removal of all restrictions as to the sale, incumbrance, or taxation of the lands so patented.
- Proviso. Release of claims. That Charles Sheestal, Swinomish allottee numbered twenty-three, to whom a patent has been issued in accordance with the provisions of
- Ignas. Trust patent to.
- Proviso. Sales permitted.
- Lummi allottees. Fee-simple patents to certain.
- Charles Sheestal. May sell part of allotment.

¹ Butler & Vale v. The Colville Indians, 23 C. of Clms. Rept., p. 497.

the seventh article of the treaty of January twenty-second, eighteen hundred and fifty-five, with the Dwamish and other Indians (Twelfth Statutes, page nine hundred and twenty-seven), containing restrictions upon sale and alienation, may sell and convey the northwest quarter of the southwest quarter of section twenty-four, township thirty-four north, range two east, Willamette meridian, Washington, being forty acres of his allotment, but that such conveyance shall be under the supervision and subject to the approval of the Secretary of the Interior, and when so approved shall convey full title to the purchaser; also the south half of the north half of the southeast quarter of section twenty-three, township thirty-four north, range two east, Willamette meridian, or any part thereof, in the discretion of the Secretary of the Interior; and this conveyance, if any, shall be under the supervision and subject to the approval of the Secretary of the Interior, and when so approved shall convey full title to the purchaser.

Vol. 2, 669.
34 Stat., 379.

That Lizzie Peone, allottee numbered three hundred and thirty-one in what was formerly the north half of the Colville Indian Reservation, in the State of Washington, and to whom a trust patent has been issued containing restrictions upon alienation, may sell and convey any part of her allotment, but such conveyance shall be subject to the approval of the Secretary of the Interior, under such rules and regulations as he may prescribe, and when so approved shall convey full title to the purchaser the same as if a final patent without restriction had been issued to the allottee.

Lizzie Peone.
May sell part of allotment.

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue fee-simple patents to the following parties for the lands heretofore allotted them: L. F. Laqua, a Yakima Indian, to his allotment, numbered seven hundred and eighty; Susan Stone (Swasey), a Yakima Indian, to her allotment, numbered two hundred and eighty-six; Suis Sis Kin, or Loupe Loupe Charley, numbered four, Yakima, now Waterville, Washington; Charles Wannassy, Yakima allottee, numbered one thousand six hundred and eighteen; Margaret Sar Sarp Kin, numbered six, Washington; and the issuance of said patents shall operate as a removal of all restrictions as to the sale, incumbrance, or taxation of the lands so patented.

Yakima allottees.
Fee-simple patents to certain.

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue a patent in fee simple to Franklin P. Olney, a Yakima Indian, for the land covered by his allotment numbered five hundred and eighty-three; and the issuance of said patent shall operate as the removal of all restrictions as to sale, incumbrance, or taxation of the land so patented.

Franklin P. Olney.
Fee-simple patent to.

WISCONSIN.

Wisconsin.

For pay of Indian agent at the La Pointe Agency, Wisconsin, one thousand eight hundred dollars.

Agent, La Pointe Agency.

HAYWARD SCHOOL.

For the support and education of two hundred pupils at the Indian school at Hayward, Wisconsin, thirty-three thousand four hundred dollars;

Hayward school.

Pay of superintendent, one thousand five hundred dollars;
General repairs and improvements, five thousand dollars;
Shop building, four thousand dollars;
In all, forty-three thousand nine hundred dollars.

TOMAH SCHOOL.

For support and education of two hundred and fifty Indian pupils at the Indian school, Tomah, Wisconsin, forty-one thousand seven hundred and fifty dollars;

Tomah school.

- 34 Stat., 380. For pay of superintendent at said school, one thousand seven hundred dollars;
For general repairs and improvements, three thousand dollars;
In all, forty-six thousand four hundred and fifty dollars.
- Chippewas of Lake Superior. Support, etc. For support and civilization of the Chippewas of Lake Superior, Wisconsin, to be expended for agricultural and educational purposes; pay of employees, including pay of physician, at one thousand two hundred dollars; purchase of goods and provisions, and for such other purposes as may be deemed for the best interest of said Indians, seven thousand dollars.
- Pottawatomies. Investigation of claims for unpaid annuities. That the Secretary of the Interior be, and he is hereby, directed to cause an investigation to be made of the claims of the Pottawatomie Indians of Wisconsin, as set forth in their memorial to Congress, printed in Senate Document Numbered One hundred and eighty-five, Fifty-seventh Congress, second session, and to report thereon to Congress at the beginning of the next session thereof, showing on the best information now obtainable what number of said Indians continued to reside in the State of Wisconsin after the treaty of September twenty-sixth, eighteen hundred and thirty-three, their proportionate shares of the annuities, trust funds, and other moneys paid to or expended for the tribe to which they belong, in which the claimant Indians have not shared, the amount of such moneys retained in the Treasury of the United States to the credit of the claimant Indians as directed by the provision of the act of Congress approved June twenty-fifth, eighteen hundred and sixty-four; if none have been so retained the amount that should have been annually so retained under said law, showing also what disposition has been made of the annuities, trust funds, and other moneys of said tribe, with the amounts and the status of any now remaining to their credit in the Treasury or otherwise. He will also cause an enrollment to be made of said Pottawatomie Indians.
- Vol. 2, 402.
- 13 Stat., p. 172, vol. 1, 127. Enrollment. That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue fee-simple patents to the following parties for the lands heretofore allotted to them: (Compson) Doxtater, William Cornelius, Ida Powless, Daniel H. Cooper, Charles Elm, Abram Elm, Catherine Nynham, Joshua Cornelius, Lehi Wheelock, Dennison Wheelock, Rachel Peters Jones, Jerusha Peters, and Alice Cornelius, Oneida allottees numbered one hundred and thirty-seven, fifty-seven, two hundred and twenty-four, seven hundred and sixty-nine, twelve hundred and seventy-two, twelve hundred and seventy-one, thirteen hundred and ninety-eight, fifteen hundred and fourteen, three hundred and seventy-three, twenty-one, three hundred and ten, eleven hundred and thirty-seven, and sixty-two, respectively; Jacob Doxtater, allottee numbered one thousand and ninety-nine; Rachel Elm, allottee numbered eight hundred and seventy-nine; Jerusha Powless, allottee numbered fourteen hundred and eighty-three; Hendrix Skenandooh, allottee numbered eight hundred and four; Hannah Hayes, allottee numbered three hundred and five; Dolly Ann Doxtater, allottee numbered one hundred and seventy-four; Martin Williams, allottee numbered four hundred and twenty; Moses Webster, allottee numbered eleven hundred and thirty-five; Adam King, allottee numbered one hundred and twenty-one; Elizabeth Nynham, allottee numbered one thousand and seventy-five; Elijah John, allottee numbered five hundred and six; Silas Webster, allottee numbered thirteen hundred and fifty; Henry Cooper, allottee numbered three hundred and thirty-eight; David King, allottee numbered two hundred and one; Job Silas, allottee numbered three hundred and thirty-three; Joseph Skenandooh, allottee numbered five hundred and seventy-three; James Silas, allottee numbered two hundred and fifty-five; John Parkhurst, allottee numbered two hundred and thirty-six, and David Adams, allottee
- Oneida allottees. Fee-simple patents to certain.

numbered five hundred and ninety-four, Oneida Indians; Isaiah Sycles, Schuyler Nynham, Archie Wheelock, Truman Doxtater, Sophia Webster, Mary Webster, Jane Parkhurst, Henry Wheelock, Eva Jourdan, William Archquette, Sarah Hill, Frank Button, Sylvester Button, Margaret Thomas, William Christjohn, Frank Cornelius, Alice Cornelius, Hannah Hill, Sarah Sycles, Adam P. Cornelius, Thomas John, Esther Christjohn, Joseph Métozen, and James Wheelock, Oneida allottees numbered six hundred and seventy-seven, thirteen hundred and ninety-nine, ten hundred and sixty-one, ten hundred and seventy-nine, one hundred and eighty-four, eleven hundred and eighty-three, twelve hundred and seventy-seven, three hundred and forty-four, eight hundred and thirty-nine, seven hundred and twenty, four hundred and seventy-one, three hundred and seventy-six, twelve hundred and sixty-eight, eight hundred and seventy-six, twelve hundred and thirty-eight, seven hundred and seventeen, seven hundred and eighteen, one hundred and forty-eight, fourteen hundred and eighty-six, seven hundred and thirteen, seven hundred and thirty-three, three hundred and sixty-four, one hundred and forty-two, and sixteen, respectively, and Michel Buffalo, Red Cliff allottee numbered twenty-eight, and the issuance of said patents shall operate as a removal of all restrictions as to the sale, incumbrance, or taxation of the lands so patented.

34 Stat., 381.

Michel Buffalo.

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue a patent in fee to any Indian of the Oneida Reservation in Wisconsin for the lands heretofore allotted him, and the issuance of such patent shall operate as a removal of all restrictions as to the sale, taxation, and alienation of the lands so patented.

Oneida Reservation.
Fee-simple patents to
Indians to.

To enable the Commissioner of Indian Affairs to pay in behalf of Ann Francis, a Chippewa Indian woman, and lineal descendant of Bow kow ton den, for printing record in the case of Francis against Francis, now pending in the Supreme Court, involving her title to land claimed under treaty and patent, and such briefs as may be necessary therein, one hundred and seventy-five dollars, or as much thereof as may be necessary.

Ann Francis.
Payment of.
Post, p. 261.

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, with the consent of the Indians of the La Pointe or Bad River Reservation, to be obtained in such manner as he may direct, to set apart lots ten, eleven, and twelve, section twenty-five, township forty-eight north, range three west, on the La Pointe Reservation in Wisconsin, for an Indian town site, and to cause the lands described to be surveyed and platted into suitable lots, streets, and alleys, and to dedicate said streets and alleys and such lots or parcel as may be necessary to public uses, and to cause the lots to be appraised at their real value, exclusive of improvements thereon or adjacent thereto, by a board of three persons, one of whom shall be the United States Indian agent of the La Pointe Agency, one to be appointed by the Secretary of the Interior, and one selected by the Indians of the La Pointe band of Chippewas, who shall receive such compensation as the Secretary of the Interior may prescribe, to be paid out of the proceeds of the sale of lots sold under this act, and when so surveyed, platted, and appraised, the President may issue patents to the Indians of the said reservation for such lots on the payment by them of the appraised value thereof, on such terms as may be approved by the Secretary of the Interior, and the net proceeds of such sales shall be placed to the credit of the La Pointe band of Chippewa Indians: *Provided*, That no person shall be authorized to purchase lots on the lands described other than members of said La Pointe band of Indians, and those now owning permanent improvements there shall have the preference right for six months from the date such lots shall be offered for sale within which to purchase tracts upon which their improve-

La Pointe Reserva-
tion.
Establishment of In-
dian town site, Oda-
nah.

Provisos.
Sales restricted to La
Pointe Indians.

- 34 Stat., 382. ments are situated, but no lot shall be sold for less than the appraised valuation; but if any person entitled fails to take advantage of this provision, the agent of the La Pointe Agency shall appraise the improvements on the unsold lots, and any member of the La Pointe Band of Chippewas, on the payment to the owner of the appraised value of the improvements, shall have the preference right for six months from the date of such payment to purchase such unsold lot or lots at their appraised value on such terms as may be approved by the Secretary of the Interior: *Provided further*, That the patents to be issued shall contain a condition that no malt, spirituous, or vinous liquors shall be kept or disposed of on the premises conveyed, and that any violation of this condition, either by the patentee or any person claiming rights under him, shall render the conveyance void and cause the premises to revert to the La Pointe Band of Chippewa Indians, to be held as other tribal lands.
- Liquor restriction. That the northeast quarter of the northeast quarter of section thirty-four, township forty-eight north, range three west, be set aside and dedicated as a burial ground, and for such other purposes as may be approved by the Commissioner of Indian Affairs, for the use of the members of the La Pointe Band of Indians. And the Secretary of the Interior is hereby authorized to sell and dispose of the merchantable timber growing thereon in such manner as he may deem best, for cash, and to expend the proceeds derived therefrom in paying the cost of surveying and platting the village of Odanah, in improving the cemetery site, and for public improvements in said village.
- Cemetery lot. Sales of timber.

Stockbridge and
Munsee Tribe.

STOCKBRIDGE AND MUNSEE TRIBE.

Allotments in fee simple to members.
27 Stat., 745, vol. 1,
500.

That the members of the Stockbridge and Munsee Tribe of Indians, as the same appear upon the official roll of said tribe, made in conformity with the provisions of the act of Congress approved March third, eighteen hundred and ninety-three, entitled "An act for the relief of the Stockbridge and Munsee Tribe of Indians in the State of Wisconsin," and their descendants, who are living and in being on the first day of July, nineteen hundred and four, and who have not heretofore received patents for land in their own right, shall, under the direction of the Secretary of the Interior, be given allotments of land and patents therefor in fee simple, in quantities as follows:¹

Distribution.
Proviso.
Head of a family.

To each head of a family, one-eighth of a section: *Provided*, That such allotment to the "head of a family" shall be deemed to be a provision for both husband and wife, or the survivor in the event of the death of either.

To each single person not provided for as above, one-sixteenth of a section.

Proviso.
Children.

That where a patent has heretofore been issued to the head of a family (a married man) the same shall be deemed to have been in satisfaction of the claims of both husband and wife, and no further allotment shall be made to either of such persons under this act: *Provided*, That the children of such parents shall be entitled to allotments hereunder in their own right, if enrolled as members of the tribe.

Allotment if land insufficient.

That as there is not sufficient land within the limits of the Stockbridge and Munsee Reservation to make the allotments in the quantities above specified, all available land in said reservation shall first be allotted to the heads of families and single persons residing thereon, until said reservation land shall be exhausted, the additional land that may be required to complete the allotments to be obtained in the manner hereinafter specified: *Provided*, That the Secretary of the Interior may make such rules and regulations as he may deem necessary to

Proviso.
Rules.

¹ U. S. v. Gardner, 189 Fed., 690.

carry out the requirements of this act as to making and designating allotments.

That it shall be obligatory upon any member of said tribe who has made a selection of land within the reservation, whether filed with the tribal authorities or otherwise, to accept such selection as an allotment, except that the same shall be allotted in quantity not to exceed that hereinbefore authorized: *Provided*, That where such selection does not equal in quantity the allotment hereinbefore authorized, the allottee may elect to take out of the lands obtained under the provisions of this act the additional land needed to complete his or her quota of land, or in lieu thereof shall be entitled to receive the commuted value of said additional land in cash, at the rate of two dollars per acre, out of the moneys hereinafter appropriated.

Acceptance of selections.

34 Stat., 383.

Proviso. Other land or cash to complete allotment.

That those members of said tribe who have not made selections within the reservation shall be entitled to the option of either taking an allotment under the provisions of this act, or of having the same commuted in cash, at the rate of two dollars per acre, out of the moneys hereinafter appropriated: *Provided*, That the election of any member to take cash in lieu of land shall be made within sixty days after the date of the approval of this act.

Option to take cash instead of lands.

Proviso. Time limit.

That for the purpose of obtaining the additional land necessary to complete the allotments herein provided for the Secretary of the Interior is hereby authorized and directed to negotiate, through an Indian inspector, with the Menominee Tribe of Indians of Wisconsin for the cession and relinquishment to the United States of a portion of the surplus land of the Menominee Reservation in said State, or to negotiate with the authorities of said State, or with any corporation, firm, or individual, for the purchase of said additional land: *Provided, however*, That in no event shall any agreement of cession or contract of purchase so negotiated stipulate that a sum greater than two dollars per acre shall be paid for the land so obtained: *And provided further*, That no such agreement or contract shall have any force or validity unless the same shall be approved by the Secretary of the Interior; or said Secretary may, in his discretion, utilize such unappropriated public lands of the United States as may be required to complete the allotments.

Negotiation for additional lands from Menominees, etc.

Provisos. Limit of price.

Approval.

That certain members of the Stockbridge and Munsee Tribe having made selections of land on tracts patented to the State of Wisconsin under the swamp-land acts, and having made valuable improvements thereon, the Secretary of the Interior is hereby authorized to cause said improvements to be appraised by an inspector or special agent or Indian agent of his department, and to pay to the owners, as their interests may appear, the appraised value of said improvements, in all not to exceed the sum of one thousand dollars, out of the moneys hereinafter appropriated.

Purchase of swamp lands from Indians.

That the sum necessary to carry out the provisions hereof the Secretary of the Treasury is directed to pay out of the Stockbridge consolidated fund in the Treasury of the United States, which fund on the thirty-first of October, nineteen hundred and four, amounted to seventy-five thousand nine hundred and eighty-eight dollars and sixty cents, under the direction and upon the warrant of the Secretary of the Interior.

Payment from tribal funds.

WYOMING.

Wyoming.

For support and civilization of Shoshone Indians in Wyoming, twelve thousand dollars.

Shoshones. Support, etc.

SHOSHONE SCHOOL.

For support and education of one hundred and seventy-five Indian pupils at the Indian school, Shoshone Reservation, Wyoming, twenty-nine thousand two hundred and twenty-five dollars;

Shoshone school.

- For pay of superintendent at said school, one thousand eight hundred dollars;
- 34 Stat., 384. For general repairs and improvements, five thousand dollars;
In all, thirty-six thousand and twenty-five dollars.
- Incidentals. For general incidental expenses of the Indian service in Wyoming, including traveling expenses of agents, one thousand dollars.
- Shoshones. SHOSHONES AND BANNOCKS. (Treaty. For Bannocks see Idaho.)
- Fulfilling treaty. SHOSHONES: For pay of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith, as per tenth article of treaty of July 15 Stat., 676, vol. 2, 1023. third, eighteen hundred and sixty-eight, five thousand dollars.
For pay of second blacksmith, and such iron and steel and other materials as may be required, as per eighth article of same treaty, one thousand dollars.
In all, six thousand dollars.
- Shoshone Reservation. Irrigation system. 33 Stat., 1017. For the purpose of carrying out the provisions of article four of the agreement ratified by the act of March third, nineteen hundred and five, entitled "An act to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation, in the State of Wyoming, and make appropriation for carrying the same into effect," one hundred thousand dollars of the amount specified by said fourth article to be immediately available and to be reimbursed from the proceeds derived from the sale of surplus lands, as provided by said act.
Approved, June 21, 1906.

- June 26, 1906. [S. 3743.] CHAP. 3548.—An act to confirm the rights of way of railroads now constructed and in operation in the Territories of Oklahoma and Arizona.
- [Public, No. 299.]
34 Stat., 481.
Rights of way.
Oklahoma and Arizona public lands subject to easements for. 18 Stat., 482, vol. 1, 157.
- Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That where, under the act of Congress approved March third, eighteen hundred and seventy-five, entitled "An act granting to railroads the right of way through the public lands of the United States," or under special acts of Congress, or under the laws of the Territories of Oklahoma and Arizona, railroads have been constructed and are now in operation in Oklahoma or Arizona which may pass through any of the lands heretofore reserved for said Territories, such lands shall be disposed of subject to such railroad right or easement, but only to the extent of the right of way conferred by the said act of March third, eighteen hundred and seventy-five, for such railroad purposes.
Approved, June 26, 1906.

- June 28, 1906. [H. R. 15333.] CHAP. 3572.—An act for the division of the lands and funds of the Osage Indians in Oklahoma Territory, and for other purposes.
- [Public, No. 321.]
34 Stat., 539.
- Osage Indians, Oklahoma. Division of tribal land, etc.
Tribal roll.
34 Stat., 540.
- Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the roll of the Osage tribe of Indians, as shown by the records of the United States in the office of the United States Indian agent at the Osage Agency, Oklahoma Territory, as it existed on the first day of January, nineteen hundred and six, and all children born between January first, nineteen hundred and six, and July first, nineteen hundred and seven, to persons whose names are on said roll on January first, nineteen hundred and six, and all children whose names are not now on said roll, but who were born to members of the tribe whose names were on the said roll on January first, nineteen hundred and six; including the children of members of the tribe who have, or have had, white hus-

bands, is hereby declared to be the roll of said tribe and to constitute the legal membership thereof: *Provided*, That the principal chief of the Osages shall, within three months from and after the approval of this act, file with the Secretary of the Interior a list of the names which the tribe claims were placed upon the roll by fraud, but no name shall be included in said list of any person or his descendants that was placed on said roll prior to the thirty-first day of December, eighteen hundred and eighty-one, the date of the adoption of the Osage constitution, and the Secretary of the Interior, as early as practicable, shall carefully investigate such cases and shall determine which of said persons, if any, are entitled to enrollment; but the tribe must affirmatively show what names have been placed upon said roll by fraud; but where the rights of persons to enrollment to the Osage roll have been investigated by the Interior Department and it has been determined by the Secretary of the Interior that such persons were entitled to enrollment, their names shall not be stricken from the roll for fraud except upon newly discovered evidence; and the Secretary of the Interior shall have authority to place on the Osage roll the names of all persons found by him, after investigation, to be so entitled, whose applications were pending on the date of the approval of this act; and the said Secretary of the Interior is hereby authorized to strike from the said roll the names of persons or their descendants which he finds were placed thereon by or through fraud, and the said roll as above provided, after the revision and approval of the Secretary of the Interior, as herein provided, shall constitute the approved roll of said tribe; and the action of the Secretary of the Interior in the revision of the roll as herein provided shall be final, and the provisions of the act of Congress of August fifteenth, eighteen hundred and ninety-four, Twenty-eighth Statutes at Large, page three hundred and five, granting persons of Indian blood who have been denied allotments the right to appeal to the courts, are hereby repealed as far as the same relate to the Osage Indians; and the tribal lands and tribal funds of said tribe shall be equally divided among the members of said tribe as hereinafter provided.

SEC. 2. That all lands¹ belonging to the Osage tribe of Indians in Oklahoma Territory, except as herein provided, shall be divided among the members of said tribe, giving to each his or her fair share thereof in acres, as follows:

First. Each member of said tribe, as shown by the roll of membership made up as herein provided, shall be permitted to select one hundred and sixty acres of land as a first selection; and the adult members shall select their first selections and file notice of the same with the United States Indian agent for the Osages within three months after the approval of this act: *Provided*, That all selections of lands heretofore made by any member of said tribe, against which no contest is pending, be, and the same are hereby, ratified and confirmed as one of the selections of such member. And if any adult member fails, refuses, or is unable to make such selection within said time, then it shall be the duty of the United States Indian agent for the Osages to make such selection for such member or members, subject to the approval of the Secretary of the Interior. That all said first selections for minors shall be made by the United States Indian agent for the Osages, subject to the approval of the Secretary of the Interior: *Provided*, That said first selections for minors having parents may be made by said parents, and the word "minor" or "minors" used in this act shall be held to mean those who are under twenty-one years of age: *And provided further*, That all children born to members of said tribe between January first, nineteen hundred and six, and the first day of January, nineteen hundred and seven, shall have their selections made for them within six months after approval of this act, or within six months

Proviso.
Fraudulent enrollment.

Restriction.

Revision of roll.

Decision of Secretary final.
28 Stat., 305, vol. 1, 520.

Division of lands.

First selection.

Filing notice.
Time limit.

Provisos.
Ratification.

Failure to select.

First selections for minors.

34 Stat., 541.
Parents may select.

Time of selection.

¹ State of Oklahoma v. Larry Nolegs, 139 Pac., 943.

after their respective births. That all children born to members of said tribe on and after the first day of January, nineteen hundred and seven, and before the first day of July, nineteen hundred and seven, shall have their selections made for them on or before the last day of July, nineteen hundred and seven, the proof of birth of such children to be made to the United States Indian agent for the Osages.

Prior rights protected.

Second. That in making his or her first selection of land, as herein provided for, a member shall not be permitted to select land already selected by, or in possession of, another member of said tribe as a first selection, unless such other member is in possession of more land than he and his family are entitled to for first selections under this act; and in such cases the member in possession and having houses, orchards, barns, or plowed land thereon shall have the prior right to make the first selection: *Provided*, That where members of the tribe are in possession of more land than they are entitled to for first selections herein, said members shall have sixty days after the approval of this act to dispose of the improvements on said lands to other members of the tribe.

Proviso. Disposal of improvements.

Second selection.

Third. After each member has selected his or her first selection as herein provided, he or she shall be permitted to make a second selection of one hundred and sixty acres of land in the manner herein provided for the first selection.

Third selection.

Fourth. After each member has selected his or her second selection of one hundred and sixty acres of land as herein provided, he or she shall be permitted to make a third selection of one hundred and sixty acres of land in the manner herein provided for the first and second selections: *Provided*, That all selections herein provided for shall conform to the existing public surveys in tracts of not less than forty acres, or a legal subdivision of a less amount, designated a "lot."

Proviso. Surveys.

Homesteads inalienable, etc.

Each member of said tribe shall be permitted to designate which of his three selections shall be a homestead, and his certificate of allotment and deed shall designate the same as a homestead, and the same shall be inalienable and nontaxable until otherwise provided by act of Congress.¹ The other two selections of each member, together with his share of the remaining lands allotted to the member, shall be known as surplus land, and shall be inalienable for twenty-five years, except as hereinafter provided.²

Surplus lands.

Disposal of remaining lands.

Fifth. After each member has selected his or her first, second, and third selections of one hundred and sixty acres of land, as herein provided, the remaining lands of said tribe in Oklahoma Territory, except as herein provided, shall be divided as equally as practicable among said members by a commission to be appointed to supervise the selection and division of said Osage lands.

Commission.

Sixth. The selection and division of lands herein provided for shall be made under the supervision of, or by, a commission consisting of one member of the Osage tribe, to be selected by the Osage council, and two persons to be selected by the Commissioner of Indian Affairs subject to the approval of the Secretary of the Interior; and said commission shall settle all controversies between members of the tribe relative to said selections of land; and the schedules of said selections and division of lands herein provided for shall be subject to the approval of the Secretary of the Interior. The surveys, salaries of said commission, and all other proper expenses necessary in making the selections and division of land as herein provided shall be paid by the Secretary of the Interior out of any Osage funds derived from the sale of town lots, royalties from oil, gas, or other minerals, or rents from grazing land.

Duties.

Expenses. 34 Stat., 542.

Authority to sell selected lands.

Seventh. That the Secretary of the Interior, in his discretion, at the request and upon the petition of any adult member of the tribe, may issue to such member a certificate of competency, authorizing him to

¹ U. S. v. Board of County Commissioners and John A. Hunter, Treas. v. Sallie Hooper, 193 Fed., 485.
² Lynn v. Brown, 132 Pac., 810.

sell and convey any of the lands deeded him by reason of this act, except his homestead, which shall remain inalienable and nontaxable for a period of twenty-five years, or during the life of the homestead allottee, if upon investigation, consideration, and examination of the request he shall find any such member fully competent and capable of transacting his or her own business and caring for his or her own individual affairs:¹ *Provided*, That upon the issuance of such certificate of competency the lands of such member (except his or her homestead) shall become subject to taxation, and such member, except as herein provided, shall have the right to manage, control, and dispose of his or her lands the same as any citizen of the United States: *Provided*, That the surplus lands shall be nontaxable for the period of three years from the approval of this act, except where certificates of competency are issued or in case of the death of the allottee, unless otherwise provided by Congress:² *And provided further*, That nothing herein shall authorize the sale of the oil, gas, coal, or other minerals covered by said lands, said minerals being reserved to the use of the tribe for a period of twenty-five years, and the royalty to be paid to said tribe as hereinafter provided:³ *And provided further*, That the oil, gas, coal, and other minerals upon said allotted lands shall become the property of the individual owner of said land at the expiration of said twenty-five years, unless otherwise provided for by act of Congress.

Homesteads excepted.

Provisos. Taxation, etc.

Post, p. 518.

Sale of oil, etc., lands prohibited.

Individual ownership after 25 years, post, p. 519.

Eighth. There shall be reserved from selection and division, as herein provided, one hundred and sixty acres on which the Saint Louis School, near Pawhuska, is located, and the one hundred and sixty acres on which the Saint John's School, on Hominy Creek, Osage Indian Reservation, is located, said tracts to conform to the public surveys; and said tracts of land are hereby set aside and donated to the order of the Sisters of Saint Francis; and said tracts shall be conveyed to said order, the Sisters of Saint Francis, as early as practicable, by deed. There shall also be reserved from selection and division forty acres of land near Gray Horse, to be designated by the Secretary of the Interior, on which are located the dwelling houses of John N. Florer, Walter O. Florer, and John L. Bird; and said John N. Florer shall be allowed to purchase said forty acres at the appraised value placed thereon by the Osage Allotting Commission, the proceeds of the sale to be placed to the credit of the Indians and to be distributed like other funds herein provided for.

Sisters of Saint Francis. Land donated to.

Lands reserved near Gray Horse.

Ninth. There shall be reserved from selection and division, as herein provided, the northeast quarter of section three, township twenty-five, range nine east, of the Indian meridian, and one hundred and sixty acres to conform to the public survey at the town of Gray Horse, including the Government doctor's building, other valuable buildings, and the cemetery, and the one hundred and sixty acres to conform to the public survey, adjoining or near the town site of Hominy; said lands or tracts are hereby set aside for the use and benefit of the Osage Indians, exclusively, for dwelling purposes, for a period of twenty-five years from and after the first day of January, nineteen hundred and seven: *Provided*, That said land may, in the discretion of the Osage tribe, be sold under such rules and regulations as the Secretary of the Interior may prescribe; and the proceeds of the same under such sale shall be apportioned and placed to the credit of the individual members of the tribe according to the roll herein provided for.

Lands reserved for dwelling purposes.

Proviso. Sale of reserved lands.

Tenth. The Osage Boarding School reserve of eighty-seven and five-tenths acres, and the reservoir reserve of seventeen and three-tenths acres, and the agent's residence reserve, together with all the buildings located on said reservations in the town site of Pawhuska, as shown by the official plat of the same, are hereby reserved from

34 Stat., 543. Osage Boarding School reserve, etc.

¹ Aaron v. U. S., 183 Fed., 347; 204 Fed., 943. Mosier v. U. S., 198 Fed., 54.
² U. S. v. Board of County Commissioners, and John A. Hunter, Treas., v. Sallie Hooper, 193 Fed., 485.
³ Leahy v. Indian Territory Illuminating Oil Co., 135 Pac., 416.

| | |
|--|--|
| Sole of. | selection and division as herein provided; and the same may be sold in the discretion of the Osage tribe, under such rules and regulations as the Secretary of the Interior may provide; and the proceeds of such sale shall be apportioned and placed to the credit of the individual members of said tribe according to the roll herein provided for. |
| Proceeds. | Eleventh. That the United States Indian agent's office building, the Osage council building, and all other buildings which are for the occupancy and use of Government employees, in the town of Pawhuska, together with the lots on which the said buildings are situated, shall be sold to the highest bidder as early as practicable, under such rules and regulations as the Secretary of the Interior may prescribe; and with the proceeds he shall erect other suitable buildings for the uses mentioned, on such sites as he may select, the remaining proceeds, if any, to be placed to the credit of the individual members of the Osage tribe of Indians: <i>Provided</i> , That the house known as the chief's house, together with the lot or lots on which said house is located, and the house known as the United States interpreter's house, in Pawhuska, Oklahoma Territory, together with the lot or lots on which said houses are located, shall be reserved from sale to the highest bidder and shall be sold to the principal chief of the Osages and the United States interpreter for the Osages, respectively, at the appraised value of the same, said appraisement to be made by the Osage town-site commission, subject to the approval of the Secretary of the Interior. |
| Sale of Government buildings, etc. | Twelfth. That the cemetery reserve of twenty acres in the town site of Pawhuska, as shown by the official plat thereof, is hereby set aside and donated to the town of Pawhuska for the purposes of sepulture, on condition that if said cemetery reserve of twenty acres, or any part thereof, is used for purposes other than that of sepulture, the whole of said cemetery reserve of twenty acres shall revert to the use and benefit of the individual members of the Osage tribe, according to the roll herein provided, or to their heirs; and said tract shall be conveyed to the said town of Pawhuska by deed, and said deed shall recite and set out in full the conditions under which the above donation and conveyance are made. |
| Erection of new buildings. | That the provisions of an act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, nineteen hundred and six, and for other purposes," approved March third, nineteen hundred and five, relating to the Osage Reservation, pages one thousand and sixty-one and one thousand and sixty-two, volume thirty-three, United States Statutes at Large, be, and the same are hereby, continued in full force and effect. ¹ |
| Proviso. Buildings reserved from sale. | SEC. 3. That the oil, gas, coal, or other minerals covered by the lands for the selection and division of which provision is herein made are hereby reserved to the Osage tribe for a period of twenty-five years from and after the eighth day of April, nineteen hundred and six; and leases for all oil, gas, and other minerals, covered by selections and division of land herein provided for, may be made by the Osage tribe of Indians through its tribal council, and with the approval of the Secretary of the Interior, and under such rules and regulations as he may prescribe: <i>Provided</i> , That the royalties to be paid to the Osage tribe under any mineral lease so made shall be determined by the President of the United States: <i>And provided further</i> , That no mining of or prospecting for any of said mineral or minerals shall be permitted on the homestead selections herein provided for without the written consent of the Secretary of the Interior: ² <i>Provided, however</i> , That nothing herein contained shall be construed as affecting any valid existing lease or contract. |
| Cemetery reserve donated to Pawhuska. | |
| Reversion. | |
| Osage town-site commission. Present law not affected. | |
| 33 Stat., pp. 1061, 1062. Ante, p. 137. | |
| Oil and mineral lands. Leases. | |
| Provisos. Royalties. | |
| Prospecting restricted. | |
| 34 Stat., 544. Existing contracts, etc., not affected. | |

¹ Clawson v. Cottingham, 125 Pac., 1114; Neilson v. Albery, 129 Pac., 847.

² Leahy v. Indian Territory Illuminating Oil Co., 135 Pac., 416; Barnsdall Oil Co. v. Leahy, 195 Fed., 731.

SEC. 4. That all funds belonging to the Osage tribe, and all moneys due, and all moneys that may become due, or may hereafter be found to be due the said Osage tribe of Indians, shall be held in trust by the United States for the period of twenty-five years from and after the first day of January, nineteen hundred and seven, except as herein provided:

Trust fund.

First. That all the funds of the Osage tribe of Indians, and all the moneys now due or that may hereafter be found to be due to the said Osage tribe of Indians, and all moneys that may be received from the sale of their lands in Kansas under existing laws, and all moneys found to be due to said Osage tribe of Indians on claims against the United States, after all proper expenses are paid, shall be segregated as soon after January first, nineteen hundred and seven, as is practicable and placed to the credit of the individual members of the said Osage tribe on a basis of a pro rata division among the members of said tribe, as shown by the authorized roll of membership as herein provided for, or to their heirs as hereinafter provided, said credit to draw interest as now authorized by law; and the interest that may accrue thereon shall be paid quarterly to the members entitled thereto, except in the case of minors, in which case the interest shall be paid quarterly to the parents until said minor arrives at the age of twenty-one years: *Provided*, That if the Commissioner of Indian Affairs becomes satisfied that the said interest of any minor is being misused or squandered he may withhold the payment of such interest: *And provided further*, That said interest of minors whose parents are deceased shall be paid to their legal guardians, as above provided.

Segregation of funds.

Pro rata division.

Interest payments.

Misuse of interest money of minors.

Payments to guardians.

Second. That the royalty received from oil, gas, coal, and other mineral leases upon the lands for which selection and division are herein provided, and all moneys received from the sale of town lots, together with the buildings thereon, and all moneys received from the sale of the three reservations of one hundred and sixty acres each heretofore reserved for dwelling purposes, and all moneys received from grazing lands, shall be placed in the Treasury of the United States to the credit of the members of the Osage tribe of Indians as other moneys of said tribe are to be deposited under the provisions of this act, and the same shall be distributed to the individual members of said Osage tribe according to the roll provided for herein, in the manner and at the same time that payments are made of interest on other moneys held in trust for the Osages by the United States, except as herein provided.

Deposit of funds to credit of Indians.

Distribution of.

Third. There shall be set aside from the royalties received from oil and gas not to exceed fifty thousand dollars per annum for ten years from the first day of January, nineteen hundred and seven, for the support of the Osage Boarding School and for other schools on the Osage Indian Reservation conducted or to be established and conducted for the education of Osage children.

Royalties reserved for school purposes.

Fourth. There shall be set aside and reserved from the royalties received from oil, gas, coal, or other mineral leases, and moneys received from the sale of town lots, and rents from grazing lands not to exceed thirty thousand dollars per annum for agency purposes and an emergency fund for the Osage tribe, which shall be paid out from time to time, upon the requisition of the Osage tribal council, with the approval of the Secretary of the Interior.

For agency purposes.

Amended, post, p. 520.

SEC. 5. That at the expiration of the period of twenty-five years from and after the first day of January, nineteen hundred and seven, the lands, mineral interests, and moneys, herein provided for and held in trust by the United States shall be the absolute property of the individual members of the Osage tribe, according to the roll herein provided for, or their heirs, as herein provided, and deeds to said lands shall be issued to said members, or to their heirs, as herein provided,

Termination of trust fund.

34 Stat., 545.

- and said moneys shall be distributed to said members, or to their heirs, as herein provided, and said members shall have full control of said lands, moneys, and mineral interests, except as hereinbefore provided.
- Right of inheritance.** SEC. 6. That the lands, moneys, and mineral interests, herein provided for, of any deceased member of the Osage Tribe shall descend to his or her legal heirs, according to the laws of the Territory of Oklahoma, or of the State in which said reservation may be hereinafter incorporated, except where the decedent leaves no issue, nor husband nor wife, in which case said lands, moneys, and mineral interests must go to the mother and father equally.
- Exception.**
- Leases for farming purposes.** SEC. 7. That the lands herein provided for are set aside for the sole use and benefit of the individual members of the tribe entitled thereto, or to their heirs, as herein provided; and said members, or their heirs, shall have the right to use and to lease said lands for farming, grazing, or any other purpose not otherwise specifically provided for herein, and said members shall have full control of the same, including the proceeds thereof: *Provided*, That parents of minor members of the tribe shall have the control and use of said minors' lands, together with the proceeds of the same, until said minors arrive at their majority: *And provided further*, That all leases given on said lands for the benefit of the individual members of the tribe entitled thereto, or for their heirs, shall be subject only to the approval of the Secretary of the Interior.¹
- Provisos. Parents to control minors' lands.**
- Approval of leases.** SEC. 8. That all deeds to said Osage lands or any part thereof shall be executed by the principal chief for the Osages, but no such deeds shall be valid until approved by the Secretary of the Interior.
- Deeds.** SEC. 9. That there shall be a biennial election of officers for the Osage Tribe as follows: A principal chief, an assistant principal chief, and eight members of the Osage tribal council, to succeed the officers elected in the year nineteen hundred and six, said officers to be elected at a general election to be held in the town of Pawhuska, Oklahoma Territory, on the first Monday in June; and the first election for said officers shall be held on the first Monday in June, nineteen hundred and eight, in the manner to be prescribed by the Commissioner of Indian Affairs, and said officers shall be elected for a period of two years, commencing on the first day of July following said election, and in case of a vacancy in the office of principal chief, by death, resignation, or otherwise, the assistant principal chief shall succeed to said office, and all vacancies in the Osage tribal council shall be filled in a manner to be prescribed by the Osage tribal council, and the Secretary of the Interior is hereby authorized to remove from the council any member or members thereof for good cause, to be by him determined.²
- Tribal officers. Elections, etc.**
- Public highways.** SEC. 10. That public highways or roads, two rods in width, being one rod on each side of all section lines, in the Osage Indian Reservation, may be established without any compensation therefor.³
- Lands for railroad purposes.** SEC. 11. That all lands taken or condemned by any railroad company in the Osage Reservation, in pursuance of any act of Congress or regulation of the Department of the Interior, for rights of way, station grounds, side tracks, stock pens and cattle yards, water stations, terminal facilities, and any other railroad purpose, shall be, and are hereby, reserved from selection and allotment and confirmed in such railroad companies for their use and benefit in the construction, operation, and maintenance of their railroads: *Provided*, That such railroad companies shall not take or acquire hereby any right or title to any oil, gas, or other mineral in any of said lands.
- Proviso. Restriction.**
- Enforcement.** SEC. 12. That all things necessary to carry into effect the provisions of this act not otherwise herein specifically provided for shall be done under the authority and direction of the Secretary of the Interior.
- Approved June 28, 1906.

¹ Midland Valley R. R. Co. v. Lynn, 135 Pac., 370.

² U. S. ex rel. Brown v. Lane, 40 App. D. C., 533, 232 U. S., 598.

³ Mills v. Glasscock, 110 Pac., 377.

CHAP. 3578.—An act to authorize the cutting, sawing into lumber, and sale of timber on certain lands reserved for the use of the Menominee Tribe of Indians, in the State of Wisconsin.

June 28, 1906.

[H. R. 13372.]

[Public, No. 327.]
34 Stat., 547.

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 to permit the Business Committee of the Menominee Tribe of Indians in Wisconsin to cause to be cut into logs and hauled to suitable places for sawing and cause to be scaled, under such rules and regulations as he may prescribe, the dead and down timber on the north one-half of township numbered twenty-nine, range numbered thirteen east; the north half of township numbered twenty-nine, range numbered fourteen east, and in the south half of township numbered thirty, range numbered thirteen east, on the Menominee Indian Reservation in Wisconsin, as herein provided, such cutting of timber to be in addition to the amount authorized to be cut and sold annually by the act of June twelfth, eighteen hundred and ninety, Twenty-sixth Statutes at Large, page one hundred and forty-six.

Menominee Indian
Reservation, Wis.
Cutting, sawing, and
sale of timber on, au-
thorized.

34 Stat., 548.

26 Stat., 116, vol. 1,
353.

The Secretary of the Interior shall make contracts with a sufficient number of portable-mill owners to come upon the reservation and saw into lumber the logs so cut from such dead and down timber, the compensation for such sawing to be fixed at a certain rate per thousand feet, which amount shall not exceed the sum of three dollars and fifty cents per thousand feet board measure, both hard and soft wood included. That in so far as possible the labor employed in sawing said timber into lumber shall be secured from among the members of said tribe.

Contracts.

Maximum price.

Indian labor.

That the Secretary of the Interior is hereby authorized to pay out of the funds of the said Menominee Tribe of Indians now on deposit in the United States Treasury all necessary expenses incurred in the cutting and sawing of the timber, as provided herein, which amount of money shall be reimbursed from the sale of the lumber as herein provided.

Expenses.

That said lumber shall be sold in such quantities as the Secretary of the Interior may direct, under such rules and regulations as he may prescribe, to the highest and best bidder for cash after due advertisement inviting proposals and in such manner and at such time and place as the Secretary may direct, and from the proceeds of the sales of such lumber there shall be deposited in the Treasury of the United States to the credit of the said Menominee Tribe of Indians the amount of money paid out of said fund as the expense of cutting, sawing, piling, and grading said lumber; and there shall also be deposited in the Treasury of the United States to the credit of said Indians the one-fifth part of the net proceeds of the sales of said lumber, to be used under the direction of the Secretary of the Interior for the benefit of said Indians, and the residue of said proceeds shall be deposited in the United States Treasury to the credit of said tribe and shall bear interest at the rate of four per centum per annum, to be paid to the said tribe per capita in semiannual cash payments.

Sale of lumber.

Proceeds.

Interest.

Approved, June 28, 1906.

CHAP. 3581.—An act giving preference right to actual settlers on pasture reserve numbered three to purchase land leased to them for agricultural purposes in Comanche County, Oklahoma.

June 28, 1906.

[H. R. 16785.]

[Public, No. 330.]
34 Stat., 550.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That persons who are now in possession of land under leases approved by the Secretary of the Interior on pasture reserve numbered three, open for settlement by act approved June eighth, (fifth) nineteen hundred and six, the same being

Oklahoma.
Actual settlers may
purchase agricultural
lands in Comanche
County.
Ante, p. 184, post, 521.

Appointment of commission to appraise lands.

Compensation.

Payments.

Interest.

Forfeiture.

Proceeds.

Proviso. Time limit for appointment of commission. Report.

situate in township one north and one south, in range eight west, Indian meridian, Territory of Oklahoma, be given a right to purchase said lands, as follows: That the land so leased shall be appraised by a commission of three persons to be appointed by the Secretary of the Interior, one upon the recommendation of the Kiowa and Comanche Indians through their agent; said commissioners to receive such compensation as the Secretary of the Interior may direct, the same to be paid from the funds received from the sale of said lands, and said appraisement when made to be approved by the Secretary of the Interior; said land to be appraised without regard to any improvements that have been placed thereon, except such as are required by the provisions of said leases, and the said lessee to have the privilege to purchase at its appraised value the amount of land covered by his lease within sixty days after notice of said appraisement, one-fifth of the price of the same to be paid at the time of notice of acceptance of said purchase and the balance of the purchase price to be paid in four equal annual installments, bearing interest at the rate of six per centum per annum; and in case any purchaser fails to make the annual payment when due all rights in and to the land covered by his or her purchase shall at once cease and be forfeited, and any payment theretofore made shall be forfeited. The funds received from said sales to be placed to the credit of the Indians the same as other funds provided for in said act approved June eighth, nineteen hundred and six: *Provided*, That the Secretary shall appoint said commissioners within thirty days from the passage of this act, and said commissioners shall make said appraisement and file their report within thirty days from the date of their appointments.

Approved, June 28, 1906.

June 29, 1906.
[S. 6300.]

CHAP. 3598.—An act providing when patents shall issue to the purchasers of certain lands in the State of Oregon.

[Public, No. 344.]
34 Stat., 611.
Umatilla Indian Reservation, Oreg.
Patents to purchasers of grazing land in.
23 Stat., 342, vol. 1,
226.
32 Stat., 730.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all persons who have heretofore purchased any of the lands of the Umatilla Indian Reservation in the State of Oregon and have made or shall make full and final payment therefor in conformity with the acts of Congress of March third, eighteen hundred and eighty-five, and of July first, nineteen hundred and two, respecting the sale of such lands, shall be entitled to receive patent therefor upon, submitting satisfactory proof to the Secretary of the Interior that the untimbered lands so purchased are not susceptible of cultivation or residence, and are exclusively grazing lands, incapable of any profitable use other than for grazing purposes.¹

Approved, June 29, 1906.

June 29, 1906.
[S. 6375.]

CHAP. 3599.—An act granting lands in the former Uintah Indian Reservation to the corporation of the Episcopal Church in Utah.

[Public, No. 345.]
34 Stat., 611.
Uintah Reservation, Utah.
Grant of lands to Episcopal Church in Utah.

Description.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby granted to the corporation of the Episcopal Church in Utah the following-described land lying within the former Uintah Indian Reservation in the State of Utah and now occupied by the said church for missionary purposes: Beginning at the northeast corner of the southeast quarter of section seven, township three south, range two east, United States meridian; running thence north, sixty degrees thirty-three minutes west, two hundred and thirty-three and four-tenths feet to a stake; thence south, sixteen degrees thirty minutes west, one thousand three

hundred and twenty-four and two-tenths feet to the left bank of the Uintah River; thence along the left bank of the said river to an easterly direction to the section line between sections seven and eight of said township and range; thence north, no degrees fifteen minutes east, one thousand three hundred and fifty-three feet to the place of beginning, containing twelve and seventy one-hundredths acres, more or less: *Provided*, That said property shall be held and used for missionary, school, and religious purposes, and in case said land shall be abandoned for said purposes the said land and all improvements thereon shall revert to the United States.

Provisc.
Use of lands.
Reversion.

Approved, June 29, 1906.

CHAP. 3912.—An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June thirtieth, nineteen hundred and six, and for prior years, and for other purposes.

June 30, 1906.
[H. R. 20403.]

[Public No. 381.]
34 Stat., 634.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in the appropriations for the fiscal year nineteen and six, and for prior years, and for other objects hereinafter stated, namely:

Deficiencies appro-
priations.

* * * * *

The Secretary of the Interior is hereby authorized and directed to pay to Edgar Smith from any tribal funds of the Cherokee Nation in the Treasury of the United States the sum of five thousand dollars, in full for his services as attorney for said Nation in the Supreme Court of the United States, in a certain cause entitled "In the matter of the enrollment of persons claiming rights in the Cherokee Nation by intermarriage versus United States: Cherokee Nation, Intervenor," more particularly described as numbers four hundred and nineteen to four hundred and twenty-two, inclusive, on the calendar of said court.

34 Stat., 656.
Edgar Smith.
Services to Chero-
kees.

The appropriation contained in the act making appropriations for current and contingent expenses, and fulfilling treaty stipulations with Indian tribes for the fiscal year ending June thirtieth, nineteen hundred and seven, in behalf of Ann Francis, a Chippewa Indian woman, is hereby extended to and made available for the payment of the estimated clerk's costs in the case of Francis against Francis, pending in the United States Supreme Court, in addition to the purposes specified in said act.

Ann Francis.
Ante, p. 249.

* * * * *

To pay the judgment rendered by the Court of Claims on May eighteenth, nineteen hundred and five, in consolidated causes numbered twenty-three thousand one hundred and ninety-nine, The Cherokee Nation versus The United States; numbered twenty-three thousand two hundred and fourteen, The Eastern Cherokees versus The United States, and numbered twenty-three thousand two hundred and twelve, The Eastern and Emigrant Cherokees versus The United States, aggregating a principal sum of one million one hundred and thirty-four thousand two hundred and forty-eight dollars and twenty-three cents, as therein set forth, with interest upon the several items of judgment at five per centum, one million one hundred and thirty-four thousand two hundred and forty-eight dollars and twenty-three cents, together with such additional sum as may be necessary to pay interest, as authorized by law.¹

34 Stat., 664.
Cherokee claims.
32 Stat., 726, vol. 1,
797.

* * * * *

Approved, June 30, 1906.

¹ 26 Op. Atty. Genl., 330.

June 30, 1906.
[H. R. 19844.]
[Public, No. 383.]
34 Stat., 697.

CHAP. 3914.—An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and seven, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, for the objects hereinafter expressed, for the fiscal year ending June thirtieth, nineteen hundred and seven, namely:

* * * * *

34 Stat., 730.
Idaho.
Removal of Lemhi
Indians to Fort Hall
Reservation.
25 Stat., 689, vol. 1,
316.

REMOVAL OF LEMHI INDIANS TO FORT HALL RESERVATION,
IDAHO: The sum of five thousand dollars appropriated by the act of February twenty-third, eighteen hundred and eighty-nine, for the removal of the Lemhi Indians to the Fort Hall Reservation, which amount was carried to the surplus fund of the Treasury on June twenty-ninth, eighteen hundred and ninety-five, is hereby reappropriated and made available for said removal during the fiscal year nineteen hundred and seven.

* * * * *

Reappropriation.

Approved, June 30, 1906.

**JOINT RESOLUTIONS OF THE FIFTY-NINTH CONGRESS, FIRST
SESSION, 1906.**

Mar. 2, 1906.
[S. J. R. 37.]

[No. 7.] Joint resolution extending the tribal existence and government of the Five Civilized Tribes of Indians in the Indian Territory.

[Pub. Res., No. 7.]
34 Stat., 822.
Five Civilized Tribes,
Ind. T.
Tribal government,
etc., continued.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the tribal existence and present tribal governments of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Tribes or Nations or Indians in the Indian Territory are hereby continued in full force and effect for all purposes under existing laws until all property of such tribes, or the proceeds thereof, shall be distributed among the individual members of said tribes unless hereafter otherwise provided by law.¹

Ante, pp. 181, 209.

Approved, March 2, 1906.

Mar. 28, 1906.
[H. J. R. 117.]

[No. 12.] Joint resolution extending the time for opening to public entry the unallotted lands on the ceded portion of the Shoshone or Wind River Indian Reservation in Wyoming.

[Pub. Res., No. 12.]
34 Stat., 825.

Shoshone or Wind
River Reservation,
Wyo.
Time extended for
opening to entry.
33 Stat., 1021, amend-
ed.
Ante, p. 117.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the time for opening to public entry the ceded portion of the Shoshone or Wind River Indian Reservation in Wyoming having been fixed by law as the fifteenth day of June, nineteen hundred and six, it is hereby provided that the time for opening said reservation shall be extended to the fifteenth day of August, nineteen hundred and six, unless the President shall determine that the same may be opened at an earlier date.

Approved, March 28, 1906.

**CONCURRENT RESOLUTIONS OF THE FIFTY-NINTH CONGRESS, FIRST
SESSION, 1906.**

Mar. 8, 1906.

COLVILLE INDIAN RESERVATION.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate be authorized, in the enrollment of the bill (S. 4229) "To authorize the sale and disposition of surplus or unallotted lands of the diminished Colville Indian Reservation, in the State of Washington, and for other purposes," to change the words

Colville Indian Res-
ervation. Sale of un-
allotted lands of.
Correction of enroll-
ment.

¹ U. S. Express Co. v. Friedman, 191 Fed., 673; U. S. v. Allen, 171 Fed., 907; same, 224 U. S., 6; 29 Op. Atty. Genl., 231; Goat v. U. S., 224 U. S., 458; Gritts v. Fisher, 224 U. S., 640.

"section seven" to "section six" where they occur in line 40, page 3, of the enrolled bill.

Passed March 8, 1906.

KIOWA, COMANCHE, AND APACHE INDIAN RESERVATIONS, OKLA.

Mar. 26, 1906.

Resolved by the House of Representatives (the Senate concurring), That the President be, and hereby is, requested to return to the House the bill (H. R. 431) "To open for settlement five hundred and five thousand acres of land in the Kiowa, Comanche, and Apache Indian Reservations, in Oklahoma Territory."

Kiowa, Comanche, and Apache Indian Reservations, Okla.
Return of bill opening portion of, for settlement, requested.

Passed March 26, 1906.

FIVE CIVILIZED TRIBES.

Apr. 19, 1906.

*Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H. R. 5976) "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," the Clerk be directed to restore to the bill the part proposed to be stricken out in the amendment of the Senate numbered twenty-six, and to insert the following: On page nine, line three, after the word "retaining" the words *tribal educational officers, subject to dismissal by the Secretary of the Interior, and**

Five Civilized Tribes.
Final disposition of affairs of.
Enrollment corrected.

*Restore to the bill the part proposed to be stricken out in the amendment of the Senate numbered twenty-seven, and to insert in said amendment the following: On page eleven, line eight, after the word "five" the words *and all such taxes levied and collected after the thirty-first day of December, nineteen hundred and five, shall be refunded.**

*After the word "shall" on page eleven, line sixteen, insert: *willfully and fraudulently.* After the word "punished" on page eleven, line twenty-one, insert: *by a fine of not exceeding five thousand dollars or by imprisonment not exceeding five years, or by both such fine and imprisonment,**

In lieu of the matter proposed to be stricken out in the amendment of the Senate numbered forty-one, insert in lieu thereof the following:

The Secretary of the Interior shall take possession of all buildings now or heretofore used for governmental, school, and other tribal purposes, together with the furniture therein and the land appertaining thereto, and appraise and sell the same at such time and under such rules and regulations as he may prescribe, and deposit the proceeds, less expenses incident to the appraisal and sale, in the Treasury of the United States to the credit of the respective tribes: Provided,

Passed April 19, 1906.

COLUMBIA INDIAN RESERVATION, WASH.

June 25, 1906.

Resolved by the House of Representatives (the Senate concurring), That the President of the United States be, and he is hereby, requested to return to the House of Representatives (H. R. 18668) "An act ratifying and confirming soldiers' additional homestead entries heretofore made and allowed upon lands embraced in what was formerly the Columbia Indian Reservation in the State of Washington."

Columbia Indian Reservation.
Return of bill ratifying, etc., soldiers' additional homestead entries in, requested.

Passed June 25, 1906.

June 28, 1906.

FIVE CIVILIZED TRIBES.

Five Civilized Tribes. Topical index of twelve Annual Reports of Commission to, ordered printed. Distribution.

Resolved by the Senate (the House of Representatives concurring), That there be printed one thousand copies of the "Topical index to the twelve Annual Reports of the Commission to the Five Civilized Tribes to the Secretary of the Interior;" two hundred copies for the use of the Senate, four hundred copies for the use of the House of Representatives, and four hundred copies for the use of the Department of the Interior.

Passed June 28, 1906.

PUBLIC ACTS OF THE FIFTY-NINTH CONGRESS, SECOND SESSION
1906-7.

Dec. 19, 1906.
[H. R. 22584.]

[Public, No. 2.]
34 Stat., 841.

Urgent deficiencies appropriations.

CHAP. 2.—An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June thirtieth, nineteen hundred and seven, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to supply urgent deficiencies in the appropriations for the fiscal year nineteen hundred and seven, and for other objects hereinafter stated, namely:

* * * * *

34 Stat., 842.

DEPARTMENT OF THE INTERIOR.

Indian affairs.

INDIAN AFFAIRS.

Five Civilized Tribes. Completing commission's work.

33 Stat., 1060.
34 Stat., 340.

Ante, p. 207.

To supply a deficiency in the appropriation for the completion of the work heretofore required by law to be done by the Commission to the Five Civilized Tribes and its successor, the Commissioner to the Five Civilized Tribes, including all objects mentioned under this title of appropriations as provided in the acts of Congress approved March third, nineteen hundred and five (Thirty-third Statutes, one thousand and sixty), and June twenty-first, nineteen hundred and six (Public Numbered Two hundred and fifty-eight), making appropriations for the current and contingent expenses of the Indian Department for the fiscal year ending June thirtieth, nineteen hundred and six, and June thirtieth, nineteen hundred and seven, being the amount absolutely required to complete the unfinished work devolving upon the Commissioner to the Five Civilized Tribes for the fiscal year ending June thirtieth, nineteen hundred and seven, seventy-five thousand dollars; said appropriation to be disbursed under the direction of the Secretary of the Interior.

* * *

Approved, December 19, 1906.

Jan. 8, 1907.
[H. R. 21678.]

[Public, No. 3.]
34 Stat., 843.

Crow Indian Reservation, Mont. Time extended for establishing residence of homestead settlers on ceded part of. 33 Stat., 353.

CHAP. 27.—An act to provide for the extension of time within which homestead entrymen may establish their residence upon certain lands which were heretofore a part of the Crow Indian Reservation, within the counties of Yellowstone and Rosebud, in the State of Montana.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the homestead entrymen on lands which were heretofore a part of the Crow Indian Reservation, within the counties of Yellowstone and Rosebud, in the State of Montana, opened under the act of April twenty-seventh, nineteen hundred and four, be, and they are hereby, granted an extension of

time in which to establish their residence upon the lands so opened and filed upon until the fifteenth day of May, nineteen hundred and seven: *Provided, however,* That this act shall in no manner affect the regularity or validity of such filings, or any of them, so made by the said settlers on the lands aforesaid; and it is only intended hereby to extend the time for the establishment of such residence as herein provided, and the provisions of said acts are in no other manner to be affected or modified.

Ante, p. 87.
Proviso.
Validity, etc., of filings not affected.

Approved, January 8, 1907.

CHAP. 151.—An act fixing the time for homestead entrymen on lands embraced in the Wind River or Shoshone Indian Reservation to establish residence on same.

Jan. 17, 1907.
[H. R. 21202.]

[Public, No. 16.]
34 Stat., 849.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That homestead entrymen on lands formerly embraced in the Wind River or Shoshone Indian Reservation, in Wyoming, which were opened to entry under the provisions of the act approved March third, nineteen hundred and five, shall have six months after the date of filing upon their lands, or until May fifteenth, nineteen hundred and seven, to establish residence upon the lands entered by them.

Wind River or Shoshone Indian Reservation, Wyo.
Time extended for establishing residence of homestead settlers on ceded part of.
33 Stat., 1021.

Ante, p. 117.

Approved, January 17, 1907.

CHAP. 934.—An act to define the status of certain patents and pending entries, selections, and filings on lands formerly within the Fort Berthold Indian Reservation in North Dakota.

Feb. 18, 1907.
[H. R. 24473.]

[Public, No. 91.]
34 Stat., 894.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all patents heretofore issued on entries and selections made without fraud under any of the laws providing for disposal of the public lands on lands formerly within the Fort Berthold Indian Reservation in North Dakota, which were opened to settlement by the President's proclamation dated May twentieth, eighteen hundred and ninety-one, pursuant to the provisions of an act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the year ending June thirtieth, eighteen hundred and ninety-two, and for other purposes," approved March third, eighteen hundred and ninety-one, shall have the same effect, and all pending entries, selections, or filings embracing such lands made prior to December first, nineteen hundred and six, shall be disposed of in the same manner and under the same restrictions and limitations, as if the lands included in such patents, entries, selections, or filings had been subject to disposition under the general provisions of the public-land laws.

Fort Berthold Indian Reservation, N. Dak.
Certain entries, etc., on ceded lands of, validated.
27 Stat., 979.
26 Stat., 1032, vol. 1, 425.

Approved February 18, 1907.

CHAP. 1203.—An act confirming entries and applications under section twenty-three hundred and six of the Revised Statutes of the United States for lands embraced in what was formerly the Columbia Indian Reservation, in the State of Washington.

Feb. 25, 1907.
[H. R. 25550.]

[Public, No. 126.]
34 Stat., 934.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all lands in the former Columbia Indian Reservation, in the State of Washington, which are embraced in entries heretofore allowed under section twenty-three hundred and six of the Revised Statutes of the United States, or which are embraced in any application to make entry under said sec-

Public lands, Columbia Indian Reservation, Wash.
Entries, etc., on lands of former, confirmed.
R. S., sec. 2306.

32 Stat., 388.

tion twenty-three hundred and six, which were presented before the lands covered by such application were withdrawn under the reclamation act, are hereby declared to be subject to such entries, and applications and entries shall be allowed and patents shall be issued thereunder in the same manner and upon the same conditions under which entries are allowed and patents are issued under said section twenty-three hundred and six for other public lands of the United States, and all patents heretofore issued under such entries are hereby confirmed.¹

Approved, February 25, 1907.

Mar. 1, 1907.
[H. R. 22580.]
[Public, No. 154.]
34 Stat., 1015.

CHAP. 2285.—An act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June thirtieth, nineteen hundred and eight.

Indian Department
appropriations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and in full compensation for all offices the salaries for which are specially provided for herein for the service of the fiscal year ending June thirtieth, nineteen hundred and eight, namely:

General provisions.

I. GENERAL PROVISIONS.

Under the President.

PRESIDENT.

Allotments in sev-
eralty.
24 Stat., 388.
Vol. 1, p. 33

To enable the President to cause, under the provisions of the act of February eighth, eighteen hundred and eighty-seven, entitled "An act to provide for the allotment of land in severalty to Indians," such Indian reservations as in his judgment are advantageous for agricultural and grazing purposes to be surveyed or resurveyed, for the purposes of said act, and to complete the allotment of the same, including the necessary clerical work incident thereto in the field and in the Office of Indian Affairs, and delivery of trust patents, so far as allotments shall have been selected under said act, forty thousand dollars.

Under the Secretary.

SECRETARY.

Purchase of supplies
to be advertised.

That no purchase of supplies for which appropriations are made herein, exceeding in the aggregate five hundred dollars in value at any one time, shall be made without first giving at least three weeks' public notice by advertisement, except in case of exigency, when, in the discretion of the Secretary of the Interior, who shall make official record of the facts constituting the exigency and shall report the same to Congress at its next session, he may direct that purchases may be made in open market in amount not exceeding three thousand dollars at any one purchase: *Provided*, That supplies may be purchased, contracts let, and labor employed for the construction of artesian wells, ditches, and other works for irrigation, in the discretion of the Secretary of the Interior, without advertising as hereinbefore provided.

Exception.

Provisos.
Irrigation.

Open - market pur-
chases, etc.

Work on irrigation
projects.
R. S., secs. 3709, 3744.

34 Stat., 1016.

Provided further, That as far as practicable Indian labor shall be employed and purchase in the open market made from Indians, under the direction of the Secretary of the Interior. And the employment of such Indians and the hiring of their property, in connection with the construction of any irrigation project under the Reclamation Service, shall be exempt from the provisions of sections thirty-seven hun-

¹ 36 L. D., 130.

dred and nine and thirty-seven hundred and forty-four, Revised Statutes.

That hereafter the Secretary of the Interior, under the direction of the President, may use any surplus that may remain in any of the said appropriations for the purchase of subsistence for the several Indian tribes, to an amount not exceeding twenty-five thousand dollars in the aggregate, to supply any subsistence deficiency that may occur: *Provided*, That any diversions which shall be made under authority of this section shall be reported in detail, and the reason therefor, to Congress, at the session of Congress next succeeding such diversion: *Provided further*, That the Secretary of the Interior, under direction of the President, may use any sums appropriated in this act for subsistence, and not absolutely necessary for that purpose, for the purchase of stock cattle for the benefit of the tribe for which such appropriation is made, and shall report to Congress, at its next session thereafter, an account of his action under this provision: *Provided further*, That funds appropriated to fulfill treaty obligations shall not be used.

Use of surplus for subsistence deficiencies.

Provisos. Report of diversions.

Stock cattle from subsistence funds.

Treaty funds excluded.

Transfer of funds for employees, etc.

That hereafter when not required for the purpose for which appropriated, the funds provided for the pay of specified employees at any Indian agency may be used by the Secretary of the Interior for the pay of other employees at such agency, but no deficiency shall be thereby created; and, when necessary, specified employees may be detailed for other service when not required for the duty for which they were engaged; and that the several appropriations made for millers, blacksmiths, engineers, carpenters, physicians, and other persons, and for various articles provided for by treaty stipulations for the several Indian tribes, may be diverted to other uses for the benefit of said tribes, respectively, within the discretion of the President, and with the consent of said tribes, expressed in the usual manner; and that he cause report to be made to Congress, at its next session thereafter, of his action under this provision: *Provided*, That so much of the appropriations of any annual Indian appropriation act as may be required to pay for goods and supplies, for expenses incident to their purchase, and for transportation of the same, for the fiscal year for which such appropriations are made, shall be immediately available, upon the approval of such act, but no such goods or supplies shall be distributed or delivered to any of said Indians prior to the beginning of such fiscal year.

Proviso. Amount for supplies immediately available.

That hereafter where there is Government property on hand at any of the Indian reservations or schools not required for the use or benefit of the Indians of said reservations or schools, the Secretary of the Interior is hereby authorized to move such property to other Indian reservations or schools where it may be required.

Transfer of property not in use.

COMMISSIONER.

Commissioner.

In any case where the restrictions as to alienation have been removed with respect to any Indian allottee, or as to any portion of the lands of any Indian allottee, and such allottee as an individual, or as a member of any tribe, has an interest in any fund held by the United States beyond the amount by law chargeable to such Indian or tribe on account of advances, the Commissioner of Indian Affairs is hereby authorized, prior to the date at which any penalties for the nonpayment of taxes would accrue under the laws of the State or Territory in which such land is situated, to pay such taxes and charge the amount thereof to such allottee, to be deducted from the share of such allottee in the final distribution or payment to him from such fund: *Provided*, That no such payment shall be made by said commissioner

Payment of taxes from share of allottee in tribal funds.

Proviso. Restriction.

- 34 Stat., 1017. where it is in excess of the amount which will ultimately be due said allottee.
- Irrigation. For construction of ditches and reservoirs, purchase and use of irrigating tools, and appliances, and purchase of water rights, on Indian reservations, in the discretion of the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior and subject to his control, one hundred and twenty-five thousand dollars: *Provided*, That the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, may employ superintendents of irrigation, who shall be skilled irrigation engineers, not to exceed five, as in his judgment may be necessary to secure the construction of ditches and other irrigation works in a substantial and workmanlike manner.
- Proviso.
Skilled engineers.
- Surveying and allotting. For survey and subdivision of Indian reservations and of lands to be allotted to Indians, and to make allotments in severalty, to be expended by the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, forty thousand dollars, of which fifteen thousand dollars shall be immediately available.
- Suppressing liquor traffic. To enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to take action to suppress the traffic of intoxicating liquors among Indians, twenty-five thousand dollars;¹
- Support of schools. For support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for, one million three hundred thousand dollars; and the powers conferred by section twenty-one hundred and forty of the Revised Statutes upon Indian agents, and subagents, and commanding officers of military posts are hereby conferred upon the special agent of the Indian Bureau for the suppression of the liquor traffic among Indians and in the Indian country and duly authorized deputies working under his supervision.
- Authority to special agent suppressing liquor traffic.
R. S., sec. 2140.
- Construction of buildings, etc. For construction, purchase, lease, and repair of school buildings, and for sewerage, water supply, and lighting plants, and purchase of school sites, and improvement of buildings and grounds, four hundred thousand dollars;
- Transporting pupils. In all, one million seven hundred thousand dollars. For collection and transportation of pupils to and from Indian schools, and also for the transportation of Indian pupils from all the Indian schools and placing of them, with the consent of their parents, under the care and control of such suitable white families as may in all respects be qualified to give such pupils moral, industrial, and educational training, seventy-five thousand dollars: *Provided*, That not exceeding five thousand dollars of this amount may be used, under direction of the Commissioner of Indian Affairs, in the transportation and placing of Indian pupils in positions where remunerative employment can be found for them in industrial pursuits. The provisions of this section shall apply to native pupils brought from Alaska.
- Proviso.
Positions for pupils.
- Alaska natives.
- Supervision of expenditures. That all expenditure of money appropriated for school purposes in this act shall be at all times under the supervision and direction of the Commissioner of Indian Affairs, and in all respects in conformity with such conditions, rules, and regulations as to the conduct and methods of instruction and expenditure of money as may be from time to time prescribed by him, subject to the supervision of the Secretary of the Interior: *Provided*, That, except for pay of superintendent, not more than one hundred and sixty-seven dollars shall be expended for the annual support and education of any one pupil in any school herein specifically provided for, except when, by reason of epidemic, accident, or other sufficient cause, the attendance is so reduced or cost of maintenance so high that a larger expenditure is absolutely necessary for the efficient operation of the school affected, when the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior,
- Provisos.
Limit of per capita expense.

¹ Evans v. Victor 199 Fed., 504.

may allow a larger per capita expenditure, such expenditure to continue only so long as the said necessity therefor shall exist: *Provided further*, That the total amount appropriated for the support of such school shall not be exceeded: *Provided further*, That the number of pupils in any school entitled to the per capita allowance hereby provided for shall be determined by taking the average enrollment for the entire fiscal year and not any fractional part thereof.

That hereafter white children may, under rules and regulations prescribed by the Commissioner of Indian Affairs, be admitted to any Indian day school: *Provided*, That the tuition fees charged for such children shall in no case exceed the tuition fees allowed or charged by the State or county in which such school is situated for the children admitted in the common schools of such State or county: *And provided further*, That all tuition fees paid for white children enrolled in Indian day schools shall be deposited in the United States Treasury to reimburse the funds out of which the schools last mentioned are maintained.

To enable the Commissioner of Indian Affairs, from time to time as he may deem necessary, to detail clerks from his office to make special investigations in the field, three thousand dollars, or so much thereof as may be necessary: *Provided*, That while thus absent from Washington under such detail they shall receive a per diem of three dollars to cover all expenses exclusive of transportation and sleeping-car fares.

That any noncompetent Indian to whom a patent containing restrictions against alienation has been issued for an allotment of land in severalty, under any law or treaty, or who may have an interest in any allotment by inheritance, may sell or convey all or any part of such allotment or such inherited interest on such terms and conditions and under such rules and regulations as the Secretary of the Interior may prescribe, and the proceeds derived therefrom shall be used for the benefit of the allottee or heir so disposing of his land or interest under the supervision of the Commissioner of Indian Affairs; and any conveyance made hereunder and approved by the Secretary of the Interior shall convey full title to the land or interest so sold, the same as if fee-simple patent had been issued to the allottee.

MISCELLANEOUS.

Telegraphing, telephoning, and purchase of Indian supplies: To pay the expense of purchasing goods and supplies for the Indian Service, including inspection and pay of necessary employees, and all other expenses connected therewith; advertising, at rates not exceeding regular commercial rates, and for telegraphing and telephoning, and for transportation of Indian goods and supplies, including pay and expenses of transportation agents and rent of warehouses, and warehouses for the receipt, storage, and shipping of goods for the Indian Service shall be maintained at the following places: New York, Chicago, Omaha, Saint Louis, and San Francisco, three hundred and fifteen thousand dollars.

For building and repairs of buildings at agencies and for rent of buildings for agency purposes, and for water supply at agencies, seventy-five thousand dollars.

For pure vaccine matter and vaccination of Indians, five thousand dollars.

That the provisions of section thirty-seven hundred and eighty-six of the Revised Statutes of the United States shall not hereafter apply to such work of the Indian Department as can be executed at the several Indian schools.

34 Stat., 1018.
Total for school.
Determining per capita allowance,
Admission of white children.
Provisos.
Tuition fees.
Deposit of fees.
Special investigations.
Proviso.
Per diem.
Noncompetent Indians.
Sale of allotments.
Proceeds.
Fee title to issue.
Supplies.
All expenses.
Warehouses.
Agency buildings.
Vaccination.
Printing in schools.
R. S., sec. 3786.

II. GENERAL OFFICERS AND EMPLOYEES.

34 Stat., 1019.

General officers and employees.

BOARD OF INDIAN COMMISSIONERS.

Citizen commission.
16 Stat., 40.

For expenses of the commission of citizens, serving without compensation, appointed by the President under the provisions of the fourth section of the act of April tenth, eighteen hundred and sixty-nine, four thousand dollars, of which amount not to exceed three hundred dollars may be used by the commission for office rent.

Inspectors.

INSPECTORS.

Irrigation.

For pay of eight Indian inspectors, two of whom shall be engineers, one to be designated as chief, competent in the location, construction, and maintenance of irrigation works, at two thousand five hundred dollars per annum each, except the chief engineer, who shall receive three thousand five hundred dollars, twenty-one thousand dollars.

Expenses.

For traveling expenses of eight Indian inspectors, at three dollars per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses now authorized by law, and for incidental expenses of negotiation, inspection, and investigation, including telegraphing and expenses of going to and going from the seat of government, and while remaining there under orders and direction of the Secretary of the Interior, for a period not to exceed twenty days, twelve thousand eight hundred dollars.

SUPERINTENDENT OF INDIAN SCHOOLS.

Superintendent of schools.

For pay of one superintendent of Indian schools, three thousand dollars.

Expenses.

For necessary traveling expenses of one superintendent of Indian schools, including telegraphing and incidental expenses of inspection and investigation, one thousand five hundred dollars: *Provided*, That he shall be allowed three dollars per day for traveling expenses when actually on duty in the field, exclusive of cost of transportation and sleeping-car fare, in lieu of all other expenses now allowed by law: *And provided further*, That he shall perform such other duties as may be imposed upon him by the Commissioner of Indian Affairs, subject to the approval of the Secretary of the Interior.

Provisos.
Per diem.

Other duties.

INTERPRETERS.

Interpreters.

For payment of necessary interpreters, to be distributed in the discretion of the Secretary of the Interior, four thousand dollars; but no person employed by the United States and paid for any other service shall be paid for interpreting.

POLICE.

Police.

For services of officers at twenty-five dollars per month each, and privates at twenty dollars per month each, of Indian police, to be employed in maintaining order and prohibiting illegal traffic in liquor on the several Indian reservations and within the Territory of Alaska, in the discretion of the Secretary of the Interior, for the purchase of equipments, and for the purchase of rations for policemen at non-ration agencies, two hundred thousand dollars.

MATRONS.

Matrons.

To enable the Secretary of the Interior to employ suitable persons as matrons to teach Indian girls in housekeeping and other household duties, at a rate not to exceed sixty dollars per month, and for fur-

34 Stat., 1020.

nishing necessary equipments, and renting quarters where necessary, twenty-five thousand dollars: *Provided*, That the amount paid said matrons shall not come within the limit for employees fixed by the act of June seventh, eighteen hundred and ninety seven.

Proviso.
Additional.
30 Stat., 90, vol. 1,
619.

FARMERS AND STOCKMEN.

To enable the Commissioner of Indian Affairs to employ practical farmers and practical stockmen, subject only to such examination as to qualifications as the Secretary of the Interior may prescribe, in addition to the agency farmers now employed, at wages not exceeding seventy-five dollars each per month, to superintend and direct farming and stock raising among such Indians as are making effort for self-support, one hundred and twenty-five thousand dollars: *Provided*, That the amounts paid said farmers and stockmen shall not come within the limit for employees fixed by the act of June seventh, eighteen hundred and ninety-seven: *Provided further*, That the Commissioner of Indian Affairs may employ additional farmers at any Indian school at not exceeding sixty dollars per month, subject only to such examination as the Secretary of the Interior may prescribe, said farmers to be in addition to the school farmers now employed.

Farmers and stockmen.

Provisos.
Additional.
30 Stat., 90.

At schools.

JUDGES.

For compensation of judges of Indian courts, twelve thousand dollars.

Judges, Indian courts.

CONTINGENCIES.

For contingencies of the Indian service, including traveling and incidental expenses of Indian agents and of their offices, and of the Commissioner of Indian Affairs; also traveling and incidental expenses of special agents, at three dollars per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses now authorized by law, and expenses of going to and going from the seat of government, and while remaining there under orders and direction of the Commissioner of Indian Affairs, for a period not to exceed twenty days; for pay of employees not otherwise provided for, and for pay of special agents, at two thousand dollars per annum each, seventy-five thousand dollars.

Contingencies.

INDIAN AGENTS—PROVISO.

The appropriations herein or hereafter made for the salaries of Indian agents shall not take effect nor become available in any case for or during the time in which any active officer of the Army of the United States shall be engaged in the performance of the duties of Indian agent at any of the agencies hereafter named; and the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may devolve the duties of any Indian agency or part thereof upon the superintendent of the Indian school located at such agency or part thereof whenever in his judgment such superintendent can properly perform the duties of such agency. And the superintendent upon whom such duties devolve shall give bond as other Indian agents.

Indian agents.

Salaries not available for active Army officers.

School superintendents may act as agents.

Additional pay.

That the pay of any superintendent who performs agency duties in addition to those of his superintendency may be increased by the Commissioner of Indian Affairs, in his discretion, to an extent not exceeding three hundred dollars per annum.

ARIZONA.

34 Stat., 1021.

San Carlos Agency.
Agent.

For pay of Indian agent at the San Carlos Agency, Arizona, one thousand eight hundred dollars.

Apaches, etc.
Support, etc.

For support and civilization of the Apache and other Indians in Arizona and New Mexico who have been or may be collected on reservations in Arizona and New Mexico, two hundred and twenty-five thousand dollars: *Provided*, That the unexpended balance for the fiscal year nineteen hundred and seven is hereby appropriated and made available for nineteen hundred and eight.

Proviso.
Balance available.Moqui Reservation.
Allotments.

That the Secretary of the Interior be, and he is hereby, authorized to allot lands in severalty to the Indians of the Moqui Reservation in Arizona, in such quantities as may be for their best interests: *Provided*, That the allotments hereunder made shall otherwise be subject to the provisions of the act of March second, eighteen hundred and eighty-seven, entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," and the amendments thereto.

Proviso.
Restrictions.
24 Stat., 388, vol. 1,
250.Pima Agency.
Support, etc., o In-
dians.

For support and civilization of the Indians of Pima Agency, Arizona, forty thousand dollars, to be expended for their benefit in such manner as the Secretary of the Interior, in his discretion, may deem best.

FORT MOJAVE SCHOOL.

Fort Mojave School.

For support and education of two hundred Indian pupils at the Indian school at Fort Mojave, Arizona, thirty-three thousand four hundred dollars, and for pay of superintendent, one thousand six hundred dollars;

For general repairs and improvements, two thousand dollars;

For boys' dormitory, eight thousand dollars;

For lighting plant, two thousand dollars;

In all, forty-five thousand dollars.

PHOENIX SCHOOL.

Phoenix School.

For support and education of seven hundred Indian pupils at the Indian school at Phoenix, Arizona, one hundred and sixteen thousand nine hundred dollars, and for pay of superintendent, two thousand five hundred dollars;

For general repairs and improvements, ten thousand dollars;

For addition to water system, seven thousand five hundred dollars;

In all, one hundred and thirty-six thousand nine hundred dollars.

Proviso.
Rifles to cadets.

Provided, That the Secretary of War is hereby authorized and directed to cause to be issued to the Indian school at Phoenix, Arizona, upon the request of the Secretary of the Interior, sixty Springfield cadet rifles, or other similar rifles, with the necessary equipment therefor, for the instruction of the pupils of the school.

TRUXTON CANYON SCHOOL.

Truxton Canyon
School.

For support and education of one hundred and ten pupils at the Indian school at Truxton Canyon, Arizona, eighteen thousand four hundred and seventy dollars, and for pay of superintendent, one thousand five hundred dollars;

General repairs and improvements, two thousand five hundred dollars;

Maintaining irrigation plant, one thousand dollars;

In all, twenty-three thousand four hundred and seventy dollars.

Incidentals.

For general incidental expenses of the Indian Service in Arizona, including traveling expenses of agents, one thousand five hundred dollars.

PIMA INDIANS.

That the Secretary of the Interior may, in his discretion, use such part of the three hundred thousand dollars heretofore appropriated for an irrigation system for the Pima Indians in the payment of such Indians' proportionate part of the construction of the Salt River project, and such funds may be transferred to the Reclamation fund, to be expended by that Service in accordance with its rules and regulations; the Indians to receive a credit upon the reclamation charge assessed against their lands under the Salt River project for the amount so transferred.

34 Stat., 1022.
Pima Indians.
Payment of share in Salt River irrigation project.
33 Stat., 1081.
34 Stat., 333.
Ante, p. 199.

CALIFORNIA.

For support and civilization of the Mission Indians in California, including pay of employees, five thousand dollars.
For support and civilization of the Northern Indians, California, ten thousand dollars.

California.
Mission Indians.
Support, etc.
Northern Indians.
Support, etc.

SHERMAN INSTITUTE.

For support and education of five hundred Indian pupils at the Sherman Institute, Riverside, California, eighty-three thousand five hundred dollars, and for pay of superintendent, two thousand five hundred dollars;

Sherman Institute,
Riverside.

For general repairs and improvements, eight thousand dollars;
For additional water and sewer system, two thousand five hundred dollars;

For addition to laundry, two thousand dollars;
For additional farm buildings and improvements, eight thousand dollars;

For two employees' cottages, six thousand dollars;
For cement walks, curbing, and guttering, five thousand dollars;
For concreting reservoir, three thousand dollars;
In all, one hundred and twenty thousand five hundred dollars.

For general incidental expenses of the Indian service in California, including traveling expenses of agents, and support and civilization of Indians at the Round Valley, Hoopa Valley, and Tule River agencies, four thousand dollars;

Incidentals.

And pay of employees at same agencies, seven thousand dollars;
In all, eleven thousand dollars.

That the paragraph in the Indian appropriation act, approved June twenty-first, nineteen hundred and six (Thirty-fourth Statutes at Large, pages three hundred and twenty-five to three hundred and thirty-three), relating to the removal of obstructions from the bed of a stream in the Round Valley Reservation, California, be amended as follows: Insert after the word "obstructions" the words "both within and without the reservation;" strike out the words "drains into the Eel River in" and insert the words "flows through" and insert after the word "California" the words "and drains into the Eel River."

Round Valley Reservation.
Removal of obstructions in.
34 Stat., 333.
Ante, p. 201.

For payment to the Indians of the Round Valley Indian Reservation, in such manner as the Secretary of the Interior may direct, five hundred and three dollars and fifty cents for four hundred and two and eighty-hundredths acres of land, at the rate of one dollar and twenty-five cents per acre, which lands were erroneously entered by homestead and other claimants while they were a part of the Round Valley Reservation.

Payment for lands erroneously entered.

That section three of the act approved January twelfth, eighteen hundred and ninety-one, entitled "An act for the relief of the Mission Indians in the State of California," be, and the same is hereby, so

Mission Indians.
Additional lands to be patented to.
26 Stat., 712; vol. 1, 383.

34 Stat., 1023. Appraisal of improvements by settlers. Proviso. Release of title, etc.

amended as to authorize the Secretary of the Interior to select, set apart, and cause to be patented to the Mission Indians such tracts of the public lands of the United States, in the State of California, as he shall find upon investigation to have been in the occupation and possession of the several bands or villages of Mission Indians, and are now required and needed by them, and which were not selected for them by the Commission as contemplated by section two of said act; and to appraise or cause to be appraised the value of any improvements belonging to any person to whom any 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, enlarged, or defined under the provisions of this act: *Provided*, That no patent issued under the provisions of this act shall embrace any tract or tracts to which valid existing 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 this act in all respects and shall thereafter, upon demand and payment of such appraised value, execute a release of all claims and title thereto.

Colorado.

COLORADO.

FORT LEWIS SCHOOL.

Fort Lewis school.

For the support and education of two hundred Indian pupils at the Indian school at Fort Lewis, Colorado, thirty-three thousand four hundred dollars; and for pay of superintendent, one thousand seven hundred dollars;

For general repairs and improvements, and improvement to water system, ten thousand dollars;

In all, forty-five thousand one hundred dollars.

GRAND JUNCTION SCHOOL.

Grand Junction school.

For support and education of two hundred Indian pupils at the Indian school at Grand Junction, Colorado, thirty-three thousand four hundred dollars; and for pay of superintendent, one thousand six hundred dollars;

General repairs and improvements, five thousand dollars;

Machinery for laundry and shops, three thousand two hundred dollars;

In all, forty-three thousand one hundred and fifty dollars.

Incidentals.

For general incidental expenses of the Indian Service in Colorado, including traveling expenses of agents, one thousand dollars.

Idaho.

IDAHO.

Coeur d'Alene Reservation.

For a superintendent in charge of agency and educational matters on the Coeur d'Alene Reservation, Idaho, one thousand two hundred dollars.

Fort Hall Reservation. Support, etc., of Indians.

For support and civilization of the Shoshones and Bannocks, Sheep-eaters, and other Indians of the Fort Hall Reservation, in Idaho, including pay of employees, thirty thousand dollars, ten thousand dollars to be immediately available.

Incidentals.

For general incidental expenses of the Indian Service in Idaho, including traveling expenses of agents, one thousand dollars.

SHOSHONES AND BANNOCKS. (Treaty.) (For Shoshones, see Wyoming.)

Bannocks. Fulfilling treaty. 15 Stat., 676; vol. 2, 1023.

BANNOCKS: For pay of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith, as per tenth article of treaty of July third, eighteen hundred and sixty-eight, five thousand dollars.

COEUR D'ALENES. (Treaty.)

For pay of blacksmith, carpenter, and physician, and purchase of medicines, as per the eleventh article of agreement, ratified by act March, eighteen hundred and ninety-one, three thousand five hundred dollars.

34 Stat., 1024.

Coeur d'Alenes.

Blacksmith, etc.
26 Stat., 1029; vol. 1,
421.

FORT HALL INDIANS. (Treaty.)

For nineteenth of twenty installments, as provided in agreement with said Indians approved February twenty-third, eighteen hundred and eighty-nine, to be used by the Secretary of the Interior for the benefit of the Indians in such manner as the President may direct, six thousand dollars.

Fort Hall Indians.

Fulfilling treaty.
25 Stat., 688; vol. 1,
315.

FULFILLING TREATIES WITH INDIANS FORMERLY OF LEMHI AGENCY, IDAHO: For first of twenty installments, as provided in agreement with the Indians of Fort Hall and Lemhi agencies, Idaho, approved February twenty-third, eighteen hundred and eighty-nine, to be used by the Secretary of the Interior for the benefit of the Indians removed to Fort Hall Reservation from Lemhi Agency, Idaho, in such manner as the President may direct, four thousand dollars.

Lemhi Agency.
Fulfilling treaty with
Indians formerly of.
25 Stat., 688; vol. 1,
315.

In all, ten thousand dollars.

That the Secretary of the Interior be, and he is hereby, authorized to acquire by purchase or condemnation on behalf of the United States all land in townships four, five, six, and seven south, range forty, forty-one, and forty-two east, Boise meridian in Idaho, that he shall deem necessary in constructing a reservoir for storing water for the purpose of irrigating lands on the Fort Hall Indian Reservation and those ceded by the Indians of the said reservation, and also the lands, rights, and property which he may determine to be necessary to the success of any plan or project for the said purpose; or he may cause the enlargement to be made of any irrigating system in accordance with the laws of Idaho that circumstances may require.

Fort Hall Reserva-
tion.
Purchase of lands for
irrigation reservoir.

Upon acquiring the site, as herein provided, the Secretary may cause the system determined on to be constructed by contract or otherwise, in sections or as a whole, as he may determine, and may sell the water right for lands in private ownership at six dollars an acre, but no such right shall permanently attach until all payments therefor are made. The amount at which such water rights shall be sold shall be payable in five equal annual installments, to be paid to the receiver of the local land office, and the failure to make any two payments shall work a forfeiture of the rights acquired by the purchaser, and he shall lose the money previously paid and the water right for the land, but it may be purchased by another person who shall thereafter acquire the land in question at such price and on such conditions as the Secretary of the Interior may determine, but not less than the cost originally determined. In addition, the same fee shall be paid to the register and receiver as though the land was entered as a part of the public domain at one dollar and twenty-five cents an acre; the money so paid, less the fee, shall reimburse the United States for the expenditures made thereunder.

Construction of
project.

Payment of water
rights.

Additional fee.

The land susceptible of irrigation under the system herein provided and owned by Indians in severalty or in common shall be deemed to have a right to so much water as may be required to irrigate said lands, without cost to the Indians so long as the title remains in said Indians or tribe, but any such lands leased for a longer term than three years shall bear their pro rata part of the cost of the maintenance of the system that may be constructed, and when the Indian title is extinguished these lands shall also bear their pro rata cost of maintenance.

Free use to Indians.

Leased lands.

When the payments required by this act are made for the major part of the lands that can be irrigated from the system, the management

Transfer of ownership
of completed project.

- 34 Stat., 1025. and operation of such irrigation work shall pass to the owners of the lands irrigated thereby, to be maintained at their expense under such form of organization and under such rules and regulations as may be acceptable to the Secretary of the Interior, in accordance with the statute of the State of Idaho. The title to and management and operation of the reservoir and the works necessary to its protection and
- Water for reservation, etc. Congress. The Government institutions established for the administration of the affairs of the Fort Hall Reservation, including the school plant and farm, shall have sufficient water for their needs without cost, and any town or city embraced within the project may acquire water rights sufficient for its needs on such terms and condition as the Secretary of the Interior may impose.
- Water rights appurtenant to lands irrigated. Appropriation. The water rights acquired or provided for in this measure shall be appurtenant to the lands irrigated, and there is hereby appropriated for the purpose of carrying out the provisions of this act, three hundred and fifty thousand dollars, which shall be reimbursed the United States from the moneys obtained from the sale of water rights, and the Secretary of the Interior shall have full power to do all acts or make all rules and regulations necessary to carry out the provisions of this act relating to the foregoing irrigation system.
- Indian Territory. **INDIAN TERRITORY.**
- Union Agency. Agent. For pay of Indian agent at the Union Agency, Indian Territory, three thousand dollars.
- Clerks, etc. For special clerical force in the office of the United States Indian agent, Union Agency, and miscellaneous expenses in connection with entering of remittances received on account of payments of town lots and issuance of patents, and conveying same, six thousand dollars.
- Five Civilized Tribes. Leasing, etc., lands of, expenses. 34 Stat. 144. For clerical work and labor connected with the leasing of Creek and Cherokee lands, for mineral and other purposes, and the leasing of lands of full-blood Indians under the act of April twenty-sixth, nineteen hundred and six, thirty thousand dollars; for clerical work and labor connected with the sale of inherited and other lands, Five Civilized Tribes, thirty thousand dollars; in all, sixty thousand dollars: *Provided*, That the sums so expended shall be reimbursable out of the proceeds of such land sales and leases, and shall be equitably apportioned by the Secretary of the Interior from the moneys collected from such sales and leases.
- Proviso. Reimbursement.
- Removal of intruders. Removal of intruders, Five Civilized Tribes: For the purpose of removing intruders and placing allottees in unrestricted possession of their allotments, to be expended under the direction of the Secretary of the Interior, fifteen thousand dollars.
- Removing alienation restrictions. 33 Stat., 204. To enable the Secretary of the Interior to carry out the provisions of the act approved April twenty-first, nineteen hundred and four, for the removal of restrictions upon the alienation of lands of allottees of the Five Civilized Tribes, twenty-five thousands dollars: *Provided*, That so much as may be necessary may be used in the employment of clerical force in the office of Commissioner of Indian Affairs.
- Proviso. Clerks.
- Suppressing smallpox, 1901. Ten thousand dollars, or so much thereof as may be necessary, to be immediately available, in the payment of indebtedness already incurred, necessarily expended in suppressing the spread of smallpox in the Indian Territory during the fiscal year ended June thirtieth, nineteen hundred and one, all accounts to be first examined and approved by the Secretary of the Interior as just and reasonable before being paid.
- Incidentals. For general incidental expenses of the Indian Service in the Indian Territory, and for pay of employees, twenty-two thousand dollars.

INSPECTOR.

For clerical and incidental expenses of the United States inspector's office, Indian Territory, in accordance with the provisions of section twenty-seven of the act of June twenty-eighth, eighteen hundred and ninety-eight, entitled "An act for the protection of the people of the Indian Territory, and for other purposes," eighteen thousand dollars.

To enable the Secretary of the Interior to investigate or cause to be investigated any lease of allotted land in the Indian Territory which he has reason to believe has been obtained by fraud or in violation of the terms of existing agreements with any of the Five Civilized Tribes, as provided by the act approved March third, nineteen hundred and five, ten thousand dollars.¹

The Attorney General be, and he is hereby, authorized to make all necessary arrangements for the transfer from the clerks of the United States courts in the Indian Territory and their deputies in their capacities as clerks and as ex officio recorders, to the proper State or county officials of the State of Oklahoma when organized, all records, papers, and files now in the custody of said clerks and their deputies, and he is authorized to pay the necessary expense incident thereto out of the excess of emoluments earned by said clerks and their deputies whether as clerks and deputy clerks or as ex officio recorders of deeds and other instruments during the calendar years nineteen hundred and six and nineteen hundred and seven, notwithstanding the act of February nineteen, nineteen hundred and three (Thirty-two Statutes at Large, page eight hundred and forty-two).

That to enable the clerks and deputy clerks of the United States courts in Indian Territory who are ex officio recorders to complete their records they shall be allowed to retain for such purpose a per centum of the fees earned by them for filing and recording deeds and other instruments in addition to the compensation now provided by law, the amount so to be allowed and retained to be determined and approved by the Attorney General of the United States.

The filing heretofore or hereafter of any lease in the office of the United States Indian agent, Union Agency, Muskogee, Indian Territory, shall be deemed constructive notice.

That the Secretary of the Interior be, and he is hereby, authorized to make such contract as in his judgment seems advisable for the care of orphan Indian children in the Indian Territory, and for the purpose of carrying this provision into effect the sum of ten thousand dollars, or so much thereof as is necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

SCHOOLS.

For the maintenance, strengthening, and enlarging of the tribal schools of the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations, and making provision for the attendance of children of parents of other than Indian blood therein, and the establishment of new schools under the control of the Department of the Interior, the sum of three hundred thousand dollars, or so much thereof as may be necessary, to be placed in the hands of the Secretary of the Interior, and disbursed by him under such rules and regulations as he may prescribe.

FIVE CIVILIZED TRIBES.

For the completion of the work heretofore required by law to be done by the Commission to the Five Civilized Tribes, one hundred and fifty-seven thousand dollars, said appropriation to be disbursed under the direction of the Secretary of the Interior.

34 Stat., 1026.
Inspector.

Office expenses.
30 Stat., 504; vol. 1,
100.

Investigating leases.

Transferring records
of recorders, etc.

Payment of expenses.

32 Stat., 842.

Completion of
records.
Allowance to clerks.

Notice of leases.

Orphan Indian chil-
dren
Contract for care.

Five Civilized
Tribes.

Schools.

Completing c o m-
mission's work.

¹ U. S. v. Allen, 171 Fed., 907; same, 224 U. S., 413.

34 Stat., 1027.
Access to records.

That the Secretary of the Interior, or his accredited representative, shall at all times have access to any books and records of the Choctaw Chickasaw, Cherokee, Creek, and Seminole tribes, whether in possession of any of the officers of either of said tribes or any officer or custodian thereof, of the future State of Oklahoma.

Choctaws.

CHOCTAWS. (Treaty.)

Annuities.
7 Stat., 99; vol. 2, 87.
11 Stat., 614; vol. 2,
709.

For permanent annuity, per second article of treaty of November sixteenth, eighteen hundred and five, and thirteenth article of treaty of June twenty-second, eighteen hundred and fifty-five, three thousand dollars;

Light horsemen.
7 Stat., 213; vol. 2, 193.
11 Stat., 614; vol. 2,
709.

For permanent annuity for support of light horsemen, per thirteenth article of treaty of October eighteenth, eighteen hundred and twenty, and thirteenth article of treaty of June twenty-second, eighteen hundred and fifty-five, six hundred dollars;

Blacksmith.
7 Stat., 212, 236; vol. 2,
192, 213.
11 Stat., 614; vol. 2,
709.

For permanent annuity for support of blacksmith, per sixth article of treaty of October eighteenth, eighteen hundred and twenty, ninth article of treaty of January twentieth, eighteen hundred and twenty-five, and thirteenth article of treaty of June twenty-second, eighteen hundred and fifty-five, six hundred dollars;

Education.
7 Stat., 235; vol. 2, 212.
11 Stat., 614; vol. 2,
709.

For permanent annuity for education, per second and thirteenth articles of last two treaties named above, six thousand dollars;

Iron and steel.
7 Stat., 236; vol. 2, 213.
11 Stat., 614; vol. 2,
709.

For permanent annuity for iron and steel, per ninth article of treaty of January twentieth, eighteen hundred and twenty-five, and thirteenth article of treaty of June twenty-second, eighteen hundred and fifty-five, three hundred and twenty dollars;

Interest.

7 Stat., 236; vol. 2, 213.

11 Stat., 614; vol. 2,
709.

For interest on three hundred and ninety thousand two hundred and fifty-seven dollars and ninety-two cents, at five per centum per annum, for education, support of the government, and other beneficial purposes, under the direction of the general council of the Choctaws, in conformity with the provisions contained in the ninth and thirteenth articles of treaty of January twentieth, eighteen hundred and twenty-five, and treaty of June twenty-second, eighteen hundred and fifty-five, nineteen thousand five hundred and twelve dollars and eighty-nine cents;

Funds to credit of
tribe.

11 Stat., 613, 614; vol.
2, 708, 709.

That the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury to the credit of the Choctaw tribe of Indians the sum of three hundred and ninety thousand two hundred and fifty-seven dollars and ninety-two cents, balance due said tribe under articles ten and thirteen of the treaty of June twenty-second, eighteen hundred and fifty-five (Eleventh Statutes at Large, six hundred and eleven), and the same shall draw interest at three per centum per annum.

In all, four hundred and twenty thousand two hundred and ninety dollars and eighty-one cents.

Tribal courts abol-
ished.

Transfer of causes.

That upon the passage of this act tribal courts of the Choctaw and Chickasaw Nations shall be abolished, and no officer of said courts shall thereafter have any authority whatever to do or perform any act theretofore authorized by any law in connection with said courts or to receive any pay for the same; and all civil and criminal causes then pending in any such court in said nations shall be transferred to the proper United States court in said Territory by filing with the clerk of the court the original papers.

McAlester.
May issue bonds for
sites and school-
houses.

That the city of McAlester, Indian Territory, may legally issue, in addition to its present outstanding indebtedness, bonds to the amount of one hundred and seventy-five thousand dollars for the purchase of sites and the erection of schoolhouses thereon, notwithstanding any provision of any law of the United States put in force and made applicable to the Choctaw and Chickasaw Nations, Indian Territory,

limiting the aggregate indebtedness of any municipal corporation therein to a fixed per centum of its taxable property: *Provided*, That such bonds shall be issued in all other respects in accordance with section fifty-five of the act of Congress approved July first, nineteen hundred and two, entitled "An act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes."

34 Stat., 1028.

Proviso.
Conditions.
32 Stat., 65; vol. 1,
783.

That all restrictions as to the sale and encumbrance of the southeast quarter of the northwest quarter of section thirteen, township eleven, range nine east, in Indian Territory, the same being the homestead heretofore allotted to Nocus Fixico, Creek Indian allottee numbered six thousand nine hundred and thirty-four, are hereby removed.

Nocus Fixico.
Alienation restric-
tions removed.

That William Brown and Levi B. Gritts, on their own behalf and on behalf of all other Cherokee citizens, having like interests in the property allotted under the act of July first, nineteen hundred and two, entitled "An act to provide for the allotment of lands of the Cherokee Nation, for the disposition of town sites therein, and for other purposes," and David Muskrat and J. Henry Dick, on their own behalf, and on behalf of all Cherokee citizens enrolled as such for allotment as of September first, nineteen hundred and two, be, and they are hereby, authorized and empowered to institute their suits in the Court of Claims to determine the validity of any acts of Congress passed since the said act of July first, nineteen hundred and two, in so far as said acts, or any of them, attempt to increase or extend the restrictions upon alienation, encumbrance, or the right to lease the allotments of lands of Cherokee citizens, or to increase the number of persons entitled to share in the final distribution of lands and funds of the Cherokees beyond those enrolled for allotment as of September first, nineteen hundred and two, and provided for in the said act of July first, nineteen hundred and two.

Cherokee citizens.
Suits authorized in
Court of Claims to test
validity of laws re-
stricting rights of alien-
ation, etc.
32 Stat., 716; vol. 1,
787. 33 Stat., 205, 208.

34 Stat., 138.

And jurisdiction is hereby conferred upon the Court of Claims, with the right of appeal, by either party, to the Supreme Court of the United States, to hear, determine and adjudicate each of said suits.

Appeals.

The suits brought hereunder shall be brought on or before September first, nineteen hundred and seven, against the United States as a party defendant, and for the speedy disposition of the questions involved preference shall be given to the same by said courts and by the Attorney General, who is hereby charged with the defense of said suits.

Upon the rendition of final judgment by the Court of Claims, or the Supreme Court of the United States, denying the validity of any portion of the said acts authorized to be brought into question in either or both of said cases, the Court of Claims shall determine the amount to be paid the attorneys employed by the above-named parties in the prosecution thereof for services and expenses, and shall render judgment therefor, which shall be paid out of the funds in the United States Treasury belonging to the beneficiaries under the said act of July first, nineteen hundred and two.¹

Amount to be paid
attorneys.

QUAPAWS. (Treaty.)

Quapaws.

For education, per third article of treaty of May thirteenth, eighteen hundred and thirty-three, one thousand dollars;

Fulfilling treaty.
7 Stat., 425; vol. 2,
396.

For blacksmith and assistants, and tools, iron, and steel for blacksmith shop, per same article and treaty, five hundred dollars;

In all, one thousand five hundred dollars: *Provided*, That the President of the United States shall certify the same to be for the best interests of the Indians.

Proviso.
Certificate of Presi-
dent.

¹ Eberle v. King, 93 Pac., 748; U. S. v. Allen, 171 Fed., 907; Muskrat v. U. S., 219 U. S., 346; Henry Gas Co. v. U. S., 191 Fed., 132.

34 Stat., 1029.
Seminoles.

SEMINOLES. (Treaty.)

Interest.
11 Stat., 702; vol. 2,
760.

For five per centum interest on two hundred and fifty thousand dollars, to be paid as annuity, per eighth article of treaty of August seventh, eighteen hundred and fifty-six, twelve thousand five hundred dollars;

For five per centum interest on two hundred and fifty thousand dollars, to be paid as annuity (they having joined their brethren West), per eighth article of treaty of August seventh, eighteen hundred and fifty-six, twelve thousand five hundred dollars;

11 Stat., 757; vol. 2,
911.

For interest on fifty thousand dollars, at the rate of five per centum per annum, to be paid annually, for the support of schools, as per third article of treaty of March twenty-first, eighteen hundred and sixty-six, two thousand five hundred dollars;

For interest on twenty thousand dollars, at the rate of five per centum per annum, to be paid annually, for the support of the Seminole government, as per same article, same treaty, one thousand dollars;

In all, twenty-eight thousand five hundred dollars.

Care of insane.

For the care and support of insane persons in Indian Territory, to be expended under the direction of the Secretary of the Interior, thirty-five thousand dollars, or so much thereof as may be necessary: *Provided, however,* That insane Indian citizens in said Territory shall be cared for at the asylum in Canton, Lincoln County, South Dakota.

Proviso.
Indians at Canton, S.
Dak.

Mathias Splitlog.
Heirs may sell land
for church, etc.

That the heirs of the late Mathias Splitlog, deceased, an Indian allottee of the Seneca Nation, Indian Territory, are authorized to sell and convey to the Roman Catholic Church, for church and burial purposes, three acres of the land heretofore allotted to the said Mathias Splitlog, as a member of the Seneca tribe of Indians in Indian Territory, to be selected so as to include the church and cemetery now on said allotment. The minor heirs may join in the sale of said three acres of land by a guardian duly appointed by the United States court for the northern district of the Indian Territory.

Iowa.

IOWA.

SAC AND FOX SCHOOL.

Sac and Fox Reser-
vation School.

For support and education of eighty Indian pupils, at the Indian school on the Sac and Fox Reservation, Iowa, thirteen thousand five hundred and sixty dollars, and for pay of superintendent, one thousand dollars;

For general repairs and improvements, two thousand dollars;

In all, sixteen thousand and sixty dollars.

Kansas.

KANSAS.

HASKELL INSTITUTE.

Haskell Institute,
Lawrence.

For support and education of seven hundred and fifty Indian pupils at the Indian school, Haskell Institute, Lawrence, Kansas, and for transportation of pupils to and from said school, one hundred and thirty-five thousand two hundred and fifty dollars, and for pay of superintendent, two thousand five hundred dollars;

For general repairs and improvements, fifteen thousand dollars;

For shop building, ten thousand dollars;

In all, one hundred and sixty-two thousand seven hundred and fifty dollars.

KICKAPOO INDIAN SCHOOL.

For support and education of eighty Indian pupils at the Indian school, Kickapoo Reservation, Kansas, thirteen thousand three hundred and sixty dollars, and for pay of superintendent, one thousand three hundred dollars;

Kickapoo Reservation School.
34 Stat., 1030.

General repairs and improvements, three thousand dollars;
In all, seventeen thousand six hundred and sixty dollars.

IOWAS. (Treaty.)

Iowas.

For interest in lieu of investment on fifty-seven thousand five hundred dollars, balance of one hundred and fifty-seven thousand five hundred dollars, to July first, nineteen hundred and seven, at five per centum per annum, for education or other beneficial purposes, under the direction of the President, per ninth article of treaty of May seventeenth, eighteen hundred and fifty-four, two thousand eight hundred and seventy-five dollars.

Interest.
10 Stat., 1071; vol. 2, 629.

That the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury to the credit of the Iowa tribe of Indians the sum of fifty-seven thousand five hundred dollars, the amount due the tribe under the ninth article of the treaty of May seventeenth, eighteen hundred and fifty-four (Tenth Statutes at Large, page one thousand and sixty-nine), and the Secretary of the Interior is authorized to pay per capita to the members of the Iowa tribe entitled thereto the said sum in the same manner as provided by the act of April twenty-first, nineteen hundred and four (Thirty-third Statutes at Large, page two hundred and one).

Principal to credit of tribe.
10 Stat., 1071; vol. 2, 629.
Per capita payment.
33 Stat., 201.

KICKAPOOS IN KANSAS. (Treaty.)

Kickapoos.

That the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury to the credit of the Kickapoo Indians in Kansas the sum of sixty-four thousand eight hundred and sixty-five dollars and twenty-eight cents, the balance due them under the second article of the treaty of May eighteenth, eighteen hundred and fifty-four (Tenth Statutes at Large, page one thousand and seventy-eight), and the Secretary of the Interior is authorized to pay per capita to the members of the tribe entitled the said sum, under such rules and regulations as he may prescribe, in the same manner as provided by the act of April twenty-first, nineteen hundred and four (Thirty-third Statutes at Large, page two hundred and one).

Principal to credit of tribe.
10 Stat., 1079; vol. 2, 634.
Per capita payment.
33 Stat., 201.

POTTAWATOMIES. (Treaty.)

Pottawatomies.

For permanent annuity, in silver, per fourth article of treaty of August third, seventeen hundred and ninety-five, three hundred and fifty-seven dollars and eighty cents;

Annuities
7 Stat., 51; vol. 2, 40.

For permanent annuity, in silver, per third article of treaty of September thirtieth, eighteen hundred and nine, one hundred and seventy-eight dollars and ninety cents;

7 Stat., 114; vol. 2, 101.

For permanent annuity, in silver, per third article of treaty of October second, eighteen hundred and eighteen, eight hundred and ninety-four dollars and fifty cents;

7 Stat., 185; vol. 2, 168.

For permanent annuity, in money, per second article of treaty of September twentieth, eighteen hundred and twenty-eight, seven hundred and fifteen dollars and sixty cents;

7 Stat., 317; vol. 2, 294.

For permanent annuity, in specie, per second article of treaty of July twenty-ninth, eighteen hundred and twenty-nine, and second

7 Stat., 320; vol. 2, 298.

- 7 Stat., 317; vol. 2, 294. article of treaty of September twentieth, eighteen hundred and twenty-eight, five thousand seven hundred and twenty-four dollars and seventy-seven cents;
- 7 Stat., 318; vol. 2, 294. For permanent provision for payment of money in lieu of tobacco, iron, and steel, per second article of treaty of September twentieth, eighteen hundred and twenty-eight, and tenth article of treaties of
- 34 Stat., 1031. June fifth and seventeenth, eighteen hundred and forty-six, one hundred and seven dollars and thirty-four cents;
- 9 Stat., 855; vol. 2, 559. For permanent provision for three blacksmiths and assistants, and for iron and steel for shops, per third article of treaty of October six-
- 7 Stat., 296; vol. 2, 274. tenth, eighteen hundred and twenty-six; second article of treaty of
- 7 Stat., 318; vol. 2, 294. September twentieth, eighteen hundred and twenty-eight, and second
- 7 Stat., 321; vol. 2, 298. article of treaty of July twenty-ninth, eighteen hundred and twenty-nine, one thousand and eight dollars and ninety-nine cents;
- 7 Stat., 320; vol. 2, 298. For permanent provision for fifty barrels of salt, per second article of treaty of July twenty-ninth, eighteen hundred and twenty-nine, fifty dollars;
- Principal to credit of tribe. That the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury to the credit of the Pottawatomie Indians in Kansas the sum of two hundred and thirty thousand and sixty-four dollars and twenty cents, being the unappropriated balance of the sum of eight hundred and fifty thousand
- 9 Stat., 854; vol. 2, 558. dollars due the Pottawatomie tribe under the provisions of article seven of the treaty of June fifth and seventeenth, eighteen hundred and forty-six (Ninth Statutes at Large, page eight hundred and fifty-
- Per capita payment. three), and the Secretary of the Interior is authorized to pay per capita to the members of the Pottawatomie tribe of Indians in Kansas the said sum, under such rules and regulations as may be prescribed by
- 33 Stat., 201. him and in the same manner as provided by the act of April twenty-first, nineteen hundred and four (Thirty-third Statutes at Large, page two hundred and one);
- In all, two hundred and thirty-nine thousand one hundred and two dollars and ten cents

Sacs and Foxes of the Missouri.

SACS AND FOXES OF THE MISSOURI. (Treaty.)

- Interest. For interest on one hundred thousand four hundred dollars, at five per centum, under the direction of the President, per second article of treaty of October twenty-first, eighteen hundred and thirty-seven, five thousand and twenty dollars;
- 7 Stat., 541; vol. 2, 495.
- School. For support of a school, per fifth article of treaty of March sixth, eighteen hundred and sixty-one, two hundred dollars;
- 12 Stat., 1173; vol. 2, 812.
- Principal to credit of tribe. That the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury to the credit of the Sac and Fox Indians of the Missouri the sum of one hundred thousand
- 7 Stat., 541; vol. 2, 495. four hundred dollars, the balance of the amount due the tribe under the second article of the treaty of October twenty-first, eighteen hundred and thirty-seven (Seventh Statutes at Large, page five hundred and forty), and the Secretary of the Interior is authorized and directed to pay per capita to the members of Sac and Fox Indians of the Missouri tribe entitled thereto the said sum in the same manner as provided by the act of April twenty-first, nineteen hundred and four (Thirty-third Statutes at Large, page two hundred and one).
- Per capita payment.
- Rachel Cross. Rachel Cross is hereby authorized to sell lot four, section twenty-five; township twenty-five north, range three east, in Kansas, subject to the approval of the Secretary of the Interior, for cemetery purposes.
- Sale for cemetery.

MICHIGAN.

Michigan.

MOUNT PLEASANT SCHOOL.

For support and education of three hundred Indian pupils at the Indian school, Mount Pleasant, Michigan, fifty thousand four hundred dollars, and for pay of superintendent, one thousand seven hundred dollars;

Mount Pleasant school.

For general repairs and improvements, four thousand dollars;
In all, fifty-six thousand one hundred dollars.

MINNESOTA.

34 Stat., 1032.
Minnesota.

For pay of Indian agent at the Leech Lake Agency, Minnesota, one thousand eight hundred dollars;

Leech Lake Agency.
Agent.

For pay of Indian agent at White Earth, one thousand eight hundred dollars;

White Earth Agency
Agent.

In all, three thousand six hundred dollars.

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, with the consent of the Indians of the White Earth Reservation, in Minnesota, to be obtained in such manner as he may direct, to set apart the southwest quarter of the southwest quarter, the east half of the southwest quarter, and the west half of the southeast quarter of section twenty-three, township one hundred and forty-two north, range forty-one west, fifth principal meridian, on the White Earth Reservation, in the State of Minnesota, for town site, and to cause the lands described to be surveyed and platted into suitable lots, streets, and alleys, and to dedicate said streets and alleys and such lots and parcels as may be necessary to public uses, and to cause the lots to be appraised at their real value, exclusive of improvements thereon or adjacent thereto, by a board of three persons, one of whom shall be the United States Indian agent or superintendent of the White Earth Reservation, one to be appointed by the Secretary of the Interior, and one selected by the White Earth bands of Chippewa Indians, who shall receive such compensation as the Secretary of the Interior shall prescribe, to be paid out of the proceeds of the sale of lots sold under this act, and when so surveyed, platted, and appraised, the President may issue patents for such lots upon the payment of the appraised value, on such terms as may be approved by the Secretary of the Interior, and the net proceeds of such sales shall be placed to the credit of the said White Earth bands of Chippewa Indians, and those now owning permanent improvements there shall have the preference right for six months from the date such lots shall be offered for sale within which to purchase tracts upon which their improvements are situated, but no lots shall be sold for less than the appraised valuation; but if any person entitled fails to take advantage of this provision, the agent or superintendent of the White Earth Reservation shall appraise the improvements on the unsold lots, and any purchaser, on the payment to the owner of the appraised value of the improvements, shall have the preference right for six months from the date of such payment to purchase such unsold lot or lots at their appraised value on such terms as may be approved by the Secretary of the Interior: *Provided further*, That the patents to be issued shall contain a condition that no malt, spirituous, or vinous liquors shall be kept or disposed of on the premises conveyed, and that any violation of this condition, either by the patentee or any person claiming rights under him, shall render the conveyance void and cause the premises to revert to the White Earth bands of Chippewa Indians, to be held as other tribal lands: *Provided*, That one square of such plat shall be set aside and reserved for a schoolhouse site.

White Earth Reservation.
Town site to be set apart.

Appraisal.

Sale of lots.

Provisos.
Liquor prohibition.

School site.

MORRIS SCHOOL.

Morris school.

For the support and education of one hundred and fifty Indian pupils at the Indian school, Morris, Minnesota, twenty-five thousand one hundred and fifty dollars, and for pay of superintendent, one thousand five hundred dollars;

For general repairs and improvements, three thousand dollars;
In all, twenty-nine thousand six hundred and fifty dollars.

PIPESTONE SCHOOL.

34 Stat., 1033.
Pipestone School.

For support and education of two hundred and twenty-five Indian pupils at the Indian school, Pipestone, Minnesota, thirty-seven thousand nine hundred and seventy-five dollars, and for pay of superintendent, one thousand six hundred dollars;

For general repairs and improvements, two thousand five hundred dollars;

For warehouse, four thousand dollars;
In all, forty-six thousand and seventy-five dollars.

Chippewas of the
Mississippi.

CHIPPEWAS OF THE MISSISSIPPI. (Treaty.)

Schools.

16 Stat., 720; vol. 2,
975.

For support of a school or schools upon said reservation, during the pleasure of the President, in accordance with third article of treaty of March nineteenth, eighteen hundred and sixty-seven, four thousand dollars.

Chippewas of Min-
nesota.

CHIPPEWAS OF MINNESOTA, REIMBURSABLE. (Treaty.)

Advance interest.
25 Stat., 645; vol. 1,
305.

Advance interest to the Chippewa Indians in Minnesota, as required by section seven of "An act for the relief of the Chippewa Indians in the State of Minnesota," approved January fourteenth, eighteen hundred and eighty-nine, to be expended under the direction of the Secretary of the Interior, in the manner required by said act (reimbursable), ninety thousand dollars.

Entry of drainage
lands.
34 Stat., 352, ante,
p. 220.

That the lands withdrawn by the Secretary of the Interior under the provisions of chapter thirty-five hundred and four, Fifty-ninth Congress, first session, approved June twenty-first, nineteen hundred and six, authorizing a drainage survey of the lands ceded by the Chippewa Indians, shall be subject to entry in the same manner as other lands so ceded, subject to the condition, however, that the entrymen shall be required in addition to the fees and charges now authorized by law, to pay a pro rata charge for the examination and investigation of the swampy and overflowed character of the land, and for the drainage and reclamation thereof.

Civilization, etc.
25 Stat., 642; vol. 1,
301.

To enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to carry out an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January fourteenth, eighteen hundred and eighty-nine, namely, the purchase of material and employment of labor for the erection of houses for Indians; for the purchase of agricultural implements, stock and seeds, breaking and fencing land; for payment of expenses of delegations of Chippewa Indians to visit the White Earth Reservation; for the erection and maintenance of day and industrial schools; for subsistence and for pay of employees; for pay of commissioners and their expenses, and for removal of Indians and for their allotments, to be reimbursed to the United States out of the proceeds of sale of their lands, one hundred and fifty thousand dollars.

To carry out and complete the survey provided for in the act of Congress approved June twenty-first, nineteen hundred and six, of the lands ceded by the Chippewa Indians in the State of Minnesota under the act of Congress entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January fourteenth, eighteen hundred and eighty-nine, and an act entitled "An act to authorize the sale of a part of what is known as the Red Lake Indian Reservation, in the State of Minnesota," approved February twentieth, nineteen hundred and four, which remain unsold, and are wet, overflowed or swampy in character, with a view of determining what portion thereof may be profitably and economically reclaimed by drainage, 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, for the purpose of paying for the expense of said survey: *Provided*, That said amount shall be reimbursable from any funds in the Treasury belonging to said Indians and derived from the sale of the lands under said act. The said survey shall be continued under the direction of the Secretary of the Interior.

Drainage survey, etc., of unsold ceded lands.
34 Stat., 352.
25 Stat., 642; vol. 1, 301.

33 Stat., 48.

34 Stat., 1034.

Proviso.
Reimbursement.

That all restrictions as to the sale, incumbrance, or taxation for allotments within the White Earth Reservation in the State of Minnesota, heretofore or hereafter held by adult mixed-blood Indians, are hereby removed, and the trust deeds heretofore or hereafter executed by the department for such allotments are hereby declared to pass the title in fee simple, or such mixed bloods upon application shall be entitled to receive a patent in fee simple for such allotments; and as to full bloods, said restrictions shall be removed when the Secretary of the Interior is satisfied that said adult full-blood Indians are competent to handle their own affairs, and in such case the Secretary of the Interior shall issue to such Indian allottee a patent in fee simple upon application.¹

Allottees, White Earth Reservation.
Alienation, etc., restrictions removed from certain.
34 Stat., 352; ante, 220.

The Secretary of the Interior is hereby authorized to pay to the executive committee of the White Earth band of Chippewa Indians in Minnesota the sum of one thousand dollars, or so much thereof as may be necessary, to be expended in the annual celebration of said band to be held June fourteenth, nineteen hundred and seven, out of the funds belonging to said band.

Annual celebration expenses.

MONTANA.

Montana.

For pay of Indian agents in Montana at the following-named agencies at the rates respectively indicated, namely:

Agents.

At the Blackfeet Agency, Montana, one thousand eight hundred dollars.

Blackfeet Agency.

At the Crow Agency, Montana, one thousand eight hundred dollars.

Crow Agency.

At the Flathead Agency, Montana, one thousand five hundred dollars.

Flathead Agency.

To enable the Secretary of the Interior to complete the survey, allotment, classification, and appraisal of the lands in the Flathead Indian Reservation, Montana, thirty thousand dollars: *Provided*, That this sum shall be reimbursed the United States from the proceeds of the sale of the surplus lands after the allotments are made.

Flathead Reservation.
Allotment, etc.
Proviso.
Reimbursement.

For support and civilization of the Indians at Fort Belknap Agency, Montana, including pay of employees, twenty thousand dollars.

Fort Belknap Agency.
Support, etc., of Indians.

That the Indians of the Fort Belknap Reservation in Montana may lease their lands, both allotted and tribal, not to exceed twenty thousand acres, for the culture of sugar beets and other crops in rotation, upon such terms, regulations, and conditions as shall be prescribed by the Secretary of the Interior, for a term not exceeding ten years.

Leasing of lands for sugar beets, etc.

¹ U. S. v. Park Land Co., 188 Fed., 383.

- Crow Indians.
Support, etc.
- For support and civilization of the Crow Indians in Montana, including pay of employees, eight thousand dollars.
- Flathead Agency.
Support, etc., of Indians.
- For support and civilization of Indians at Flathead Agency, Montana, including pay of employees, nine thousand dollars.
- Fort Peck Agency.
Support, etc., of Indians.
- For support and civilization of the Indians at Fort Peck Agency, Montana, including pay of employees, fifty thousand dollars.
- Incidentals.
- For general incidental expenses of the Indian Service in Montana, including traveling expenses of agents, two thousand five hundred dollars.
- Crows.
- CROWS. (Treaty.)
- Fulfilling treaty.
15 Stat., 632, vol. 2,
1011.
- For pay of physician, as per tenth article of the treaty of May seventh, eighteen hundred and sixty-eight, one thousand two hundred dollars;
- 31 Stat., 1035.
- For pay of carpenter, miller, engineer, farmer, and blacksmith, as per tenth article of same treaty, three thousand six hundred dollars;
- For pay of second blacksmith, as per eighth article of same treaty, one thousand two hundred dollars;
- In all, six thousand dollars.
- Northern Cheyennes and Arapahoes.
Subsistence, etc.
19 Stat., 256; vol. 1,
170.
- NORTHERN CHEYENNES AND ARAPAHOES. (Treaty.)
- For subsistence and civilization, as per agreement with the Sioux Indians approved February twenty-eighth, eighteen hundred and seventy-seven, including subsistence and civilization of Northern Cheyennes removed from Pine Ridge Agency to Tongue River, Montana, ninety thousand dollars;
- For pay of physician, two teachers, two carpenters, one miller, two farmers, a blacksmith, and engineer, per seventh article of the treaty of May tenth, eighteen hundred and sixty-eight, nine thousand dollars;
- In all, ninety-nine thousand dollars.
- Tongue River Reservation.
Irrigation.
- For an irrigation system on the Tongue River Reservation, in Montana, forty thousand dollars.
- Blackfeet Reservation.
Survey directed.
- That the Secretary of the Interior is hereby authorized and directed to immediately cause to be surveyed all of the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana.
- Allotments.
- That so soon as all the lands embraced within the said Blackfeet Indian Reservation shall have been surveyed the Commissioner of Indian Affairs shall cause allotments of the same to be made under the provisions of the allotment laws of the United States to all persons having tribal rights or holding tribal relations and who may rightfully belong on said reservation. That there shall be allotted to each member forty acres of irrigable land and two hundred and eighty acres of additional land valuable only for grazing purposes; or, at the option of the allottee, the entire three hundred and twenty acres may be taken in land valuable only for grazing purposes, respectively, and for constructing irrigating systems to irrigate the aforesaid allotted lands, three hundred thousand dollars, one hundred thousand dollars of which shall be immediately available, the cost of said entire work to be reimbursed from the proceeds of the sale of the lands within said reservations: *Provided*, That the Indians, and the settlers on the surplus land, in the order named, shall have a preference right for one year from the date of the President's proclamation opening the reservation to settlement, to appropriate the waters of the reservation which shall be filed on and appropriated under the laws of the State of Montana, by the Commissioner of Indian Affairs on behalf of the Indians taking irrigable allotments and by the settlers under the same law.
- Selections.
- At the expiration of the one year aforesaid the irrigation system constructed and to be constructed shall be operated under the laws of the
- Provisos.
Preference to water rights.
- Operation of irrigation system.

State of Montana, and the title to such systems as may be constructed under this act, until otherwise provided by law, shall be in the Secretary of the Interior in trust for the said Indians, and he may sue and be sued in matters relating thereto: *And provided further*, That the ditches and canals of such irrigation systems may be used, extended, or enlarged for the purpose of conveying water by any person, association, or corporation under and upon compliance with the provisions of the laws of the State of Montana: *And provided further*, That when said irrigation systems are in successful operation the cost of operating the same shall be equitably apportioned upon the lands irrigated, and, when the Indians have become self-supporting, to the annual charge shall be added an amount sufficient to pay back into the Treasury the cost of the work done in their behalf within thirty years, suitable deduction being made for the amounts received from the disposal of the lands within the reservation aforesaid: *Provided*, That the right to the use of water acquired under the provisions of this act shall be appurtenant to the land irrigated, and beneficial use shall be the basis, the measure and the limit of the right: *Provided further*, That the Secretary of the Interior may reserve such lands as he may deem necessary for agency, school, and religious purposes, to remain reserved so long as needed and so long as agency, school, or religious institutions are maintained thereon for the benefit of the Indians, not exceeding two hundred and eighty acres to any one religious society; also such tract or tracts of timber lands as he may deem expedient for the use and benefit of the Indians of said reservation in common; but such reserved lands, or any part thereof, may be disposed of from time to time in such manner as the said Secretary may determine: *Provided*, That there is hereby granted three hundred and twenty acres each for the Holy Family Mission on Two Medicine Creek to the Bureau of Catholic Indian Missions and also to the mission of the Methodist Episcopal Church near Browning, to be selected by the authorities of said missions, respectively, embracing the mission buildings and improvements thereon.

Extension of ditches, etc.

Apportionment of operating expenses.

34 Stat., 1036. Right of water appurtenant to land.

Agency, etc., reservations.

Missions.

That upon the completion of said allotments the President of the United States shall appoint a commission consisting of three persons to inspect, appraise, and value all of the said lands that shall not have been allotted in severalty to said Indians or reserved by the Secretary of the Interior or otherwise disposed of, said commission to be constituted as follows: One commissioner shall be a person holding tribal relations with said Indians, one representative of the Indian Bureau, and one resident citizen of the State of Montana.

Appraisal of unallotted lands.

That within thirty days after their appointment said commissioners shall meet at some point within the Blackfeet Indian Reservation and organize by the election of one of their number as chairman. Said commission is hereby empowered to select a clerk at a salary of not to exceed five dollars per day.

Meeting of commissioners.

That said commissioners shall then proceed to personally inspect and classify and appraise, by the smallest legal subdivisions of forty acres each, all of the remaining lands embraced within said reservation. In making such classification and appraisal said lands shall be divided into the following classes: First, agricultural land of the first class; second, agricultural land of the second class; third, grazing land; fourth, timber land; fifth, mineral land, the mineral land not to be appraised.

Classification, etc., of lands.

That said commissioners shall be paid a salary of not to exceed ten dollars per day each while actually employed in the inspection and classification of said lands; such inspection and classification to be completed within nine months from the date of the organization of said commission.

Compensation.

Disposal of lands. That when said commission shall have completed the classification and appraisal of all of said lands and the same shall have been approved by the Secretary of the Interior, the lands shall be disposed of under the general provisions of the homestead, mineral, and town-site laws of the United States, except such of said lands as shall have been classified as timber lands, and except such sections sixteen and thirty-six of each township, or any part thereof, for which the State of Montana has not heretofore received indemnity lands under existing laws, which sections, or parts thereof, are hereby granted to the State of Montana for school purposes. And in case either of said sections or parts thereof is lost to the State of Montana by reason of allotment thereof to any Indian or Indians, or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized to select other lands not occupied or reserved within said reservation, not exceeding two sections in any one township, which selections shall be made prior to the opening of the lands to settlement: *Provided*, That the United States shall pay to the said Indians for the lands in said sections sixteen and thirty-six, so granted, or the lands within said reservation selected in lieu thereof, the sum of one dollar and twenty-five cents per acre.

Timber and school lands excepted.

Selection of school lands in lieu of lands formerly allotted.

34 Stat., 1037. Proviso. Price to be paid Indians.

Opening to settlement.

Provisos. Rights of soldiers and sailors unimpaired. R. S., secs. 2304, 2305.

Fractional entries. R. S., sec. 2306. Payments.

Final proofs.

Aliens.

Fees.

Forfeiture for non-payment, etc.

That the lands so classified and appraised shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the time when and the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, or enter any of said lands, except as prescribed in such proclamation, until after the expiration of sixty days from the time when the same are opened to settlement and entry: *Provided*, That the rights of honorably discharged Union soldiers and sailors of the late Civil and the Spanish Wars and the Philippine insurrection, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes, as amended by the act of March first, nineteen hundred and one, shall not be abridged, but no entry shall be allowed under section twenty-three hundred and six of the Revised Statutes: *Provided further*, That the price of said lands shall be the appraised value thereof, as fixed by said commission, which in no case shall be less than one dollar and twenty-five cents per acre for agricultural and grazing lands and five dollars per acre for timber lands; but settlers under the homestead law who shall reside upon and cultivate the land entered in good faith for the period required by existing law shall pay one-fifth of the appraised value in cash at the time of entry and the remainder in five equal annual installments, to be paid in one, two, three, four, and five years, respectively, from and after the date of entry, and when the entryman shall have complied with all the requirements and terms of the homestead laws as to settlement and residence, and shall have made all the required payments aforesaid, he shall be entitled to a patent for the lands entered: *Provided*, That he shall make his final proofs in accordance with the homestead laws within seven years from date of entry, and that aliens who have declared their intention to become citizens of the United States may become such entrymen, but before making final proof and receiving patent they must receive their full naturalization papers: *And provided further*, That the fees and commissions at the time of commutation or final entry shall be the same as are now provided by law where the price of land is one dollar and twenty-five cents per acre: *Provided*, That if any entryman fails to make such payments, or any of them, within the time stated, or to make final proof within seven years from date of entry, all rights in and to the land covered by his entry shall at once cease, and any payments theretofore made shall be forfeited

and the entry shall be forfeited and canceled: *Provided*, That nothing in this act shall prevent homestead settlers from commuting their entries under section twenty-three hundred and one, Revised Statutes, by paying for the land entered the price fixed by said commission, receiving credit for payments previously made.

Commutation.
R. S., sec. 2301.

That if, after the approval of the classification and appraisement, as provided herein, there shall be found lands within the limits of the reservation under irrigation projects deemed practicable under the provisions of the act of Congress approved June seventeenth, nineteen hundred and two, known as the reclamation act, said lands shall be subject to withdrawal and be disposed of under the provisions of said act, and settlers shall pay, in addition to the cost of construction and maintenance provided therein, the appraised value, as provided in this act, to the proper officers, to be covered into the Treasury of the United States to the credit of the Indians: *Provided, however*, That all lands hereby opened to settlement remaining undisposed of at the end of five years from the taking effect of this act shall be sold to the highest bidder for cash, at not less than one dollar and twenty-five cents per acre, under rules and regulations prescribed by the Secretary of the Interior; and any lands remaining unsold ten years after said lands shall have been opened to entry shall be sold to the highest bidder, for cash, without regard to the minimum limit above stated: *Provided*, That not more than six hundred and forty acres of land shall be sold to any one person or company.

Lands withdrawn
for irrigation projects.
32 Stat., 388.

Provisos.
Sale of undisposed
of lands.
34 Stat., 1038.

Maximum sale to one
person.

That the lands within said reservation not already previously entered, whether classified as agricultural, grazing, timber, or mineral lands, shall be subject to exploration, location, and purchase under the general provisions of the United States mineral and coal land laws, at the prices therein fixed, except that no mineral or coal exploration, location, or purchase shall be permitted upon any lands allotted to an Indian.

Location, etc., of
mineral lands.

That lands classified and returned by said commission as timber lands shall be sold and disposed of by the Secretary of the Interior, under sealed bids to the highest bidder for cash at not less than five dollars per acre, under such rules and regulations as he may prescribe: *Provided*, That the said timber lands shall be sold in tracts not exceeding forty acres, with preference right of purchase to actual settlers, including Indian allottees residing in the vicinity, at the highest price bid.

Sale of timber lands.

Proviso.
Maximum tracts.

That after deducting the expenses of the commission of classification, appraisement, and sale of lands, and such other incidental expenses as shall have been necessarily incurred, including the cost of survey of said lands, the balance realized from the proceeds of the sale of the lands in conformity with this act shall be paid into the Treasury of the United States and placed to the credit of said Indian tribe. Not exceeding one-third of the total amount thus deposited in the Treasury, together with one-third of the amount of the principal of all other funds now placed to the credit of or which is due said tribe of Indians from all sources, shall be expended from time to time by the Secretary of the Interior as he may deem advisable for the benefit of said Indians, in the construction and maintenance of irrigation ditches, the purchase of stock cattle, horses, and farming implements, and in their education and civilization. The remainder of all funds deposited in the Treasury, realized from such sale of lands herein authorized, together with the remainder of all other funds now placed to the credit of or that shall hereafter become due to said tribe of Indians, shall, upon the date of the approval by the Secretary of the Interior of the allotments of land authorized by this act, be allotted in severalty to the members of the tribe, the persons entitled to share

Disposal of net proceeds.

Disposal of all funds.

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| Distribution. | as members in such distribution to be determined by said Secretary; the funds thus allotted and apportioned shall be placed to the credit of such individuals upon the books of the United States Treasury for the benefit of such allottees, their legatees, or heirs. The President may, by Executive order, from time to time order the distribution and payment of such funds or the interest accruing therefrom to such individual members of the tribe as in his judgment would be for the best interests of such individuals to have such distribution made, under such rules and regulations as he may prescribe therefor: <i>Provided</i> , That so long as the United States shall hold the funds as trustee for any member of the tribe the Indian beneficiary shall be paid interest thereon annually at the rate of four per centum per annum. |
| Interest on trust fund. | |
| Payment for lands reserved. | That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of sixty-five thousand dollars, or so much thereof as may be necessary, to pay for the lands granted to the State of Montana and for lands reserved for agency and school purposes, at the rate of one dollar and twenty-five cents per acre; also the sum of seventy-five thousand dollars, or so much thereof as may be necessary, to enable the Secretary of the Interior to survey, classify, and appraise the lands of said reservation as provided herein, and also to defray the expense of the appraisal and survey of said town sites, the latter sums to be reimbursable out of the funds arising from the sale of said lands. |
| 34 Stat., 1039. | That nothing in this act contained shall in any manner bind the United States to purchase any part of the land herein described, except sections sixteen and thirty-six, or the equivalent in each township that may be granted to the State of Montana, the reserved tracts hereinbefore mentioned for agency and school purposes, or to dispose of said land except as provided herein, or to guarantee to find purchasers for said lands or any part 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. |
| Liability of United States limited. | That the Secretary of the Interior is hereby authorized and directed to reserve and set aside for town-site purposes, and to survey, lay out, and plat into town lots, streets, alleys, and parks, not less than eighty acres of said land at or near the present settlements of Browning and Babb, and each of such other places as the Secretary of the Interior may deem necessary or convenient for town sites, in such manner as will best subserve the present needs and the reasonable prospective growth of said settlements. Such town sites shall be surveyed, appraised, and disposed of as provided in section twenty-three hundred and eighty-one of the United States Revised Statutes: <i>Provided</i> , That any person who, at the date when the appraisers commence their work upon the land, shall be an actual resident upon any one such lot and the owner of substantial and permanent improvements thereon, and who shall maintain his or her residence and improvements on such lot to the date of his or her application to enter, shall be entitled to enter at any time prior to the day fixed for the public sale, and at the appraised value thereof, such lot and any one additional lot of which he or she may also be in possession and upon which he or she may have substantial and permanent improvements: <i>Provided further</i> , That before making entry of any such lot or lots the applicant shall make proof to the satisfaction of the register and receiver of the land district in which the land lies of such residence, possession, and ownership of improvements, under such regulations as to time, notice, manner, and character of proof as may be prescribed by the Commissioner of the General Land Office, with the approval of the Secretary of the Interior: <i>Provided further</i> , That in making their appraisal of the lots so surveyed it shall be the duty of the appraisers to ascertain |
| Town sites. | |
| Survey, etc. R. S., 2381. | |
| Provisos. Entries by actual residents. | |
| Proofs required. | |
| Report of appraisal, etc. | |

the names of the residents upon and occupants of any such lots, the character and extent of the improvements thereon, and the name of the reputed owner thereof, and to report their findings in connection with their report of appraisal, which report of findings shall be taken as prima facie evidence of the facts therein set out. All such lots not so entered prior to the day fixed for the public sale shall be offered at public outcry in their regular order with the other unimproved and unoccupied lots: *Provided, however,* That no lot shall be sold for less than ten dollars: *And provided further,* That said lots when surveyed shall approximate fifty by one hundred and fifty feet in size.

Minimum price.
Lots.

NEBRASKA.

Nebraska.

GENOA SCHOOL.

For support and education of three hundred Indian pupils at the Indian school, Genoa, Nebraska, fifty thousand four hundred dollars, and for pay of superintendent, one thousand seven hundred dollars; For general repairs and improvements, six thousand dollars; In all, fifty-eight thousand one hundred dollars.

Genoa School.

WINNEBAGOES. (Treaty.)

34 Stat., 1040.
Winnebagoes.

For interest on eight hundred and four thousand nine hundred and nine dollars and seventeen cents, at five per centum per annum, per fourth article of treaty of November first, eighteen hundred and thirty-seven, forty thousand two hundred and forty-five dollars and forty-five cents; and the Secretary of the Interior is hereby directed to expend said interest for the support, education, and civilization of said Indians, to be expended in such manner and to whatever extent that he may judge to be necessary and expedient for their welfare and best interest;

Support, etc.
7 Stat., 545.

For interest on seventy-eight thousand three hundred and forty dollars and forty-one cents, at five per centum per annum, to be expended under the direction of the Secretary of the Interior for the erection of houses, improvement of their allotments of land, purchase of stock, agricultural implements, seeds, and other beneficial objects, three thousand nine hundred and seventeen dollars and two cents;

Civilization, etc.

In all, forty-four thousand one hundred and sixty-two dollars and forty-seven cents.

NEVADA.

Nevada.

For support and civilization of the Indians of the Western Shoshone Agency, Nevada, including pay of employees, eight thousand dollars.

Western Shoshone
Agency.
Support, etc., of In-
dians.

CARSON SCHOOL.

For support and education of three hundred Indian pupils at the Indian school at Carson City, Nevada, fifty thousand three hundred dollars, and for pay of superintendent, one thousand eight hundred dollars;

Carson School.

For general repairs and improvements, five thousand dollars;

For boys' dormitory, twenty-five thousand dollars;

For land and water right, six thousand dollars;

In all, eighty-eight thousand one hundred dollars.

For general incidental expenses of the Indian Service in Nevada, including traveling expenses of agents, and support and civilization of Indians located on the Piute, Walker River, and Pyramid Lake Reservations, five thousand dollars;

Incidental.

And pay of employees, including physician at the Walker River Reservation, four thousand dollars;

In all, nine thousand dollars.

New Mexico. **NEW MEXICO.** (See Arizona for "Support and civilization of the Apache, etc.," in Arizona and New Mexico.)

ALBUQUERQUE SCHOOL.

Albuquerque School. For support and education of three hundred Indian pupils at the Indian school at Albuquerque, New Mexico, fifty thousand three hundred dollars, and for pay of superintendent, one thousand eight hundred dollars;
 General repairs and improvements, five thousand dollars;
 For cottage for superintendent, two thousand five hundred dollars;
 For office building, two thousand five hundred dollars;
 In all, sixty-two thousand one hundred dollars.

SANTA FE SCHOOL.

Santa Fe School. For support and education of three hundred Indian pupils at the Indian school at Santa Fe, New Mexico, fifty thousand three hundred dollars, and for pay of superintendent, one thousand eight hundred dollars;
 For general repairs and improvements, five thousand dollars;
 For water supply, one thousand five hundred dollars;
 For office building, three thousand dollars;
 In all, sixty-one thousand six hundred dollars.

Attorney, Pueblo Indians. For pay of one special attorney for the Pueblo Indians of New Mexico, one thousand five hundred dollars;
 And for necessary traveling and incidental expenses of said attorney, five hundred dollars;
 In all, two thousand dollars.

Incidentals. For general incidental expenses of the Indian Service in New Mexico, including traveling expenses of agents, one thousand dollars.

Zuni Dam. For the completion of the Zuni dam and irrigation project in New Mexico, thirty thousand dollars.

New York.

NEW YORK.

New York Agency. Agent. For pay of Indian agent at the New York Agency, New York, one thousand dollars.

Physician. For pay of physician, New York Agency, six hundred dollars.

Senecas.

SENECAS OF NEW YORK. (Treaty.)

Annuity. 4 Stat., 442. For permanent annuity, in lieu of interest on stock, per act of February nineteenth, eighteen hundred and thirty-one, six thousand dollars;

Interest. 9 Stat., 35. For interest, in lieu of investment, on seventy-five thousand dollars, at five per centum, per act of June twenty-seventh, eighteen hundred and forty-six, three thousand seven hundred and fifty dollars;

For interest, at five per centum, on forty-three thousand and fifty dollars transferred from the Ontario Bank to the United States Treasury, per act of June twenty-seventh, eighteen hundred and forty-six, two thousand one hundred and fifty-two dollars and fifty cents;

In all, eleven thousand nine hundred and two dollars and fifty cents.

Six Nations.

SIX NATIONS OF NEW YORK. (Treaty.)

Annuity. 7 Stat., 46, vol. 2, 36. For permanent annuity, in clothing and other useful articles, per sixth article of treaty of November eleventh, seventeen hundred and ninety-four, four thousand five hundred dollars.

NORTH CAROLINA

North Carolina.

CHEROKEE SCHOOL.

Cherokee School.

For support and education of one hundred and sixty pupils at the Indian school at Cherokee, North Carolina, twenty-six thousand eight hundred and twenty dollars, and for pay of superintendent, one thousand five hundred dollars;

For general repairs and improvements, one thousand five hundred dollars;

For boys' dormitory, fifteen thousand dollars;

In all, forty-four thousand eight hundred and twenty dollars.

NORTH DAKOTA.

North Dakota.

For pay of Indian agent at the Standing Rock Agency, North Dakota, one thousand eight hundred dollars.

Agent, Standing Rock Agency.

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to cause an additional allotment of not less than two and one-half acres or more than ten acres of timber land to be made to each member of the Standing Rock Band of Sioux Indians, to whom allotment is made under 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": *Provided*, That this act shall benefit those members only who are alive and in being at the close of the work of allotting said Indians under said act of March second, eighteen hundred and eighty-nine, and said additional allotments shall be subject to the provisions of the said act of March second, eighteen hundred and eighty-nine, and the amendments thereto.

Standing Rock Sioux. Additional timber allotment.

34 Stat., 1042. 2; Stat., 97, 390, vol. 1, 330.

Proviso. Restricted to living members.

For support and civilization of Sioux of Devils Lake, North Dakota, five thousand dollars.

Devils Lake Sioux. Support, etc.

That article three of the act approved April twenty-seventh, nineteen hundred and four (Thirty-third Statutes at Large, page three hundred and twenty-one), modifying and ratifying the agreement with the Indians of Devils Lake Reservation in North Dakota is hereby so far modified as to permit the payment of the annual installments provided for in said article to be made in the month of April of each year, instead of in June.

Installments to be paid in April. 33 Stat., 321.

For support and civilization of Indians at Fort Berthold Agency, in North Dakota, including pay of employees, twenty thousand dollars.

Fort Berthold Agency. Support, etc.

That the Secretary of the Interior be, and he is hereby, authorized to cause an allotment of eighty acres to be made from the lands of the Fort Berthold Reservation, including the lands to be restored, to each member of the several tribes belonging on and occupying said reservation, now living and to whom no allotment has heretofore been made; and where any allotment of less than eighty acres has heretofore been made, the allottee, if now living, shall be allowed to take an additional allotment, which with the land already allotted shall not exceed eighty acres.

Additional allotment to living members.

For support and civilization of Turtle Mountain Band of Chippewas, North Dakota, including seeds, thirteen thousand dollars.

Turtle Mountain Band, Chippewas. Support, etc.

FORT TOTTEN SCHOOL.

Fort Totten School.

For support and education of three hundred and twenty-five Indian pupils at the Indian school, Fort Totten, North Dakota, fifty-four thousand five hundred and seventy-five dollars, and for pay of superintendent, one thousand seven hundred dollars;

For general repairs and improvements, five thousand dollars;

In all, sixty-one thousand two hundred and seventy-five dollars.

WAHPETON SCHOOL.

- Wahpeton School. For the support and education of one hundred Indian pupils at the Indian school at Wahpeton, North Dakota, sixteen thousand eight hundred dollars, and for pay of superintendent, one thousand five hundred dollars;
 For general repairs and improvements, two thousand dollars;
 For sinking and constructing a well and necessary machinery or apparatus for supplying said school with water therefrom, fifteen thousand dollars, or so much thereof as may be necessary, said sum to be immediately available;
 In all, thirty-five thousand three hundred dollars.
- Incidentals. For general incidental expenses of the Indian Service in North Dakota, including traveling expenses of agents at three agencies, one thousand dollars.

34 Stat., 1043.
 Oklahoma.

OKLAHOMA.

- Agents. For pay of Indian agents in Oklahoma at the following-named agencies at the rates respectively indicated, namely:
- Kiowa agency. At the Kiowa Agency, Oklahoma, one thousand eight hundred dollars.
- Kiowa, etc., Reservation. That the act of June fifth, nineteen hundred and six, entitled "An Allotment to certain children." act to open for settlement five hundred and five thousand acres of land in the Kiowa, Comanche, and Apache Indian Reservation, in Oklahoma," be, and the same is hereby, amended so as to permit the allotment to those children of enrolled members of the Kiowa, Comanche, and Apache Tribes who were not allotted under the provisions of said act because they were not of known Indian parentage: *Provided, however,* That the total number of allotments made hereunder shall not exceed twenty-five.
- Proviso. Number restricted.
- Osage Agency. At the Osage Agency, Oklahoma, one thousand eight hundred dollars.
- Apaches, etc. Support, etc. For support and civilization of the Apaches, Kiowas, Comanches, Wichitas, and affiliated bands who have been collected in the reservations set apart for their use and occupation, twenty-five thousand dollars.
- Arapahoes and Cheyennes. Support, etc. For support and civilization of the Arapahoes and Cheyennes who have been collected on the reservations set apart for their use and occupation, thirty-five thousand dollars.
- Kansas Indians. Support, etc. For support and civilization of the Kansas Indians, Oklahoma, including agricultural assistance and pay of employees, one thousand five hundred dollars.
- Kickapoos. Support, etc. For support and civilization of the Kickapoo Indians in Oklahoma, two thousand dollars.
- Poncas. Support, etc. For support and civilization of the Ponca Indians, including pay of employees, nine thousand dollars.

CHILOCCO SCHOOL.

- Chilocco school. For support and education of seven hundred Indian pupils at the Indian school at Chilocco, Oklahoma, one hundred and sixteen thousand four hundred dollars, and for pay of superintendent, two thousand five hundred dollars;
 For general repairs and improvements, ten thousand dollars;
 For water system, fifteen thousand dollars;
 In all, one hundred and forty-three thousand nine hundred dollars.

OSAGES. (Treaty.)

Osages.

That the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury to the credit of the Osage Tribe of Indians in Oklahoma the sum of sixty-nine thousand one hundred and twenty dollars, the amount due the tribe under the sixth article of the treaty of June second, eighteen hundred and twenty-five (Seventh Statutes at Large, page one hundred and fifty-three), being the value of fifty-four sections of land set apart by said treaty for educational purposes, per Senate resolution of January ninth, eighteen hundred and thirty-eight, and said sum shall be distributed to the members of said tribe of Osage Indians in Oklahoma entitled thereto equitably per capita, and paid in the same manner as provided by the act of April twenty-first, nineteen hundred and four, Thirty-third Statues at Large, page two hundred and one, it being the purpose of this provision to close said account and distribute said funds.

Principal sum to credit of tribe.

7 Stat., 242, vol. 2, 219.

Per capita distribution.
33 Stat., 201.

PAWNEES. (Treaty.)

34 Stat., 1044.
Pawnees.

For perpetual annuity, which is to be paid in cash to them, per second article of treaty of September twenty-fourth, eighteen hundred and fifty-seven, and agreement of November twenty-third, eighteen hundred and ninety-two, article three, thirty thousand dollars;

Annuity.
11 Stat., 729, vol. 2, 764.
27 Stat., 644, vol. 1, 496.

For support of two manual-labor schools, per third article of same treaty, of September twenty-fourth, eighteen hundred and fifty-seven, ten thousand dollars;

Schools.
11 Stat., 730, vol. 2, 764

For pay of one farmer, two blacksmiths, one miller, one engineer and apprentices, and two teachers, as per fourth article of same treaty, five thousand four hundred dollars;

Farmer, etc.
11 Stat., 730, vol. 2, 764.

For pay of physician and purchase of medicines, one thousand two hundred dollars;

Physician, etc.

For purchase of iron and steel and other necessaries for the shops, as per fourth article of treaty of September twenty-fourth, eighteen hundred and fifty-seven, five hundred dollars;

Iron, steel, etc.

In all, forty-seven thousand one hundred dollars.

That there is hereby granted to the town of Pawnee, in Pawnee County, Oklahoma Territory, for park, educational, and other public purposes, all of that part of section thirty-two, in township twenty-two north, range five east, Indian meridian, in said county, described as follows, to wit: Commencing at the northwest corner of the northeast quarter of the northwest quarter of section thirty-two, in township twenty-two north, range five east, Indian meridian, in said county; thence running due east on the north line of said section thirty-two forty-four one-hundredths chain, more or less, to the west boundary line of the Morris road; thence in a southwesterly direction along the west boundary line of said Morris road sixteen and twenty-five one-hundredths chains; thence west parallel with the north line of said section seven chains to point; thence in a southwesterly direction parallel with the west line of said Morris road and seven chains distant therefrom to a point in the center of the main channel of Black Bear Creek; thence in a southwesterly direction following the center of the channel of said creek to the dividing line between the northeast quarter of the southwest quarter and the northwest quarter of the southwest quarter of said section; thence north on said dividing line extended to the north line of said section, the same being the place of beginning; and the said lands hereby granted being a portion of the Pawnee Indian Reservation set apart for agency and school purposes at the Pawnee Agency in said county under act of Congress approved February eighth, eighteen hundred and eighty-seven, as amended by act of Congress approved February twenty-eighth, eighteen hundred

Pawnee.
Lands granted for public purposes.

Description.

24 Stat., 388, vol. 1, 33.

26 Stat., 794, vol. 1, 56.

and ninety-one, and in accordance with the instructions from the Acting Commissioner of Indian Affairs dated March seventeenth, eighteen hundred and ninety-one, the said lands hereby granted to said town of Pawnee being subject to the rights of way of the Eastern Oklahoma Railway Company and the Arkansas Valley and Western Railway Company heretofore acquired.

Subject to rights of way. Use by town. Provisos. School buildings sites. Pawnee children. Price per acre.

That the said lands are to be held and used by the said town of Pawnee for park, educational, and other public purposes: *Provided*, That the board of trustees of said town may authorize the board of education of said town to use the same for the erection and maintenance of school buildings thereon and the necessary grounds for use in connection therewith: *Provided further*, That Pawnee Indian children shall be admitted to any school thus maintained, free of charge and on terms of equality with the white pupils in such school: *Provided further*, That said city shall pay one dollar and twenty-five cents per acre for said land.

34 Stat., 1045.
Sacs and Foxes of the
Mississippi.

SACS AND FOXES OF THE MISSISSIPPI. (Treaty.)

Annuity.
7 Stat., 85, vol. 2, 75.

For permanent annuity, in goods or otherwise, per third article of treaty of November third, eighteen hundred and four, one thousand dollars;

Interest.
7 Stat., 541, vol. 2, 497.

For interest on two hundred thousand dollars, at five per centum, per second article of treaty of October twenty-first, eighteen hundred and thirty-seven, ten thousand dollars;

Vol. 2, 546.
Proviso.
Physician, etc.

For interest on eight hundred thousand dollars, at five per centum, per second article of treaty of October eleventh, eighteen hundred and forty-two, forty thousand dollars: *Provided*, That the sum of one thousand five hundred dollars of this amount shall be used for the pay of a physician and for purchase of medicine;

In all, fifty-one thousand dollars.

Oregon.

OREGON.

Klamath Agency.
Support, etc., of In-
dians.

For support and civilization of the Klamaths, Modocs, and other Indians of the Klamath Agency, Oregon, including pay of employees, eight thousand dollars.

Warm Springs
Agency.
Support, etc., of
Indians.

For support and civilization of the confederated tribes and bands under Warm Springs Agency, and for pay of employees, four thousand dollars.

Walla Walla, etc.
Support, etc.

For support and civilization of the Walla Walla, Cayuse, and Umatilla tribes, Oregon, including pay of employees, three thousand dollars.

SALEM SCHOOL.

Salem school.

For support and education of six hundred Indian pupils at the Indian school, Salem, Oregon, one hundred thousand seven hundred dollars, and for pay of superintendent, two thousand dollars;

For general repairs and improvements, six thousand dollars;
For boiler, smokestack, and extension to power house, six thousand dollars;

For additional amount for hospital, five thousand dollars;
In all, one hundred and nineteen thousand seven hundred dollars.

Incidental expenses.

For general incidental expenses of the Indian Service in Oregon, including traveling expenses of agents, and support and civilization of Indians of Grande Ronde and Siletz Agencies, three thousand dollars;
Pay of employees at the same agencies, three thousand dollars;
In all, six thousand dollars.

John Smith and Jane
Isaac.
Purchase of land for.

That the Secretary of the Interior be, and he is hereby, authorized to purchase from Karl A. Torgerson and Charles E. Heyn eighty acres

of land, more or less, now occupied by John Smith and Jane Isaac, allottees of the Grande Ronde Indian Reservation in Oregon, and to pay for said lands the sum of six hundred and fifty dollars, and to use for this purpose one hundred and thirty-two dollars and sixty-seven cents of the funds now in the Treasury belonging to the Grande Ronde Indians and derived from the sale of their surplus unallotted lands, and the further sum of five hundred and fifty dollars, or so much thereof as may be necessary, which is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, That the lands so purchased shall be patented to the said John Smith and Jane Isaac as a part of their respective allotments.

Proviso.
Patents.

MOLELS. (Treaty.)

Molels.

For pay of teachers and for manual-labor schools, and for all necessary materials therefor, and for the subsistence of the pupils, per second article of treaty of December twenty-first, eighteen hundred and fifty-five, three thousand dollars.

Schools.
12 Stat., 981, vol. 2,
740.

PENNSYLVANIA.

34 Stat., 1046.
Pennsylvania.

For support and education at Indian school at Carlisle, Pennsylvania, for transportation of pupils to and from said school, and for general repairs and improvements, one hundred and sixty-three thousand dollars;

Carlisle school.

For additional salary for superintendent in charge, one thousand dollars;

For employees' quarters, five thousand dollars;

In all, one hundred and sixty-nine thousand dollars.

SOUTH DAKOTA.

South Dakota.

For pay of Indian agents in South Dakota at the following-named agencies at the rates respectively indicated, namely:

Agents at agencies.

At the Cheyenne River Agency, one thousand eight hundred dollars;

Cheyenne.

At the Crow Creek Agency, one thousand six hundred dollars;

Crow Creek.

At the Lower Brulé Agency, one thousand four hundred dollars;

Lower Brulé.

At the Pine Ridge Agency, one thousand eight hundred dollars;

Pine Ridge.

At the Rosebud Agency, one thousand eight hundred dollars;

Rosebud.

At the Sisseton Agency, one thousand five hundred dollars;

Sisseton.

At the Yankton Agency, one thousand six hundred dollars;

Yankton.

In all, eleven thousand five hundred dollars.

For buildings and repairs of buildings at agencies and for water supply at agencies, ten thousand dollars.

Buildings, etc.

CHAMBERLAIN SCHOOL.

Chamberlain school.

For the support and education of two hundred Indian pupils at the Indian school at Chamberlain, South Dakota, thirty-three thousand four hundred dollars, and for pay of superintendent, one thousand six hundred dollars;

For general repairs and improvements, two thousand five hundred dollars;

For office building and enlarging boys' dormitory, seven thousand dollars;

In all, forty-four thousand five hundred dollars.

FLANDREAU SCHOOL.

Flandreau school.

For support and education of three hundred and seventy-five Indian pupils at the Indian school at Flandreau, South Dakota, sixty-two thousand eight hundred and twenty-five dollars, and for pay of superintendent, one thousand eight hundred dollars;

For general repairs and improvements, including completion of industrial and domestic building and veneering old building, eight thousand dollars, of which three thousand dollars shall be immediately available;

In all, seventy-two thousand six hundred and twenty-five dollars.

PIERRE SCHOOL.

Pierre school.

For support and education of one hundred and fifty Indian pupils at the Indian school at Pierre, South Dakota, twenty-five thousand one hundred and fifty dollars, and for pay of superintendent, one thousand five hundred dollars;

For office building, warehouse, and enlarging workshop, seven thousand dollars;

For rebuilding and repairing boiler house and installing and equipping heating and lighting plant, four thousand dollars, to be immediately available;

34 Stat., 1047.

For completing irrigation plant, five thousand dollars;

For general repairs and improvements, five thousand dollars;

In all, forty-seven thousand six hundred and fifty dollars.

RAPID CITY SCHOOL.

Rapid City school.

For support and education of two hundred and fifty Indian pupils at the Indian school, Rapid City, South Dakota, forty-two thousand one hundred and fifty dollars, and for pay of superintendent, one thousand six hundred dollars;

For general repairs and improvements, three thousand dollars;

For employees' quarters, three thousand dollars;

In all, forty-nine thousand seven hundred and fifty dollars.

Incidentals.

For general incidental expenses of the Indian Service in South Dakota, including traveling expenses of agents at seven agencies, three thousand dollars.

Standing Rock Reservation.
Sales by allottees to Chicago, Milwaukee and St. Paul Railway Company authorized.

That any adult allottee in the Standing Rock Indian Reservation, in South Dakota, to whom a trust or other patent containing restrictions upon alienation has been or shall hereafter be issued for an allotment along the right of way of the Chicago, Milwaukee and Saint Paul Railway Company, or the Chicago, Milwaukee and Saint Paul Railway Company of South Dakota, in said reservation, may, with the consent of the Secretary of the Interior, and not otherwise, and under such regulations as he may prescribe, sell and convey to either of said companies, for railroad purposes, all or any part of his allotment. The lands along said right of way allotted to any minor may, in like manner, be sold to either of said companies by the Indian agent or other officer in charge of the reservation, acting for and on behalf of such minor.

Fee simple title.

And any deed executed hereunder, when approved by the Secretary of the Interior, shall convey title as fully as if a fee-simple patent had issued for the lands covered thereby, but without such approval shall be absolutely null and void.

Disposal of proceeds.

The money received from the sale to said companies of lands allotted to a minor may be paid, in the discretion and under the direction of the Commissioner of Indian Affairs, to the parent or other person having custody of such minor, for his support and edu-

cation. Any such money not needed for such minor's support and education shall, when so directed by the Commissioner of Indian Affairs, be deposited in the United States Treasury to the credit of such minor and paid to him when he attains his majority, or, in case of his death, to his heirs, the money thus deposited to draw interest at the rate of three per centum per annum.

That the Secretary of the Treasury be, and he is hereby, authorized to pay to Jane E. Waldron, for judgment obtained in the United States circuit court for the district of South Dakota in the case entitled "Jane E. Waldron against Black Tomahawk and Ira Hatch, agent of the Cheyenne River Agency," and to reimburse her for expenses incurred in said case, three thousand eight hundred and sixty dollars and thirty-nine cents: *Provided*, That before said amount is paid the said Jane E. Waldron shall satisfy said judgment, and shall also file a receipt in full of all claims.

Jane E. Waldron.
Payment of judgment to.

Proviso,
Receipt, etc.

SIoux OF DIFFERENT TRIBES. INCLUDING SANTEE SIOUX OF NEBRASKA.
(Treaty.)

Sioux of different tribes.

For pay of five teachers, one physician, one carpenter, one miller, one engineer, two farmers, and one blacksmith, per thirteenth article of treaty of April twenty-ninth, eighteen hundred and sixty-eight, ten thousand four hundred dollars;

Teachers, etc.
15 Stat., 640, vol. 2, 1002.

For pay of second blacksmith, and furnishing iron, steel, and other material, per eighth article of same treaty, one thousand six hundred dollars;

34 Stat., 1048.
Vol. 2, 1000.

For pay of additional employees at the several agencies for the Sioux in Nebraska and Dakota, eighty-five thousand dollars;

Employees.

For subsistence of the Sioux, and for purposes of their civilization, as per agreement ratified by act of Congress approved February twenty-eighth, eighteen hundred and seventy-seven, five hundred thousand dollars: *Provided*, That this sum shall include transportation of supplies from the termination of railroad or steamboat transportation, and in this service Indians shall be employed whenever practicable: *And provided further*, That the number of rations issued shall not exceed the number of Indians on each reservation, and any excess in the number of rations issued shall be disallowed in the settlement of the agent's account: *Provided further*, That the unexpended balance for the fiscal year nineteen hundred and six is hereby appropriated and made available for nineteen hundred and seven.

Subsistence, etc.
19 Stat., 256, vol. 1, 170.

Proviso.
Transportation.

Rations.

Balance available.

For support and maintenance of day and industrial schools, including erection and repairs of school buildings, in accordance with article seven of the treaty of April twenty-ninth, eighteen hundred and sixty-eight, which article is continued in force for twenty years by section seventeen of the act of March second, eighteen hundred and eighty-nine, two hundred thousand dollars;

Schools.
15 Stat., 637, vol. 2, 1000.

25 Stat., 894, vol. 1, 335.

In all, seven hundred and ninety-seven thousand dollars.

SIoux, YANKTON TRIBE. (Treaty.)

Sioux, Yankton tribe.

For nineteenth of twenty installments (last series), to be paid to them or expended for their benefit, per fourth article of treaty of April nineteenth, eighteen hundred and fifty-eight, fifteen thousand dollars;

Fulfilling treaty.
11 Stat., 744, vol. 2, 777.

For subsistence and civilization of Yankton Sioux, heretofore provided for in appropriations under "Fulfilling treaty with Sioux of different tribes," and so forth, twenty thousand dollars;

Subsistence, etc.
19 Stat., 287.

In all, thirty-five thousand dollars.

For the equipment and maintenance of the asylum for insane Indians at Canton, South Dakota, for incidental and all other expenses

Canton.
Expenses of insane asylum.

- necessary for its proper conduct and management, including pay of employees, and for necessary expense of transporting insane Indians to and from said asylum, twenty-five thousand dollars.
- Laundry. For erecting laundry building and equipment thereof at Canton, South Dakota, Indian Insane Asylum, six thousand dollars, to be immediately available.
- Pine Ridge Reservation. Surveys. For clerical work and stationery in the office of the United States surveyor-general required on surveys within the Pine Ridge Reservation, South Dakota, five hundred dollars.
- To enable the Commissioner of Indian Affairs to complete the payment for surveying the Pine Ridge Reservation, South Dakota, one thousand eight hundred and eighty-eight dollars and ten cents, to be immediately available.
- Allotments in Sioux Reservation. 25 Stat., 888, vol. 1, 328. To enable the President to cause, under the provisions 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,"¹ to be allotted the lands in said separate reservations as provided in said Act, including the necessary resurveys, fifteen thousand dollars: *Provided*, That hereafter the President shall cause allotments to be made under the provisions of said act to any living children of Indians affected thereby who have not heretofore been allotted:
- Provisos. Allotments to children. 34 Stat., 1049. Condition. *Provided*, That the tribe to which said Indian children belong is possessed of any unallotted, tribal, or reservation lands.
- Allotment to certain married women. That the Secretary of the Interior be, and he is hereby, authorized to cause an allotment of three hundred and twenty acres of land to be made to each woman belonging on the Pine Ridge Reservation or Cheyenne River Reservation in South Dakota, or on the Standing Rock Reservation in North Dakota and South Dakota, now living, and who is not entitled to and has not received an allotment under existing law, by reason of her having been a married woman at the date of the order of the President authorizing allotments on the reservation to which she belongs: *Provided*, That the allotments as made hereunder shall be subject to the provisions 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 in Dakota into separate reservations, and to secure the relinquishment of the Indian title to the remainder, and for other purposes," and the amendments thereto.
- Utah. UTAH.
- Utah and Ouray Agency. Agent. For pay of Indian agent at the Uintah and Ouray Agency, Utah (consolidated), one thousand eight hundred dollars.

SOUTHERN UTAH SCHOOL.

- Panguitch school. For support and education of seventy-five pupils at the Panguitch Indian school in southern Utah, twelve thousand five hundred and twenty-five dollars, and for pay of superintendent, one thousand two hundred dollars;
- General repairs and improvements, five thousand dollars:
- Incidentials. In all, eighteen thousand seven hundred and twenty-five dollars.
- For general incidental expenses of the Indian Service in Utah, including traveling expenses of agents, one thousand dollars.
- Irrigation, Uintah Reservation. 34 Stat., 375. For constructing irrigation system, to irrigate the allotted lands of the Uncompahgre, Uintah, and White River Utes in Utah, as provided by the act of June twenty-first, nineteen hundred and six, one hundred and fifty thousand dollars.

¹ Sully v. U. S., 195 Fed. 121; Drafean v. U. S., 195 Fed. 131.

CONFEDERATED BANDS OF UTES. (Treaty.)

For pay of two carpenters, two millers, two farmers, and two blacksmiths, as per tenth article of treaty of October seventh, eighteen hundred and sixty-three, the fifteenth article of treaty of March second, eighteen hundred and sixty-eight, six thousand seven hundred and twenty dollars;

For pay of two teachers, as per same article of same treaty, one thousand eight hundred dollars;

For purchase of iron and steel and the necessary tools for blacksmith shop, per ninth article of same treaty, two hundred and twenty dollars;

For annual amount for the purchase of beef, mutton, wheat, flour, beans, and potatoes, or other necessary articles of food, as per twelfth article of same treaty, thirty thousand dollars;

For pay of employees at the several Ute agencies, fifteen thousand dollars;

In all, fifty-three thousand seven hundred and forty dollars.

That the sum of five thousand dollars, for the purchase of lands and sheep for the San Juan Piute Indians, and ten thousand five hundred dollars, for the support and civilization of the Kaibab Indians in Utah, and so forth, appropriated in the Indian act for the fiscal year nineteen hundred and seven, are hereby reappropriated and made available for the use of the Piute Indians in southern Utah and northern Arizona.

VIRGINIA.

For the support and education of one hundred and twenty Indian pupils at the school at Hampton, Virginia, twenty thousand and forty dollars.

WASHINGTON.

For pay of Indian agent at the Colville Agency, Washington, one thousand five hundred dollars;

For support and civilization of the D'Wamish and other allied tribes in Washington, including pay of employees, seven thousand dollars;

For rebuilding and repairing the sawmill on the Tulalip Indian Reservation, two thousand dollars.

For support and civilization of the Makahs, Washington, including pay of employees, two thousand dollars;

For support and civilization of the Qui-nai-elts and Quil-leh-utes, including pay of employees, one thousand dollars;

For support and civilization of Yakimas, and other Indians at said agency, including pay of employees, five thousand dollars;

For the construction of a telephone line on the Yakima Reservation, four thousand dollars, or so much thereof as may be necessary;

For general incidental expenses of the Indian Service in Washington, including traveling expenses of agents, and support and civilization of Indians at Colville and Puyallup Agencies, and for pay of employees, thirteen thousand dollars.

That the Secretary of the Interior, in his discretion, is hereby authorized, with the consent of the Indians, to be obtained in such manner as he may deem best, to sell, under rules and regulations to be prescribed by him, any tract or part of any tracts of land heretofore set apart and reserved for cemetery and church purposes in the Indian addition to the city of Tacoma, Washington, not now needed for these purposes, and to use the proceeds of said sale for fencing and otherwise improving the part or parts now used, occupied, or needed for the cemetery and the church.

Utes, confederated bands.

Carpenters, etc.
13 Stat., 675, vol. 2, 858.
15 Stat., 622, vol. 2, 993.

Food.
15 Stat., 622, vol. 2, 992.

Employees.

Piutes, Utah and Arizona.
Amount available.

34 Stat., 376.

34 Stat., 1050.
Virginia.

Hampton school.

Washington.

Colville Agency.
Agent.

D'Wamish, etc., Indians.
Support, etc.
Tulalip Reservation.
Sawmill.

Makahs.
Support, etc.

Qui-nai-elts and Quil-leh-utes.
Support, etc.
Yakimas, etc.
Support, etc.

Telephone.

Incidentals.

Tacoma.
Sale of part of Indian cemetery, etc.

Spokanes.

SPOKANES. (Treaty.)

Blacksmith, etc.

27 Stat., 139, vol. 1, 63.

For pay of a blacksmith and carpenter to do necessary work and to instruct the said Indians in those trades, one thousand dollars each, per sixth article of agreement with said Indians, dated March eighteenth, eighteen hundred and eighty-seven, ratified by act of Congress approved July thirteenth, eighteen hundred and ninety-two, two thousand dollars;

Joseph's Band, Nez Perces.

For purchase of agricultural implements, and support and civilization of Joseph's Band of Nez Perces Indians, one thousand dollars;

Yakimas.

Irrigating allotments.
33 Stat., 507.

For the extension of the irrigation system on lands allotted to Yakima Indians in Washington, fifteen thousand dollars, to be reimbursed from the proceeds of the sale of surplus lands, as provided by the act of 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"; in all, fifteen thousand dollars.

Colville Reservation.
Part payment to Indians.

27 Stat., 62, vol. 1, 441.

In part payment to the Indians residing on the Colville Reservation for the cession by said Indians to the United States of one million five hundred thousand acres of land opened to settlement by an act of Congress "To provide for the opening of a part of the Colville Reservation in the State of Washington, and for other purposes," approved July first, eighteen hundred and ninety-two, being a part of the full sum set aside and held in the Treasury of the United States in payment for said land under the terms of the act approved June twenty-first, nineteen hundred and six, ratifying the agreement ceding said land to the United States under date of May ninth, eighteen hundred and ninety-one, three hundred thousand dollars, said sum of three hundred thousand dollars to be paid to or expended for the benefit of said Indians under the direction of the Secretary of the Interior.

34 Stat., 377.

34 Stat., 1051.

Wisconsin.

WISCONSIN.

La Pointe Agency.
Agent.

For pay of Indian agent at the La Pointe Agency, Wisconsin, one thousand eight hundred dollars.

HAYWARD SCHOOL.

Hayward school.

For the support and education of two hundred and ten pupils at the Indian school at Hayward, Wisconsin, thirty-five thousand five hundred and seventy dollars, and for pay of superintendent, one thousand five hundred dollars;

For general repairs and improvements, three thousand dollars;

For clearing land, one thousand dollars;

In all, forty-one thousand and seventy dollars.

TOMAH SCHOOL.

Tomah school.

For support and education of two hundred and fifty Indian pupils at the Indian school, Tomah, Wisconsin, forty-two thousand and fifty dollars, and for pay of superintendent, one thousand seven hundred dollars;

For general repairs and improvements, three thousand dollars;

In all, forty-seven thousand seven hundred and fifty dollars.

CHIPPEWAS OF LAKE SUPERIOR.

Chippewas of Lake Superior.
Support, etc.

For support and civilization of the Chippewas of Lake Superior, Wisconsin, to be expended for agricultural and educational purposes; pay of employees, including pay of physician, at one thousand two hundred dollars.

Purchase of goods and provisions, and for such other purposes as may be deemed for the best interests of said Indians, seven thousand dollars.

WYOMING.

Wyoming.

For support and civilization of Shoshone Indians in Wyoming, twelve thousand dollars.

Shoshones.
Support, etc.

SHOSHONE SCHOOL.

For support and education of one hundred and seventy-five Indian pupils at the Indian school, Shoshone Reservation, Wyoming, twenty-eight thousand two hundred and twenty-five dollars, and for pay of superintendent, one thousand eight hundred dollars;

Shoshone Reser-
vation school.

For general repairs and improvements, five thousand dollars;

In all, thirty-six thousand and twenty-five dollars.

For general incidental expenses of the Indian Service in Wyoming, including traveling expenses of agents, one thousand dollars.

Incidentals.

SHOSHONES AND BANNOCKS. (Treaty.) (For Bannocks, see Idaho.)

Shoshones.

SHOSHONES: For pay of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith, as per tenth article of treaty of July third, eighteen hundred and sixty-eight, five thousand dollars;

Fulfilling treaty.
15 Stat., 676, vol. 2,
1023.

For pay of second blacksmith, and such iron and steel and other materials as may be required, as per eighth article of same treaty, one thousand dollars;

34 Stat., 1052.

In all, six thousand dollars.

For the purpose of carrying out the provisions of article four of the agreement ratified by the act of March third, nineteen hundred and five, entitled, "An act to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation, in the State of Wyoming, and make appropriation for carrying the same into effect," one hundred thousand dollars of the amount specified by said fourth article twenty-five thousand dollars to be immediately available and to be reimbursed from the proceeds derived from the sale of surplus lands, as provided by said act.

Shoshone reser-
vation.
Irrigation system.
33 Stat., 1017, ante,
p. 117.

That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of one thousand four hundred and one dollars, the same to be immediately available, for meandering the north bank of the Pope Agie River through township two south, range two east; townships one and two south, range three east; township one south, range four east, and the south bank of Big Wind River, through townships one north and one south, range four east, and township three north, range three west, surveying fractional townships one and two south, range two east, and making such retracements and resurveys as may be necessary in the diminished Shoshone Indian Reservation, Wyoming.

Survey.

That the Secretary of the Interior be, and he hereby is, authorized to lease for a term not exceeding twenty-five years, lot one of section two in township one south of range one west of the Wind River meridian, in said reservation, for the erection of a sanatorium, at such rate of rental and subject to such rules and regulations as he may prescribe.

Sanatorium.
Lease of lands for.

Approved, March 1, 1907.

Mar. 1, 1907.
[S. 8533.]

[Public, No. 159.]
34 Stat., 1055.

Sac and Fox Indians in Iowa.
Court of Claims to hear claims of.

Compensation to attorney.

Advancement of suit.
Evidence admitted.

CHAP. 2290.—An act to authorize the Court of Claims to hear, determine, and adjudicate the claims of the Sac and Fox Indians of the Mississippi in Iowa, against the Sac and Fox Indians of the Mississippi in Oklahoma, and the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That full legal and equitable jurisdiction, without regard to lapse of time, is hereby conferred upon the Court of Claims to hear, determine, and adjudicate, as justice and equity shall require, with right of appeal to the Supreme Court of the United States by any party in interest, all claims of the Sac and Fox Indians of the Mississippi in Iowa, against the Sac and Fox Indians of the Mississippi in Oklahoma, and the United States for money claimed to be due to them as their proportionate shares, according to their numbers, and not heretofore paid to or expended for them, of the appropriations made by Congress for fulfilling treaty stipulations with the confederated tribes of the Sac and Fox Indians of the Mississippi, or arising from the disposal or sale of lands of said confederated tribes, or otherwise, including the claims set out in the Senate Document Numbered Sixty-four, Fifty-seventh Congress, first session, for which suit may be instituted in the Court of Claims within ninety days after the passage of this act by petition signed by the principal chief of said Sac and Fox Indians in Iowa, or by the attorney employed by the proper authorities of said Indians; the compensation to be paid to their said attorney by the Sac and Fox Indians of the Mississippi in Iowa, for his services and expenses rendered and to be rendered in the prosecution of said claims, shall be fixed by the Court of Claims on the termination of said suit. The Attorney General shall appear and defend in said suit, so far as the United States may be concerned. The Sac and Fox Indians in Oklahoma may appear, by counsel employed by their proper authorities, to defend on their behalf. Said suit, on motion of either of the parties thereto, shall be advanced on the dockets of either of said courts and be determined at the earliest date practicable. The reports made to Congress on any of said claims by any department of the Government and printed as congressional documents shall be received as evidence in said suit, so far as the facts therein may be concerned, and shall be given such weight as the court may determine for them.

Approved, March 1, 1907.¹

Mar. 1, 1907.
[H. R. 24134.]

[Public, No. 161.]
34 Stat., 1056.

Colorado.
Granted desert lands in Southern Ute Reservation.
23 Stat., 422.
34 Stat., 1057.
23 Stat., 434.

31 Stat., 1188.

Proviso.
Payment.

CHAP. 2292.—An act providing for the granting and patenting to the State of Colorado, desert lands formerly in the Southern Ute Indian Reservation in Colorado.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of section four of "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-five, and for other purposes," approved August eighteenth, eighteen hundred and ninety-four, and the acts amendatory thereof, approved June eleventh, eighteen hundred and ninety-six, and March third, nineteen hundred and one, respectively, be, and are hereby, extended over and shall apply to the desert lands included within the limits of the former Southern Ute Indian Reservation in Colorado not included in any forest reservation: *Provided,* That before a patent shall issue for any of the lands aforesaid under the terms of the said act approved August eighteenth, eighteen hundred and ninety-four, and amendments thereto, the State of Colorado shall pay into the Treasury of the United States the sum of one dollar and

¹ See decision on appeal—Sac and Fox Indians of the Mississippi in Oklahoma v. U. S., 220 U. S., 481.

twenty-five cents per acre for the lands so patented, and the money so paid shall be subject to the provisions of section three of the act of June fifteenth, eighteen hundred and eighty, entitled "An act to accept and ratify the agreements submitted by the confederated bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriation for carrying out same." In trust for Indians. 21 Stat., 203; vol. 1, 185.

SEC. 2. That no lands shall be included in any tract to be segregated under the provisions of this act on which the United States Government has valuable improvements or which have been reserved for Indian schools or farm purposes. Lands reserved.

Approved, March 1, 1907.

CHAP. 2514.—An act to amend the act of Congress approved February eleventh, nineteen hundred and one, entitled "An act providing for allotments of lands in severalty to the Indians of the La Pointe or Bad River Reservation, in the State of Wisconsin." Mar. 2, 1907. [S. 2787.] [Public, No. 173.] 34 Stat., 1217.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act of Congress approved February eleventh, nineteen hundred and one (Thirty-first Statutes, page seven hundred and sixty-six), entitled "An act providing for allotments of lands in severalty to the Indians of the La Pointe or Bad River Reservation, in the State of Wisconsin," shall not be construed so as to bar or in any manner abridge or curtail the right of any Indian to allotment on said reservation, whether born before or after the passage of said act, as provided by the treaty concluded with the Chippewas of Lake Superior and the Mississippi, September thirtieth, eighteen hundred and fifty-four. Indians. La Pointe or Bad River Reservation, Wis. 31 Stat., 766; vol. 1, 713. Allotment right not affected, etc. 10 Stat., 1110; vol. 2, 648.

Approved, March 2, 1907.

CHAP. 2521.—An act for the relief of certain white persons who intermarried with Cherokee citizens. Mar. 2, 1907. [S. 833.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for sixty days after allotment but in no case less than sixty days after the approval of this act white persons who intermarried with Cherokee citizens prior to December sixteenth, eighteen hundred and ninety-five, and made permanent and valuable improvements on lands belonging to the Cherokee Nation prior to the decision of the Supreme Court of the United States in the case of Daniel Red Bird, the Cherokee Nation, and others, against The United States (Two hundred and third United States, page seventy six), shall have the right to sell such improvements to citizens of the Cherokee Nation entitled to select allotments at a valuation to be approved by an official to be designated by the Secretary of the Interior for that purpose; and the vendor shall have a lien on the rents and profits of the land on which the improvements are located for the purchase money remaining unpaid and shall have the right to enforce such lien in any court of competent jurisdiction: *Provided*, That where citizens of the Cherokee Nation entitled to allotments have heretofore applied for lands on which intermarried white persons own improvements, such citizens entitled to allotments shall have the prior right to purchase said improvements as herein provided.¹* [Public, No. 180.] 34 Stat., 1220. Cherokee Nation. Intermarried whites may sell improvements to citizens of. 34 Stat., 1221. Lien on rents. Proviso. Prior right to purchase.

Approved March 2, 1907.

¹ Boudinot v. Morris, 110 Pac., 894.

Mar. 2, 1907.
[H. R. 5290.]

CHAP. 2523.—An act providing for the allotment and distribution of Indian tribal funds.

[Public, No. 182.]
34 Stat., 1221.

Indian tribal funds.
Allotment, etc., of
authorized to indi-
vidual Indians.

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 is hereby authorized, in his discretion, from time to time, to designate any individual Indian belonging to any tribe or tribes whom he may deem to be capable of managing his or her affairs, and he may cause to be apportioned and allotted to any such Indian his or her pro rata share of any tribal or trust funds on deposit in the Treasury of the United States to the credit of the tribe or tribes of which said Indian is a member, and the amount so apportioned and allotted shall be placed to the credit of such Indian upon the books of the Treasury, and the same shall thereupon be subject to the order of such Indian: *Provided,* That no apportionment or allotment shall be made to any Indian until such Indian has first made an application therefor: *Provided further,* That the Secretaries of the Interior and of the Treasury are hereby directed to withhold from such apportionment and allotment a sufficient sum of the said Indian funds as may be necessary or required to pay any existing claims against said Indians that may be pending for settlement by judicial determination in the Court of Claims or in the Executive Departments of the Government, at time of such apportionment and allotment.

Provisos.
Application.

Payment of existing
claims.

Payment to help-
less, etc., Indians.

34 Stat., 1222.

SEC. 2. That the Secretary of the Interior is hereby authorized to pay any Indian who is blind, crippled, decrepit, or helpless from old age, disease, or accident, his or her share, or any portion thereof, of the tribal trust funds in the United States Treasury belonging to the tribe of which such Indian is a member, and of any other money which may hereafter be placed in the Treasury for the credit of such tribe and susceptible of division among its members, under such rules, regulations, and conditions as he may prescribe.

Approved, March 2, 1907.

Mar. 2, 1907.
[H. R. 24374.]

CHAP. 2535.—An act to fix the boundaries of lands of certain landowners and entrymen adjoining the Coeur d'Alene Indian Reservation.

[Public, No. 194.]
34 Stat., 1223.

Coeur d'Alene In-
dian Reservation,
Idaho.
Grant to owners of
land adjoining.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That following the boundary of the Coeur d'Alene Indian Reservation, in the State of Idaho, wherever the surveys of said reservation, as finally approved, make it appear to the Commissioner of the General Land Office, that adjoining owners of land or entrymen would be deprived of a portion of their land as said land appears described under patent or entry, such an amount of adjoining land upon payment therefor at their appraised value, as provided in the act of June twenty-first, nineteen hundred and six (Thirty-fourth Statutes at Large, page three hundred and thirty-five), shall be granted from the reservation to owners of such adjoining land as will complete their respective tracts as defined by patent or entry: *Provided,* That the provisions of this act shall not extend to lands which are embraced in allotments made under the provisions of the act of June twenty-first, nineteen hundred and six (Thirty-fourth Statutes at Large, page three hundred and thirty-five), or to lands in the use or occupation of any Indian having tribal rights on the Coeur d'Alene Reservation.

34 Stat., 336.
Ante, p. 203.

Proviso.
Allotment to Indians
excepted.

Approved, March 2, 1907.

CHAP. 2536.—An act to authorize the sale and disposition of a portion of the surplus or unallotted lands in the Rosebud Indian Reservation in the State of South Dakota, and making appropriation and provision to carry the same into effect.

Mar. 2, 1907.
[H. R. 24987.]

[Public, No. 195.]
34 Stat., 1230.

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, as hereinafter provided, to sell or dispose of all that portion of the Rosebud Indian Reservation in South Dakota lying south of the Big White River and east of range twenty-five west of the sixth principal meridian, except such portions thereof as have been, or may hereafter be, allotted to Indians: *Provided*, That sections sixteen and thirty-six of the lands in each township shall not be disposed of, but shall be reserved for the use of the common schools and paid for by the United States at two dollars and fifty cents per acre, and the same are hereby granted to the State of South Dakota for such purpose.

Rosebud Indian Reservation, S. Dak.
Sale of unallotted lands in.

Proviso.
School lands reserved.

SEC. 2. That the land shall be disposed of by proclamation, under the general provisions of the homestead and town-site laws of the United States, and shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, or enter any of said lands except as prescribed in such proclamation: *Provided*, That prior to the said proclamation the Secretary of the Interior, in his discretion, may permit Indians who have an allotment within the Rosebud Reservation to relinquish such allotment and to receive in lieu thereof an allotment anywhere within said reservation, and he shall also allot one hundred and sixty acres of land to each child of Indian parentage whose father or mother is or was, in case of death, a duly enrolled member of the Sioux Tribe of Indians belonging on the Rosebud Reservation who is living at the time of the passage and approval of this act and who has not heretofore received an allotment:¹ *Provided further*, That the rights of honorably discharged Union soldiers and sailors of the late Civil and Spanish Wars or Philippine insurrection, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes, as amended by the act of March first, nineteen hundred and one, shall not be abridged.²

Open to settlement.

Provisos.
Exchange of Indian allotments.

Allotments to children.

Homestead rights of soldiers and sailors not affected.
R. S., secs. 2304, 2305.
31 Stat., p. 847.

SEC. 3. That the price of said lands entered as homesteads under the provisions of this act shall be as follows: Upon all land entered or filed upon within three months after the same shall be opened for settlement and entry, six dollars per acre, and upon all land entered or filed upon after the expiration of three months and within six months after the same shall have opened for settlement and entry, four dollars and fifty cents per acre; after the expiration of six months after the same shall have been opened for settlement and entry the price shall be two dollars and fifty cents per acre. The price shall be paid in accordance with rules and regulations to be prescribed by the Secretary of the Interior upon the following terms: One-fifth of the purchase price to be paid in cash at the time of entry, and the balance in five equal annual installments, to be paid in one, two, three, four, and five years, respectively, from and after the date of entry. In case any entryman fails to make the annual payments, or any of them, promptly when due, all rights in and to the land covered by his entry shall cease, and any payments theretofore made shall be forfeited and the entry canceled, and the lands shall be reoffered for sale and entry under the provisions of the homestead law at the same price that it was first entered:³ *And provided*, That nothing in this act shall prevent homestead settlers from commuting their entries under section twenty-three hundred and one, Revised Statutes, by paying for the land entered the price fixed herein, receiving credit for payments pre-

Price of homestead lands.

Terms.

Forfeiture.

Provisos.
Commutation.
R. S., sec. 2301.

¹ 40 L. D., 6.

² 40 L. D., 54.

³ 41 L. D., 128, 636.

- Fees, etc.
34 Stat., 1231.
- Sale of remaining lands.
- Town sites reserved.
- R. S., sec. 2381.
- Disposal of proceeds.
- Final distribution per capita.
- Purchase of school lands for South Dakota.
- Acceptance of lieu lands.
- Appropriation for school lands.
- Expenses.
- viously made. In addition to the price to be paid for the land, the entryman shall pay the same fees and commissions at the time of commutation or final entry as now provided by law, where the price of the land is one dollar and twenty-five cents per acre, and when the entryman shall have complied with all the requirements and terms of the homestead laws as to settlement and residence and shall have made all the required payments aforesaid he shall be entitled to a patent for the lands entered: *And provided further*, That all lands remaining undisposed of at the expiration of four years from the opening of the said lands to entry shall be sold to the highest bidder for cash at not less than two dollars and fifty cents per acre, under rules and regulations to be prescribed by the Secretary of the Interior, and that any lands remaining unsold after the said lands have been opened to entry for seven years may be sold to the highest bidder for cash, without regard to the above minimum limit of price.
- SEC. 4. That the Secretary of the Interior is authorized to reserve from said lands such tracts for town-site purposes as in his opinion may be required for the future public interests, and he may cause the same to be surveyed into blocks and lots and disposed of under such regulations as he may prescribe, in accordance with section twenty-three hundred and eighty-one of the United States Revised Statutes. The net proceeds derived from the sale of such lands shall be credited to the Indians as hereinafter provided.
- SEC. 5. That from the proceeds arising from the sale and disposition of the lands aforesaid, exclusive of the customary fees and commissions, there shall be deposited in the Treasury of the United States, to the credit of the Indians belonging and having tribal rights on the Rosebud Reservation, in the State of South Dakota, the sum of one million dollars, which shall draw interest at three per centum per annum for ten years, the interest to be paid to the Indians per capita in cash annually, share and share alike; that at the expiration of ten years, after one million dollars shall have been deposited as aforesaid, the said sum shall be distributed and paid to said Indians per capita in cash; that the balance of the proceeds arising from the sale and disposition of the lands as aforesaid shall be deposited in the Treasury of the United States to the credit of said Indians and shall be expended for their benefit under the direction of the Secretary of the Interior, and he may, in his discretion, upon an application by a majority of said Indians, pay a portion of the same to the Indians in cash, per capita, share and share alike, if in his opinion such payments will be for the best interests of said Indians.
- SEC. 6. That sections sixteen and thirty-six of the lands in each township within the tract described in section one of this act shall not be subject to entry, but shall be reserved for the use of the common schools and paid for by the United States at two dollars and fifty cents per acre, and the same are hereby granted to the State of South Dakota for such purpose; and in case any of said sections, or parts thereof, are lost to said State of South Dakota by reason of allotments thereof to any Indian or Indians, or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized, within the tract described herein, to locate other lands not occupied not exceeding two sections in any one township, which shall be paid for by the United States as herein provided, in quantity equal to the loss, and such selections shall be made prior to the opening of such lands to settlement.
- SEC. 7. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of one hundred and sixty-five thousand dollars, or so much thereof as may be necessary, to pay for the lands granted to the State of South Dakota, as provided in section six of this act. And there is hereby appropriated the further

sum of fifteen thousand dollars, or so much thereof as may be necessary, for the purpose of making the allotments provided for herein: *Provided*, That the same shall be reimbursed to the United States from the proceeds received from the sale of the lands described herein or from any money in the Treasury belonging to said Rosebud Indians.

Proviso.
34 Stat., 1232.
Reimbursement.

SEC. 8. That nothing in this act contained shall in any manner bind the United States to purchase any portion of the land herein described, except sections sixteen and thirty-six or the equivalent in each township, 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: *Provided*, That nothing in this act shall be construed to deprive the said Indians of the Rosebud Reservation, in South Dakota, of any benefits to which they are entitled under existing treaties or agreements not inconsistent with the provisions of this act.

Liability of United States limited.

Proviso.
Treaty rights retained.

Approved, March 2, 1907.

CHAP. 2919.—An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June thirtieth, nineteen hundred and seven, and for prior years, and for other purposes.

Mar. 4, 1907.
[H. R. 25851.]

[Public, No. 254.]
34 Stat., 1371.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in the appropriations for the fiscal year nineteen hundred and seven, and for prior years, and for other objects hereinafter stated, namely:

Deficiencies appropriation.

* * * * *

INDIAN AFFAIRS.

Indian Affairs.

The Secretary of the Interior is hereby directed to pay, out of the sum allowed to the Eastern Cherokees under the judgment of the Supreme Court, October term, nineteen hundred and five, to those individuals and councilors entitled to the same under resolutions of April twenty-ninth, nineteen hundred and four, and May eleventh, nineteen hundred and six, of the permanent council of the Eastern Cherokees and the order of said council of August seventeenth, nineteen hundred and six, the sum of four thousand four hundred and five dollars.

34 Stat., 1388.
Eastern Cherokees.
Payment to councilors, etc.

34 Stat., 1389.

To pay the expenses of purchasing goods and supplies for the Indian service and pay of necessary employees; advertising, at rates not exceeding regular commercial rates; inspection, and all other expenses connected therewith, and for telegraphing and telephoning, for the fiscal year nineteen hundred and six, seven thousand five hundred dollars.

Supplies.
Purchase, etc.

For the necessary expenses of transportation of Indian goods, provisions, and other supplies for the Indian service for the fiscal year nineteen hundred and six, fifteen thousand dollars.

Transportation.

To supply a deficiency in salary of the United States Indian inspector, designated by the Secretary of the Interior under the provisions of the act of March third, nineteen hundred and five, as "Chief engineer," in connection with his appointment of June twenty-eighth, nineteen hundred and two, as "United States Indian inspector" (irrigation engineer), from March twenty-eighth to June thirtieth, nineteen hundred and five, inclusive, the appropriation of two hundred and sixty-one dollars and eleven cents made for this purpose for the

Irrigation engineer.
33 Stat., 1049.

34 Stat., 38.
Ante, p. 125.

period from March twenty-eighth to June thirtieth, nineteen hundred and six, by the urgent deficiency appropriation act approved February twenty-seventh, nineteen hundred and six, is hereby made available.

* * * * *

Approved, March 4, 1907.

Mar. 4, 1907.
[S. 8299.]
[Public, No. 264.]
34 Stat., 1411.
Alaska.
Certain civic rights conferred on the Metlakahtla Indians of.

CHAP. 2929.—An act to confer certain civic rights on the Metlakahtla Indians of Alaska.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all Indians of the Tsimpsean or Haida tribe of the full or mixed blood who emigrated from British Columbia and settled at Metlakahtla on Annette Island, in southeastern Alaska, in the year eighteen hundred and eighty-seven and subsequent years, as well as all descendants of such Indians, and all other Indians who have since become and remained bona fide residents of said Metlakahtla, Alaska, shall, if otherwise qualified, be entitled to receive and obtain licenses as masters, pilots, and engineers, as the case may be, of any and all steamboats and other craft, and also licenses as operators of motor boats and other craft, subject to the provisions of the act of Congress approved May sixteenth, nineteen hundred and six, entitled "An act to amend section forty-four hundred and twenty-six of the Revised Statutes of the United States, regulation of motor boats," with the same force and effect as if they had been citizens of the United States; any such Indian may be the owner of any such motor boat or other craft, subject to the provisions of the said act of May sixteenth, nineteen hundred and six, although such Indian be not a citizen of the United States, without depriving said motor boat or other craft of the benefits and privileges of a vessel of the United States.

May be licensed as masters, pilots, etc.

34 Stat., 194.

34 Stat., 1412.
R. S., sec. 4426.

May own motor boats, etc.

Certificate of eligibility.

SEC. 2. That a certificate under the hand of any officer of the customs in Alaska, to the effect that the applicant for one of the different licenses mentioned in the foregoing section comes within one of the provisions of said first section of this act, shall, together with the affidavit of the applicant to that effect, be sufficient evidence of the fact that said applicant is entitled to the privileges conferred upon said Indians by the first section of this act.

Effect.

SEC. 3. That this act shall take effect and be in force from and after its passage.

Approved, March 4, 1907, 11 a. m.

Mar. 4, 1907.
[H. R. 23650.]
[Public, No. 268.]
34 Stat., 1413.
Jicarilla Reservation, N. Mex.
Cancellation of allotments made on.

CHAP. 2933.—An act to quiet title to lands on Jicarilla Reservation, and to authorize the Secretary of the Interior to cause allotments to be made, and to dispose of the merchantable timber, and for other purposes.

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 to cancel the allotments made to the members of the Jicarilla tribe of Indians in New Mexico, provided all the members of said tribe relinquish all their individual right, title, and interest in the allotted lands to the United States, or he may cancel any of said allotments upon the relinquishment thereof by the allottee or his heirs; and each Indian taking advantage of the foregoing provisions and each unallotted member of the tribe shall be allotted not exceeding ten acres of agricultural land and not exceeding six hundred and forty acres of other land, the areas to be in the discretion of the Secretary of the Interior, and he shall cause patents to issue

Lands allotted in lieu of.

24 Stat., 389, vol. 1, 33, 56.

therefor in accordance with the fifth section of the act of February eighth, eighteen hundred and eighty-seven (Twenty-fourth Statutes at Large, page three hundred and eighty-eight): *Provided*, That in making such allotments values shall be considered so as to make the allotments uniform in value as near as practicable. That the Secretary of the Interior may dispose of all merchantable timber on allotments herein authorized during the term these are held in trust and on the surplus lands for twenty-five years, the proceeds therefor to be expended under his direction for purposes beneficial to the individual allottees hereunder and their heirs, or for families, as he may deem best, and no part of such proceeds shall be expended for community or common benefits other than irrigation, but shall be equitably apportioned as near as may be among the Indians entitled.

Proviso.
Uniform values.

Disposal of timber.

Apportionment of
proceeds.

SEC. 2. That the Secretary of the Interior is hereby empowered and directed to make relinquishment for any minor, insane, incompetent, or unidentified Indian for the purpose of carrying out the provisions of this act.

34 Stat., 1414.
Relinquishment for
minors, etc.

Approved, March 4, 1907, 11 a. m.

PRIVATE ACTS OF THE FIFTY-NINTH CONGRESS, SECOND SESSION, 1907.

CHAP. 421.—An act for the relief of Augustus Trabing.

Jan. 26, 1907.
[S. 4348.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Augustus Trabing, having served in the Quartermaster's Department of the United States Army, and on guard duty in the forts surrounding the city of Washington, and as blacksmith and wagon repairer with Government trains at Springfield, Illinois, and Leavenworth, Kansas, in eighteen hundred and sixty-five and eighteen hundred and sixty-six, be, and he is hereby, relieved from any disability under the laws of the United States and from any defect of naturalization, and that his case, numbered fourteen hundred and thirty-two on the Indian depredations docket of the Court of Claims, which was dismissed for want of such naturalization, may be reinstated, and said Augustus Trabing is authorized to prosecute his said case and to receive judgment thereon the same as if he had been naturalized under the laws of the United States at the date of the loss; and to that end that the Court of Claims be, and hereby is, vested with jurisdiction as if the case were on original trial.

[Private, No. 385.]
34 Stat., vol. 2, p. 883.

Augustus Trabing.
Defect of natural-
ization, etc., removed.

May prosecute Indi-
an depredation claim.

Approved, January 26, 1907.

CHAP. 891.—An act for the relief of Esther Rousseau.

Feb. 7, 1907.
[H. R. 22362.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That jurisdiction be, and hereby is, conferred upon the Court of Claims to hear, determine, and render final judgment upon the claim of Esther Rousseau for horses belonging to her and killed and destroyed upon the Cheyenne River Indian Reservation, or elsewhere, in the State of South Dakota, by the Indian agent in charge of said Cheyenne River Indian Reservation and other persons under his authority, with right of appeal as in other cases.

[Private, No. 824.]
34 Stat., part 2, p. 980.

Esther Rousseau.
Court of Claims to
determine claim of, for
horses killed by In-
dian agents, etc.

That a petition may be filed by the attorneys of the said Esther Rousseau in said court within forty days from the approval of this act, and service of said petition shall be had by filing copies thereof with the Attorney General and the Secretary of the Interior, and answer

Filing petition, etc.

thereto shall be filed in said court within sixty days after the service of the petition.

Evidence, etc.

34 Stat., 981.

Case advanced on court calendar, etc.

The court may receive and consider all papers, depositions, records, correspondence, and documents heretofore filed in the executive departments of the Government, together with any other evidence offered, and shall render a judgment or decree thereon for such amount, if any, without interest, if any, as the court shall find legally or equitably due the said Esther Rousseau.

Said cause shall be advanced on the calendar of said court, and the amount for which judgment may be rendered, when paid to the party named in said judgment or her duly authorized and accredited attorneys, shall be received in full and final settlement of the claim for said unlawful destruction of said horses.¹

Approved, February 7, 1907.

Feb. 9, 1907.
[H. R., 12560.]

CHAP. 915.—An act for the relief of John C. Lynch.

[Private, No. 834.]
34 Stat., part 2, p. 983.

John C. Lynch.
Indian depredation claim of, referred to Court of Claims.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Court of Claims shall have and possess jurisdiction and authority to inquire into and finally adjudicate the claim of John C. Lynch, a resident of Shackelford County, Texas, for property taken or destroyed by Indians, and for the purpose of this action it shall be assumed he was a citizen of the United States at the time of the injury.

Approved, February 9, 1907.

Feb. 9, 1907.
[H. R. 15594.]

CHAP. 916.—An act for the relief of John B. Brown.

[Private, No. 835.]
34 Stat., part 2, p. 983.

John B. Brown.
Indian depredation claim of, referred to Court of Claims.

34 Stat., 984.
Citizenship waived.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Court of Claims be, and the same is hereby, authorized and directed to entertain jurisdiction in the Indian depredation claims numbered forty-nine hundred and ninety-seven and eighty-six hundred and thirty-nine, filed in the Court of Claims during the terms of eighteen hundred and ninety and eighteen hundred and ninety-one and during the November term, eighteen hundred and ninety-two, without reference to the citizenship of John B. Brown, of San Antonio, Texas, now deceased, who originally filed said claims; and for the purposes of said action, based on said claims, said John B. Brown shall be assumed to have been a citizen of the United States at the date of said Indian depredations; the proof of loss and evidence in the case having been printed by the order of the court to which reference is made, which proof shows there is nothing wanting to give the Court of Claims jurisdiction except the question of citizenship.

Approved, February 9, 1907.

Feb. 18, 1907.
[H. R. 19930.]

CHAP. 942.—An act referring the claim of S. W. Peel for legal services rendered the Choctaw Nation of Indians to the Court of Claims for adjudication.

[Private, No. 849.]
34 Stat., part 2, p. 987.

S. W. Peel.
Claim for legal services to Choctaw Nation referred to Court of Claims.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the claim of S. W. Peel, of Bentonville, Arkansas, for legal services rendered and expenditures had for the Choctaw Nation of Indians, of the Indian Territory, in an action in said Court of Claims wherein Yvon Pike and Lillian Pike, and Yvon Pike as the administrator of the estate of Luther S. Pike deceased, were plaintiffs, and said nation was defendant, be, and the

¹ Esther Rousseau v. U. S., 45 C. of Clm., 1.

same is hereby, referred to the Court of Claims with full jurisdiction, equitable and legal, to render judgment or decree therein as to the very right of the matter; and in case the said court finds any sum or amount due the claimant for his services and disbursements as aforesaid, it shall thereupon direct the same to be paid with interest from the funds of said nation now in the Treasury of the United States, and a transcript of such decree or judgment shall be authority for the Secretary of the Interior to make the payment therewith, and to make the proper charge against the funds of said nation; and sufficient of the funds of said nation shall be retained in the Treasury of the United States to meet any judgment or decree for payment to said S. W. Peel that may finally be rendered. The suit herein provided for shall be entitled S. W. Peel versus The Choctaw Nation and the United States; the petition and other proceedings therein shall be in accordance with the ordinary rules and requirements of said court, with the right of appeal to the Supreme Court by either party: *Provided*, That no suit shall be brought under the provisions of this act after six months from the date of the passage thereof: *And provided further*, That such suit shall be advanced and promptly tried in any court where it may be pending.¹

Approved, February 18, 1907.

Payment.

Title of suit.

Provisos.
Limit.

Prompt trial.

PUBLIC ACTS OF SIXTIETH CONGRESS, FIRST SESSION, 1908.

CHAP. 27. An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June thirtieth, nineteen hundred and eight, and for prior years, and for other purposes.

Feb. 15, 1908.
[H. R. 14766.]

[Public, No. 24.]
35 Stat., 8.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in the appropriations for the fiscal year nineteen hundred and eight, and for prior years, and for other objects hereinafter stated, namely:

Urgent deficiencies
appropriations.

* * * * *

INDIAN AFFAIRS.

For an additional amount to enable the President to cause, under the provisions of the act of February eighth, eighteen hundred and eighty-seven, entitled "An act to provide for the allotment of land in severalty to Indians," such Indian reservations as in his judgment are advantageous for agricultural and grazing purposes to be surveyed or resurveyed, for the purposes of said act and to complete the allotment of the same, including the necessary clerical work incident thereto in the field and in the Office of Indian Affairs, and delivery of trust patents, so far as allotments shall have been selected under said act, twenty-five thousand dollars.

35 Stat., 18.
Allotments in severalty.

Vol. 1 p. 33, 24 Stat., 388.

For an additional amount for survey and subdivision of Indian reservations and of lands to be allotted to Indians and to make allotments in severalty, to be expended by the Commissioner of Indian Affairs under the direction of the Secretary of the Interior, twenty thousand dollars.

Surveying and allotting.

For the suppression of the traffic in intoxicating liquors among the Indians, to be expended under the direction of the Secretary of the Interior, for the fiscal year nineteen hundred and eight, three thousand five hundred dollars.

Suppressing liquor traffic.

* * * * *

¹ S. W. Peel v. The Choctaw Nation and the United States, 45 Court of Claims, 154.

35 Stat., 19. Walker River Indians, Nev. Uintah and White River Utes, Utah. Surveying, etc., allotted lands. Vol. 1, p. 751, 32 Stat., 260.

Spokane Indian Reservation, Wash. Allotments. Vol. 1, p. 799, 32 Stat., 744.

Schools.

Lower Brule Sioux Indians, S. Dak. Purchase of stock, etc.

Proviso. Reimbursement. Ante, p. 167, 34 Stat., 125.

Haskell Institute, Lawrence, Kans. School building.

Pierre, S. Dak., School. Ante, p. 293, 34 Stat., 1047.

Artesian well. Ante, p. 238, 34 Stat., 370.

Flathead Indian Reservation lands, Mont. Appraisement, sale of etc., expenses.

For an additional amount to enable the Secretary of the Interior to complete the necessary surveying and otherwise carry out the purposes of so much of the act of May twenty-seventh, nineteen hundred and two, making appropriation for the current and contingent expenses of the Indian Department for the fiscal year nineteen hundred and three, and for other purposes, as provides for the allotment of the Indians of the Walker River Reservation in Nevada, and the Uintah and White River Utes in Utah, and the joint resolution of June nineteenth, nineteen hundred and two, providing for the allotment of the Indians of Spokane Reservation in Washington, ten thousand dollars.

For an additional amount for support of Indian day and industrial schools and for other educational purposes, fifty thousand dollars.

The Secretary of the Interior is directed to place on the books of the Treasury to the credit of the Lower Brule Sioux Indians in South Dakota, out of any money in the Treasury not otherwise appropriated, the sum of fifty thousand dollars, to be immediately available, said sum to be expended under the direction of the Secretary of the Interior in the purchase of cattle, mares, and stallions, or for such other purposes as he may deem to be for the best interests of the Indians: *Provided*, That the same shall be reimbursed to the United States from the first proceeds received from the sale of the lands described in the act of April twenty-first, nineteen hundred and six (Thirty-fourth Statutes at Large, one hundred and twenty-five), belonging to said Lower Brule Indians.

For the erection complete of a suitable school building to replace the one destroyed by fire at Haskell Institute, Lawrence, Kansas, fifteen thousand dollars.

The act of March first, nineteen hundred and seven (Thirty-fourth Statutes at Large, one thousand and forty-seven), appropriating the sum of five thousand dollars for completing the irrigation plant at the Pierre Indian School, South Dakota, is hereby so modified as to permit the expenditure of so much of said amount as may be necessary in completing the work on the artesian well appropriated for by the act of June twenty-first, nineteen hundred and six (Thirty-fourth Statutes at Large, three hundred and seventy), at said school.

For expense of surveys, allotment of lands to Indians, salaries and expenses of the commission heretofore appointed for the classification of the Flathead Indian Reservation lands, and other incidental expenses in connection with the appraisement, classification, and sale of the lands embraced in the Flathead Indian Reservation in the State of Montana, the sum of sixty thousand dollars, the same to be reimbursable from the sale of said lands.

* * * * *

Approved, February 15, 1908.

Mar. 11, 1908. [S. 3409.]

CHAP. 79.—An act to extend the time of payments on certain homestead entries in Oklahoma.

[Public, No. 49.]

35 Stat., 41.

Oklahoma. Time extended for payments on certain homestead entries in.

Ante, p. 184-259, 34 Stat., 213.

Ante, p. 259, 34 Stat., 550.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time within which all payments required by the acts entitled "An act to open to settlement five hundred and five thousand acres of land in Kiowa-Comanche and Apache Indian Reservations in Oklahoma Territory," approved June fifth, nineteen hundred and six, and the act entitled "An act giving preference right to actual settlers on pasture reserve numbered three to purchase land leased to them for agricultural purposes in Comanche County, Oklahoma," approved June twenty-eighth, nineteen hundred and six, be, and the same is hereby, postponed and extended for one year from the date on which such payments are now

by law required to be made: *Provided*, That as a condition precedent to said extension in each case the settler shall pay to the Secretary of the Interior, to be held in trust by him for the benefit of the Indian entitled thereto, four per centum on the amount of such deferred payments, where such settler had no preference right, and five per centum on the amount of the deferred payment where such settler was given a preference right: *And provided further*, That all persons, or their legal assignees, whose applications to purchase any of the pasture land mentioned in the act of June twenty-eighth, nineteen hundred and six (and whose applications were rejected because such persons were sublessees), shall have the right to purchase under the provisions of this act the land so originally applied for by them.

Approved, March 11, 1908.

CHAP. 87.—An act to provide additional station grounds and terminal facilities for the Arizona and California Railway Company in the Colorado River Indian Reservation, Arizona Territory.

Mar. 16, 1908.
[S. 2948.]

[Public, No. 55.]
35 Stat., 43.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subject to the approval of the Secretary of the Interior, additional lands not exceeding forty acres in area adjacent to its approved right of way in the Colorado River Indian Reservation, in the Territory of Arizona, be, and the same are hereby, granted for additional station grounds and terminal facilities to the Arizona and California Railway Company, a corporation organized under the laws of said Territory, subject to the payment by said company of full compensation therefor in the manner provided in section three of the act approved March second, eighteen hundred and ninety-nine, entitled "An act to provide for the acquiring of rights of way by railroad companies through Indian reservations, Indian lands, Indian allotments, and for other purposes:" *Provided*, That such additional lands are granted subject to the right of the United States to cross the same and the works constructed thereon, with canals or water conduits of any kind or with roadways, or transmission lines for telephone, telegraph, or electric power, which may in the future be built by the United States across such lands; and the said company shall build and maintain at its own expense all structures that may be required at crossings, and in accepting this grant shall release the United States from all damages which may result from the construction and use of such crossings, canals, conduits, and lines.

Arizona and California Railway Company. Granted additional land in Colorado River Indian Reservation, Ariz.

Vol. 1, p. 102, 30 Stat., 991.

Proviso.
Rights reserved.

Structures at crossings.

Damages.

Approved, March 16, 1908.

CHAP. 106.—An act providing for the platting and selling of the south half of section thirty, township two north, range eleven west of the Indian meridian, in the State of Oklahoma, for town-site purposes.

Mar. 27, 1908.
[H. R. 4922.]

[Public, No. 69.]
35 Stat., 49.

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 plat and sell in accordance with section twenty-three hundred and eighty-one of the Revised Statutes of the United States the following-described tract of land, to wit: The south half of section thirty, township two north, range eleven west of the Indian meridian, in the State of Oklahoma: *Provided*, That the Secretary of the Interior shall reserve from said tract of land, when surveyed, one block for public park and two blocks for public school purposes, and shall cause to be erected two suitable school buildings out of the proceeds arising from said sale, the remain-

Oklahoma.
Town site directed.
R. S. sec. 2381.

Location.

Provisos.
Reserved for park and schools.

Proceeds.

Time of sale. der of proceeds, after deducting the expenses necessary to carry out the provisions of this act, to be converted into and become a part of the fund belonging to the Comanche, Kiowa, and Apache tribes of Indians: *Provided further*, That said sale shall be made as soon as practicable after the approval of this act.
 Approved March 27, 1908.

Mar. 27, 1908. [S. 6135.] CHAP. 107.—An act providing for the disposal of the interests of Indian minors in real estate in Yakima Indian Reservation, Washington.

[Public, No. 70.]
 35 Stat., 49.

Yakima Indian Res-
 ervation, Wash.
 Sales of interests of
 minors in lands.

Patents in fee to pur-
 chasers.

35 Stat., 50.

Proceeds.

Repeal.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the interests of any Indian minor in any lands of the Yakima Indian Reservation, State of Washington, whether by direct allotment or by inheritance, may be sold on such terms and conditions and under such rules and regulations as the Secretary of the Interior may prescribe; but such sale shall be only on approved petition of the natural guardian of such minor, if living, or if such natural guardian be dead, on the petition of a person designated by the Secretary of the Interior. All sales hereunder shall be subject to the approval of the Secretary of the Interior, and when so approved he shall cause patent to issue to the purchaser, passing unconditional fee by the United States as trustee for such minor to the interest of such minor in such lands, and such patent shall be considered, to the extent of the interest so conveyed, as a cancellation of any previous trust patent or patent containing restrictions on alienation issued to such minor or to any Indian allottee of whom such minor is an heir. Proceeds from sales hereunder shall be cared for under the direction of the Commissioner of Indian Affairs, and he may, in his discretion, cause shares of minors to be deposited in the Treasury of the United States to the individual credit of the said minors, to be withdrawn on the authority of the Secretary of the Interior.

SEC. 2. That all laws and parts of laws in conflict with this act are hereby repealed.

Approved, March 27, 1908.

Mar. 27, 1908. [H. R. 17167.] CHAP. 109.—An act authorizing the Woodlawn Cemetery Association, of Saint Maries, Idaho, to purchase not to exceed forty acres of land in the Coeur d'Alene Indian Reservation in Idaho.

[Public, No. 72.]
 35 Stat., 50.

Woodlawn Cemetery
 Association, Saint
 Maries, Idaho.
 Sale of lands to.

Provisos.
 Location.

Proceeds to Coeur
 d'Alene Indians:

34 Stat., 335, ante, p.
 203.

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 is hereby authorized and directed to sell to the Woodlawn Cemetery Association, of Saint Maries, Idaho, nonmineral land not to exceed in area forty acres, which may be selected by the cemetery association and subject to the approval of the Secretary of the Interior: *Provided*, That this land shall be selected from the Coeur d'Alene Indian Reservation: *And provided further*, That the Woodlawn Cemetery Association, of Saint Maries, Idaho, shall pay to the Government of the United States the appraised value of the land, the proceeds of the sale to be turned into the moneys accruing from the disposition of the unallotted Indian lands as provided in the act authorizing the opening of the Coeur d'Alene Indian Reservation.

Approved, March 27, 1908.

CHAP. 111.—An act to authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests on the Menominee Indian Reservation in the State of Wisconsin.

Mar. 28, 1908.
[S. 4046.]

[Public, No. 74.]
35 Stat., 51.

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, under such rules and regulations as he may prescribe in executing the intent and purposes of this act, to cause to be cut and manufactured into lumber the dead and down timber, and such fully matured and ripened green timber as the Forestry Service shall designate, upon the Menominee Indian Reservation in the State of Wisconsin: *Provided*, That not more than twenty million feet of timber shall be cut in any one year: *And provided further*, That this limitation shall not include the dead and down timber on the north half of township numbered twenty-nine, range numbered thirteen east; the north half of township numbered twenty-nine, range numbered fourteen east, and the south half of township numbered thirty, range numbered thirteen east, on the Menominee Reservation in Wisconsin.

Menominee Indian
Reservation, Wis.
Cutting timber, etc.,
on, authorized.

Provisos.
Maximum.

Exception.

SEC. 2. That the Secretary of the Interior shall, as soon as practicable, cause to be built, equipped, and operated suitable sawmills, equipment and necessary buildings for manufacturing into lumber the timber cut under the provisions of this act, and there shall be employed such skilled foresters, superintendents, foremen, cruisers, rangers, guards, loggers, scalers, and such other labor, both in the woods and for operating sawmills, equipment and necessary buildings as may be necessary in cutting and manufacturing logs and lumber and in the protection of the forests upon said Indian reservation. The Secretary of the Interior in so far as practicable shall at all times employ none but Indians upon said reservation in forest protection, logging, driving, sawing, and manufacturing into lumber for the market such timber, and no contract for logging, driving, sawing timber, or conducting any lumber operations upon said reservations shall hereafter be let, sublet, or assigned to white men, nor shall any timber upon any such reservations be disposed of except under the provisions of this act. Whenever any Indian or Indians shall enter into any contract pursuant to this act, and shall seek by any agency, copartnership agreement, or otherwise to share in the same with any white man, or shall employ in its execution any labor or assistance other than the labor and assistance of Indians, such act or acts shall thereupon terminate such contract, and the same shall be annulled and canceled.

Sawmills, etc., to be
built.

Indian labor required.

SEC. 3. That the lumber, lath, shingles, poles, posts, bolts, and pulp wood, and other marketable materials so manufactured from the timber cut upon such reservations shall be sold to the highest and best bidder for cash, after due advertisement inviting proposals and bids, under such rules and regulations as the Secretary of the Interior may prescribe. The net proceeds of the sale of such lumber and other material shall be deposited in the Treasury of the United States to the credit of the tribe entitled to the same. Such proceeds shall bear interest at the rate of four per centum per annum, and the interest shall be used for the benefit of such Indians in such manner as the Secretary of the Interior shall prescribe.

Sale of products.

Proceeds to credit of
Indians.

Interest.

35 Stat., 52.

SEC. 4. That the Secretary of the Interior is hereby authorized to pay, out of the funds of the tribe of Indians located upon said reservation, the necessary expenses of the lumber operations herein provided for, including the erection of sawmills, equipment, and necessary buildings, logging camps, logging equipment, the building of roads, improvement of streams, and all other necessary expenses, including those for the protection, preservation, and harvest of the forest upon such reservation.

Expenses from tribal
funds.

Sale of mill, etc., on completion of work.

SEC. 5. That when the dead and down timber, and such fully matured and ripened green timber as the Forestry Service shall designate, shall have been converted into lumber, then the Secretary of the Interior is directed to make sale of such portions of the sawmill and manufacturing plant as will not, in his judgment, be needed for continuing operations on this reservation. The terms of these sales shall be fixed by the Secretary, and after the payment of the costs and charges of sale the net proceeds thereof shall be deposited in the same manner and for the same purposes as the net proceeds of the sale of the lumber aforesaid.

Proceeds.

Repeal.

SEC. 6. That all acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved, March 28, 1908.

Apr. 30, 1908.
[H. R. 15219.]

[Public, No. 104.]
35 Stat., 70.

CHAP. 153.—An act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June thirtieth, nineteen hundred and nine.

Indian Department appropriations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and in full compensation for all offices the salaries for which are specially provided for herein for the service of the fiscal year ending June thirtieth, nineteen hundred and nine, namely:

General provisions.

I. GENERAL PROVISIONS.

Under the President.

PRESIDENT.

Allotments in severalty.
24 Stat., 388, vol. 1, p. 33.
35 Stat., 71.

To enable the President to cause, under the provisions of the act of February eighth, eighteen hundred and eighty-seven, entitled "An act to provide for the allotment of lands in severalty to Indians," such Indian reservations as in his judgment are advantageous for agricultural and grazing purposes to be surveyed or resurveyed, for the purposes of said act, and to complete the allotment of the same, including the necessary clerical work incident thereto in the field and in the Office of Indian Affairs, and delivery of trust patents, so far as allotments shall have been selected under said act, seventy-five thousand dollars, of which fifteen thousand dollars shall be immediately available.

Under the Secretary.

SECRETARY.

Purchase of supplies to be advertised.

That no purchase of supplies for which appropriations are herein or hereinafter made for the Indian service, exceeding in the aggregate five hundred dollars in value at any one time, shall be made without first giving at least three weeks' public notice by advertisement, except in case of exigency, when, in the discretion of the Secretary of the Interior, who shall make official record of the facts constituting the exigency, and shall report the same to Congress at its next session, he may direct that purchases may be made in open market in amount not exceeding three thousand dollars at any one purchase: *Provided*, That hereafter supplies may be purchased, contracts let, and labor employed for the construction of artesian wells, ditches, and other works for irrigation, not to exceed the sum of five thousand dollars in any one purchase or contract, in the discretion of the Secretary of the Interior, without advertising as hereinbefore

Exception.

Provisos.
Irrigation.

provided: *Provided further*, That as far as practicable Indian labor shall be employed and purchase in the open market made from Indians, under the direction of the Secretary of the Interior.

Hereafter when the Secretary of the Interior deems a new bond necessary he may, in his discretion, require any disbursing officer under the jurisdiction of the Commissioner of Indian Affairs to execute a new bond, with approved sureties, in such amount as he may deem necessary, and when accepted and approved by the Secretary of the Interior the new bond shall be valid and the surety or sureties of the prior bond shall be released from liability for all acts or defaults of the principal which may be done or committed from and after the day on which the new bond was approved.

The Secretary of the Interior shall take possession of all buildings on lands belonging to the Five Civilized Tribes, now or heretofore used for governmental, school, or other tribal purposes, together with the furniture therein and the land appertaining thereto, and appraise and sell the same at such time and under such rules and regulations as he may prescribe and deposit the proceeds, less expenses incident to the appraisement and sale, in the Treasury of the United States, to the credit of the tribes respectively owning the said land and improvements, and immediately after any such sale patents for the realty thus sold shall be made and delivered in the same manner as now provided by law for other tribal property: *Provided*, That when practicable preference right shall be given to the State, counties, and municipalities of Oklahoma to purchase said lands and improvements at the appraised value: *And provided*, That pending such appraisement and sale the Secretary of the Interior may temporarily lease said buildings and lands for the benefit of the tribes respectively to which they belong.

COMMISSIONER.

For construction of ditches and reservoirs, purchase and use of irrigating tools and appliances and water rights, including lands necessary for canals, pipe lines, and reservoirs, for Indian reservations, in the discretion of the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior and subject to his control, two hundred thousand dollars, of which twenty-five thousand dollars shall be immediately available: *Provided*, That the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, may employ superintendents of irrigation, who shall be skilled irrigation engineers, not to exceed five, as in his judgment may be necessary to secure the construction of ditches and other irrigation works in a substantial and workmanlike manner.

For survey and subdivision of Indian reservations and of lands to be allotted to Indians, and to make allotments in severalty, to be expended by the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, seventy-five thousand dollars, of which fifteen thousand dollars shall be immediately available.

To enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to take action to suppress the traffic in intoxicating liquors among Indians, forty thousand dollars;

For support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for, one million four hundred thousand dollars;

For construction, purchase, lease, and repair of school buildings, and for sewerage, water supply, and lighting plants, and purchase of school sites, and improvement of buildings and grounds, four hundred thousand dollars;

In all, two million, one hundred and fifteen thousand dollars.

Indian labor, etc.

Disbursing officers' bonds.

Acceptance of new bond releases sureties on prior bond.

Five Civilized Tribes. Buildings, etc., on lands of, may be sold.

Use of proceeds.

Patents in fee.

Provisos. Preference rights.

Temporary leases.

Under the commissioner.

Irrigation

35 Stat., 72.

Proviso. Superintendents.

Surveying and allotting.

Suppressing liquor traffic.

Support of schools.

Construction of buildings, etc.

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|---|--|
| Transporting pupils. | For collection and transportation of pupils to and from Indian schools, and also for the transportation of Indian pupils from all the Indian schools and placing of them, with the consent of their parents, under the care and control of such suitable white families as may in all respects be qualified to give such pupil moral, industrial, and educational training, seventy-five thousand dollars: <i>Provided</i> , That not exceeding five thousand dollars of this amount may be used, under direction of the Commissioner of Indian Affairs, in the transportation and placing of Indian pupils in positions where remunerative employment can be found for them in industrial pursuits. The provisions of this section shall apply to native pupils brought from Alaska. |
| Proviso. Positions for pupils. | |
| Alaska natives. | |
| Special investigations. | To enable the Commissioner of Indian Affairs, from time to time as he may deem necessary, to detail clerks from his office to make special investigations in the field: <i>Provided</i> , That while thus absent from Washington under such detail they shall receive a per diem of three dollars to cover all expenses, exclusive of transportation and sleeping-car fares, three thousand dollars. |
| Proviso. Per diem. | |
| Experimental tests of soils, etc. | To enable the Commissioner of Indian Affairs to conduct experiments on Indian school or agency farms, designed to test the possibility of soil, climate, and so forth, in the cultivation of trees, grains, vegetables and fruits not hitherto raised in those neighborhoods, using Indian labor in the process, five thousand dollars. |
| Supervision of expenditures. | That all expenditure of money herein or hereafter appropriated for school purposes among the Indians shall be at all times under the supervision and direction of the Commissioner of Indian Affairs, and in all respects in conformity with such conditions, rules, and regulations as to the conduct and methods of instruction and expenditure of money as may be from time to time prescribed by him, subject to the supervision of the Secretary of the Interior: <i>Provided</i> , That, except for pay of superintendents, not more than one hundred and sixty-seven dollars shall be expended for the annual support and education of any one pupil in any school herein specifically provided for, except when, by reason of epidemic, accident, or other sufficient cause, the attendance is so reduced or cost of maintenance so high that a larger expenditure is absolutely necessary, when the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may allow a larger per capita expenditure: <i>Provided further</i> , That the total amount appropriated for the support of such school shall not be exceeded: <i>Provided further</i> , That the number of pupils in any school entitled to the per capita allowance hereby provided for shall be determined by taking the average enrollment for the entire fiscal year and not any fractional part thereof. |
| Provisos. Limit of per capita expense. | |
| Total for school. | |
| 35 Stat., 73. Determining per capita allowance. | |
| Annual compensation of superintendents restricted. | There shall not be paid out of any appropriation, made in this act any greater rate of annual compensation to any superintendent of Indian schools during the fiscal year nineteen hundred and nine, than is authorized and paid out of appropriations made for the fiscal year nineteen hundred and eight. |
| Disposal of nonreservation schools. | The Commissioner of Indian Affairs is hereby authorized, under the direction of the Secretary of the Interior, to ascertain whether and upon what terms it may be possible to dispose of any of the nonreservation Indian schools which in his judgment are no longer of value to the Indian Service, and to report the result of his investigations to the next session of the Congress. |
| Investigation and report to Congress. | |
| Disbursing agents may select banks of deposit for Indian funds. | That hereafter any United States Indian agent, superintendent, or other disbursing agent of the Indian Service may deposit Indian moneys, individual or tribal, coming into his hands as custodian, in such national bank or banks as he may select: <i>Provided</i> , That the bank or banks so selected by him shall first execute to said disbursing agent a bond, with approved surety, in such an amount as will properly safeguard the funds to be deposited. Such bond shall be subject to the approval of the Secretary of the Interior. |
| Proviso. Bond. | |

That the Commissioner of Indian Affairs is hereby authorized to send a special Indian agent, or other representative of his office, to visit any Indian tribe for the purpose of negotiating and entering into a written agreement with such tribe for the commutation of the perpetual annuities due under treaty stipulations, to be subject to the approval of Congress; and the Commissioner of Indian Affairs shall transmit to Congress said agreements with such recommendations as he may deem proper.

Negotiations for commutation of perpetual annuities authorized.

MISCELLANEOUS.

Miscellaneous.

Telegraphing, telephoning, and purchase of Indian supplies: To pay the expense of purchasing goods and supplies for the Indian Service, including inspection, pay of necessary employees, and all other expenses connected therewith; advertising, at rates not exceeding regular commercial rates; telegraphing and telephoning; and transporting Indian goods and supplies, including expenses of transportation agents and rent of warehouses, three hundred and fifteen thousand dollars: *Provided*, That hereafter warehouses for the receipt, storage, and shipment of goods for the Indian Service shall be maintained at the following places: New York, Chicago, Omaha, Saint Louis, and San Francisco: *Provided further*, That hereafter payment for transportation of Indian goods and supplies shall include all Indian transportation lawfully due such land-grant railroads as have not received aid in Government bonds (to be adjusted in accordance with the decisions of the Supreme Court in cases decided under such land-grant acts), but in no case shall more than fifty per centum of full amount of service be paid to said land-grant roads: *Provided*, That such compensation shall be computed upon the basis of the tariff or lower special rates for like transportation performed for the public at large, and shall be accepted as in full for all demands for such service: *Provided further*, That hereafter in expending money appropriated for this purpose a railroad company which has not received aid in bonds of the United States, and which obtained a grant of public lands to aid in the construction of its railroad on condition that such railroad should be a post route and military road, subject to the use of the United States for postal, military, naval, and other Government services, and also subject to such regulations as Congress may impose, restricting the charge for such Government transportation, having claims against the United States for transportation of Indian goods and supplies over such aided railroads, shall be paid out of the moneys appropriated for such purpose only on the basis of such rate for the transportation of such Indian goods and supplies as the Secretary of the Interior shall deem just and reasonable under the provisions set forth herein, such rate not to exceed fifty per centum of the compensation for such Government transportation as shall at that time be charged to and paid by private parties to any such company for like and similar transportation; and the amount so fixed to be paid shall be accepted as in full for all demands for such service.

Supplies.
All expenses.

Warehouses.

Provisos.
Locations.

Transportation of Indian goods, etc., payments for, to land-grant railroads restricted.

Basis for computing compensation.

Fifty per cent to roads not bond aided.

35 Stat., 74.

For buildings and repairs of buildings at agencies, and for rent of buildings for agency purposes, and for water supply at agencies, seventy-five thousand dollars.

Agency buildings.

For pure vaccine matter and vaccination of Indians, five thousand dollars.

Vaccination.

II. GENERAL OFFICERS AND EMPLOYEES.

General officers and employees.

BOARD OF INDIAN COMMISSIONERS.

For expenses of the commission of citizens, serving without compensation, appointed by the President under the provisions of the fourth section of the act of April tenth, eighteen hundred and sixty-

Citizen commission.

16 Stat., 40.

nine, four thousand dollars, of which amount not to exceed three hundred dollars may be used by the commission for office rent.

INSPECTORS.

Inspectors.
Irrigation engi-
neers.

For pay of eight Indian inspectors, two of whom shall be engineers, one to be designated as chief, competent in the location, construction, and maintenance of irrigation works, at two thousand five hundred dollars per annum each, except the chief engineer, who shall receive three thousand five hundred dollars, twenty-one thousand dollars.

Expenses.

For traveling expenses of eight Indian inspectors, at three dollars per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses now authorized by law, and for incidental expenses of negotiation, inspection, and investigation, including telegraphing and expenses of going to and going from the seat of government, and while remaining there under orders and direction of the Secretary of the Interior, for a period not to exceed twenty days, twelve thousand eight hundred dollars.

SUPERINTENDENT OF INDIAN SCHOOLS.

Superintendent
of schools.

For pay of one superintendent of Indian schools, three thousand dollars.

Expenses.

For necessary traveling expenses of one superintendent of Indian schools, including telegraphing and incidental expenses of inspection and investigation, one thousand five hundred dollars: *Provided*, That he shall be allowed three dollars per day for traveling expenses when actually on duty in the field, exclusive of cost of transportation and sleeping-car fare in lieu of all other expenses now allowed by law.

Proviso.
Per diem.

INTERPRETERS.

Interpreters.

For payment of necessary interpreters, to be distributed in the discretion of the Secretary of the Interior, four thousand dollars; but no person employed by the United States and paid for any other service shall be paid for interpreting.

35 Stat., 75.

POLICE.

Police.

For services of officers at twenty-five dollars per month each, and privates at twenty dollars per month each, of Indian police, to be employed in maintaining order and prohibiting illegal traffic in liquor on the several Indian reservations and within the Territory of Alaska, in the discretion of the Secretary of the Interior, for the purchase of equipments, and for the purchase of rations for policemen at nonration agencies, two hundred thousand dollars.

MATRONS.

Matrons.

To enable the Secretary of the Interior to employ suitable persons as matrons to teach Indian girls in housekeeping and other household duties, at a rate not to exceed sixty dollars per month, and for furnishing necessary equipments, and renting quarters where necessary, thirty thousand dollars: *Provided*, That the amount paid said matrons shall not come within the limit for employees fixed by the act of June seventh, eighteen hundred and ninety-seven.

Proviso.
Additional.
Vol. 1, p. 89, 30 Stat.,
90.

FARMERS AND STOCKMEN.

Farmers and stock-
men.

To enable the Commissioner of Indian Affairs to employ practical farmers and practical stockmen, subject only to such examination as to qualifications as the Secretary of the Interior may prescribe, in

addition to the agency farmers now employed, at wages not exceeding seventy-five dollars each per month, to superintend and direct farming and stock raising among such Indians as are making effort for self-support, one hundred and twenty-five thousand dollars: *Provided*, That the amounts paid such farmers and stockmen shall not come within the limit for employees fixed by the act of June seventh, eighteen hundred and ninety-seven: *Provided further*, That the Commissioner of Indian Affairs may employ additional farmers at any Indian school at not exceeding sixty dollars per month, subject only to such examination as to qualifications as the Secretary of the Interior may prescribe, said farmers to be in addition to the school farmers now employed.

Provisos.
Additional.
Vol. 1, p. 89, 30 Stat.,
90.

At schools.

JUDGES.

For compensation of judges of Indian courts, twelve thousand dollars.

Judges, Indian courts.

CONTINGENCIES.

For contingencies of the Indian Service, including traveling and incidental expenses of Indian agents and of their offices, and of the Commissioner of Indian Affairs; also traveling and incidental expenses of special agents, at three dollars per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses now authorized by law, and expenses of going to and going from the seat of government, and while remaining there under orders and direction of the Commissioner of Indian Affairs, for a period not to exceed twenty days; for pay of employees not otherwise provided for, and for pay of special agents, at two thousand dollars per annum each, eighty-five thousand dollars: *Provided*, That hereafter the expense of procuring the official bond of any agent, superintendent, or other disbursing officer of the Indian Service shall be paid by the United States.

Contingencies.

Proviso.
United States to pay
cost of bonds of agents,
etc.

ARIZONA.

Arizona.

For pay of Indian agent at the San Carlos Agency, Arizona, one thousand eight hundred dollars.

San Carlos Agency,
agent.

For support and civilization of the Apache and other Indians in Arizona and New Mexico who have been or may be collected on reservations in Arizona and New Mexico, three hundred thousand dollars: *Provided*, That the unexpended balance for the fiscal year nineteen hundred and eight is hereby appropriated and made available for nineteen hundred and nine.

Apaches, etc.
Support, etc.

35 Stat., 76.

Proviso.
Balance available.

For support and civilization of the Indians of Pima Agency, Arizona, forty thousand dollars, to be expended for their benefit in such manner as the Secretary of the Interior, in his discretion, may deem best.

Pima Agency.
Support, etc., of In-
dians.

FORT MOJAVE SCHOOL.

For support and education of two hundred Indian pupils at the Indian school at Fort Mojave, Arizona, and for pay of superintendent of said school, thirty-five thousand dollars;

Fort Mojave school.

For general repairs and improvements, three thousand dollars;

For repair of water system, three thousand dollars;

For purchase of steam boiler, two thousand dollars;

In all, forty-three thousand dollars.

PHOENIX SCHOOL.

Phoenix school. For support and education of seven hundred Indian pupils at the Indian school at Phoenix, Arizona, and for pay of superintendent, one hundred and nineteen thousand four hundred dollars;
 For improvement of power and heating plant, to be immediately available, nine thousand dollars;
 For general repairs and improvements, eight thousand dollars;
 In all, one hundred and thirty-six thousand four hundred dollars.

TRUXTON CANYON SCHOOL.

Truxton Canyon school. For support and education of one hundred pupils at the Indian school at Truxton Canyon, Arizona, and for pay of superintendent, eighteen thousand two hundred dollars;
 General repairs and improvements, one thousand dollars;
 In all, nineteen thousand two hundred dollars.

Incidentals. For general incidental expenses of the Indian Service in Arizona, including traveling expenses of agents, one thousand five hundred dollars.

CALIFORNIA.

Mission Indians. Support, etc. For support and civilization of the Mission Indians in California, including pay of employees, fifteen thousand dollars, part of which may be used for making improvements on lands in the use and occupation of Indians in southern California.

Northern Indians. Support, etc. For support and civilization of the northern Indians, California, twenty thousand dollars, part of which may be used for making improvements on lands in the use and occupation of Indians in northern California.

Purchase of tillable land for certain Indians. That the Secretary of the Interior be, and he is hereby, authorized to expend not to exceed fifty thousand dollars to purchase for the use of the Indians in California now residing on reservations which do not contain land suitable for cultivation and for Indians who are not now upon reservations in said State suitable tracts or parcels of land, water and water rights in said State of California, and have constructed the necessary ditches, flumes, and reservoirs for the purpose of irrigating said lands and the irrigation of any lands now occupied by Indians in said State, and to construct suitable buildings upon said lands and to fence the tracts so purchased, and to fence, survey, and mark the boundaries of such Indian reservations in the State of California as the Secretary of the Interior may deem proper. And there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of fifty thousand dollars, or so much thereof as may be necessary, for the purpose of carrying out the provisions of this act: *Provided*, That this appropriation shall be so expended as to make further appropriation for this purpose unnecessary.

Irrigation.

35 Stat., 77.

Amount.

Proviso. Restriction.

SHERMAN INSTITUTE.

Sherman Institute. For support and education of five hundred Indian pupils at the Sherman Institute, Riverside, California, and for pay of superintendent, eighty-six thousand dollars;
 For general repairs and improvements, ten thousand dollars;
 For additional water and sewer system, three thousand dollars;
 For addition to storehouse, four thousand dollars;
 In all, one hundred and three thousand dollars.

Incidentals. For general incidental expenses of the Indian Service in California, including traveling expenses of agents, and support and civilization of Indians at the Round Valley, Hoopa Valley, and Tule River agencies, four thousand dollars;

And pay of employees at same agencies, seven thousand dollars;
In all, eleven thousand dollars.

That one thousand dollars of the unexpended balance of eight thousand dollars appropriated by the acts of June twenty-first, nineteen hundred and six (Thirty-fourth Statutes, page three hundred and thirty-three), and March first, nineteen hundred and seven (Thirty-fourth Statutes, page one thousand and twenty-two), for the purpose of removing obstructions both within and without the reservation from the bed of the stream which flows through the Round Valley Reservation, Mendocino County, California, and drains into Eel River, be, and the same is hereby, reappropriated and made available for use during the fiscal year ending June thirtieth, nineteen hundred and nine.

Round Valley Res-
ervation.
Removal of obstruc-
tions.
Balance available.
Ante, pp. 201, 273, 34
Stat., 333, 1022.

That the sum of ten thousand dollars, or so much thereof as may be necessary, be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, for the construction of a wagon road on the Hoopa Valley Indian Reservation, in the State of California, including necessary surveys, transportation, purchase of materials and tools, and for the subsistence of Indians furnishing labor, including forage for their animals, the labor for said construction to be performed as far as practicable by the Indians for the reservation: *Provided*, That no part of this appropriation shall be available until the proper officer of the Indian Bureau shall investigate and report that the work contemplated can be completed for the amount herein appropriated.

Hoopa Valley Indian
Reservation, Cal.
Wagon road to be
constructed on.

Proviso.
Investigation and re-
port.

There is hereby appropriated the sum of ten thousand dollars for the Indians of the Yuma Reservation, to be expended for their benefit in such manner and for such purposes as the Secretary of the Interior may prescribe, said sum to be reimbursable out of the proceeds derived from the sale of their lands, there is also appropriated out of any money in the Treasury not otherwise appropriated, the further sum of five thousand dollars, or so much thereof as may be necessary, to enable the Secretary of the Interior to reserve and set apart lands for town-site purposes in the Yuma Indian Reservation, California, and the Colorado River Indian Reservation in California and Arizona, and to survey, plat, and sell the tracts so set apart in such manner as he may prescribe, the net proceeds to be deposited in the Treasury of the United States to the credit of the Indians of the reservations, respectively, to be reimbursed out of the funds arising from the sale of the lands.

Yuma Res-ervation
Indians.

Town sites.
Yuma and Colorado
River reservations.

COLORADO.

35 Stat., 78.
Colorado.

GRAND JUNCTION SCHOOL.

For support and education of two hundred Indian pupils at the Indian school at Grand Junction, Colorado, and for pay of superintendent, thirty-five thousand dollars;

Grand Junction
school.

General repairs and improvements, six thousand dollars;
In all, forty-one thousand dollars.

FORT LEWIS SCHOOL.

For the support and education of two hundred Indian pupils at the Indian school at Fort Lewis, Colorado, and for pay of superintendent, thirty-five thousand one hundred dollars;

Fort Lewis school.

For general repairs and improvements, three thousand seven hundred dollars;

In all, thirty-eight thousand eight hundred dollars.

For general incidental expenses of the Indian Service in Colorado, including traveling expenses of agents, one thousand dollars.

Incidentals.

Idaho.

IDAHO.

- Coeur d'Alene Reservation. Superintendent. For a superintendent in charge of agency and educational matters on the Coeur d'Alene Reservation, Idaho, one thousand two hundred dollars.
- Fort Hall Reservation. Support, etc., of Indians. Incidentals. For support and civilization of the Shoshones and Bannocks, Sheep-eaters, and other Indians of the Fort Hall Reservation in Idaho, including pay of employees, thirty thousand dollars.
- Fort Hall Reservation. Irrigation. Ante, p. 275, 34 Stat., 1024. For general incidental expenses of the Indian Service in Idaho, including traveling expenses of agents, one thousand dollars.
- Fort Hall Reservation. Irrigation. Ante, p. 275, 34 Stat., 1024. For carrying out the provisions of the act of March first, nineteen hundred and seven (Thirty-fourth Statutes at Large, page one thousand and four), authorizing the Secretary of the Interior to acquire lands and other property necessary in constructing a reservoir for storing water for the purpose of irrigating lands on the Fort Hall Reservation in Idaho and those ceded by the Indians of said reservation and for construction of the system determined on, one hundred thousand dollars.
- Coeur d'Alene Reservation. Additional ground for railroad station granted. That the Chicago, Milwaukee and Saint Paul Railway Company of Idaho is hereby authorized to locate, subject to the approval of the Secretary of the Interior, an additional station ground not to exceed two hundred feet in width by a length of three thousand feet, west of Plummer, upon its located line in the Coeur d'Alene Indian Reservation, in the State of Idaho: *Provided*, That full compensation therefor shall be determined and paid under the direction of the Secretary of the Interior, in accordance with the provisions of the act of March second, eighteen hundred and ninety-nine. (Thirtieth Statutes at Large, page nine hundred and ninety.)
- Proviso. Compensation. Vol. 1, p. 102, 30 Stat., 990. That the land in the following subdivisions now embraced in the Coeur d'Alene Indian Reservation in Idaho, to wit: Sections one, two, and twelve, township forty-six north, range four west, Boise meridian; sections thirty-five and thirty-six, township forty-seven, north, range four west, Boise meridian; all of those portions of sections two, three, four, five, six, seven, eight, nine, ten, and eleven, township forty-six north, range three west, Boise meridian, lying south and west of the Saint Joe River in said township; all of those portions of sections thirty-one and thirty-two, township forty-seven north, range three west, Boise meridian, lying south and west of the Saint Joe River in said township is reserved and withdrawn from allotment and settlement, and the Secretary of the Interior is hereby authorized to convey any part thereof to the State of Idaho to be maintained by said State as a public park, said conveyance to be made for such consideration and upon such terms and conditions as the Secretary of the Interior shall prescribe. The proceeds of such sale shall be deposited in the Treasury of the United States for the use and benefit of the Coeur d'Alene Indians in such manner as Congress shall hereafter prescribe.
- Land withdrawn from allotment, etc. Description. 35 Stat., 79. Conveyance of part to Idaho for public park, authorized.
- Proceeds of sale.
- Bannocks. SHOSHONES AND BANNOCKS. (Treaty.) (For Shoshones, see Wyoming.)
- Fulfilling treaty. Vol. 2, p. 1020, 15 Stat., 670. BANNOCKS: For pay of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith, as per tenth article of treaty of July third, eighteen hundred and sixty-eight, five thousand dollars.
- Coeur d'Alenes. COEUR D'ALENES. (Treaty.)
- Blacksmith, etc. Vol. 1, p. 421, 26 Stat., 1029. For pay of blacksmith, carpenter, and physician, and purchase of medicines, as per the eleventh article of agreement, ratified by act March, eighteen hundred and ninety-one, three thousand dollars.

FORT HALL INDIANS. (Treaty.)

Fort Hall Indians.

FULFILLING TREATIES WITH FORT HALL INDIANS, IDAHO: For last of twenty installments, as provided in agreement with said Indians, approved February twenty-third, eighteen hundred and eighty-nine, to be used by the Secretary of the Interior for the benefit of the Indians in such manner as the President may direct, six thousand dollars;

Fulfilling treaty.
Vol. 1, p. 314, 25 Stat.,
688.

That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patent in fee to the Board of Missions of the Protestant Episcopal Church of the United States for certain lands heretofore set apart and used for church purposes, and more particularly described as follows: The southeast quarter of section thirty-six, township four south of range thirty-four east of Boise meridian, county of Bingham, State of Idaho, containing one hundred and sixty acres, more or less, being part of the lands included within the Fort Hall Indian Reservation: *Provided*, That said patent shall not issue until the Indians of said reservation shall have given their consent to the grant through their business committee or council in such manner as the Secretary of the Interior shall provide.

Board of Missions of
Protestant Episcopal
Church.
Patent in fee to, of
certain lands.

INDIANS FORMERLY OF LEMHI AGENCY, IDAHO: For the second of twenty installments, as provided in agreement with the Indians of Fort Hall and Lemhi agencies, Idaho, approved February twenty-third, eighteen hundred and eighty-nine, to be used by the Secretary of the Interior for the benefit of the Indians removed to Fort Hall Reservation from Lemhi Agency, Idaho, in such manner as the President may direct, four thousand dollars

Proviso.
Consent of Indians.

In all, ten thousand dollars.

The unexpended balance of the appropriation for the survey of the Lemhi Indian Reservation, Idaho, in the act approved June twenty-first, nineteen hundred and six, is hereby made available for the fiscal year ending June thirtieth, nineteen hundred and nine.

Lemhi Agency.
Fulfilling treaty with
Indians formerly of.

Balance available.
Ante, p. 202, 34 Stat.,
334.

IOWA.

Iowa.

SAC AND FOX SCHOOL.

For support and education of eighty Indian pupils at the Indian school on Sac and Fox Reservation, Iowa, and for pay of superintendent, fourteen thousand five hundred and sixty dollars;

Sac and Fox school.

For general repairs and improvements, six hundred dollars;

In all, fifteen thousand one hundred and sixty dollars.

That the Secretary of the Interior be, and he is hereby, authorized in his discretion, to expend out of the trust fund of thirty-eight thousand six hundred and three dollars and ninety-three cents, now on deposit in the United States Treasury to the credit of the Sac and Fox Indians of Iowa, a sum not exceeding twenty-four thousand dollars in the purchase of certain tracts of land adjoining or surrounded by the present reservation of said Indians in Tama County, Iowa.

35 Stat., 30.
Purchase of certain
lands with trust fund
authorized.

Maximum price.

And the Secretary of the Interior is hereby authorized, in his discretion, to expend out of said trust fund a further sum not exceeding five thousand dollars, or so much thereof as he may deem necessary, to assist the said Sac and Fox Indians of Iowa in clearing and reducing to cultivation the tracts now owned by them and those that may be purchased under this act.

Aids to land improve-
ments.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Rebok and Cramer, a copartnership composed of Philip K. Rebok and Hiram W. Cramer, of Toledo, Iowa, the sum of seven hundred and sixteen dollars, found due them by the Secretary of the Interior under contract dated October second, nine-

Rebok and Cramer.
Payment to.

teen hundred and five, for construction of laundry building and water system at the Sac and Fox Indian School, Iowa, out of the appropriation heretofore made for said purposes.

Kansas.

KANSAS.

HASKELL INSTITUTE.

Haskell Institute,
Lawrence.

For support and education of seven hundred and fifty Indian pupils at the Indian school, Haskell Institute, Lawrence, Kansas, for transportation of pupils to and from said school, and for pay of superintendent, one hundred and thirty-seven thousand seven hundred and fifty dollars;

For general repairs and improvements, ten thousand dollars;

For porches and dormitories, three thousand dollars;

For heating plant, one thousand dollars;

In all, one hundred and fifty-one thousand seven hundred and fifty dollars.

KICKAPOO INDIAN SCHOOL.

Kickapoo school.

For support and education of eighty Indian pupils at the Indian school, Kickapoo Reservation, Kansas, and for pay of superintendent, fourteen thousand eight hundred and sixty dollars;

General repairs and improvements, two thousand dollars;

In all, sixteen thousand eight hundred and sixty dollars.

Pottawatomies.

POTTAWATOMIES. (Treaty.)

Annuities.
7 Stat., 51, vol. 2, 41.

For permanent annuity, in silver, per fourth article of treaty of August third, seventeen hundred and ninety-five, three hundred and fifty-seven dollars and eighty cents;

7 Stat., 114, vol. 2, 101.

For permanent annuity, in silver, per third article of treaty of September thirtieth, eighteen hundred and nine, one hundred and seventy-eight dollars and ninety cents;

7 Stat., 185, vol. 2, 168.

For permanent annuity, in silver, per third article of treaty of October second, eighteen hundred and eighteen, eight hundred and ninety-four dollars and fifty cents;

7 Stat., 317, vol. 2, 294.

For permanent annuity, in money, per second article of treaty of September twentieth, eighteen hundred and twenty-eight, seven hundred and fifteen dollars and sixty cents;

7 Stat., 320, vol. 2, 298.

7 Stat., 317, vol. 2, 294.

For permanent annuity, in specie, per second article of treaty of July twenty-ninth, eighteen hundred and twenty-nine, and second article of treaty of September twentieth, eighteen hundred and twenty-eight, five thousand seven hundred and twenty-four dollars and seventy-seven cents;

35 Stat., 81

7 Stat., 318, vol. 2, 294.

For permanent provision for payment of money in lieu of tobacco, iron, and steel, per second article of treaty of September twentieth, eighteen hundred and twenty-eight, and tenth article of treaties of June fifth and seventeenth, eighteen hundred and forty-six, one hundred and seven dollars and thirty-four cents;

7 Stat., 296, vol. 2, 274.

For permanent provision for three blacksmiths and assistants, and for iron and steel for shops, per third article of treaty of October sixteenth, eighteen hundred and twenty-six; second article of treaty of September twentieth, eighteen hundred and twenty-eight, and second article of treaty of July twenty-ninth, eighteen hundred and twenty-nine, one thousand and eight dollars and ninety-nine cents;

7 Stat., 318, vol. 2, 294.

7 Stat., 321, vol. 2, 298.

7 Stat., 320, vol. 2, 298.

For permanent provision for fifty barrels of salt, per second article of treaty of July twenty-ninth, eighteen hundred and twenty-nine, fifty dollars;

In all, nine thousand and thirty-seven dollars and ninety cents.

For building fences, cleaning up and putting in proper repair the old Pottawatomie Indian cemetery in Mission Township, Shawnee County, State of Kansas, the sum of six hundred dollars, to be expended under the direction of the Commissioner of Indian Affairs.

The Secretary of the Interior is hereby authorized to establish public roads not to exceed sixty feet in width on section lines on the Pottawatomie Reservation in Kansas wherever in his judgment such roads will be a benefit to the residents on such reservation.

SACS AND FOXES OF THE MISSOURI. (Treaty.)

For support of a school, per fifth article of treaty of March sixth, eighteen hundred and sixty-one, two hundred dollars.

That the Secretary of the Interior is hereby authorized, in his discretion, to pay per capita to the Iowa Tribe of Indians in the States of Kansas and Oklahoma, under such rules and regulations as he may prescribe, the balance of the Iowa trust fund in the United States Treasury: *Provided*, That the Oklahoma branch of Iowas shall receive such an amount of this trust fund as will equalize for them the payment made to the Kansas branch under the act approved May twenty-seventh, nineteen hundred and two (Thirty-second Statutes at Large, page two hundred and sixty-seven).

Old cemetery.

Public roads.

Sacs and Foxes of the Missouri.

School.
12 Stat., 1173, vol. 2, 812.

Iowas.
Per capita payments to.

Proviso.
Oklahoma branch.

32 Stat., 267, vol. 1, p. 755.

MICHIGAN.

Michigan.

MOUNT PLEASANT SCHOOL.

For support and education of three hundred Indian pupils at the Indian school, Mount Pleasant, Michigan, and for pay of superintendent, fifty-one thousand eight hundred dollars;

For general repairs and improvements, four thousand dollars;

In all, fifty-five thousand eight hundred dollars.

That the Secretary of the Interior is hereby directed to make a complete roll of the Ottawa and Chippewa Indians of the State of Michigan entitled to participate in the funds arising from the judgment of the Court of Claims, in case numbered twenty-seven thousand five hundred and thirty-seven, decided by the Court of Claims March fourth, nineteen hundred and seven, and of any other funds to their credit in the hands of the Treasurer of the United States, and said roll, when completed and approved by the Secretary of the Interior, shall be final and conclusive: *Provided*, That the expense thereof shall be paid out of the moneys found due said Indians in said cause.

Mount Pleasant school.

Ottawa and Chippewa Indians.
Final roll.

Proviso.
Expenses.

MINNESOTA.

35 Stat., 32.
Minnesota.

For pay of Indian agent at the Leech Lake Agency, Minnesota, one thousand eight hundred dollars.

For pay of Indian agent at White Earth Agency, Minnesota, one thousand eight hundred dollars.

In all, three thousand six hundred dollars.

To complete the drainage survey provided for under the act of June twenty-first, nineteen hundred and six, ten thousand dollars: *Provided*, That said amount shall be reimbursed to the Treasury of the United States from the funds in the Treasury belonging to said Indians derived from the sale of lands under the act of January fourteenth, eighteen hundred and eighty-nine.

That the Secretary of the Interior is hereby authorized and directed to pay to D. C. Lightbourn, of Ada, Minnesota, the sum of one thou-

Agents.
Leech Lake Agency.

White Earth Agency.

Drainage survey of unsold ceded lands.

Ante, p. 220, 34 Stat., 352.

Proviso.
Reimbursement.
Vol. 1, p. 301, 25 Stat., 642.

D. C. Lightbourn and George D. Hamilton.
Payments to.

sand two hundred and forty-four dollars and forty-five cents, and to George D. Hamilton, of Detroit, Minnesota, the sum of eight hundred and thirty dollars, out of any money standing to the credit of all the Chippewa Indians of Minnesota out of the fund known as "Chippewas in Minnesota Fund," in payment of bills incurred in advertising, and the said sums are hereby appropriated for said purpose: *Provided*, That the Secretary of the Interior shall first examine said accounts and approve the same.

Proviso,
Accounts.

White Earth band of
Chippewas.
Payment to, for annual
celebration expenses.

The Secretary of the Interior is hereby authorized to pay to the executive committee of the White Earth band of Chippewa Indians in Minnesota the sum of one thousand dollars, or so much thereof as may be necessary, to be expended in the annual celebration of said band to be held June fourteenth, nineteen hundred and eight, out of the funds belonging to said band.

MORRIS SCHOOL.

Morris school.

For the support and education of one hundred and fifty Indian pupils at the Indian school, Morris, Minnesota, and for pay of superintendent, twenty-six thousand five hundred and fifty dollars;
For general repairs and improvements, three thousand dollars;
In all, twenty-nine thousand five hundred and fifty dollars.

PIPESTONE SCHOOL.

Pipestone school.

For support and education of two hundred and twenty-five Indian pupils at the Indian school, Pipestone, Minnesota, and for pay of superintendent, thirty-nine thousand one hundred and seventy-five dollars;
For general repairs and improvements, two thousand five hundred dollars;
In all, forty-one thousand six hundred and seventy-five dollars.

Chippewas of the Mis-
sissippi.

CHIPPEWAS OF THE MISSISSIPPI. (Treaty.)

Schools.
16 Stat., 720, vol. 2,
975.

For support of a school or schools upon said reservation, during the pleasure of the President, in accordance with third article of treaty of March nineteenth, eighteen hundred and sixty-seven four thousand dollars.

Chippewas of Min-
nesota.

CHIPPEWAS OF MINNESOTA, REIMBURSABLE. (Treaty.)

Advance interest.
Vol. 1, p. 305, 25 Stat.,
645.

Advance interest to the Chippewa Indians in Minnesota, as required by section seven of "An act for the relief of the Chippewa Indians in the State of Minnesota," approved January fourteenth, eighteen hundred and eighty-nine, to be expended under the direction of the Secretary of the Interior, in the manner required by said act (reimbursable), ninety thousand dollars.

35 Stat., 83.

Civilization, etc.
25 Stat., 642, vol. 1,
301.

To enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to carry out an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January fourteenth, eighteen hundred and eighty-nine, namely, the purchase of material and employment of labor for the erection of houses for Indians; for the purchase of agricultural implements, stock and seeds, breaking and fencing land; for payment of expenses of delegations of Chippewa Indians to visit the White Earth Reservation; for the erection and maintenance of day and industrial schools; for subsistence and for pay of employees; for pay of commissioners and their expenses, and for removal of Indians and for their allotments, to be reimbursed to the United States out of the proceeds of sale of their lands, one hundred and fifty thousand dollars.

That section three of the act approved February twentieth, nineteen hundred and four (Thirty-third Statutes at Large, page fifty), modifying and amending the agreement with the Indians of the Red Lake Reservation in Minnesota, is hereby so far modified as to permit the payment of the annual installments provided for in said section during the month of April each year, instead of October.

Red Lake Indian reservation.
Payment of annual installments.
33 Stat., 50, ante, p. 28.

MONTANA.

Montana.

For pay of Indian agents in Montana at the following-named agencies at the rates respectively indicated, namely:

Agents.

At the Blackfeet Agency, Montana, one thousand eight hundred dollars.

Blackfeet Agency.

At the Crow Agency, Montana, one thousand eight hundred dollars.

Crow Agency.

At the Flathead Agency, Montana, one thousand eight hundred dollars.

For support and civilization of the Indians at Fort Belknap Agency, Montana, including pay of employees, twenty thousand dollars.

Fort Belknap Agency.
Support, etc., of Indians.

For support and civilization of the Crow Indians in Montana, including pay of employees, eight thousand dollars.

Crow Indians.
Support, etc.

For support and civilization of Indians at Flathead Agency, Montana including pay of employees, nine thousand dollars.

Flathead Agency.
Support, etc., of Indians.
Flour, etc., mill at Ronan.

For the rebuilding of the flour, saw, and shingle mill at the Flathead Indian Reservation subagency, Montana, at Ronan, ten thousand dollars, the same to be immediately available from any balance now in the Treasury, to be reimbursed from the proceeds of sales of surplus land after allotment.

Reimbursement.

For support and civilization of the Indians at Fort Peck Agency, Montana, including pay of employees, fifty thousand dollars.

Fort Peck Agency.
Support, etc., of Indians.

For completion and extension of the Milk River Irrigation System on the Fort Belknap Reservation in Montana, twenty-five thousand dollars.

Fort Belknap Reservation.
Irrigation.

That for the purchase of machinery, tools, implements, other equipment, and animals for the Indians on the Fort Belknap Indian Reservation, in the State of Montana, to enable said Indians to engage in the raising of sugar beets and other crops, the sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available, the same to be expended under the direction of the Secretary of the Interior: *Provided*, That said expenditures shall be made under such conditions as said Secretary may prescribe for the repayment by said Indians to the United States of the sum so expended.

Purchase of implements, etc.

Immediately available.
Proviso.
Reimbursement.

For preliminary surveys, plans, and estimates of irrigating systems to irrigate the allotted lands of the Indians of the Flathead Reservation in Montana and the unallotted irrigable lands to be disposed of under the act of April twenty-third, nineteen hundred and four, entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation in the State of Montana, and the sale and disposal of all surplus lands after allotment," and to begin the construction of the same, fifty thousand dollars, the cost of said entire work to be reimbursed from the proceeds of the sale of the lands within said reservation.

Flathead Reservation.
Irrigation.
Post, p. 448.
35 Stat., 84.
33 Stat., 305, ante, p. 79.
1908, ch. 216, post p. 356.

For general incidental expenses of the Indian Service in Montana, including traveling expenses of agents, two thousand five hundred dollars;

Incidentals.

To enable the Secretary of the Interior to complete the survey, allotment, classification, and appraisal of the lands in the Flathead Indian Reservation, Montana, fifteen thousand dollars: *Provided*, That this sum shall be reimbursed to the United States from the proceeds of the sale of the surplus lands after the allotments are made.

Survey, allotment, etc.

Proviso.
Reimbursement.

Crows.

CROWS. (Treaty.)

Fulfilling treaty.
15 Stat., 652, vol. 2,
1011.

For pay of physician, as per tenth article of the treaty of May seventh, eighteen hundred and sixty-eight, one thousand two hundred dollars;

For pay of carpenter, miller, engineer, farmer, and blacksmith, as per tenth article of same treaty, three thousand six hundred dollars,

For pay of second blacksmith, as per eighth article of same treaty; one thousand two hundred dollars;

In all, six thousand dollars.

Northern Cheyennes
and Arapahoes.

NORTHERN CHEYENNES AND ARAPAHOES. (Treaty.)

Subsistence, etc.
19 Stat., 256.
Vol. 1, p. 168.

For subsistence and civilization, as per agreement with the Sioux Indians approved February twenty-eighth, eighteen hundred and seventy-seven, including subsistence and civilization of Northern Cheyennes removed from Pine Ridge Agency to Tongue River, Montana, ninety thousand dollars;

Physician, etc.
15 Stat., 658, vol. 2,
1014.

For pay of physician, two teachers, two carpenters, one miller, two farmers, a blacksmith, and engineer, per seventh article of the treaty of May tenth, eighteen hundred and sixty-eight, nine thousand dollars;

In all, ninety-nine thousand dollars.

Chief Rocky Boy's
band of Chippewas.
Purchase of land, etc.,
for.

That the Secretary of the Interior be, and he is hereby, authorized to expend not to exceed thirty thousand dollars for the purpose of settling Chief Rocky Boy's band of Chippewa Indians, now residing in Montana, upon public lands, if available, in the judgment of the Secretary of the Interior, or upon some suitable existing Indian reservation in said State, and to this end he is authorized to negotiate and conclude an agreement with any Indian tribe in said State, or, in his discretion, to purchase suitable tracts of lands, water and water rights, in said State of Montana, and to construct suitable buildings upon said lands and to purchase for them such necessary live stock and implements of agriculture as he may deem proper. And there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of thirty thousand dollars, or so much thereof as may be necessary, for the purpose of carrying out the provisions of this section.

Nebraska.

NEBRASKA.

GENOA SCHOOL.

Genoa school.

For support and education of three hundred Indian pupils at the Indian School, Genoa, Nebraska, and for pay of superintendent, fifty-one thousand eight hundred dollars.

For general repairs and improvements, three thousand dollars;

In all, fifty-four thousand eight hundred dollars.

35 Stat., 85.
Winnebagoes.

WINNEBAGOES. (Treaty.)

Support, etc.
7 Stat. 745, vol. 2, 499.

For interest on eight hundred and four thousand nine hundred and nine dollars and seventeen cents, at five per centum per annum, per fourth article of treaty of November first, eighteen hundred and thirty-seven, forty thousand two hundred and forty-five dollars and forty-five cents; and the Secretary of the Interior is hereby directed to expend said interest for the support, education, and civilization of said Indians, to be expended in such manner and to whatever extent that he may judge to be necessary and expedient for their welfare and best interest;

For interest on seventy-eight thousand three hundred and forty dollars and forty-one cents, at five per centum per annum, to be expended

Civilization, etc.

under the direction of the Secretary of the Interior for the erection of houses, improvement of their allotments of land, purchase of stock, agricultural implements, seeds, and other beneficial objects, three thousand nine hundred and seventeen dollars and two cents;

For the purpose of rewooding and repiling the present old bridge across the Niobrara River between the Santee and Ponca Reservations, Nebraska, supplying the same with new ice breaks, but using the iron-work of the old combination bridge, the sum of twelve thousand dollars, or so much thereof as may be necessary, the work to be done under the direction and supervision of the War Department;

In all, fifty-six thousand one hundred and sixty-two dollars and forty-seven cents.

Niobrara River.
Repairing old bridge.

NEVADA.

Nevada.

For support and civilization of the Indians of the Western Shoshone Agency, Nevada, including pay of employees, eight thousand dollars.

Western Shoshone
Agency.
Support, etc., of In-
dians.

CARSON SCHOOL.

For support and education of three hundred Indian pupils at the Indian school at Carson City, Nevada, and for pay of superintendent, fifty-one thousand nine hundred dollars;

Carson school.

For general repairs and improvements, five thousand dollars;

In all, fifty-six thousand nine hundred dollars.

For general incidental expenses of the Indian Service in Nevada, including traveling expenses of agents, and support and civilization of Indians located on the Piute, Walker River, and Pyramid Lake Reservations, five thousand dollars;

Incidentals.

And pay of employees, including physician at the Walker River Reservation, four thousand dollars;

In all, nine thousand dollars.

That in carrying out any irrigation project which may be undertaken under the provisions of the act of June seventeenth, nineteen hundred and two (Thirty-second Statutes, page three hundred and eighty-eight), known as the reclamation act, and which may make possible, and provide for, in connection with the reclamation of other lands, the irrigation of all or any part of the irrigable lands heretofore included in allotments made to Indians under the fourth section of the general allotment act, the Secretary of the Interior be, and he hereby is, authorized to make such arrangement and agreement in reference thereto as said Secretary deems for the best interest of the Indians: *Provided*, That no lien or charge for construction, operation, or maintenance shall thereby be created against any such reserved lands: *And provided further*, That to meet the necessary cost of carrying out this legislation, the Secretary of the Interior is authorized to expend, out of the sum appropriated in this act for irrigation, an amount not exceeding thirteen thousand dollars.

Irrigation.
32 Stat., 388.

24 Stat., 353, vol. 1, p.
33.

Provisos.
No lien, etc., against
reserved lands.
Limit of cost.

NEW MEXICO.

35 Stat., 86.
New Mexico.

(See Arizona for "Support and civilization of the Apache, and so forth," in Arizona and New Mexico.)

ALBUQUERQUE SCHOOL.

For support and education of three hundred Indian pupils at the Indian school at Albuquerque, New Mexico, and for pay of superintendent, fifty one thousand nine hundred dollars;

Albuquerque school.

General repairs and improvements, five thousand dollars;

For completing water system, two thousand dollars;

In all, fifty-eight thousand nine hundred dollars.

SANTA FE SCHOOL.

Santa Fe School.

For support and education of three hundred Indian pupils at the Indian school at Santa Fe, New Mexico, and for pay of superintendent, fifty-one thousand nine hundred dollars;

For general repairs and improvements, five thousand dollars;

For water supply, one thousand six hundred dollars;

In all, fifty-eight thousand five hundred dollars.

For pay of one special attorney for the Pueblo Indians of New Mexico, one thousand five hundred dollars;

And for necessary traveling and incidental expenses of said attorney, five hundred dollars;

Incidentals.

For general incidental expenses of the Indian Service in New Mexico, including traveling expenses of agents, one thousand dollars.

Zuni irrigation project.

For the completion of the Zuni irrigation project in New Mexico, twenty-five thousand dollars.

New York.

NEW YORK.

New York Agency, Agent, etc.

For pay of Indian agent at the New York Agency, New York, one thousand dollars.

For pay of physician, New York Agency, six hundred dollars.

Senecas.

SENECAS OF NEW YORK. (Treaty.)

Annuity.
4 Stat., 442.

For permanent annuity, in lieu of interest on stock, per act of February nineteenth, eighteen hundred and thirty-one, six thousand dollars;

Interest.
9 Stat., 35.

For interest, in lieu of investment, on seventy-five thousand dollars, at five per centum, per act of June twenty-seventh, eighteen hundred and forty-six, three thousand seven hundred and fifty dollars;

For interest, at five per centum, on forty-three thousand and fifty dollars transferred from the Ontario Bank to the United States Treasury, per act of June twenty-seventh, eighteen hundred and forty-six, two thousand one hundred and fifty-two dollars and fifty cents;

In all, eleven thousand nine hundred and two dollars and fifty cents.

Six Nations.

SIX NATIONS OF NEW YORK. (Treaty.)

Annuity.
7 Stat., 46, vol. 2, 36.

For permanent annuity, in clothing and other useful articles, per sixth article of treaty of November eleventh, seventeen hundred and ninety-four, four thousand five hundred dollars.

North Carolina.

NORTH CAROLINA.

CHEROKEE SCHOOL.

Cherokee school.

For support and education of one hundred and sixty pupils at the Indian school at Cherokee, North Carolina, and for pay of superintendent, twenty-eight thousand two hundred and twenty dollars;

For general repairs and improvements, five hundred dollars;

In all, twenty-eight thousand seven hundred and twenty dollars.

35 Stat., 87.
North Dakota.

NORTH DAKOTA.

Agent, Standing
Rock Agency.

For pay of Indian agent at the Standing Rock Agency, North Dakota, one thousand eight hundred dollars.

Devils Lake Sioux.
Support, etc., of
Indians.

For support and civilization of Sioux of Devils Lake, North Dakota, five thousand dollars.

For support and civilization of Indians at Fort Berthold Agency, in North Dakota, including pay of employees, twenty thousand dollars. Fort Berthold Agency. Support, etc., of Indians.

For support and civilization of Turtle Mountain Band of Chippewas, North Dakota, including seeds, thirteen thousand dollars. Turtle Mountain Band.

FORT TOTTEN SCHOOL.

For support and education of three hundred and twenty-five Indian pupils at the Indian school, Fort Totten, North Dakota, and for pay of superintendent, fifty-five thousand nine hundred and seventy-five dollars; Fort Totten school.

For general repairs and improvements, five thousand dollars;

In all, sixty thousand nine hundred and seventy-five dollars.

WAHPETON SCHOOL.

For the support and education of one hundred Indian pupils at the Indian school at Wahpeton, North Dakota, and for pay of superintendent, eighteen thousand two hundred dollars; Wahpeton school.

For general repairs and improvements, two thousand dollars;

For purchase of live stock, seed, equipment of farm, and machinery, five thousand dollars, to be immediately available;

For construction of concrete walk, driveways and grading, two thousand five hundred dollars;

For the erection of a school hospital, six thousand dollars;

For equipment of laundry, workshop, and school buildings, three thousand dollars.

In all, thirty-six thousand seven hundred dollars.

BISMARCK SCHOOL.

For support and education of one hundred Indian pupils at the Indian school, Bismarck, North Dakota, and for pay of superintendent, eighteen thousand two hundred dollars; Bismarck school.

For general repairs and improvements, two thousand dollars

In all, twenty thousand two hundred dollars.

For general incidental expenses of the Indian Service in North Dakota, including traveling expenses of agents at three agencies, one thousand dollars. Incidentals.

For pay of Indian agent at Fort Berthold Agency, one thousand eight hundred dollars. Agent, Fort Berthold Agency.

OKLAHOMA.

For pay of Indian agents in Oklahoma at the following-named agencies at the rates respectively indicated, namely: Oklahoma.

At the Kiowa Agency, Oklahoma, one thousand eight hundred dollars. Agents.

At the Osage Agency, Oklahoma, two thousand five hundred dollars. Kiowa Agency.

For support and civilization of the Apaches, Kiowas, Comanches, Wichitas, and affiliated bands who have been collected in the reservations set apart for their use and occupation, twenty-five thousand dollars. That the Secretary of the Interior be, and he is hereby, authorized to pay or cause to be paid, out of any money in the Treasury to the credit of the Kiowa-Comanche and Apache Indians of Oklahoma, an amount of money, the total of which shall not exceed one hundred dollars per capita to the Kiowa-Comanche and Apache tribes of Indians in Oklahoma. This shall not apply as a limitation on any former powers vested in the Secretary with reference to the funds to the credit of said Indian tribes. Osage Agency. Apaches, etc. Support, etc.

Payment to Kiowas, etc., authorized.

35 Stat., 88.

- Arapahoes and Cheyennes. For support and civilization of the Arapahoes and Cheyennes who have been collected on the reservations set apart for their use and occupation, thirty-five thousand dollars.
- Kansas Indians. For support and civilization of the Kansas Indians, Oklahoma, including agricultural assistance and pay of employees, one thousand five hundred dollars.
- Kickapoos. For support and civilization of the Kickapoo Indians in Oklahoma, two thousand dollars.
- Poncas. For support and civilization of the Ponca Indians, including pay of employees, nine thousand dollars.
- Bureau of Catholic Missions. Patent in fee. 35 Stat., 446, post p. 358. The Secretary of the Interior is hereby authorized to issue a patent to the Bureau of Catholic Indian Missions for the southeast quarter of the northeast quarter of section six, township twenty-eight north, range twenty-four east of the Indian meridian, Indian Territory, the same having been set apart to the Roman Catholic Church for church and school purposes by the Quapaw National Council, on August twenty-fourth, eighteen hundred and ninety-three, and said church having maintained a church and school thereon since that date.
- Cheyenne Boarding School. Sale of certain lands etc., for the benefit of, and other schools. 35 Stat., 448, post, p. 360. That the Secretary of the Interior be, and he is hereby, authorized to sell and convey six hundred and forty acres of the lands, together with the buildings and other appurtenances thereunto belonging, heretofore set aside as reservations for the Cheyenne and Arapahoe Agency and the Arapahoe Indian School in Oklahoma; and that he be further authorized to use all or any part of the proceeds of the sale thereof in the erection of new buildings, and in repairs and improvements, at the present Cheyenne Boarding School under the Cheyenne and Arapahoe Agency, Oklahoma, and in the establishment of such day schools as may be required for the said Cheyenne and Arapahoe Indians in Oklahoma; and that the balance of the said proceeds of sale, if there be any, may be utilized in the support and maintenance of the said Cheyenne Boarding School or the said day schools.
- William Billy and Tom Jack, alienation restrictions removed. That the restrictions on the alienation of any one acre of the lands allotted to William Billy and Tom Jack, Choctaw allottees, are hereby removed.

CHILOCCO SCHOOL.

- Chilocco school. For support and education of seven hundred Indian pupils at the Indian school at Chilocco, Oklahoma, and for pay of superintendent, one hundred and nineteen thousand four hundred dollars;
For general repairs and improvements, ten thousand dollars;
In all, one hundred and twenty-nine thousand four hundred dollars.

Pawnees.

PAWNEES. (Treaty.)

- Annuity. 11 Stat., 729, vol. 2, 764. 27 Stat., 644, vol. 1, p. 496. For perpetual annuity, which is to be paid in cash to them, per second article of treaty of September twenty-fourth, eighteen hundred and fifty-seven, and agreement of November twenty-third, eighteen hundred and ninety-two, article three, thirty thousand dollars;
- Schools. 11 Stat., 730, vol. 2, 764. For support of two manual-labor schools, per third article of same treaty of September twenty-fourth, eighteen hundred and fifty-seven, ten thousand dollars;
- Farmer, etc. 11 Stat., 730, vol. 2, 765. For pay of one farmer, two blacksmiths, one miller, one engineer and apprentices, and two teachers, as per fourth article of same treaty, five thousand four hundred dollars;
- Physician. For pay of physician and purchase of medicines, one thousand two hundred dollars;
- 35 Stat., 89. Iron, steel, etc. 11 Stat., 730, vol. 2, 765. For purchase of iron and steel and other necessaries for the shops, as per fourth article of treaty of September twenty-fourth, eighteen hundred and fifty-seven, five hundred dollars;
In all, forty-seven thousand one hundred dollars.

QUAPAWS. (Treaty.)

For education, per third article of treaty of May thirteenth, eighteen hundred and thirty-three, one thousand dollars;

For blacksmith and assistants, and tools, iron, and steel for blacksmith shop, per same article and treaty, five hundred dollars;

In all, one thousand five hundred dollars: *Provided*, That the President of the United States shall certify the same to be for the best interests of the Indians.

Quapaws.

Education.
7 Stat., 425, vol. 2, 396.

Blacksmith, etc.

Proviso.
Certificate of President.

SACS AND FOXES OF THE MISSISSIPPI. (Treaty.)

For permanent annuity, in goods or otherwise, per third article of treaty of November third, eighteen hundred and four, one thousand dollars;

For interest on two hundred thousand dollars, at five per centum, per second article of treaty of October twenty-first, eighteen hundred and thirty-seven, ten thousand dollars;

For interest on eight hundred thousand dollars, at five per centum, per second article of treaty of October eleventh, eighteen hundred and forty-two, forty thousand dollars: *Provided*, That the sum of one thousand five hundred dollars of this amount shall be used for the pay of a physician and for purchase of medicine;

In all, fifty-one thousand dollars.

That the Secretary of the Interior is hereby authorized, in his discretion, to pay per capita to the Sac and Fox of the Mississippi tribe of Indians in the State of Oklahoma, the sum of one hundred thousand dollars, out of the trust fund now to their credit in the United States Treasury, under such rules and regulations as he may prescribe: *Provided*, That said payment shall only be made upon application of a majority of the members of said tribes expressed in open council: *Provided further*, That the Secretary of the Interior is authorized, in his discretion, to pay, upon the surrender of the note hereinafter described, out of the above sum appropriated for the Sac and Fox Indians, to Helen Pennock, the widow and surviving heir of William Pennock, the sum of six hundred dollars, in full settlement of a promissory note given by Mo-ko-ho-ko and Ke-wa-quah, chiefs of the Sac and Fox Indians, and Ketch-e-Cush, a councilman.

That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of two hundred and fifteen thousand dollars, for the fulfillment of certain treaty obligations to the Mexican Kickapoo Indians for differences arising out of the stipulations of article four of the treaty of June twenty-eighth, eighteen hundred and sixty-two, and for all other differences growing out of any and all treaties and agreements heretofore made between said Indians and the United States. Said sum of two hundred and fifteen thousand dollars shall be paid by the Secretary of the Treasury as authorized and directed by a majority of the members of said Mexican Kickapoo tribe in council assembled. Such council shall be composed of a majority of those surviving members of said tribe, male and female, heretofore allotted in Oklahoma. The authorization above mentioned and the proceedings of said council shall be attested by a clerk of the United States district court of the Territory of Arizona. Said sum shall be immediately available and the indorsement of the warrant issued in payment thereof shall be deemed and shall be a receipt in full for all claims of every kind whatsoever of the said Mexican Kickapoo Indians against the United States, and such authorization to the Secretary of the Treasury by said Indians as herein provided shall be considered to be and shall be an acceptance of said sum in final

Sacs and Foxes of
the Mississippi.Annuity.
7 Stat., 85, vol. 2, 75.Interest.
7 Stat., 541, vol. 2, 497.

7 Stat., 596, vol. 2, 546.

Proviso.
Physician, etc.

Per capita payment.

Provisos.
Restriction.Helen Pennock.
Payment to.Mexican Kickapoo In-
dians.
Settlement of all
claims of, against
United States.
13 Stat., 624, vol. 2,
836.

Payment.

35 Stat., 90.

settlement of all claims of every kind whatsoever of the said Mexican Kickapoo Indians against the United States.

Five Civilized Tribes.

FIVE CIVILIZED TRIBES.

Union Agency.
Agent.

For pay of Indian agent at the Union Agency, Oklahoma, four thousand five hundred dollars.

Special clerks, etc.

For special clerical force in the office of the United States Indian agent, Union Agency, and miscellaneous expenses in connection with entering of remittances received in account of payments of town lots and issuance of patents, six thousand dollars.

Leases, etc.
34 Stat., 145; ante, p.
176.

For clerical work and labor connected with the leasing of Creek and Cherokee lands, for mineral and other purposes, and the leasing of lands of full-blood Indians under the act of April twenty-sixth, nineteen hundred and six, and acts amendatory thereto, forty thousand dollars.

Removal of intruders, etc.

For clerical work and labor connected with the sale of inherited and other lands, Five Civilized Tribes, fifteen thousand dollars.

Removal of intruders, Five Civilized Tribes: For the purpose of removing intruders and placing allottees in unrestricted possession of their allotments, to be expended under the direction of the Secretary of the Interior, twenty thousand dollars.

Removal of alienation restrictions.
33 Stat., 204; ante, p.
50.

To enable the Secretary of the Interior to carry out the provisions of the act approved April twenty-first, nineteen hundred and four, for the removal of restrictions upon the alienation of lands of allottees of the Five Civilized Tribes, twenty-five thousand dollars.

Incidental expenses.

For general incidental expenses of the Indian Service in Oklahoma, and for pay of employees, twenty-two thousand dollars.

Sales, etc., of allotted lands.
Investigation of.

To enable the Secretary of the Interior to investigate or cause to be investigated any lease, power of attorney, contract, deed, or agreement to sell any allotted land which he has reason to believe has been obtained by fraud, or in violation of the terms of existing agreements with any of the Five Civilized Tribes, as provided by the act approved March third, nineteen hundred and five, ten thousand dollars.¹

33 Stat., 1060, ante,
p. 136.

Orphan Indian children, contract for.

That the Secretary of the Interior be, and he is hereby, authorized to make such contract as in his judgment seems advisable for the care of orphan Indian children of the Five Civilized Tribes, and for the purpose of carrying this provision into effect the sum of ten thousand dollars, or so much thereof as is necessary.

Restoration to final rolls.

That contracts heretofore or hereafter made by and between persons stricken by the Secretary of the Interior from the final rolls of the Five Civilized Tribes, and attorneys employed by them to secure their restoration to said rolls, shall be valid and enforceable when approved by the Secretary of the Interior in their original or in such modified form as he may deem equitable and not otherwise; and such contracts as are approved as herein provided, when recorded in the county where such land is located shall be a lien, in the event of the restoration of such persons to the rolls against allotted lands or tribal funds of the persons so restored to or given rights upon said rolls.

Contracts with attorneys for services.

Samuel Brown.
Payment to.

That the Secretary of the Interior be, and is hereby, authorized, if after investigation he believes such action be justified, to pay Samuel Brown seven thousand three hundred and eighty-four dollars and ninety-four cents, from any funds in the Treasury of the United States to the credit of the Creek Nation.

D. H. Johnson.
Payment to.

That the Secretary of the Interior is hereby authorized and directed to pay out of the Chickasaw fund to D. H. Johnson, governor of the Chickasaw Nation, compensation for his services as such governor, at

¹ U. S. v. Allen, 171 Fed., 907; same, 224 U. S., 413.

the rate of one thousand five hundred dollars per annum from March fourth, nineteen hundred and six, so long as he shall legally serve as such governor.

35 Stat., 91.

SCHOOLS.

For the maintenance, strengthening, and enlarging of the tribal schools of the Cherokee, Creek, Choctaw, Chickasaw, and Seminole nations, and making provision for the attendance of children of parents of other than Indian blood therein, and the establishment of new schools under the control of the Department of the Interior, the sum of three hundred thousand dollars, or so much thereof as may be necessary, to be placed in the hands of the Secretary of the Interior, and disbursed by him under such rules and regulations as he may prescribe.

Tribal schools.
Maintenance, etc.

FOR COMPLETION OF WORK.

For the completion of the work heretofore required by law to be done by the Commission to the Five Civilized Tribes, one hundred and forty-three thousand four hundred and ten dollars, said appropriation to be disbursed under the direction of the Secretary of the Interior, and the Secretary of the Interior is directed to so disburse this appropriation as to complete said work by July first, nineteen hundred and nine.

Completing work of
Commission.

CHOCTAWS. (Treaty.)

Choctaws.

For permanent annuity, per second article of treaty of November sixteenth, eighteen hundred and five, and thirteenth article of treaty of June twenty-second, eighteen hundred and fifty-five, three thousand dollars;

Annuity.
7 Stat., 99, vol. 2, 87.
11 Stat., 614, vol. 2,
709.

For permanent annuity for support of light horsemen, per thirteenth article of treaty of October eighteenth, eighteen hundred and twenty, and thirteenth article of treaty of June twenty-second, eighteen hundred and fifty-five, six hundred dollars;

Light horsemen.
7 Stat., 213, vol. 2, 193.
11 Stat., 614, vol. 2,
709.

For permanent annuity for support of blacksmith, per sixth article of treaty of October eighteenth, eighteen hundred and twenty, ninth article of treaty of January twentieth, eighteen hundred and twenty-five, and thirteenth article of treaty of June twenty-second, eighteen hundred and fifty-five, six hundred dollars;

Blacksmith.
7 Stat., 212, 236, vol.
2, 193, 213.

For permanent annuity for education, per second and thirteenth articles of last two treaties named above, six thousand dollars;

Education.
7 Stat., 235, vol. 2, 212.
11 Stat., 614, vol. 2,
703.

For permanent annuity for iron and steel, per ninth article of treaty of January twentieth, eighteen hundred and twenty-five, and thirteenth article of treaty of June twenty-second, eighteen hundred and fifty-five, three hundred and twenty dollars;

Iron and steel.
7 Stat., 236, vol. 2, 213.
11 Stat., 614, vol. 2,
709.

In all, ten thousand five hundred and twenty dollars.

SEMINOLES. (Treaty.)

Seminotes.

For five per centum interest on two hundred and fifty thousand dollars, to be paid as annuity, per eighth article of treaty of August seventh, eighteen hundred and fifty-six, twelve thousand five hundred dollars;

Interest.
11 Stat., 702, vol. 2,
760.

For five per centum interest on two hundred and fifty thousand dollars, to be paid as annuity (they having joined their brethren West), per eighth article of treaty of August seventh, eighteen hundred and fifty-six, twelve thousand five hundred dollars.

For interest on fifty thousand dollars, at the rate of five per centum per annum, to be paid annually, for the support of schools, as per third article of treaty of March twenty-first, eighteen hundred and sixty-six, two thousand five hundred dollars;

14 Stat., 757, vol. 2,
911.

35 Stat., 92.

For interest on twenty thousand dollars, at the rate of five per centum per annum, to be paid annually for the support of the Seminole government, as per same article, same treaty, one thousand dollars; In all, twenty-eight thousand five hundred dollars.

Care of insane Indians.

For the care and support of insane Indians in Oklahoma, to be expended under the direction of the Secretary of the Interior, twenty thousand dollars, or so much thereof as may be necessary.

Oregon.

OREGON.

Klamath Agency. Support, etc., of Indians.

For support and civilization of the Klamath, Modocs, and other Indians of the Klamath Agency, Oregon, including pay of employees, eight thousand dollars.

California and Oregon Land Company. Payment to Klamath Agency Indians for lands conveyed to. 34 Stat., 368, ante, p. 236.

That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of one hundred and eight thousand seven hundred and fifty dollars, or so much thereof as may be necessary, to pay the Indians of the Klamath Agency for the lands conveyed to the California and Oregon Land Company, in accordance with the provisions of the act of June twenty-first, nineteen hundred and six (Thirty-fourth Statutes at Large, pages three hundred twenty-five and three hundred sixty-eight), said sum to be deposited in the Treasury of the United States to the credit of said Indians and expended for their benefit in such manner and for such purposes as the Secretary of the Interior may prescribe: *Provided*, That this appropriation shall not be effective until said Indians, through the usual channels, shall execute a release of any claims and demands of every kind against the United States for the land involved.

Proviso. Release from Indians.

Warm Springs Agency. Support, etc., of Indians.

For support and civilization of the confederated tribes and bands under Warm Springs Agency, and for pay of employees, four thousand dollars.

Walla Walla, etc. Support, etc.

For support and civilization of the Walla Walla, Cayuse, and Umatilla tribes, Oregon, including pay of employees, three thousand dollars.

SALEM SCHOOL.

Salem School.

For support and education of six hundred Indian pupils at the Indian school, Salem, Oregon, and for pay of superintendent, one hundred and two thousand two hundred dollars;

For general repairs and improvements, nine thousand dollars;

In all, one hundred and eleven thousand two hundred dollars.

Incidentals.

For general incidental expenses of the Indian Service in Oregon, including traveling expenses of agents, and support and civilization of Indians of Grande Ronde and Siletz Agencies, three thousand dollars; Pay of employees at the same agencies, three thousand dollars; In all, six thousand dollars.

Molels.

MOLELS. (Treaty.)

Schools. 13 Stat., 931, vol. 2, 743.

For pay of teachers and for manual-labor schools, and for all necessary materials therefor, and for the subsistence of the pupils, per second article of treaty of December twenty-first, eighteen hundred and fifty-five, three thousand dollars.

Pennsylvania.

PENNSYLVANIA.

Carlisle School.

For support and education at Indian school at Carlisle, Pennsylvania, for transportation of pupils to and from said school, for pay of superintendent, and for general repairs and improvements, one hundred and sixty-four thousand dollars;

In all, one hundred and sixty-four thousand dollars.

SOUTH DAKOTA.

35 Stat., 23.
South Dakota.

For pay of Indian agents in South Dakota at the following-named agencies at the rates respectively indicated, namely:

Agents at agencies.

At the Cheyenne River Agency, one thousand eight hundred dollars;
At the Crow Creek Agency, one thousand six hundred dollars;
At the Lower Brule Agency, one thousand five hundred dollars;
At the Pine Ridge Agency, two thousand two hundred dollars;
At the Rosebud Agency, one thousand eight hundred dollars;
At the Sisseton Agency, one thousand five hundred dollars;
At the Yankton Agency, one thousand six hundred dollars;
In all, twelve thousand dollars.

Cheyenne River.
Crow Creek.
Lower Brule.
Pine Ridge.
Rosebud.
Sisseton.
Yankton.

CHAMBERLAIN SCHOOL.

For the support and education of two hundred Indian pupils at the Indian school at Chamberlain, South Dakota, and for pay of superintendent, thirty-five thousand four hundred dollars;

Chamberlain school.

For general repairs and improvements, two thousand five hundred dollars;

In all, thirty-seven thousand nine hundred dollars.

FLANDREAU SCHOOL.

For support and education of three hundred and seventy-five Indian pupils at the Indian school at Flandreau, South Dakota, and for pay of superintendent, sixty-four thousand four hundred and twenty-five dollars;

Flandreau school.

For general repairs and improvements, five thousand dollars;

In all, sixty-nine thousand four hundred and twenty-five dollars.

PIERRE SCHOOL.

For support and education of one hundred and fifty Indian pupils at the Indian school at Pierre, South Dakota, and for pay of superintendent, twenty-six thousand five hundred and fifty dollars;

Pierre school.

For general repairs and improvements, three thousand dollars;

In all, twenty-nine thousand five hundred and fifty dollars.

RAPID CITY SCHOOL.

For support and education of two hundred and fifty Indian pupils at the Indian school, Rapid City, South Dakota, and pay of superintendent, forty-three thousand three hundred and fifty dollars;

Rapid City school.

For general repairs and improvements, five thousand dollars;

That the Commissioner of Indian Affairs is authorized and directed to invite proposals for the construction of a gravity water system for the Rapid City School to be supplied from the springs located on the school farms, said bids to cover construction of suitable reservoir and laying of a six-inch main thereon to said school buildings and grounds, and such minor and collateral piping as may seem necessary, and to report thereon to Congress.

Water supply; contracts.

For domestic science building, five thousand dollars;

For sewerage system, six thousand dollars;

In all, fifty-nine thousand three hundred and fifty dollars.

For general incidental expenses of the Indian Service in South Dakota, including traveling expenses of agents at seven agencies, three thousand dollars.

Incidentals.

35 Stat., 94. SIOUX OF DIFFERENT TRIBES, INCLUDING SANTEE SIOUX OF NEBRASKA.
 Sioux of different (Treaty.)
 tribes.

Teachers, etc. For pay of five teachers, one physician, one carpenter, one miller,
 15 Stat., 640, vol. 2, one engineer, two farmers, and one blacksmith, per thirteenth article
 1002. of treaty of April twenty-ninth, eighteen hundred and sixty-eight, ten
 thousand four hundred dollars;

For pay of second blacksmith, and furnishing iron, steel, and other
 material, per eighth article of same treaty, one thousand six hundred
 dollars;

Employees. For pay of additional employees at the several agencies for the Sioux
 in Nebraska and Dakota, eighty-five thousand dollars;

Subsistence, etc. For subsistence of the Sioux, and for purposes of their civilization,
 19 Stat., 256, vol. 1, p. as per agreement ratified by act of Congress approved February
 168. twenty-eighth, eighteen hundred and seventy-seven, five hundred
 thousand dollars: *Provided*, That this sum shall include transportation

Provisos. Transporting sup- tion of supplies from the termination of railroad or steamboat trans-
 plies. portation, and in this service Indians shall be employed whenever
 practicable: *And provided further*, That the number of rations issued

Rations. shall not exceed the number of Indians on each reservation, and any
 excess in the number of rations issued shall be disallowed in the set-
 tlement of the agent's account;

Schools. For support and maintenance of day and industrial schools, includ-
 15 Stat., 637, vol. 2, ing erection and repairs of school buildings, in accordance with article
 1000. seven of the treaty of April twenty-ninth, eighteen hundred and sixty-
 eight, which article is continued in force for twenty years by section
 25 Stat., 894, vol. 1, p. seventeen of the act of March second, eighteen hundred and eighty-
 335. nine, two hundred thousand dollars;

In all, seven hundred and ninety-seven thousand dollars.

Sioux, Yankton SIOUX, YANKTON TRIBE. (Treaty.)
 tribe.

Fulfilling treaty. For last of twenty installments (last series), to be paid to them or
 11 Stat., 744, vol. 2, expended for their benefit, per fourth article of treaty of April nine-
 777. teenth, eighteen hundred and fifty-eight, fifteen thousand dollars;

Subsistence, etc. For subsistence and civilization of Yankton Sioux, heretofore pro-
 19 Stat., 287. vided for in appropriations under "Fulfilling treaty with Sioux of dif-
 ferent tribes," and so forth, twenty-thousand dollars;

In all, thirty-five thousand dollars.

Canton. For the maintenance of the asylum for insane Indians at Canton,
 Insane asylum. South Dakota, for incidental and all other expenses necessary for its
 proper conduct and management, including pay of employees and
 for necessary expense of transporting insane Indians to and from
 said asylum, twenty-five thousand dollars;

Allotments, Rosebud For the purpose of making the allotments to the Indians on the
 Reservation. Rosebud Reservation, South Dakota, provided by section two of the
 21 Stat., 1230, ante, act of March second, nineteen hundred and seven (Thirty-fourth Stat-
 p. 30. utes at Large, page twelve hundred and thirty), fifteen thousand dol-
 35 Stat., 451, post p. lars: *Provided*, That the same shall be reimbursed to the United
 304. States from the proceeds received from the sale of the lands described
 in said act.

Allotments in Sioux To enable the President to cause, under the provisions of the act of
 Reservation. March second, eighteen hundred and eighty-nine, entitled "An act to
 25 Stat., 888, vol. 1, p. divide a portion of the reservation of the Sioux Nation of Indians in
 333. Dakota into separate reservations and to secure the relinquishment of
 35 Stat., 451, post, p. the Indian title to the remainder, and for other purposes," to be allot-
 304. ted the lands in said separate reservations as provided in said act,
 including the necessary resurveys, thirty thousand dollars.

UTAH.

For pay of Indian agent at the Uintah and Ouray Agency, Utah (consolidated), one thousand eight hundred dollars.

35 Stat., 95.
Utah.

Uintah and Ouray
Agency.
Agent.

SOUTHERN UTAH SCHOOL.

For support and education of seventy-five pupils at the Panguitch Indian School in southern Utah, twelve thousand five hundred and twenty-five dollars, and for pay of superintendent, one thousand two hundred dollars;

Panguitch School.

General repairs and improvements, five thousand dollars;

In all, eighteen thousand seven hundred and twenty-five dollars.

For general incidental expenses of the Indian Service in Utah, including traveling expenses of agents, one thousand dollars.

Incidentals.

For constructing irrigation system, to irrigate the allotted lands of the Uncompahgre, Uintah, and White River Utes in Utah, as provided by the act of June twenty-first, nineteen hundred and six, two hundred thousand dollars.

Irrigation, Uintah
Reservation.
34 Stat., 375, ante, p.
243.

CONFEDERATED BANDS OF UTES. (Treaty.)

Utes, confederated
bands.

For pay of two carpenters, two millers, two farmers, and two blacksmiths, as per tenth article of treaty of October seventh, eighteen hundred and sixty-three, and fifteenth article of treaty of March second, eighteen hundred and sixty-eight, six thousand seven hundred and twenty dollars;

Carpenters, etc.
13 Stat., 675, vol. 2,
858.
15 Stat., 622, vol. 2,
993.

For pay of two teachers, as per same article of same treaty, one thousand eight hundred dollars;

For purchase of iron and steel and the necessary tools for blacksmith shop, per ninth article of same treaty, two hundred and twenty dollar;

For annual amount for the purchase of beef, mutton, wheat, flour, beans, and potatoes, or other necessary articles of food, as per twelfth article of same treaty, thirty thousand dollars;

Food.
15 Stat., 622, vol. 2,
992.

For pay of employees at the several Ute agencies, fifteen thousand dollars;

Employees.

In all, fifty-three thousand seven hundred and forty dollar.

The Commissioner of Indian Affairs is hereby authorized and directed to expend so much of the trust funds of the Ute Indians, not exceeding seventy-five thousand dollars, now in the United States Treasury, as in his judgment may be necessary to prevent want and suffering among the Absentee Utes, and the amount so expended for each individual Absentee shall be made a matter of record to be charged against and deducted from the share said Absentee may be entitled to receive when the trust funds of the Utes are allotted and distributed to the members of the tribe.

Absentee Utes.
Payment from trust
funds to prevent suf-
fering.

That whenever it shall appear to the satisfaction of the Secretary of the Interior that the allotted lands of any Indian of the former Uintah and Uncompahgre reservations in Utah are susceptible of irrigation and that the allottee is unable to cultivate the same or any portion thereof, such lands or such portion thereof may be leased by the Secretary of the Interior with the consent of the allottee for a period not exceeding ten years, under such rules and regulations as he may establish.

Uintah and Uncom-
pahgre reservations.

Leases of irrigable
allotted lands.

VIRGINIA.

Virginia.

For the support and education of one hundred and twenty Indian pupils at the school at Hampton, Virginia, twenty thousand and forty dollars.

Hampton School.

WASHINGTON.

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| 35 Stat., 9 Washington. | |
| Colville Agency. Agent. | For pay of Indian agent at the Colville Agency, Washington, one thousand five hundred dollars; |
| Support, etc. D'Wamish, etc., In- dians. | For support and civilization of the D'Wamish and other allied tribes in Washington, including pay of employees, seven thousand dollars; |
| Makahs. | For support and civilization of the Makahs, Washington, including pay of employees, two thousand dollars; |
| Qui-nai-elts and Quil- leh-utes. | For support and civilization of the Qui-nai-elts and Quil-leh-utes, including pay of employees, one thousand dollars; |
| Yakimas, etc. | For support and civilization of Yakimas, and other Indians at said agency, including pay of employees, five thousand dollars; |
| Incidentals. | For general incidental expenses of the Indian Service in Washington, including traveling expenses of agents, and support and civilization of Indians at Colville and Puyallup agencies, and for pay of employees, thirteen thousand dollars. |

Spokanes.

SPOKANES. (Treaty.)

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| Blacksmith, etc. 27 Stat., 139, vol. 1, p. 453. | For pay of a blacksmith and carpenter to do necessary work and to instruct the said Indians in those trades, one thousand dollars each, per sixth article of agreement with said Indians, dated March eighteenth, eighteen hundred and eighty-seven, ratified by act of Congress approved July thirteenth, eighteen hundred and ninety-two, two thousand dollars; |
| Joseph's Band, Nez Perces. | For purchase of agricultural implements, and support and civilization of Joseph's Band of Nez Perce Indians, one thousand dollars; |
| Yakimas. Irrigating allot- ments. 33 Stat., 597, ante, p. 110. | For the extension of the irrigation system on lands allotted to Yakima Indians in Washington, fifteen thousand dollars, to be reimbursed from the proceeds of the sale of surplus lands, as provided by the act of 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"; in all, fifteen thousand dollars. |
| Colville Reservation. Second payment to Indians. 27 Stat., 62, vol. 1, p. 441. | For the second of five installments to the Indians residing on the Colville Reservation for the cession by said Indians to the United States of one million five hundred thousand acres of land opened to settlement by an act of Congress "To provide for the opening of a part of the Colville Reservation in the State of Washington, and for other purposes," approved July first, eighteen hundred and ninety-two, being a part of the full sum set aside and held in the Treasury of the United States in payment for said land under the terms of the act approved June twenty-first, nineteen hundred and six, ratifying the agreement ceding said land to the United States under date of May ninth, eighteen hundred and ninety-one, three hundred thousand dollars, to be expended for the benefit of said Indians in accordance with the provisions of the said act setting aside in the Treasury the money in payment for the land ceded. |
| 34 Stat., 377, ante, p. 245. | |

Wisconsin.

WISCONSIN.

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| La Pointe Agency Agent. | For pay of Indian agent at the La Pointe Agency, Wisconsin, two thousand five hundred dollars. |
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HAYWARD SCHOOL.

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| Hayward School. | For the support and education of two hundred and ten pupils at the Indian school at Hayward, Wisconsin, and pay of superintendent, thirty-six thousand six hundred and seventy dollars; |
|-----------------|---|

For general repairs and improvements, two thousand two hundred dollars;

For steel tower for water tank, two thousand dollars;

In all, forty thousand eight hundred and seventy dollars.

TOMAH SCHOOL.

For support and education of two hundred and fifty Indian pupils at the Indian school, Tomah, Wisconsin, and pay of superintendent, forty-three thousand four hundred and fifty dollars;

35 Stat., 97.
Tomah school.

For general repairs and improvements, three thousand dollars;

In all, forty-six thousand four hundred and fifty dollars.

For support and civilization of the Chippewas of Lake Superior, Wisconsin, to be expended for agricultural and educational purposes; pay of employees, including pay of physician, purchase of goods and provisions, and for such other purposes as may be deemed for the best interests of said Indians, seven thousand dollars.

Chippewas of Lake
Superior.
Support, etc.

WYOMING.

Wyoming.

For support and civilization of Shoshone Indians in Wyoming, twelve thousand dollars.

Shoshones.
Support, etc.

SHOSHONE SCHOOL.

For support and education of one hundred and seventy-five Indian pupils at the Indian school, Shoshone Reservation, Wyoming, and pay of superintendent, thirty-one thousand and twenty-five dollars;

Shoshone Reserva-
tion school.

For general repairs and improvements, three thousand dollars;

For remodeling buildings, five thousand dollars;

In all, thirty-nine thousand and twenty-five dollars.

For general incidental expenses of the Indian Service in Wyoming, including traveling expenses of agents, one thousand dollars.

Incidentals.

For continuing the work of constructing an irrigation system within the diminished Shoshone or Wind River Reservation in Wyoming, one hundred and twenty-five thousand dollars: *Provided*, That said sum be reimbursed to the Treasury of the United States from the sale of lands made under the provision of the act of March third, nineteen hundred and five. (33 Statutes at Large, page 1016.)

Shoshone Reserva-
tion.
Irrigation system.
Proviso.
Reimbursement.

33 Stat., 1016, ante, p.
117.

That all lands allotted to Indians in severalty or reserved for their use in common on the Shoshone or Wind River Reservation, in Wyoming, susceptible of irrigation, may be leased for a term not exceeding twenty years for cultivation under irrigation in the discretion of the Secretary of the Interior, and he is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary for the purpose of carrying this provision into full force and effect.

Leases of irrigable
lands.

That the Secretary of the Interior is hereby authorized to issue a patent to the Domestic and Foreign Missionary Society of the Protestant Episcopal Church in the United States of America for and covering the following-described lands, amounting to approximately one hundred and sixty acres, now and for many years reserved for and occupied by the said board of missions as an Indian school, to wit: The northwest quarter of the southeast quarter, the north half of the southwest quarter, and the southwest quarter of the southwest quarter of section eight, township one south, range one west of the Wind River meridian, on the Wind River Reservation, in Wyoming: *Provided*, That the said patent shall not issue until the Indians of the said reservation have given their consent to the grant through their business committee or council in such manner as the Secretary of the Interior shall provide.

Episcopal Domestic
and Foreign Missionary
Society.
Patents for Indian
school lands.

Proviso.
Consent of Indians.

Bureau of Catholic
Indian Missions.
Patent for Indian
school lands.

35 Stat., 98.

Proviso.
Consent of Indians.

That the Secretary of the Interior is hereby authorized to issue to the Bureau of Catholic Indian Missions a patent for and covering the following described lands, amounting approximately to three hundred and eleven acres, now and for many years reserved for and occupied by the said Bureau of Catholic Indian Missions as an Indian school, to wit: All of the south half of section nine lying north of the Big Popoagie River; that part of the west half of the southwest quarter of section ten west of the Big Popoagie River, and that part of section sixteen north of the Big Popoagie River; all in township one south, range four east of the Wind River meridian, on the Wind River Reservation, in Wyoming: *Provided*, That the said patent shall not issue until the Indians of the said reservation have given their consent to the grant through their business committee of council in such manner as the Secretary of the Interior shall provide.

Shoshones.

SHOSHONES AND BANNOCKS. (Treaty.) (For Bannocks, see Idaho.)

Fulfilling treaty.
15 Stat., 676, vol. 2,
1023.

SHOSHONES: For pay of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith, as per tenth article of treaty of July third, eighteen hundred and sixty-eight, five thousand dollars;

For pay of second blacksmith, and such iron and steel and other materials as may be required, as per eighth article of same treaty, one thousand dollars;

In all, six thousand dollars.

Approved, April 30, 1908.

May 19, 1908.
[H. R. 17005.]
[Public, No. 123.]
35 Stat., 166.

CHAP. 177.—An act authorizing the Secretary of the Interior to issue patents in fee to the Board of Missions of the Protestant Episcopal Church for certain lands in the State of Idaho.

Idaho.
Board of Missions of
Protestant Episcopal
Church in.
Patents in fee to.

Proviso.
Consent of Indians.

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 is hereby authorized and directed to issue patents in fee to the Board of Missions of the Protestant Episcopal Church of the United States for the following described lands: The southeast quarter of section thirty-six, township four south, range thirty-four east, of Boise meridian, containing one hundred and sixty acres: *Provided*, That the said patent shall not issue until the Indians of the said reservation shall have given their consent to the grant through their business committee or council in such manner as the Secretary of the Interior shall provide.

Approved, May 19, 1908.

May 23, 1908.
[S. 4186.]
[Public, No. 137.]
35 Stat., 268.

CHAP. 193.—An act amending the act of January fourteenth, eighteen hundred and eighty-nine, and acts amendatory thereof, and for other purposes.

Minnesota.
National Forest es-
tablished in.

Description.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby created in the State of Minnesota a national forest consisting of lands and territory described as follows, to wit:

Beginning at a point where the north line of section thirty-one in township one hundred and forty-eight north, range twenty-eight west, fifth principal meridian, intersects the low water mark of the lake formed by the waters of Third River; thence easterly along the north line of sections thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, and thirty-six in township one hundred and forty-eight north, ranges twenty-eight and twenty-seven west, continuing easterly along the north line of section thirty-one in township one hundred

and forty-eight north, range twenty-six west, to a point where said line intersects the low water mark of Bow String Lake on the west shore; thence southerly along the west side of said lake at low water mark to a point where it crosses the section line between sections sixteen and seventeen in township one hundred and forty-seven north, range twenty-six west; thence southerly along the section line on the east side of sections seventeen, twenty, twenty-nine, and thirty-two in township one hundred and forty-seven north, range twenty-six west, and continuing southerly along the east side of sections five, eight, seventeen, twenty, twenty-nine, and thirty-two, township one hundred and forty-six north, range twenty-six west, continuing southerly along the east line of sections five, eight, seventeen, twenty, and twenty-nine, township one hundred and forty-five north, range twenty-six west to a point at the low water mark on the right bank of the Mississippi River on the section line between sections twenty-eight and twenty-nine in said township; thence southeasterly along the right bank of the Mississippi River at low water mark to its confluence with Leech Lake River in section twelve in township one hundred and forty-four north, range twenty-six west; thence southwesterly along the right bank of Leech Lake River along the low water mark to Mud Lake; thence along the line of low water mark of Mud Lake on its northern and western shores to the point where Leech Lake River empties into the same on fractional section thirty-two, township one hundred and forty-four north, range twenty-six west; thence up said river along the low water mark on the right bank thereof to a point in fractional section twenty-nine where the line intersects the low water mark of Leech Lake; thence in a northwesterly and southwesterly direction following the contours of said lake at low water mark to the point at low water mark on the shore of said lake on the northeast boundary of the ceded Leech Lake Indian Reservation on section line between sections five and eight, township one hundred and forty-three north, range twenty-nine west; thence in a southwesterly direction following the contours of said lake at low water mark to the point on said lake at the southwestern extremity of Ottertail Point; thence southwesterly in a direct line to the southern extremity of section twenty-five in township one hundred and forty-three north, range thirty-one west; thence in a westerly direction along the contour of said lake to the southwestern extremity of section twenty-six in said township; thence in a northerly and westerly direction along the contour of said lake at low water mark to a point where the center line through section two, running in a north and south direction in township one hundred and forty-three north, range thirty-one west intersects the low water mark of Leech Lake; thence northerly through the middle of said section two to the shore of a small lake at low water mark; thence along the east shore of said lake at low water line to a point where the section line between sections thirty-five and thirty-six, township one hundred and forty-four north, range thirty-one west, intersects low water mark of said lake on north shore; thence northerly on section line between sections thirty-five, thirty-six, twenty-five, and twenty-six to the low water mark at the shore of a small lake; thence northerly along the east side of said lake to a point where the section line between sections twenty-five and twenty-six intersects the low water mark of said lake in said township; thence northerly along the east line of sections twenty-six, twenty-three, and fourteen to a point on the east line of section fourteen, twenty chains north of the southeast corner of section fourteen; thence west twenty chains; thence north twenty chains; thence west twenty chains; thence northerly along the east side of a small lake to a point where the center line running in a north and south direction through section fourteen inter-

35 Stat., 269.

sects the north side of said lake at low water mark; thence northerly along the center line of said section through section eleven to the quarter corner between sections two and eleven of said township; thence westerly to a point twenty chains west of the northwest corner of section eleven; thence north forty chains; thence west twenty chains; thence north to a point where the center line running in a north and south direction in section three intersects the township line between townships one hundred and forty-four and one hundred and forty-five north, range thirty-one west; thence westerly to the quarter corner on the township line in the southeast quarter of section thirty-four in township one hundred and forty-five north, range thirty-one west; thence north twenty chains; thence west forty chains; thence north twenty chains; thence west twenty chains to the quarter corner between sections thirty-three and thirty-four in said township and range; thence northerly along the east line of sections thirty-three, twenty-eight, twenty-one, and sixteen in said township to a point where it intersects the right of way of the Great Northern Railway as at present located; thence easterly along said right of way to a point where it intersects the shore of Cass Lake at low water mark in section fifteen, township one hundred and forty-five north, range thirty-one west; thence northerly along the west shore of Cass Lake and the south, west, and north shore of Allen's Bay and the northwest shore of Cass Lake to a point along the contour of said lake at low water mark at the head of the Mississippi River, approximately in section twenty-one, township one hundred and forty-six north, range thirty west; thence easterly along the right bank of said river to a point where the range line between ranges twenty-nine and thirty west intersects said river; thence northerly along the range line to the northwest corner of section nineteen in township one hundred and forty-seven north, range twenty-nine west; thence easterly along the north line of sections nineteen, twenty, twenty-one, twenty-two, twenty-three, and twenty-four in said township and along the north side of sections nineteen and twenty in township one hundred and forty-seven north, range twenty-eight west to a point where said line intersects the left bank of Third River at low water mark; thence northerly along the right bank of Third River to the contour line at low water mark of the lake formed by the waters of Third River; thence southeasterly and northerly along the contour line of said lake to the point of beginning; and it is the intent of this act to include in said national forest and make a part thereof all that certain territory, and land which has heretofore been selected by the Forester of the Department of Agriculture as the ten sections situated in townships one hundred and forty-four, one hundred and forty-five, and one hundred and forty-six north, ranges thirty and thirty-one west of the fifth principal meridian in Minnesota and designated as being the ten sections referred to and authorized to be selected by section two of the act approved June twenty-seventh, nineteen hundred and two, being chapter eleven hundred and fifty-seven, United States Statutes at Large, volume thirty-two, entitled "An act to amend an act entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota'", approved January fourteenth, eighteen hundred and eighty-nine; and also all the islands in Cass Lake in the State of Minnesota.

Selected forestry lands of Chippewa Indians.

32 Stat., 402, vol. 1, p. 756.

Additional lands.

Proviso. Prior rights not affected.

And in addition to the lands and territory above described, the lands described by section two of said act of June twenty-seventh, nineteen hundred and two, as follows: "One hundred and sixty acres at the extremity of Sugar Point, on Leech Lake, and the peninsula known as Pine Point, on which the new Leech Lake Agency is now located" shall be included in and are hereby made a part of said national forest: *Provided*, That this act shall not in any manner abridge the right of citizens to the use of the west and northwesterly shores of Cass Lake.

SEC. 2. The Secretary of the Interior is hereby authorized to proceed with the sale of the merchantable pine timber upon the above-described land outside of said ten sections and said islands and points, in conformity with the provisions of said act above entitled, and reserving ten per centum of such timber from sale, said ten per centum to be designated by the Forester of the United States Department of Agriculture; and as to the timber upon said ten sections and said islands and points, the said Forester is authorized, under such rules and regulations as he may prescribe from time to time to sell and dispose of so much of the standing timber thereon as he may deem wise and advisable in the conduct of a National Forest: *Provided*, That a commission of three persons shall at once be appointed, consisting of one person to be designated by the President, one by the Secretary of the Interior, and one by a general council of the Indians of the Winnibigoshish, Cass Lake, Chippewas of the Mississippi Reservation, and Leech Lake Reservation to be held under the direction of the agent at Leech Lake Indian Agency; and said commissioners shall proceed forthwith to appraise the value of the five per centum of timber heretofore reserved from sale by the provisions of said act entitled "An act to amend an act entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' " approved January fourteenth, eighteen hundred and eighty-nine, and the ten per centum hereafter reserved under the provisions of this act, and the timber upon said ten sections and upon the unappropriated lands on said islands and points, and shall ascertain the acreage of actual land included under the provisions of this act and to the estimated value of said five per centum of timber reserved under the said act entitled "An act to amend an act entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' " approved January fourteenth, eighteen hundred and eighty-nine and the ten per centum reserved under this act and the estimated value of timber upon said ten sections and upon the unappropriated lands on said islands and points, to the sum of the values of the timber so estimated shall add an amount equal to one dollar and twenty-five cents for each and every acre of land not otherwise appropriated which they find covered by the provisions of this act, and shall certify the same to the Secretary of the Interior. The Indians designated in this section, acting through a representative who shall serve without compensation, to be named by them at the time of their appointment of the commissioner herein, shall have sixty days in which to appeal to the President of the United States from the findings of said commissioners, as certified to the Secretary of the Interior. At the end of said sixty days, if no appeal has been taken or if an appeal has been taken, then, upon the determination thereof by the President, the Secretary of the Interior shall certify the amount found by said commissioners, or if modified by the President the amount determined by him, to the Secretary of the Treasury, who shall thereupon place such amount to the credit of all the Chippewa Indians in the State of Minnesota as a part of the permanent fund of said "All of the Chippewa Indians in the State of Minnesota" provided for in an act of Congress entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January fourteenth, eighteen hundred and eighty-nine, and the acts supplementary thereto, and the amounts so certified to the Secretary of the Treasury shall draw interest at the rate of five per centum per annum, pursuant to the terms of said acts.

SEC. 3. That any Indian having an allotment within the limits of the National Forest created by this act is hereby authorized to relinquish such allotment and permitted to take another allotment in lieu thereof

Sale of pine timber.

35 Stat., 271.
Proviso.
Commission to appraise timber reserve.

25 Stat., 643, vol. 1, p. 301.

Appeal from findings of commission.

Funds deposited to credit of Chippewas.

25 Stat., 645, vol. 1, p. 303.

Allotments may be exchanged.

outside such National Forest, under the direction of the Secretary of the Interior; and the allotments of any deceased Indians located within the boundaries of said National Forest shall not hereafter be disposed of under section seven of the act of June twenty-seventh, nineteen hundred and two (volume thirty-second Statutes at Large, page two hundred and forty-five); but the heirs of said deceased Indians shall have the right, with the consent of the Secretary of the Interior and under such rules as he may prescribe, to relinquish to the United States the lands covered by such allotments and to select surveyed, unappropriated, unreserved land within the limits of any of the ceded Indian lands in the State of Minnesota and outside of the National Forest hereby created in lieu of the land covered by such allotments; and the lands so relinquished by the Indians or their heirs shall thereupon become part of the said National Forest. And the Secretary of the Interior is hereby authorized on request of the Forester of the Department of Agriculture to purchase such relinquishments from said Indians or their heirs and to pay for the same from any moneys received, after the appraisal of timber herein provided for, on account of the sale of timber from the National Forest hereby created, or from the sale of any other products or the use of any lands or resources thereof.

Relinquishment and selection.
 32 Stat., 275, vol. 1, p. 120.

Purchase of lands relinquished.
 35 Stat., 272.

Land opened to settlement.
SEC. 4. That all land in any of said reservations, the Winnibigoshish Indian Reservation, Cass Lake Indian Reservation, Chippewas of the Mississippi Reservation, or Leech Lake Indian Reservation not included in the National Forest hereby created as above described, heretofore classified or designated as agricultural lands, is hereby declared to be open to homestead settlement; and any of said land which has been classified as timber land shall be open to homestead settlement as soon and as fast as the timber is removed therefrom, in conformity with the homestead law, except that none of said lands shall be disposed of except on payment of one dollar and twenty-five cents per acre.

Prior sales. Amount to be credited to Chippewas.
 35 Stat., 270, ante, p. 349.
 25 Stat., 642, vol. 1, p. 301.

Interest.
SEC. 5. That all moneys received from the sale of timber from any of the lands set aside by this act for a National Forest, prior to the appraisal herein provided for, including all moneys received for timber under sales made by the Secretary of the Interior as authorized by existing laws and section two of this act, shall be placed to the credit of the Chippewa Indians in the State of Minnesota, as provided for in an act of Congress entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January fourteenth, eighteen hundred and eighty-nine; and the acts supplementary thereto, and shall draw interest at the rate of five per centum per annum, pursuant to the terms of said acts; and after said appraisal the National Forest hereby created, as above described, shall be subject to all general laws and regulations from time to time governing national forests, so far as said laws and regulations may be applicable thereto.

Compensation of commissioners.
SEC. 6. That the commissioners provided for herein shall receive a compensation of ten dollars per day each for each and every day actually spent upon the work herein provided for, which shall be paid out of any money in the Treasury of the United States not otherwise appropriated, and no commissioner shall be paid for more than ten days' service.

Maximum.
SEC. 7. None of the Indian graves now upon any of the islands or points referred to in this act shall be disturbed and the Indians shall continue to have the right to bury their dead at such places as they have heretofore used for that purpose, under the rules and regulations to be prescribed by the Forest Service.

Indian graves not to be disturbed, etc.
SEC. 8. That nothing in this act contained shall in any manner bind the United States to purchase any of the land in said reservations

United States not bound to purchase, etc.

excluded from the reserve created by this act, or to dispose of said land, except as provided by the act of January fourteenth, eighteen hundred and eighty-nine, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," and an act of June twenty-seventh, nineteen hundred and two, entitled "An act to amend an act for the relief and civilization of the Chippewa Indians in the State of Minnesota," or the provisions of this act; 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 the said lands and the timber thereon, and to dispose of the proceeds thereof, as provided in said acts, only when received from the sale of the timber and the lands as therein provided.

Approved, May 23, 1908.

CHAP. 199.—An act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes.

May 27, 1908.
[H. R. 15641.]

[Public, No. 140.]
35 Stat., 312.
Five Civilized Tribes.
Status of allotments.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after sixty days from the date of this act the status of the lands allotted heretofore or hereafter to allottees of the Five Civilized Tribes shall, as regards restrictions on alienation or incumbrance,¹ be as follows: All lands, including homesteads, of said allottees enrolled as intermarried whites, as freedmen, and as mixed-blood Indians having less than half Indian blood including minors shall be free from all restrictions. All lands, except homesteads, of said allottees enrolled as mixed-blood Indians having half or more than half and less than three-quarters Indian blood shall be free from all restrictions. All homesteads of said allottees enrolled as mixed-blood Indians having half or more than half Indian blood, including minors of such degrees of blood, and all allotted lands of enrolled full-bloods, and enrolled mixed-bloods of three-quarters or more Indian blood, including minors of such degrees of blood, shall not be subject to alienation, contract to sell, power of attorney, or any other incumbrance prior to April twenty-sixth, nineteen hundred and thirty-one, except that the Secretary of the Interior may remove such restrictions, wholly or in part, under such rules and regulations concerning terms of sale and disposal of the proceeds for the benefit of the respective Indians as he may prescribe. The Secretary of the Interior shall not be prohibited by this act from continuing to remove restrictions as heretofore, and nothing herein shall be construed to impose restrictions removed from land by or under any law prior to the passage of this act. No restriction of alienation shall be construed to prevent the exercise of the right of eminent domain in condemning rights of way for public purposes over allotted lands, and for such purposes sections thirteen to twenty-three inclusive, of an act entitled "An act to grant the right of way through Oklahoma Territory and the Indian Territory to the Enid and Anadarko Railway Company, and for other purposes," approved February twenty-eighth, nineteen hundred and two (Thirty-second Statutes at Large, page forty-three), are hereby continued in force in the State of Oklahoma.

Alienation restrictions removed

Restrictions continued.

Removal by Secretary of the Interior.

Oklahoma.
Rights of way through Indian lands continued.
32 Stat., 47, vol. 1, p. 114.

Leases of restricted lands.

SEC. 2. That all lands other than homesteads allotted to members of the Five Civilized Tribes from which restrictions have not been removed may be leased by the allottee if an adult, or by guardian or curator under order of the proper probate court if a minor or incompetent, for a period not to exceed five years, without the privilege of

¹ Heckman v. U. S., 224 U. S., 417; Mullen v. U. S., 224 U. S., 448; Goat v. U. S., 224 U. S., 458; Deming Investment Co. v. U. S., 224 U. S., 471; Geo. W. Choate v. M. P. Trapp, 224 U. S., 665; Bell v. Cook, 192 Fed., 597; Henry Gas Co. v. U. S., 191 Fed., 132; Bettes v. Brower, 184 Fed., 342; U. S. v. Allen, 171 Fed., 907; 179 Fed., 13; same, 224 U. S., 413; Coody v. Coody, 136 Pac., 754; Jefferson v. Winkler, 110 Pac., 755; Gleason v. Wood, 114 Pac., 703; MaHarry v. Eatman, 116 Pac., 935; Kirkpatrick v. Burgess, 116 Pac., 764; Yarbrough v. Spaulding, 123 Pac., 843; In re Davis' Estate, 122 Pac., 547; Simmons v. Mullen, 122 Pac., 518; Texas Co. v. Henry, 126 Pac., 224; United States v. Shock, 187 Fed., 870; Truskett v. Closser, 198 Fed., 835.

Provisos.
Oil, gas, or mining
purposes.

35 Stat., 313.

Lands of minors, etc.,
under same restriction.

Rolls of citizens and
freedmen evidence of
quantum of Indian
blood.

Status of prior leases
by allottees.

Proviso.
Power of owners of
unrestricted lands over
oil, etc., leases.

Unrestricted lands
subject to taxation.

Proviso.
Exemption from
prior claims.

Alienation, etc. of
restricted lands void.

Authority of Okla-
homa probate courts
over minor allottees.

renewal: *Provided*, That leases of restricted lands for oil, gas or other mining purposes, leases of restricted homesteads for more than one year, and leases of restricted lands for periods of more than five years, may be made, with the approval of the Secretary of the Interior, under rules and regulations provided by the Secretary of the Interior, and not otherwise: *And provided further*, That the jurisdiction of the probate courts of the State of Oklahoma over lands of minors and incompetents shall be subject to the foregoing provisions, and the term minor or minors, as used in this act, shall include all males under the age of twenty-one years and all females under the age of eighteen years.¹

SEC. 3. That the rolls of citizenship and of freedmen of the Five Civilized Tribes approved by the Secretary of the Interior shall be conclusive evidence as to the quantum of Indian blood of any enrolled citizen or freedman of said tribes and of no other persons to determine questions arising under this act and the enrollment records of the Commissioner to the Five Civilized Tribes shall hereafter be conclusive evidence as to the age of said citizen or freedman.²

That no oil, gas, or other mineral lease entered into by any of said allottees prior to the removal of restrictions requiring the approval of the Secretary of the Interior shall be rendered invalid by this act, but the same shall be subject to the approval of the Secretary of the Interior as if this act had not been passed: *Provided*, That the owner or owners of any allotted land from which restrictions are removed by this act, or have been removed by previous acts of Congress, or by the Secretary of the Interior, or may hereafter be removed under and by authority of any act of Congress, shall have the power to cancel and annul any oil, gas, or mineral lease on said land whenever the owner or owners of said land and the owner or owners of the lease thereon agree in writing to terminate said lease and file with the Secretary of the Interior, or his designated agent, a true copy of the agreement in writing canceling said lease, which said agreement shall be executed and acknowledged by the parties thereto in the manner required by the laws of Oklahoma for the execution and acknowledgment of deeds, and the same shall be recorded in the county where the land is situate.³

SEC. 4. That all land from which restrictions have been or shall be removed shall be subject to taxation and all other civil burdens as though it were the property of other persons than allottees of the Five Civilized Tribes: *Provided*, That allotted lands shall not be subjected or held liable, to any form of personal claim, or demand, against the allottees arising or existing prior to the removal of restrictions, other than contracts heretofore expressly permitted by law.⁴

SEC. 5. That any attempted alienation or incumbrance by deed, mortgage, contract to sell, power of attorney, or other instrument or method of incumbering real estate, made before or after the approval of this act, which affects the title of the land allotted to allottees of the Five Civilized Tribes prior to removal of restrictions therefrom, and also any lease of such restricted land made in violation of law before or after the approval of this act shall be absolutely null and void.⁵

SEC. 6. That the persons and property of minor allottees of the Five Civilized Tribes shall, except as otherwise specifically provided by

¹ Jefferson v. Winkler, 110 Pac., 755; Kirkpatrick v. Burgess, 116 Pac., 764; Yarbrough v. Spaulding, 123 Pac., 843; In re Davis' Estate, 122 Pac., 547; Gill v. Haggerty, 122 Pac., 641; Bell v. Cook, 192 Fed., 597; Truskett v. Closser, 198 Fed., 835; Alluwe Oil Co. v. Shuffin, 124 Pac., 15; Barnsdall v. Owen, 200 Fed., 519.

² Yarbrough v. Spaulding, 123 Pac., 843; Rice v. Ruble, 134 Pac., 44; Rice v. Anderson, 134 Pac., 1120.

³ Warren v. Canard, 120 Pac., 599; Williams v. Joins, 126 Pac., 1013; Campbell v. McSpadden, 127 Pac., 854; Bell v. Cook, 192 Fed., 597; Hegler v. Faulkner, 153 U. S., 107; Lawless v. Raddis, 129 Pac., 711.

⁴ U. S. v. Shock, 187 Fed., 862; id., 870; Gleason v. Wood, 114 Pac., 703; 224 U. S., 677; Choate v. Trapp, 224 U. S., 664; Alexander v. Rainey, 114 Pac., 710; Nelson v. Wood, 122 Pac., 1103; Whitmire v. Trapp, 126 Pac., 578; Weillip v. Audrain, 128 Pac., 254; Bell v. Cook, 192 Fed., 597; Truskett v. Closser, 198 Fed., 835; English v. Richardson, 224 U. S., 680.

⁵ Groom v. Wright, 121 Pac., 215; Bell v. Cook, 192 Fed., 597; Casey v. Bingham, 132 Pac., 663.

law, be subject to the jurisdiction of the probate courts of the State of Oklahoma. The Secretary of the Interior is hereby empowered, under rules and regulations to be prescribed by him, to appoint such local representatives within the State of Oklahoma who shall be citizens of that State or now domiciled therein as he may deem necessary to inquire into and investigate the conduct of guardians or curators having in charge the estates of such minors, and whenever such representative or representatives of the Secretary of the Interior shall be of opinion that the estate of any minor is not being properly cared for by the guardian or curator, or that the same is in any manner being dissipated or wasted or being permitted to deteriorate in value by reason of the negligence or carelessness or incompetency of the guardian or curator, said representative or representatives of the Secretary of the Interior shall have power and it shall be their duty to report said matter in full to the proper probate court and take the necessary steps to have such matter fully investigated, and go to the further extent of prosecuting any necessary remedy, either civil or criminal, or both, to preserve the property and protect the interests of said minor allottees; and it shall be the further duty of such representative or representatives to make full and complete reports to the Secretary of the Interior. All such reports, either to the Secretary of the Interior or to the proper probate court, shall become public records and subject to the inspection and examination of the public, and the necessary court fees shall be allowed against the estates of said minors. The probate courts may, in their discretion, appoint any such representative of the Secretary of the Interior as guardian or curator for such minors, without fee or charge.

And said representatives of the Secretary of the Interior are further authorized, and it is made their duty, to counsel and advise all allottees, adult or minor, having restricted lands of all of their legal rights with reference to their restricted lands, without charge, and to advise them in the preparation of all leases authorized by law to be made, and at the request of any allottee having restricted land he shall, without charge, except the necessary court and recording fees and expenses if any, in the name of the allottee, take such steps as may be necessary, including the bringing of any suit or suits and the prosecution and appeal thereof, to cancel and annul any deed, conveyance, mortgage, lease, contract to sell, power of attorney, or any other encumbrance of any kind or character, made or attempted to be made or executed in violation of this act or any other act of Congress, and to take all steps necessary to assist said allottees in acquiring and retaining possession of their restricted lands.

Supplemental to the funds appropriated and available for expenses connected with the affairs of the Five Civilized Tribes, there is hereby appropriated, for the salaries and expenses arising under this section, out of any funds in the Treasury not otherwise appropriated, the sum of ninety thousand dollars, to be available immediately, and until July first, nineteen hundred and nine, for expenditure under the direction of the Secretary of the Interior: *Provided*, That no restricted lands of living minors shall be sold or encumbered, except by leases authorized by law, by order of the court, or otherwise.

And there is hereby further appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available and available until expended as the Attorney General may direct, the sum of fifty thousand dollars, to be used in the payment of necessary expenses incident to any suits brought at the request of the Secretary of the Interior in the eastern judicial district of Oklahoma: *Provided*, That the sum of ten thousand dollars of the above amount, or so much thereof as may be necessary, may be expended in the prosecution of cases in the western judicial district of Oklahoma.

Local agent of Interior Department for estates of minors.
Duties.

35 Stat., 314.

Reports.

May be appointed guardian.

Other duties as to restricted lands.

Appropriation for expenses.

Proviso.
Restriction on lands of minors.

Appropriation for suits in Oklahoma.

Proviso.
For western district.

- Suits against vendees, etc., of town lots. Any suit brought by the authority of the Secretary of the Interior against the vendee or mortgagee of a town lot, against whom the Secretary of the Interior may find upon investigation no fraud has been established, may be dismissed and the title quieted upon payment of the full balance due on the original appraisement of such lot: *Provided*, That such investigation must be concluded within six months after the passage of this act.
- Proviso. Conclusion of investigation. Nothing in this act shall be construed as a denial of the right of the United States to take such steps as may be necessary, including the bringing of any suit and the prosecution and appeal thereof, to acquire or retain possession of restricted Indian lands, or to remove cloud therefrom, or clear title to the same, in cases where deeds, leases, or contracts of any other kind or character whatsoever have been or shall be made contrary to law with respect to such lands prior to the removal therefrom of restrictions upon the alienation thereof; such suits to be brought on the recommendation of the Secretary of the Interior, without costs or charges to the allottees, the necessary expenses incurred in so doing to be defrayed from the money appropriated by this act.¹
- Suits as to title, etc., of restricted lands. 35 Stat., 315. Nothing in this act shall be construed as a denial of the right of the United States to take such steps as may be necessary, including the bringing of any suit and the prosecution and appeal thereof, to acquire or retain possession of restricted Indian lands, or to remove cloud therefrom, or clear title to the same, in cases where deeds, leases, or contracts of any other kind or character whatsoever have been or shall be made contrary to law with respect to such lands prior to the removal therefrom of restrictions upon the alienation thereof; such suits to be brought on the recommendation of the Secretary of the Interior, without costs or charges to the allottees, the necessary expenses incurred in so doing to be defrayed from the money appropriated by this act.¹
- Contests of selections of allotment. Time limited. SEC. 7. That no contest shall be instituted after sixty days from the date of the selection of any allotment hereafter made, nor after ninety days from the approval of this act in case of selections made prior thereto by or for any allottee of the Five Civilized Tribes, and, as early thereafter as practicable, deed or patent shall issue therefor.
- Wills of full-blood Indians. Acknowledgment before Oklahoma judge. SEC. 8. That section twenty-three of an act entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved April twenty-sixth, nineteen hundred and six, is hereby amended by adding at the end of said section, the words "or a judge of a county court of the State of Oklahoma."²
- 34 Stat., 145, amended, ante, p. 178. SEC. 9. That the death of any allottee of the Five Civilized Tribes shall operate to remove all restrictions upon the alienation of said allottee's land: *Provided*, That no conveyance of any interest of any full-blood Indian heir in such land shall be valid unless approved by the court having jurisdiction of the settlement of the estate of said deceased allottee: *Provided further*, That if any member of the Five Civilized Tribes of one-half or more Indian blood shall die leaving issue surviving, born since March fourth, nineteen hundred and six, the homestead of such deceased allottee shall remain inalienable, unless restrictions against alienation are removed therefrom by the Secretary of the Interior in the manner provided in section one hereof, for the use and support of such issue, during their life or lives, until April twenty-sixth, nineteen hundred and thirty-one; but if no such issue survive, then such allottee, if an adult, may dispose of his homestead by will free from all restrictions; if this be not done, or in the event the issue hereinbefore provided for die before April twenty-sixth, nineteen hundred and thirty-one, the land shall then descend to the heirs, according to the laws of descent and distribution of the State of Oklahoma, free from all restrictions: *Provided further*, That the provisions of section twenty-three of the act of April twenty-sixth, nineteen hundred and six, as amended by this act, are hereby made applicable to all wills executed under this section.³
- Allottees. Restrictions removed by death. Provisos. Conveyances. Distribution of estates of Indians of half-blood or more. SEC. 10. That the Secretary of the Interior is hereby authorized and directed to pay out of any moneys in the Treasury of the United States, belonging to the Choctaw or Chickasaw nations respectively, any and all outstanding general and school warrants duly signed by
- In case of no issue.
- Acknowledgment of wills. 34 Stat., 145. Supra.
- Choctaw and Chickasaw warrants. Payment of outstanding.

¹ U. S. v. Allen, 179 Fed., 13; 224 U. S., 413; Tiley v. Darneal, 133 Pac., 614; Jefferson v. Winkler, 110 Pac. 755; MaHarry v. Eatman, 116 Pac., 935; Kirkpatrick v. Burgess, 116 Pac., 764; Dewalt v. Cline, 128 Pac., 121; Henry Gas Co. v. United States, 191 Fed., 132; Bell v. Cook, 192 Fed., 597; Truskett v. Closser, 198 Fed., 835.

² U. S. v. Shock, 187 Fed., 862; Proctor v. Harrison, 125 Pac., 479; Tiger v. Investment Co., 221 U. S., 286. ³ Harris v. Gales, 188 Fed., 712; U. S. v. Shock, 187 Fed., 870; Lynde v. Brown, 97 Pac., 613; 27 Opp. Atty. Genl., 530; U. S. v. Knight, 206 Fed., 145; Mullen v. Short, 133 Pac., 230; Gardner, County Judge, v. State, 110 Pac., 749; MaHarry v. Eatman, 116 Pac., 935; Stout v. Simpson, 124 Pac., 754; Tiger v. Western Investment Co., 221 U. S., 286.

the auditor of public accounts of the Choctaw and Chickasaw nations, and drawn on the national treasurers thereof prior to January first, nineteen hundred and seven, with six per cent interest per annum from the respective dates of said warrants: *Provided*, That said warrants be presented to the United States Indian agent at the Union Agency, Muskogee, Oklahoma, within sixty days from the passage of this act, together with the affidavits of the respective holders of said warrants that they purchased the same in good faith for a valuable consideration, and had no reason to suspect fraud in the issuance of said warrants: *Provided further*, That such warrants remaining in the hands of the original payee shall be paid by said Secretary when it is shown that the services for which said warrants were issued were actually performed by said payee.

Provisos.
Payment to holders
for value.

To original payees.

SEC. 11. That all royalties arising on and after July first, nineteen hundred and eight, from mineral leases of allotted Seminole lands heretofore or hereafter made, which are subject to the supervision of the Secretary of the Interior, shall be paid to the United States Indian agent, Union Agency, for the benefit of the Indian lessor or his proper representative to whom such royalties shall thereafter belong; and no such lease shall be made after said date except with the allottee or owner of the land: *Provided*, That the interest of the Seminole Nation in leases or royalties arising thereunder on all allotted lands shall cease on June thirtieth, nineteen hundred and eight.

35 Stat., 316.
Seminole lands.
Payment of royalties
to lessor, etc.

Proviso.
Interest of Seminole
Nation to cease June
30, 1908.

SEC. 12. That all records pertaining to the allotment of lands of the Five Civilized Tribes shall be finally deposited in the office of the United States Indian agent, Union Agency, when and as the Secretary of the Interior shall determine such action shall be taken, and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available as the Secretary of the Interior may direct, the sum of fifteen thousand dollars, or so much thereof as may be necessary to enable the Secretary of the Interior to furnish the various counties of the State of Oklahoma certified copies of such portions of said records as affect title to lands in the respective counties.

Deposit of tribal al-
lotment records.

Appropriation for
copies of counties of
Oklahoma.

SEC. 13. That the second paragraph of section eleven of an act entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved April twenty-sixth, nineteen hundred and six, is hereby amended to read as follows:

Tribal property.
34 Stat., 141, amend-
ed; ante, p. 173.

That every officer, member, or representative of the Five Civilized Tribes, respectively, or any other person having in his possession, custody, or control, any money or other property, including the books, documents, records, or any other papers, of any of said tribes, shall make full and true account and report thereof to the Secretary of the Interior, and shall pay all money of the tribe in his possession, custody, or control and shall deliver all other tribal properties so held by him to the Secretary of the Interior, and if any person shall willfully and fraudulently fail to account for all such money and property so held by him, or to pay and deliver the same as herein provided, prior to July thirty-first, nineteen hundred and eight, he shall be deemed guilty of embezzlement and upon conviction thereof shall be punished by fine of not exceeding five thousand dollars, or by imprisonment not exceeding five years, or by both such fine and imprisonment, according to the laws of the United States relating to such offense, and shall be liable in civil proceedings to be prosecuted in behalf of and in the name of the tribe or tribes in interest for the amount or value of the money or property so withheld.

Money, records, etc.,
to be delivered to Sec-
retary of the Interior.

Penalty for failure to
account, etc.

SEC. 14. That the provisions of section thirteen of the act of Congress approved April twenty-sixth, nineteen hundred and six (Thirty-fourth Statutes at Large, page one hundred and thirty-seven), shall not apply to town lots in town sites heretofore established, surveyed,

Town sites.
Sale of lots in, estab-
lished.
34 Stat., 142; ante, p.
174.

platted, and appraised under the direction of the Secretary of the Interior, but nothing herein contained shall be construed to authorize the conveyance of any interest in the coal or asphalt underlying said lots.

Approved, May 27, 1908.

Coal and asphalt retained.
 May 27, 1908.
 [H. R. 21260.]
 [Public, No. 141.]
 35 Stat., 317.

CHAP. 200.—An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and nine, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, for the objects hereinafter expressed, for the fiscal year ending June thirtieth, nineteen hundred and nine, namely:

Sundry civil expenses appropriations.

* * * * *

35 Stat., 353.
 Piute Indians in Utah and Arizona.
 Balance available.
 34 Stat., 1049.

SAN JUAN PIUTE INDIANS: That the sum of five thousand dollars for the purchase of lands and sheep for the San Juan Piute Indians and ten thousand five hundred dollars for the support and civilization of the Kaibab Indians in Utah, and so forth, appropriated in the Indian appropriation act for the fiscal year nineteen hundred and seven and reappropriated and made available for the use of the Piute Indians in southern Utah and northern Arizona by the Indian appropriation act approved March first, nineteen hundred and seven, is hereby reappropriated and made available for the use of said Piute Indians in southern Utah and northern Arizona.

Northern Cheyennes and Arapahoes.
 Balance reappropriated.
 34 Stat., 354.

That the unexpended balance of the appropriation, in pursuance of treaty stipulations, for subsistence, and civilization of the Northern Cheyennes and Arapahoes for the fiscal year ended June thirtieth, nineteen hundred and seven, be, and the same is hereby, reappropriated and made available for the fiscal year ending June thirtieth, nineteen hundred and eight.

* * * * *

Approved, May 27, 1908.

May 29, 1908.
 [H. R. 21735.]
 [Public, No. 156.]
 35 Stat., 444.

CHAP. 216. An act to authorize the Secretary of the Interior to issue patents in fee to purchasers of Indian lands under any law now existing or hereafter enacted, and for other purposes.

Indian allotments. May be sold on petition of allottee.

Excepted lands.

Lands of minors, etc.

Heirs to have fee simple title.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the lands, or any part thereof, allotted to any Indian, or any inherited interest therein, which can be sold under existing law by authority of the Secretary of the Interior, except the lands in Oklahoma, and the States of Minnesota and South Dakota may be sold on the petition of the allottee, or his heirs, on such terms and conditions and under such regulations as the Secretary of the Interior may prescribe; and the lands of a minor, or of a person deemed incompetent by the Secretary of the Interior to petition for himself, may be sold in the same manner, on the petition of the natural guardian in the case of infants, and in the case of Indians deemed incompetent as aforesaid, and of orphans without a natural guardian, on petition of a person designated for the purpose by the Secretary of the Interior. That when any Indian who has heretofore received or who may hereafter receive, an allotment of land dies before the expiration of the trust period, the Secretary of the Interior shall ascertain the legal heirs of such Indian, and if satisfied of their ability to manage their own affairs shall cause to be issued in their names a patent in fee simple for said lands; but if he finds them incapable of managing their own affairs, the land may be sold as hereinbefore provided: *Provided,* That the proceeds derived from all sales hereunder shall be used, during the trust period, for the benefit of the allottee, or

Provisos.
 Use of proceeds.

heir, so disposing of his interest, under the supervision of the Commissioner of Indian Affairs: *And provided further*, That upon the approval of any sale hereunder by the Secretary of the Interior he shall cause a patent in fee to issue in the name of the purchaser for the lands so sold: *And provided further*, That nothing in section one herein contained shall apply to the States of Minnesota and South Dakota.

SEC. 2. That jurisdiction be, and hereby is, conferred upon the Court of Claims of the United States to hear, determine, and render final judgment, notwithstanding lapse of time or statute of limitation, for any balances found due, without interest, with the right of appeal as in other cases, upon the claims of H. W. Gilkey, Herman Hankwitz, Herman Hankwitz and Company, W. P. Cook and Brother, M. Westcott, J. A. Liege, assignee of J. F. Gauthier, F. F. Green and the heirs of Mitchell Mahchikaniew, traders, against the Menominee tribe of Indians in Wisconsin and against certain members of said tribe at the Green Bay Agency, for supplies, goods, wares, merchandise, tools, and live stock furnished certain members of the said tribe after the first day of January, in the year eighteen hundred and eighty, for the purpose of carrying on logging operations upon the Menominee Indian Reservation, in Wisconsin. Said claims shall be presented to said court by verified petitions to be filed within six months from the date of the approval of this act. Said court shall, in rendering judgment, ascertain and determine the amount, if any, due upon each of said claims, and if the court find that there is a liability upon any of said claims, it shall then determine if such liability be that of the said Menominee Tribe of Indians as a tribe or that of individual members of said tribe, and it shall render judgment for the amount, if any, found due from said tribe to any of said claimants, and it shall render judgment for the amounts if any, found due from any of the individual members of said tribe to any of said claimants. Upon the rendition of final judgments, the court shall certify the same to the Secretary of the Interior, who shall thereupon, in case judgments be against the said Menominee Tribe of Indians as a tribe, direct the payment of said judgments out of any funds in the Treasury of the United States to the credit of said tribe, and who, in case judgments be against individual members of said Menominee Tribe of Indians, shall, through the disbursing officers in charge of said Green Bay Agency, pay, from any annuity due or which may become due said Indian as an individual or as the head of a family from the United States or from the share of such Indian as an individual or as the head of a family in any distribution of tribal funds deposited in the Treasury of the United States, the amounts of such judgments to the claimants in whose favor such judgments have been rendered: *Provided*, That not more than fifty per centum of the annuity due any such Indian as an individual or as the head of a family shall be applied to the payment of such judgments: *Provided, however*, That if more than one judgment be rendered against any such individual Indian and if fifty per centum of the annuity due such Indian as an individual or as the head of a family be not sufficient to discharge such judgments, such payment shall be made to the claimants in proportion to the amount of their respective judgments: *Provided further*, That in case fifty per centum of any annuity payment due any such Indian as an individual or as the head of a family be not sufficient to satisfy the judgment or judgments rendered against said Indian, then and in that case fifty per centum of subsequent annuity payments due said Indian as an individual and as the head of a family shall be applied to the payment of said judgments until the same be fully satisfied. The Menominee Tribe of Indians, through its business committee, is authorized to employ an attorney or attorneys to defend the interests of said tribe and of the individual members of said tribe in any actions brought under the provisions of this Act, the compensa-

Patent to purchase.

States excepted.

Menominee Indians,
Wis.
Adjudication of cer-
tain claims against.
Jurisdiction.

Filing claims.

Judgments.

Payments.

35 Stat., 445.

Provisos.
Restriction.Proportionate pay-
ments.Future annuities
used.Attorneys for In-
dians.

Compensation.

tion of such attorney or attorneys to be determined by the court, and for which attorneys' fees judgment shall be rendered, and upon its certification to the Secretary of the Treasury the amount of said judgment shall be paid to said attorney or attorneys out of any funds standing to the credit of said Menominee Tribe of Indians in the Treasury of the United States.¹

Cornplanter, alias John O'Bial. Heirs may sue for recovery of lands granted to.

SEC. 3. That the heirs of Cornplanter, a Seneca Indian chief, as ascertained by the orphan's court of Warren County, Pennsylvania, under act of the legislature of the State of Pennsylvania of May sixteenth, eighteen hundred and seventy-one, and their descendants are hereby authorized and empowered to bring suit for the recovery of the possession or the quieting of title of any lands granted individually to said Cornplanter, alias John O'Bial or Abeel, in the circuit court of the United States for the district in which such lands are situated, and jurisdiction is hereby conferred upon said courts, both in law and in equity, to hear and determine the rights of said Cornplanter under any grant made to him. Any petition filed or other court papers may be verified by the attorneys representing said heirs or their duly authorized attorneys in fact.

Jurisdiction.

Verification of petition, etc.

Senecas of New York. Lease to Charles M. L. Ashby confirmed.

SEC. 4. That a lease bearing date September nineteenth, nineteen hundred and seven, between the Seneca Nation of Indians on the Cattaraugus and Alleghany reservations, in the State of New York, and Charles M. L. Ashby, of Erie County, New York, is hereby ratified and confirmed.

Samuel Garland. Adjudicating claims of heirs of, against Choctaw Nation.

SEC. 5. That the Court of Claims is hereby authorized and directed to hear and adjudicate the claims against the Choctaw Nation of Samuel Garland, deceased, and to render judgment thereon in such amounts, if any, as may appear to be equitably due. Said judgment, if any, in favor of the heirs of Garland shall be paid out of any funds in the Treasury of the United States belonging to the Choctaw Nation, said judgment to be rendered on the principle of quantum meruit for services rendered and expenses incurred. Notice of said suit shall be served on the governor of the Choctaw Nation, and the Attorney-General of the United States shall appear and defend in said suit on behalf of said nation.²

Notice of suit.

35 Stat., 446. Oklahoma.

SEC. 6. That the act of April thirtieth, nineteen hundred and eight, reading as follows:

Bureau of Catholic Indian Missions. Patent to, of Quapaw lands.

"The Secretary of the Interior is hereby authorized to issue a patent to the Bureau of Catholic Indian Missions for the southeast quarter of the northeast quarter of section six, township twenty-eight north, range twenty-four east of the Indian meridian, Indian Territory, the same having been set apart to the Roman Catholic Church for church and school purposes by the Quapaw national council, on August twenty-fourth, eighteen hundred and ninety-three, and said church having maintained a church and school thereon since that date" be amended to read as follows:

Boundary line corrected. 35 Stat., 88, amended, ante, p. 336.

"The Secretary of the Interior is hereby authorized to issue a patent to the Bureau of Catholic Indian Missions for the southwest quarter of the northeast quarter of section six, township twenty-eight north, range twenty-four east of the Indian meridian, Indian Territory, the same having been set apart to the Roman Catholic Church for church and school purposes by the Quapaw national council, on August twenty-fourth, eighteen hundred and ninety-three, and said church having maintained a church and school thereon since that date."

Oklahoma. Segregation and survey of towns, etc., in Choctaw and Chickasaw Nations.

SEC. 7. That in addition to the towns heretofore segregated, surveyed, and scheduled in accordance with law, the Secretary of the Interior be, and he is hereby, authorized to segregate and survey within that part of the territory of the Choctaw and Chickasaw Nations, State of Oklahoma, heretofore segregated as coal and asphalt

¹ F. F. Green v. Menominee Indians, 46 Court of Claims, 68; 47 Court of Claims, 231.
² Heirs of Samuel Garland v. Choctaw Nation; No. 30,252 Court of Claims Docket.

land, such other towns, parts of towns, or town lots, as are now in existence, or which he may deem it desirable to establish. He shall cause the surface of the lots in such towns or parts of towns to be appraised, scheduled, and sold at the rates, on the terms, and with the same character of estate as is provided in section twenty-nine of the act of Congress approved June twenty-eighth, eighteen hundred and ninety-eight (Thirtieth Statutes at Large, page four hundred and ninety-five), under regulations to be prescribed by him. That the provisions of section thirteen of the act of Congress approved April twenty-sixth, nineteen hundred and six (Thirty-fourth Statutes at Large, page one hundred and thirty-seven), shall not apply to town lots appraised and sold as provided herein. That all expenses incurred in surveying, platting, and selling the lots in any town or parts of towns shall be paid from the proceeds of the sale of town lots of the nation in which such town is situate.¹

SEC. 8. That the Secretary of the Interior be, and he is hereby, authorized and directed to pay, out of any funds in the Treasury belonging to the Cherokee Tribe of Indians, to those intermarried white citizens of the said Cherokee Tribe placed on the final approved rolls of the said Cherokee Tribe by the Secretary of the Interior pursuant to an opinion of the Supreme Court of the United States in the case of Daniel Red Bird against The United States, the share or shares to which they are entitled in the funds of the Cherokee Nation on account of payments heretofore made out of said Cherokee funds to members of the Cherokee Nation, but in which payments said intermarried white Cherokee citizens did not participate and to which they were entitled in accordance with the findings of the Supreme Court in the said case of Daniel Red Bird against The United States, said intermarried white Cherokee citizens having married into the Cherokee Nation prior to November first, eighteen hundred and seventy-five, and not having since abandoned their citizenship. In case any of said intermarried Cherokee white citizens have died since final enrollment their share or shares in the money distributed shall be paid to their heirs or legal representatives: *Provided, however,* That the Cherokee Nation shall have the right to protest against the payment of any claim to any such person or persons and upon the protest being filed by or on behalf of the Cherokee Nation the claim of any such person or persons shall be referred to the Court of Claims and said court is given full jurisdiction to hear and determine the same.²

SEC. 9. That the Secretary of the Interior be, and he is hereby, authorized to issue a patent to "The Sisters of the Blessed Sacrament for Indians and Colored People," a charitable corporation organized under the laws of the State of Pennsylvania, for and covering the following described lands, amounting to approximately two hundred and eighty acres, now and for many years occupied by the said "The Sisters of the Blessed Sacrament for Indians and Colored People" as an Indian school, to wit: The southwest quarter of the southwest quarter of section thirteen, the south half of the northeast quarter of section fourteen, and the east half of the northwest quarter and the south half of the northeast quarter of section twenty-four, all in township twenty-six north, range thirty east, Gila and Salt River meridian, on the Navajo Indian Reservation, in Arizona Territory.

SEC. 10. That the Secretary of the Interior is hereby authorized to sell for use for school purposes to school district of the State of Oklahoma, from the unallotted lands of the Five Civilized Tribes, tracts of land not to exceed two acres in any one district, at prices and under regulations to be prescribed by him, and proper conveyances of such lands shall be executed in accordance with existing laws regarding the conveyance of tribal property; and the Secretary of the Inte-

Appraisal, etc.

30 Stat., 505, vol. 1, p. 646.

Coal and asphalt lands.

34 Stat., 142, ante, p. 174.

Expenses.

Cherokee Nation. Payments to intermarried white Cherokee citizens.

Payments to heirs, etc.

Proviso. Right of protest.

35 Stat., 447.

Arizona. The Sisters of the Blessed Sacrament for Indians and Colored People. Patent to.

Description.

Oklahoma. Sale of lands of Five Civilized Tribes for school purposes. Maximum acreage.

¹ Superior Oil & Gas Co. v. Mehlin, 108 Pac., 545.² Red Bird v. U. S., 203 U. S., 76.

Restrictions removed from sales by allottees.

rior also shall have authority to remove the restrictions on the sale of such lands, not to exceed two acres in each case, as allottees of the Five Civilized Tribes, including full bloods and minors, may desire to sell for school purposes.

Carlisle, Pa. May extend sewage system through Indian school land.

SEC. 11. That the borough of Carlisle, in the State of Pennsylvania, shall be, and is hereby, granted the right and privileges of laying through and under the land owned by the United States and now used for the purpose of, or in connection with, the United States Indian Industrial School, such pipe or pipes as may be necessary for use in connection with, or as part of, its sewage system, said pipe or pipes to be laid beneath the surface of the ground, except as to the necessary manholes, and so laid as not to interfere with the use or mar the appearance of the premises: *Provided*, That no pipe or pipes shall be laid in pursuance of authority hereby conferred until the plan showing the location thereof shall have been submitted to and approved by the Secretary of the Interior: *And provided further*, That upon the request of the Secretary of the Interior, and his agreement to pay a fair proportion of the expense, the sewage system, disposal plant, and pipes constructed, or to be constructed, by the borough of Carlisle, shall be of sufficient size to take care of the sewage of the United States Indian Industrial School, which shall be permitted to establish a connection with the said sewage system and use the same.

Provisos. Plan.

Connection with school.

Oklahoma. Sale of land for benefit of Cheyenne and Arapahoe Indians.

SEC. 12. That the Secretary of the Interior be, and he hereby is, authorized to cause that part of the Cheyenne school reserve and the Cheyenne and Arapahoe Agency reserve lying east of a public road and separated from the school and agency reserves by such road, being a narrow strip of land more particularly described as lots eight and nine of section four, lots five and six of section nine, lots five and six of section sixteen, and lots five and six of section twenty-one, all in township thirteen north, range seven west, Indian meridian, in the State of Oklahoma, to be appraised by legal subdivisions and sold for the benefit of the Indians of the Cheyenne and Arapahoe Reservations; and the owners of the adjoining lands are hereby given the preference right for ninety days from and after the passage of this act to purchase said lands at not less than the appraised value which may be placed thereon by the Secretary of the Interior, the purchase price to be paid in cash at the time of notice of acceptance by said purchasers.

Preference rights.

35 Stat., 448. Sale of lands remaining.

And in case said lands, or any part thereof, remain unsold after the expiration of said ninety days, the said Secretary shall proceed to offer said lands for sale under such regulations as he may prescribe.

Deposit of funds.

The funds received from said sales to be deposited in the Treasury of the United States to the credit of the Indians of the Cheyenne and Arapahoe Reservation, Oklahoma. That the Secretary of the Interior

Sale of agency land and buildings. 35 Stat., 88, ante, p. 336.

be, and he hereby is, authorized to cause to be appraised and sold six hundred and forty acres of land, together with the buildings and other appurtenances thereto belonging, heretofore set aside as reservation for the Cheyenne and Arapahoe Agency and the Arapahoe Indian

Elreno given preference rights for sixty days.

school in Oklahoma, and that for sixty days from and after said appraisement the city of Elreno, in Oklahoma, be given the preference right to purchase said land and improvements thereon at the appraised value thereof, to be used for school purposes, the purchase price

Sale of remaining land.

thereof to be paid in cash at the time of the acceptance by said purchaser. And in case said land remains unsold after the expiration of said sixty days, the Secretary shall proceed to offer said land for sale under such regulations as he may prescribe, and he is authorized to

Use of proceeds.

use all or any part of the proceeds of the sale thereof in the erection of new buildings and in repairs and improvements at the present Cheyenne Boarding School in the Cheyenne and Arapahoe Agency, in Oklahoma, and in the establishment of such day schools as may be required for said Cheyenne and Arapahoe Indians in Oklahoma, and

Post, 426.

that the balance of said proceeds, if any there be, may be used in support of said Cheyenne Boarding School or said day school.

SEC. 13. That the Secretary of the Interior is hereby authorized to set aside for town-site purposes at Dewey, Oklahoma, the south half of the northwest quarter of the northwest quarter, and the northeast quarter of the northwest quarter of the northwest quarter of section twenty-eight, township twenty-seven north, range thirteen east, formerly allotted to Julia Lewis, who failed to establish her citizenship in the Cherokee Nation.

Dewey, Okla.
Land set aside for town-site purposes.

That the Secretary of the Interior is directed to subdivide these lands in accordance with the present streets and alleys laid out on such lands and to dispose of such lands and place the proceeds derived therefrom to the credit of the Cherokee Nation: *Provided*, That the owners of permanent and substantial improvements on such lots shall have the preference right of purchasing their lots for cash at a price not to exceed two hundred dollars per acre: *Provided further*, That all unimproved lots shall be sold at public auction to the highest bidder for cash: *And provided further*, That the expense of surveying, platting, laying out, and selling such lands shall be deducted from the proceeds of such sale.

Subdivision and sale

Provisos.
Preference rights.

Sale of unimproved lots.

Expenses.

SEC. 14. That the Secretary of the Interior is hereby authorized to make, and shall cause to be made, within sixty days from the passage of this act, a reappraisal of the town of Hartshorne, Oklahoma, as of the date of the original appraisal made by the town-site commission; that payment already made on lots therein shall be credited on the basis of the reappraisal; that there shall be reimbursed to lot owners from the town-site funds of the Choctaw and Chickasaw Nations any amounts paid by them in excess of the new appraisal, and that the first installment on the purchase price or of the balance remaining unpaid shall be due thirty days after the service of notice of reappraisal, but in all other respects the existing laws relating to the sale of town lots and issue of patents therefor in the Choctaw and Chickasaw Nations shall remain in full force and effect.

Hartshorne, Okla.
Reappraisal of town of.

Past payments.
Reimbursement.

SEC. 15. That section nine, chapter fourteen hundred and ninety-five, Statutes of the United States of America, entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," be, and the same is hereby, amended to read as follows:

Flathead Indian Reservation, Mont.
Allotment and sale of lands in.
33 Stat., 304, amended, ante, p. 79.
35 Stat., 449.

"SEC. 9. That said lands shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the time when and the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, or enter any of said lands, except as prescribed in such proclamation: *Provided*, That the rights of honorably discharged Union soldiers and sailors of the late Civil and the Spanish Wars, as defined and prescribed in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes, as amended by the act of March first, nineteen hundred and one, shall not be abridged: *Provided further*, That the price of said lands shall be the appraised value thereof, as fixed by the said commission, but settlers under the homestead law who shall reside upon and cultivate the land entered in good faith for the period required by existing law shall pay one-third of the appraised value in cash at the time of entry, and the remainder in five equal annual installments, to be paid one, two, three, four, and five years, respectively, from and after the date of entry, and shall be entitled to a patent for the lands so entered upon the payment to the local land officers of said five annual payments, and in addition thereto the same fees and commissions at the time of commutation or final entry as now provided by law where the price of the land is one dollar and twenty-five cents per

Lands opened to settlement.

Provisos.
Soldiers and sailors' rights not affected.
R. S., sec. 2304, 2305.
31 Stat., 847.

Price.

Payments.

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|---|--|
| Forfeiture. | acre, and no other and further charge of any kind whatsoever shall be required of such settler to entitle him to a patent for the land covered by his entry: <i>Provided</i> , That if any entryman fails to make such payments, or any of them, within the time stated, all rights in and to the land covered by his or her entry shall at once cease, and any payments theretofore made shall be forfeited, and the entry shall be forfeited and canceled: <i>And provided</i> , That nothing in this act shall prevent homestead settlers from commuting their entries under section twenty-three hundred and one, Revised Statutes, by paying for the land entered the price fixed by said commission, receiving credit for payments previously made: <i>Provided, however</i> , That the entryman or owner of any land irrigable by any system hereunder constructed under the provisions of section fourteen of this act shall in addition to the payment required by section nine of said act be required to pay for a water right the proportionate cost of the construction of said system in not more than fifteen annual installments, as fixed by the Secretary of the Interior, the same to be paid at the local land office, and the register and receiver shall be allowed the usual commissions on all moneys paid. ¹ |
| Commutation. R. S., sec. 2301. | |
| Irrigable lands. 33 Stat., 304, amended. | |
| Water rights. | |
| Payment for. | |
| Reclamation of part of irrigable lands. | "The entryman of lands to be irrigated by said system shall in addition to compliance with the homestead laws reclaim at least one-half of the total irrigable area of his entry for agricultural purposes, and before receiving patent for the lands covered by his entry shall pay the charges apportioned against such tract. No right to the use of water shall be disposed of for a tract exceeding one hundred and sixty acres to any one person, and the Secretary of the Interior may limit the areas to be entered at not less than forty nor more than one hundred and sixty acres each. |
| Restriction. | |
| Cancellation and for- feiture. | "A failure to make any two payments when due shall render the entry and water-right application subject to cancellation, with the forfeiture of all rights under this act, as well as of any moneys paid thereon. The funds arising hereunder shall be paid into the Treasury of the United States and be added to the proceeds derived from the sale of the lands. No right to the use of the water for lands in private ownership shall be sold to any landowner unless he be an actual bona fide resident on such land or occupant thereof residing in the neighborhood of such land, and no such right shall permanently attach until all payments therefor are made. |
| Disposal of proceeds. 35 Stat., 450. | |
| Payment of annual charges. | "All applicants for water rights under the systems constructed in pursuance of this Act shall be required to pay such annual charges for operation and maintenance as shall be fixed by the Secretary of the Interior, and the failure to pay such charges when due shall render the water-right application and the entry subject to cancellation, with the forfeiture of all rights under this act as well as of any moneys already paid thereon. |
| Forfeiture. | |
| Regulations. | "The Secretary of the Interior is hereby authorized to fix the time for the beginning of such payments and to provide such rules and regulations in regard thereto as he may deem proper. Upon the cancellation of any entry or water-right application, as herein provided, such lands or water rights may be disposed of under the terms of this act and at such price and on such conditions as the Secretary of the Interior may determine, but not less than the cost originally fixed. |
| Disposal of canceled entries, etc. | |
| Water rights free to Indians. | "The land irrigable under the systems herein provided, which has been allotted to Indians in severalty, shall be deemed to have a right to so much water as may be required to irrigate such lands without cost to the Indians for construction of such irrigation systems. The purchaser of any Indian allotment, purchased prior to the expiration of the trust period thereon, shall be exempt from any and all charge for construction of the irrigation system incurred up to the time of such purchase. All lands allotted to Indians shall bear their pro rata share |
| Exemptions. | |
| Pro rata share of cost. | |

of the cost of the operation and maintenance of the system under which they lie.

“When the payments required by this Act have been made for the major part of the unallotted lands irrigable under any system and sub-
ject to charges for construction thereof, the management and opera-
tion of such irrigation works shall pass to the owners of the lands irri-
gated thereby, to be maintained at their expense under such form of
organization and under such rules and regulations as may be accept-
able to the Secretary of the Interior.

Unallotted irrigable
lands.
Maintenance by
owners.

“The Secretary of the Interior is hereby authorized to perform any
and all acts and to make such rules and regulations as may be neces-
sary and proper for the purpose of carrying the provisions of this Act
into full force and effect.”

Regulations.

That section fourteen of said Act be, and the same is hereby, amended
to read as follows:

“SEC. 14. 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 after deducting the expenses of the Commission, of classifi-
cation and sale of lands, and such other incidental expenses as shall
have been necessarily incurred, and expenses of the survey of the land,
shall be expended or paid, as follows: So much thereof as the Secre-
tary of the Interior may deem advisable in the construction of irriga-
tion systems, for the irrigation of the irrigable lands embraced with-
in the limits of said reservation; one-half of the money remaining after
the construction of said irrigation systems to be expended by the
Secretary of the Interior as he may deem advisable for the benefit of
said Indians in the purchase of live stock, farming implements, or the
necessary articles to aid said Indians in farming and stock raising and
in the education and civilization of said Indians, and the remaining
half of said money to be paid to said Indians and persons holding
tribal rights on said reservation, semiannually as the same shall be-
come available, share and share alike: *Provided*, That the Secretary
of the Interior may withhold from any Indian a sufficient amount of
his pro rata share to pay any charge assessed against land held in trust
for him for operation and maintenance of irrigation system.”

Disposal of pro-
ceeds.
33 Stat., 305, amended.

Payment of expenses.

Use of remaining
funds.

Proviso.
Payment of assessed
charges.

SEC. 16. That jurisdiction is hereby conferred upon the Court of
Claims, with right of appeal to the Supreme Court, to hear and deter-
mine the claims of Robert V. Belt, of Washington, District of Colum-
bia, and Joseph P. Mullen, formerly of Fort Smith, Arkansas, now of
Ardmore, Oklahoma, for services rendered and expenses incurred by
them as the attorneys for the Choctaw and Chickasaw freedmen, in
the prosecution of their claims for allotments of land within and of
the domain of the Choctaw and Chickasaw nations of Indians, now in
the State of Oklahoma.

35 Stat., 451.
Choctaw and Chick-
asaw Nations, Okla.
Determining claims
of Robert V. Belt and
Joseph P. Mullen for
services.

Procedure.

That the suits in said cases shall be begun by filing petitions in the
Court of Claims within sixty days after the approval of this act,
wherein shall be set out such facts and in the manner as prescribed by
the rules of that court, by the said Robert V. Belt and Joseph P. Mul-
len, against the Choctaw freedmen in the one case and against the
Chickasaw freedmen in the other case; service of said petitions shall
be had by delivery of two copies of each to the Attorney General, who,
with such attorney as said freedmen may select and employ, shall
appear and defend for all of the defendants in each of said cases.

Judgments.

That the court may receive and consider all papers, documents,
records, depositions, or other evidence offered by any of the parties to
said suits; and for such amount, if any, as the court shall adjudge to be
justly and equitably due to said attorneys, Robert V. Belt and Joseph
P. Mullen, as the value of the services rendered and expenses incurred
by them for and on behalf of the said Choctaw and Chickasaw freed-
men upon the evidence submitted it shall render judgment or decree
against the individuals to whom such services were rendered, the same

to be a lien against their respective allotments of land for their pro rata amounts thereof.¹

Rosebud Reserva-
tion, S. Dak.
Allotments to living
children of.
25 Stat., 888, vol. 1, p.
334.

SEC. 17. That the Secretary of the Interior be, and he is hereby, authorized to cause allotments to be made under the provisions 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 in Dakota into separate reservations and secure the relinquishment of the Indian title to the remainder, and for other purposes," to any living children of the Sioux tribe of Indians belonging on the Rosebud Reservation affected thereby, and who have not heretofore been allotted, so long as that tribe is in possession of any unallotted tribal or reservation lands: *Provided*, That no allotment shall be made to any allottee entitled to the same under the provisions of this act of any lands in the county of Tripp, in the State of South Dakota.²

Proviso.
Tripp County, S.
Dak., excluded.

William Jondron.
Cancellation of allot-
ment, etc.
34 Stat., 374, ante, p.
242.

SEC. 18. That the Secretary of the Interior be, and he hereby is, authorized and directed to investigate the allotment made in the name of William Jondron, Yankton Sioux allottee numbered eleven hundred and forty-seven, and if it be shown to his satisfaction, that no such person as William Jondron was in existence at the time the Yankton Indians were allotted he is hereby authorized and directed to cancel the patent issued in the name of William Jondron and also the record of the allotment in his name, and to reallocate the lands covered thereby to a member or members of the Yankton tribe who were entitled to allotments, but failed to receive land when the Indians of the said tribe were allotted lands in severalty.

Re-allotment of
lands authorized.

Great Sioux Reser-
vations.
Allotment to living
children on any of the.
25 Stat., 888, vol. 1, p.
334.
35 Stat., 94, ante, p.
342.

SEC. 19. That the Secretary of the Interior be, and he hereby is, authorized to cause allotments to be made under the provisions 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," to any living children of the Sioux tribe of Indians belonging on any of the Great Sioux reservations affected thereby and who have not heretofore been allotted, so long as the tribe to which such Indian children belong is possessed of any unallotted tribal or reservation lands; and where for any reason, an Indian did not receive the quantity of land to which he was entitled under the provisions of the said act of March second, eighteen hundred and eighty-nine, the Secretary of the Interior shall cause to be allotted to him sufficient additional lands on the reservation to which he belongs to make, together with the quantity of land heretofore allotted to him, the acreage to which he is entitled under said act of March second, eighteen hundred and eighty-nine; and in case of the death of any such Indian, the additional lands to which he is of right entitled may be allotted to his heirs: *Provided*, That the tribe to which he belonged is possessed of any unallotted tribal or reservation lands.

35 Stat., 452.
Allotment of addi-
tional lands.

Allotment to heirs.

Proviso.
Restriction.

Diocese of Duluth,
Minn.
Patents in fee to, for
school, etc., lands.

SEC. 20. That the Secretary of the Interior is hereby authorized and directed to issue patents in fee to the Diocese of Duluth, organized under an act of the State of Minnesota entitled "An act concerning religious corporations," approved February twenty-sixth, eighteen hundred and eighty-five, of the Protestant Episcopal Church in the United States of America for the lands set apart to said church on the various Indian reservations in the State of Minnesota, as follows:

On White Earth In-
dian Reservation.
Near White Earth.
Description.

On the White Earth Indian Reservation at or near White Earth: The southwest quarter of the southwest quarter and lots seven and nine of section fourteen, township one hundred and forty-two north, range forty-one west of the fifth principal meridian, containing in all one hundred and eighteen and thirty-one one-hundredths acres.

¹ Belt and Mullen v. Choctaw and Chickasaw Freedmen, 47 Court of Claims, 660. ² 40 L. D., 6.

On the White Earth Indian Reservation at or near Beaulieu, on Wild Rice River: All of lot one of section thirty-one, township one hundred and forty-five north, range forty west of the fifth principal meridian, containing twenty-nine and seventy-seven one-hundredths acres, except the two and one-half acres, more or less, on which the Government blacksmith shop is located, which tract corresponds to the southeast quarter of the northeast quarter of the northwest quarter of the northwest quarter of said section, township, and range. Also the two and one-half acres, more or less, of lot two of section thirty-one, township one hundred and forty-five north, range forty west of the fifth principal meridian, corresponding to the northwest quarter of the northwest quarter of the southwest quarter of the northwest quarter of said section, township, and range, upon which the Episcopal parsonage and church building stand. Also the south half of the northwest quarter and the north half of the southwest quarter of section thirty, township one hundred and forty-five north, range forty west of the fifth principal meridian, containing one hundred and thirty-nine and twenty-eight one-hundredths acres, more or less.

Near Beaulieu.
Description.

On the White Earth Indian Reservation at or near Pine Point: The southeast quarter of the northwest quarter and lot one, all in section thirty-three, township one hundred and forty-one north, range thirty-seven west of the fifth principal meridian, containing sixty-nine and five one-hundredths acres, more or less. Also that part of section thirty-three, township one hundred and forty-one north, range thirty-seven west of the fifth principal meridian, described as follows: Beginning at a point that is twenty chains west and six chains south of the center of said section, thence south five chains, thence west two and one-half chains, thence north five chains, thence east two and one-half chains to the place of beginning, containing one and one-fourth acres, more or less. Also that part of said section described as follows: Beginning at a point five chains east of the southwest corner of said section, thence north ten chains, thence east three and seventy-five one-hundredths chains, thence south ten chains, thence west three and seventy-five one-hundredths chains, containing three and seventy-five one-hundredths acres, more or less, on which is located the missionary's house, and to which the chapel is to be removed.

Near Pine Point.
Description.

On the Red Lake Indian Reservation at or near Redby: Lot two and the southwest quarter of the southeast quarter of section nineteen, and the northwest quarter of the northeast quarter of section thirty, township one hundred and fifty-one north, range thirty-three west of the fifth principal meridian, containing ninety-four and seventy-five one-hundredths acres, more or less.

35 Stat., 453.
On Red Lake Indian
Reservation near
Redby.
Description.

On the Red Lake Indian Reservation at or near the subagency site the following-described parcel of land for cemetery purposes: Starting at the northeast corner of section twenty-nine, township one hundred and fifty-one north, range thirty-four west of the fifth principal meridian, thence running westward along the north line of said section two hundred and forty feet, thence southward on a line parallel to the east line of said section seventy-five feet to reach the point of beginning; thence from said point of beginning westward on a line parallel to the north line of said section four hundred and twenty feet, thence southward on a line parallel to the east line of said section two hundred and ten feet, thence eastward on a line parallel to the north line of said section four hundred and twenty feet, thence northward on a line parallel to the east line of said section two hundred and ten feet to said point of beginning, containing two acres, more or less. Also the northwest quarter of the northwest quarter of the southwest quarter of the northwest quarter of section twenty-eight, township one hundred and fifty-one north, range thirty-four west of the fifth principal meridian, containing five-eighths of an acre, more or less,

Near the subagency
site.
Description.

on which is situated the missionary's house. Also that part of section twenty-one, township one hundred and fifty-one north, range thirty-four west, described as follows: Starting at the southwest corner of said section, thence running eastward along the south line of said section a thousand feet, thence northward on a line parallel to the west line of said section one hundred and sixteen feet to reach the point of beginning, thence from said point of beginning northward on a line parallel to the west line of said section sixty-six feet, thence westward on a line parallel to the south line of said section three hundred and thirty feet, thence southward on a line parallel to the west line of said section sixty-six feet, thence eastward on a line parallel to the south line of said section three hundred and thirty feet to the point of beginning, containing one-half an acre, more or less, on which the church and lace teacher's house are located. Also the southeast quarter of the northwest quarter of the northwest quarter and the southwest quarter of the southwest quarter of section twenty-eight, township one hundred and fifty-one north, range thirty-four west of the fifth principal meridian, containing ninety acres, more or less.

Near Cross Lake School.
Description.

On the Red Lake Indian Reservation at or near the Cross Lake School: West half of lot two, section six, township one hundred and fifty-two north, range thirty-three west of the fifth principal meridian, containing twenty-three acres, more or less.

On Cass Lake Indian Reservation near Government school.
Description.

On the Cass Lake Indian Reservation at or near the Cass Lake Government school: All of lot three, section twenty-nine, township one hundred and forty-six north, range thirty-one west of the fifth principal meridian, and that part of lot two of said section south of a line running parallel to and forty-five rods south of the north line of said section, containing in all thirty-two acres, more or less: *Provided*, That a roadway twenty feet wide shall be permitted across said lands from the Government school to the place of crossing the Mississippi River.

Proviso.
Roadway.

On Leech Lake Indian Reservation near Onigum.
Description.

On the Leech Lake Indian Reservation at or near Onigum: The following-described tract of land in lot one, section twenty-four, and lot three, section thirteen, township one hundred and forty-two north, range thirty-one west of the fifth principal meridian: Starting at the northwest corner of section twenty-four, township one hundred and forty-two north, range thirty-one west of the fifth principal meridian, and running eastward along the north line of said section twenty-eight and ninety one-hundredths chains to reach the point of beginning; thence from said point of beginning southwest on an angle of thirty-seven degrees and twenty-seven minutes one chain; thence southeast on an angle of sixty-six degrees and twenty-seven minutes five and fifty-eight one-hundredths chains to the lake shore; returning to the point of beginning; thence running northeast on an angle of thirty-seven degrees and twenty-seven minutes one and twenty-seven one-hundredths chains; thence southeast on an angle of sixty-four degrees and two minutes three and nine-tenths chains to the lake shore. The foregoing lines, together with the lake shore, form the boundaries of said tract, containing about one and one-sixteenth acres: *Provided*, That a walk six feet wide shall be permitted across this property leading from the Government school to the dock, as the same is now located.

Proviso.
Walk.

Near old agency.
Description.

On the Leech Lake Indian Reservation at or near the old agency: All that part of the southwest quarter of the southeast quarter of section seventeen, township one hundred and forty-two north, range thirty west of the fifth principal meridian, described as follows: Beginning at the quarter post between sections seventeen and twenty, thence north seven and seventy-three one-hundredths chains to reach the point of beginning, thence from said point of beginning east three and seventeen one-hundredths chains, thence north three and seven-

35 Stat., 454.

teen one-hundredths chains, thence west three and seventeen one-hundredths chains, thence south three and seventeen one-hundredths chains to the point of beginning, containing one acre, more or less, on which said tract of land the church is located. Also that part of lot four of section seventeen, township one hundred and forty-two north, range thirty west of the fifth principal meridian, described as follows: Starting at the quarter post between sections seventeen and twenty and running thence north sixteen and ninety-four one-hundredths chains, thence west seven-tenths of a chain to reach a point of beginning, thence from said point of beginning north two and twenty-eight one-hundredths chains, thence west two and twenty-eight one-hundredths chains, thence south two and twenty-eight one-hundredths chains, thence east two and twenty-eight one-hundredths chains to the said point of beginning, containing three-fourths of an acre, more or less. Also the southeast quarter of the northwest quarter of the southeast quarter of section seventeen, township one hundred and forty-two north, range thirty west of the fifth principal meridian, containing ten acres, more or less.

That the Secretary of the Interior is hereby authorized and directed to issue patents in fee to "The Bureau of Catholic Indian Missions", organized under an act of the Assembly of Maryland entitled "An act to incorporate The Bureau of Catholic Indian Missions" approved April sixth, eighteen hundred and ninety-four, for the lands set apart to the Catholic Church on the White Earth and Red Lake Indian Reservations in the State of Minnesota, as follows:

Bureau of Catholic Indian Missions. Patents in fee to, for schools, etc.

On the White Earth Indian Reservation at or near White Earth: The southwest quarter of the southeast quarter of section twenty-six, township one hundred and forty-two north, range forty-one west of the fifth principal meridian, containing forty acres, more or less; also the northwest quarter of the northwest quarter and lots two, three, and four of section thirty-five, township one hundred and forty-two north, range forty-one west of the fifth principal meridian, containing one hundred and thirty-one and seventy-five hundredths acres, more or less; also the northeast quarter of the northeast quarter of section thirty-four, township one hundred and forty-two north, range forty-one west of the fifth principal meridian, containing forty acres, more or less; also the southeast quarter of the southeast quarter of section twenty-seven, township one hundred and forty-two north, range forty-one west of the fifth principal meridian, containing forty acres more or less.

On White Earth Indian Reservation, near White Earth. Description.

35 Stat., 455.

On the White Earth Indian Reservation at or near Pembina settlement: The southeast quarter of the northwest quarter and the northeast quarter of the southwest quarter of section ten, township one hundred and forty-four north, range forty-two west of the fifth principal meridian, containing eighty acres, more or less.

Near Pembina settlement. Description.

On the White Earth Indian Reservation at or near Rice River: Lots one, two, and twelve of section seven, township one hundred and forty-four north, range forty west of the fifth principal meridian, containing ninety-five and ninety-hundredths acres, more or less.

Near Rice River. Description.

On the Red Lake Indian Reservation at or near Red Lake: Lots two and three of section twenty, and the west half of the northeast quarter and the east half of the northwest quarter of section twenty-nine, township one hundred and fifty-one north, range thirty-four west of the fifth principal meridian, containing two hundred and forty-five and forty-hundredths acres, more or less.

On Red Lake Indian Reservation, near Red Lake. Description.

SEC. 21. That the Secretary of the Interior is hereby authorized to convey to the State of Minnesota the following-described tracts and parcels of lands, situate in the county of Carlton, State of Minnesota, and described as follows, to wit: All of section thirty-six, township forty-nine, range eighteen, except east half of northeast quarter; and

Minnesota. Lands in Carlton County conveyed to. Description.

all of section thirty-one, township forty-nine, range seventeen, except southwest quarter of northwest quarter and southeast quarter of southeast quarter; south half of southeast quarter, south half of southwest quarter, northeast quarter of southeast quarter, and south half of northeast quarter, all in section thirty, township forty-nine, range seventeen; northeast quarter of northwest quarter, south half of northwest quarter, all of the southwest quarter, and south half of southeast quarter and northeast quarter of southeast quarter, section twenty-nine, township forty-nine, range seventeen; north half of northwest quarter, southwest quarter of northeast quarter and southeast quarter, section thirty-two, township forty-nine, range seventeen, upon receipt by said Secretary of the Interior of the sum of one dollar and twenty-five cents per acre to him paid by any person or persons on behalf of said State of Minnesota.

Price. That all restrictions on alienation as to any allottee or allotment embraced in the following-described lands, to wit: East half of northeast quarter, section thirty-six, township forty-nine, range eighteen; southwest quarter of northwest quarter, section thirty-one, township forty-nine, range seventeen; north half of northeast quarter and southeast quarter of northeast quarter, section thirty-two, township forty-nine, range seventeen; and northwest quarter of northwest quarter, northwest quarter of southeast quarter, section twenty-nine, township forty-nine, range seventeen; north half of northeast quarter, northwest quarter of southeast quarter, north half of southwest quarter, southeast quarter of northwest quarter, section thirty, township forty-nine, range seventeen; southeast quarter of southeast quarter, section twenty-five, township forty-nine, range eighteen, are hereby removed in so far that said allottees or any of them or their heirs may convey their allotments to the State of Minnesota upon such allotment being first appraised by the Secretary of the Interior, and not less than the appraised price paid therefor by the State, and in that case the trust patent heretofore issued for such allotment shall be deemed and be a patent in fee, and the proceeds of such allotment in case of an incompetent Indian shall be held and disposed of as provided by the act of March first, nineteen hundred and seven (Thirty-fourth Statutes at Large, pages one thousand and fifteen to one thousand and eighteen), or any Indian holding an allotment upon any of the lands described in this section may file with the Commissioner of Indian Affairs a relinquishment of said allotment conveying the same to the State of Minnesota and have the right to take another allotment of any unallotted lands subject to allotment in said State of Minnesota, provided that such relinquishment be accompanied by the sum of one dollar and twenty-five cents for each acre covered by such relinquishment, to be turned over to the Secretary of the Interior and disposed of as hereinafter provided.

Chippewa Indians. Alienation restrictions removed. Land affected. That all moneys received by the Secretary of the Interior under and pursuant to the provisions of this act shall be placed to the credit of the Chippewa Indians in the State of Minnesota, pursuant to the provisions of an act of Congress entitled "For the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January fourteenth, eighteen hundred and eighty-nine, and acts supplementary thereto.

Conveyance to State permitted. That all outstanding contracts for the sale of timber upon any of the foregoing described lands made by the Secretary of the Interior or the General Land Office under the direction of the Secretary shall remain in force and the proceeds applied as provided for by existing laws, except that parties holding said contracts shall not be required to burn any debris upon said lands.

Allotments of incompetent Indians. 34 Stat., 1018, ante, p. 269. That this grant is made upon the condition that payment therefor shall be made within two years from the date of the approval of this

35 Stat., 456. Lands in lieu of allotted lands. Price per acre.

Chippewas of Minnesota. Proceeds credited to Indians. 25 Stat., 645, vol. 1, p. 303.

Timber-sale contracts, etc.

Payments limited to two years.

act; that as to any land not paid for within that time the grant shall be void, and that said State shall not convey or lease or agree to convey or lease any of said land or any interest therein within ten years from the date of such approval. Any such conveyance, lease or agreement shall cause the land affected thereby to vest in the United States.

SEC. 22. That the Secretary of the Treasury be, and he is hereby, authorized and directed to transfer to the credit of the White Earth Bands of Chippewa Indians in Minnesota the sum of nineteen thousand six hundred and ninety-four dollars and forty-eight cents, the proceeds of litigation with the Commonwealth Lumber Company, said sum having been heretofore covered into the Treasury by "miscellaneous revenue" covering warrant numbered two thousand two hundred and eighty-three of the first quarter nineteen hundred and five, and erroneously credited to the account of "depredations upon public lands."

SEC. 23. That the time of complying with the terms of article six of the agreement with the Alesa and other Indians on Siletz Indian Reservation, in Oregon, approved August fifteenth, eighteen hundred and ninety-four, as follows: "It is further stipulated and agreed that any religious society or other organization not occupying under proper authority, for religious or educational work among the Indians, any of the lands in this agreement ceded, shall have the right for two years from the date of the ratification of this agreement (same date as bill) within which to purchase the land so occupied at the rate of two dollars and fifty cents per acre, the same to be conveyed to such organization or society by patent;" be extended to one year from date of approval of this act in favor of any such religious society or organization heretofore described as can prove that it has maintained religious or educational work among the Indians as contemplated in the original act. The amount of land to be so conveyed shall not exceed ten acres.

SEC. 24. That the tracts of land remaining unsold in the Kiowa, Comanche, and Apache Reservations under the act of June fifth, nineteen hundred and six, and also under the act of June sixth, nineteen hundred, shall be again and at once offered for sale and sold under the provisions and terms of said act of June fifth, nineteen hundred and six: *Provided*, That said lands shall be sold under such regulations as may be prescribed by the Secretary of the Interior and for not less than one dollar per acre: *And provided further*, That any purchaser of said land may at his option pay the entire amount that is due in cash for such land and receive his title therefor without the necessity of actually settling thereon: *Provided further*, That before offering said lands for sale the Secretary of the Interior shall allot one hundred and sixty acres of land to each child of Indian parentage born since June fifth, nineteen hundred and six, whose father or mother was a duly enrolled member of either the Kiowa, Comanche, or Apache Tribe of Indians and entitled to allotment of land under the act of June fifth, nineteen hundred and six, opening said Kiowa, Comanche, and Apache Reservations to settlement, said allotments to be made of lands remaining unsold known as the pasture reserves in said reservations.

The Secretary of the Interior shall make all necessary rules and issue all necessary instructions to carry the provisions of this act into effect: *Provided*, That any person who has heretofore entered any of said land under said act of June fifth, nineteen hundred and six, shall receive patents therefor by paying all the deferred installments of purchase money and proving compliance with the requirements of the homestead laws at any time after the expiration of ten months from the date of his entry.

Failure to pay.
Restriction.

White Earth Band.
Proceeds of litigation with Commonwealth Lumber Company credited to.

Siletz Indian Reservation, Oreg.
Land purchases by religious societies on.
Time for, extended.
28 Stat., 325, vol. 1, p. 535.

Requirement.

Maximum.

Kiowa, Comanche, and Apache Reservations, Okla.
Sale of remaining pasture, etc., lands.
34 Stat., 213, ante, p. 184.

Provisos.
Maximum price per acre.
35 Stat., 457.
Cash payment, etc.

Allotments to children before sale.

34 Stat., 214, ante, p. 184; amended, post, p. 481.

Regulations, etc.

Proviso.
Patents.

Navajo Indian Reservation, N. Mex. Surplus land restored to public domain, etc.

SEC. 25. That whenever the President is satisfied that all the Indians in any part of the Navajo Indian Reservation in New Mexico and Arizona created by Executive orders of November ninth, nineteen hundred and seven, and January twenty-eighth, nineteen hundred and eight, have been allotted, the surplus lands in such part of the reservation shall be restored to the public domain and opened to settlement and entry by proclamation of the President.

Creek Nation. Claim of Clarence W. Turner against, to be adjudicated.

SEC. 26. That the Court of Claims is hereby authorized to consider and adjudicate the claim of Clarence W. Turner, of Muskogee, Oklahoma, against the Creek Nation, for the destruction of personal property and the value of the loss of the pasture of the said Turner, or his assigns, by the action of any of the responsible Creek authorities, or with their cognizance and acquiescence, either party to said cause in the Court of Claims to have the right of appeal to the Supreme Court of the United States.¹

Appeal.

Mississippi Choctaws. Claims of William N. Vernon et al. against, to be adjudicated.

SEC. 27. That the Court of Claims is hereby authorized and directed to hear, consider, and adjudicate the claims against the Mississippi Choctaws of William N. Vernon, J. S. Bounds, and Chester Howe, their associates or assigns, for services rendered and expenses incurred in the matter of the claims of the Mississippi Choctaws to citizenship in the Choctaw Nation and to render judgment thereon on the principle of quantum meruit in such amount or amounts as may appear equitable and justly due therefor, which judgment, if any, shall be paid from any funds now or hereafter due such Choctaws as individuals by the United States. The said William N. Vernon, J. S. Bounds, and Chester Howe are hereby authorized to intervene in the suit instituted in said court under the provisions of section nine of the act of April twenty-sixth, nineteen hundred and six, in behalf of the estate of Charles F. Winton, deceased: *Provided*, That the evidence of the intervenors shall be immediately submitted: *And provided further*, That the lands allotted to the said Mississippi Choctaws are hereby declared subject to a lien to the extent of the claims of the said Winton and of the other plaintiffs authorized by Congress to sue the said defendants, subject to the final judgment of the Court of Claims in the said case. Notice of such suit or intervention shall be served on the governor of the Choctaw Nation, and the Attorney General shall appear and defend the said suit on behalf of the said Choctaws.²

Payment of judgment.

May intervene in claims of heirs of Charles F. Winton. 34 Stat., 140, ante, p. 172.

Provisos. Immediate submission of evidence.

Lien.

Notice of suit, etc.

35 Stat., 458. Herman Lehman. Patent in fee to.

34 Stat., 213, ante, p. 184.

Kiowa, etc., lands, Okla. Repayment of forfeited deposits. 34 Stat., 213, ante, p. 184.

SEC. 28. That the Secretary of the Interior be, and he is hereby, authorized to make an allotment to Herman Lehman (Montechema), an enrolled member of the Comanche tribe of Indians, who did not get an allotment, of one hundred and sixty acres of unappropriated and unallotted land from the lands to be disposed of under the act of Congress approved June fifth, nineteen hundred and six (Thirty-fourth Statutes at Large, page two hundred and thirteen), and patent shall issue therefor in fee simple.

SEC. 29. That all moneys forfeited under the regulations issued October nineteenth, nineteen hundred and six, by the Secretary of the Interior under the act entitled "An act to open for settlement five hundred and five thousand acres of land in the Kiowa-Comanche and Apache Indian Reservation in Oklahoma Territory," approved June fifth, nineteen hundred and six, be repaid to the persons by whom such moneys were deposited in every case where it shall be made to appear to the satisfaction of the Commissioner of the General Land Office that the bid upon which the award was made was the result of a clerical error, or was due to an honest mistake on the part of the bidder as to the numbers, the description, or the character of the land upon which his bid was made.

¹ Clarence W. Turner v. United States and Creek Nation, No. 30241, Court of Claims docket.
² Estate of Charles F. Winton et al. v. Jack Amos et al., No. 29821, Court of Claims docket.

That the Commissioner of the General Land Office shall make all necessary rules and issue all necessary instructions to carry the provisions of this act into effect, and the payment of the deposits herein provided for shall be paid out of any moneys deposited in the Treasury of the United States as the proceeds arising from the sale of lands under said act of June fifth, nineteen hundred and six, and an appropriation, sufficient in amount to cover such case, is hereby made.

SEC. 30. That twenty per centum of the proceeds arising from the sale of the south half of section thirty, townsite two north, range eleven west of the Indian meridian in Oklahoma, is hereby appropriated, to be available immediately after such sale, to begin construction of a courthouse and post office building at Lawton, in said State, to cost not more than one hundred thousand dollars; and all acts in conflict herewith are hereby repealed. That the Secretary of the Interior is authorized and directed to turn over to the treasurers of the cities of Lawton, Hobart, and Anadarko the unexpended balance of the proceeds arising from the sale of town lots in said cities heretofore appropriated and set apart for public improvements in such cities by the act of March third, nineteen hundred and one, and the acts of June thirtieth, nineteen hundred and two, and March fourteenth, nineteen hundred and six.

Approved, May 29, 1908.

CHAP. 217.—An act to authorize the Secretary of the Interior to sell and dispose of the surplus unallotted agricultural lands of the Spokane Indian Reservation, Washington, and for other purposes.

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 cause allotments to be made under the provisions of the allotment laws of the United States to all persons having tribal rights or holding tribal relations and who may rightfully belong on the Spokane Indian Reservation and who have not heretofore received allotments.¹

SEC. 2. That upon the completion of said allotments to said Indians the Secretary of the Interior shall classify the surplus lands as agricultural and timber lands, the agricultural lands to be opened to settlement and entry under the provisions of the homestead laws by proclamation of the President, which shall prescribe the time when and the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof; and no person shall be permitted to settle upon, occupy, or enter any of said lands except as prescribed in such proclamation.

SEC. 3. That the price of the lands classified as agricultural shall be five dollars per acre, and said price shall be paid in accordance with rules and regulations to be prescribed by the Secretary of the Interior upon the following terms: One-fifth of the purchase price to be paid in cash at the time of entry and the balance in five equal annual installments to be paid in one, two, three, four, and five years, respectively, from and after the date of entry. In case any entryman fails to make the annual payments, or any of them, promptly when due, all rights in and to the land covered by his entry shall cease and any payments theretofore made shall be forfeited and the entry canceled, and the land shall be reoffered for sale and entry under the provisions of the homestead laws at the same price at which it was first entered: *Provided*, That nothing in this act shall prevent homestead settlers from commuting their entries under section twenty-three hundred and one of the Revised Statutes of the United States by paying for the land entered the price fixed herein, receiving credit for payments previously

Regulations.

Payment of deposits.

Appropriation.

Lawton, Okla.
Court house, etc., in.
Use of part proceeds
of certain land sale
for, authorized.
35 Stat., 545.

Lawton, Hobart,
and Anadarko.
Sale of town lots.
Unexpended balance
paid to.

31 Stat., 1094, vol. 1,
740
32 Stat., 506, vol. 1,
761
34 Stat., 62.

May 29, 1908.
[S. 6163.]

[Public, No. 157.]
35 Stat., 458.

Spokane Indian Res-
ervation, Wash.
Allotments, etc., of
lands in.

Classification of sur-
plus lands.

Agricultural lands
to be opened to settle-
ment.

35 Stat., 459.

Price per acre.

Payments.

Forfeiture.

Provisos.
Commutation.
R. S., sec. 2301.

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| Fees, etc. | made. In addition to the price to be paid for the land the entryman shall pay the same fees and commissions at the time of commutation or final entry as now provided by law where the price of the land is one dollar and twenty-five cents per acre, and when an entryman shall have complied with all the requirements and terms of the homestead laws as to settlement and residence and shall have made the required payments as aforesaid he shall be entitled to a patent for the lands entered: <i>And provided further</i> , That all lands classified as agricultural remaining undisposed of at the expiration of four years from the opening of said lands to entry shall be appraised by the Secretary of the Interior from time to time and sold at public auction or under sealed bids to the highest bidder for cash at not less than the said appraised value, under such regulations as the Secretary of the Interior may prescribe: <i>Provided</i> , That the rights of honorably discharged Union soldiers and sailors of the late Civil and Spanish Wars or the Philippine insurrection as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes, as amended by the act of March first, nineteen hundred and one, shall not be abridged: <i>Provided further</i> , That sections sixteen and thirty-six of the agricultural lands in each township shall not be disposed of, but shall be reserved for the use of the common schools and paid for by the United States at one dollar and twenty-five cents per acre, and the same are hereby granted to the State of Washington for such purpose. |
| Lands remaining to be sold at auction. | |
| Sealed bids. | |
| Soldiers' and sailors' rights not affected. | |
| R. S., secs. 2304, 2305. 31 Stat., 847. School lands. | |
| Lands reserved for agency, schools, etc. | SEC. 4. That the Secretary of the Interior may reserve such lands as he may deem necessary for agency, school, and religious purposes, to remain reserved so long as needed and so long as agency, school, or religious institutions are maintained thereon for the benefit of the Indians; and he is further authorized and directed to reserve and set aside such tracts as he may deem necessary or convenient for town-site purposes, and he may cause any such reservations to be surveyed into lots and blocks of suitable size and to be appraised and disposed of under such regulations as he may prescribe, and the net proceeds derived from the sale of such lands shall be deposited in the Treasury of the United States to the credit of the Indians of the Spokane Reservation. |
| Townsites. | |
| Deposit of proceeds. | |
| Timber-land restrictions. | SEC. 5. That the lands so classified as timber lands shall remain Indian lands subject to the supervision of the Secretary of the Interior until further action by Congress, and no provision authorizing the sale of timber upon Indian lands shall apply to said lands unless they be specially designated: <i>Provided</i> , That until further legislation the Indians and the officials and employees in the Indian Service on said reservation shall, without cost to them, have the right, under such regulations as the Secretary of the Interior may prescribe, to go upon said timber lands and cut and take therefrom all timber necessary for fuel, or for lumber for the erection of buildings, fences, or other domestic purposes upon their allotments; and for said period the said Indians shall have the privilege of pasturing their cattle, horses, and sheep on said timber lands, subject to such rules and regulations as the Secretary of the Interior may prescribe: <i>Provided further</i> , That the Secretary of the Interior is hereby authorized to sell and dispose of for the benefit of the Indians such timber upon said timber lands as in his judgment has reached maturity and is deteriorating and which, in his judgment, would be for the best interests of the Indians to sell, the purpose being to as far as possible protect, conserve, and promote the growth of timber upon said timber lands. The Secretary of the Interior shall deduct from the money received from the sale of such timber the actual expense of making such sale and place the balance to the credit of said Indians, and he is authorized to prescribe such rules and regulations for the sale and removal of such timber so sold as he may deem advisable. |
| 35 Stat., 460. Provisos. Cutting timber allowed. | |
| Pasturage. | |
| Sale of timber. | |
| Use of proceeds. | |

SEC. 6. That the Secretary of the Interior is hereby vested with full power and authority to make all needful rules and regulations for the purpose of carrying out the provisions of this act, and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of five thousand dollars, or so much thereof as may be necessary, to pay the Indians for the lands granted to the State of Washington, as provided in section three of this act, and there is hereby appropriated the further sum of seven thousand dollars, or so much thereof as may be necessary, for the purpose of carrying out the other provisions of this act: *Provided*, That the appropriation other than that to pay for the lands granted to the State of Washington shall be reimbursed to the United States from the proceeds of the sale of the lands described herein, or from any money in the Treasury of the United States belonging to the said Spokane Indians.

Appropriation to pay for lands granted to Washington.

Further appropriation.

Proviso. Reimbursement.

SEC. 7. That nothing in this act contained shall in any manner bind the United States to purchase any portion of the land herein described, except sections sixteen and thirty-six of the agricultural lands or the equivalent in each township, 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 the said lands and to expend and pay over the proceeds received from the sale thereof only as received as herein provided: *Provided*, That nothing in this act shall be construed to deprive said Indians of the Spokane Indian Reservation, in the State of Washington, of any benefits to which they are entitled under existing treaties or agreements not inconsistent with the provisions of this act.

Nonresponsibility of United States.

Proviso. Treaty rights not affected.

Approved, May 29, 1908.

CHAP. 218.—An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Cheyenne River and Standing Rock Indian reservations in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect.

May 29, 1908.
[S. 1385.]

[Public, No. 158.]
35 Stat., 460, post, p. 517.

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, as hereinafter provided, to sell and dispose of all that portion of the Cheyenne River and Standing Rock Indian reservations in the States of South Dakota and North Dakota lying and being within the following described boundaries, to-wit: Beginning at a point on the one hundred and second meridian of longitude west, where the township line between townships nine and ten north intersects the same; thence east on said township line to a point where the same intersects the range line between ranges twenty-four and twenty-five east of the Black Hills meridian; thence north on said range line to a point where the same intersects the township line between townships fifteen and sixteen north; thence east along said township line to a point in the center of the main channel of the Missouri River; thence in a northerly direction along the center of the main channel of said Missouri River to a point where the township line between townships eighteen and nineteen north intersects the same, and including also entirely all islands, if any, in said river; thence west on said township line to a point where the range line between ranges twenty-two and twenty-three east intersects the same; thence north along said range line to the northwest corner of section nineteen in township twenty-one north of range twenty-three east; thence east on the section line north of sections nineteen, twenty, twenty-one, twenty-two, twenty-three and twenty-four to a point

Sioux Indians.
Sale of lands in Cheyenne River and Standing Rock reservations, S. Dak. and N. Dak.

35 Stat., 461.
Description.

where the same intersects the range line between ranges twenty-three and twenty-four east; thence north along said range line to the State line between the States of South Dakota and North Dakota; thence west on said State line to a point where the range line between ranges eighty-four and eighty-five west in North Dakota intersects the same; thence north on said range line to a point where said range line intersects the center of the main channel of the South Fork of the Cannon Ball River; thence in a westerly direction up and along the center of the main channel of the said river to a point where the same intersects the one hundred and second meridian of longitude west; thence south along said one hundred and second meridian of longitude west to the place of beginning, except such portions thereof as have been allotted to Indians: *Provided*, That sections sixteen and thirty-six of the lands in each township therein shall not be disposed of, but shall be reserved for the use of the common schools of the States of South Dakota and North Dakota, as the same may be located in the said States, respectively: *Provided further*, That the Secretary of the Interior may reserve such lands as he may deem necessary for agency, school, and religious purposes, to remain reserved as long as needed, and as long as agency, school, or religious institutions are maintained thereon for the benefit of said Indians: *Provided, however*, That the Secretary of the Interior is hereby authorized and directed to issue a patent in fee simple to the duly authorized missionary board, or other proper authority of any religious organization heretofore engaged in mission or school work on said reservations, for such lands thereon (not included in any town site herein provided for) as have been heretofore set apart to such organization for mission or school purposes.

Proviso. School lands reserved. **Lands reserved for agency, etc., purposes.** **Patents in fee to religious organizations.** **Opened to settlement by proclamation.** **Provisos. Lands to Indians in lieu of allotted lands.** **Allotments to be made.** **35 Stat., 462.** **Survey.** **Coal lands reserved.** **Rights of soldiers and sailors not affected. R. S., sec. 2304, 2305. 31 Stat., 847.** **Price fixed by appraisalment.**

SEC. 2. That the lands shall be disposed of by proclamation under the general provisions of the homestead and town-site laws of the United States, and shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the manner in which the lands may be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, or enter any of said lands except as prescribed in such proclamation: *Provided*, That prior to the said proclamation the Secretary of the Interior, in his discretion, may permit Indians who have an allotment within the area described in section one of this act to relinquish such allotment and to receive in lieu thereof an allotment anywhere within the respective reservations thus diminished to which reservation the said Indians may belong: *Provided further*, That prior to the said proclamation the Secretary of the Interior shall cause allotments to be made to every man, woman, and child belonging to or holding tribal relations in said Cheyenne River and Standing Rock Reservations who have not heretofore received the allotments to which they are entitled under provisions of existing laws: *Provided further*, That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be surveyed all the lands embraced within said reservations, and to cause an examination to be made of the lands by experts of the Geological Survey, and if there be found any lands bearing coal, the said Secretary is hereby authorized to reserve them from allotment or disposition until further action by Congress: *Provided further*, That the rights of honorably discharged Union soldiers and sailors of the late Civil and Spanish Wars or Philippine insurrection, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes, as amended by the act of March first, nineteen hundred and one, shall not be abridged.

SEC. 3. That the price of said lands entered as homesteads under the provisions of this act shall be fixed by appraisalment as herein

provided. The President of the United States shall appoint two commissions, one for each reservation, each commission to consist of three persons to inspect, appraise, and value all of said lands that shall not have been allotted in severalty to said Indians, or reserved by the Secretary of the Interior or otherwise disposed of, and excepting sections sixteen and thirty-six in each of said townships, each commission to be constituted as follows: One resident citizen of the States of North or South Dakota, one representative of the Indian Bureau and one person holding tribal relations with one of said tribes of Indians. That within twenty days after their appointment the said commissioners so appointed for each of the said reservations, respectively, shall meet and organize by the election of one of their number as chairman. Each commission is hereby empowered to select such clerks and assistants at such compensation as the Secretary of the Interior may approve. That said commissioners shall then proceed to personally inspect, classify, and appraise, in one hundred and sixty acre tracts each, all of the remaining lands embraced within each reservation as described in section one of this act. In making such classification and appraisement said lands shall be divided into the following classes: First, agricultural land of the first class; second, agricultural land of the second class; third, grazing land; fourth, timber land; fifth, mineral land, if any, the mineral land not to be appraised. That said commissioners shall be paid a salary of not to exceed ten dollars per day each while actually employed in the inspection and classification of said lands and necessary expenses to be approved by the Secretary of the Interior; such inspection and classification to be completed within six months from the date of the organization of said commissions respectively, and no compensation shall be paid to either the commissioners or employees after the said six months. That when said commissions shall have completed the classification and appraisement of all of said lands the same shall be subject to the approval of the Secretary of the Interior.

SEC. 4. That the price of said lands shall be paid in accordance with the rules and regulations to be prescribed by the Secretary of the Interior upon the following terms: One fifth of the purchase price to be paid in cash at the time of entry, and the balance in five equal annual installments, to be paid in one, two, three, four, and five years, respectively, from and after the date of entry. In case any entryman fails to make the annual payments, or any of them, when due, all rights in and to the land covered by his entry shall cease, and any payments theretofore made shall be forfeited and the entry canceled, and the lands shall be reoffered for sale and entry under the provisions of the homestead law at the appraised price thereof: *And provided*, That nothing in this act shall prevent homestead settlers from commuting their entries under section twenty-three hundred and one, Revised Statutes, by paying for the land entered the price fixed herein, receiving credit for payments previously made. In addition to the price to be paid for the land, the entryman shall pay the same fees and commissions at the time of commutation or final entry as now provided by law, where the price of land is one dollar and twenty-five cents per acre, and when the entryman shall have complied with all the requirements and terms of the homestead laws as to settlement and residence and shall have made all the required payments aforesaid he shall be entitled to a patent for the lands entered: *And provided further*, That all lands remaining undisposed of at the expiration of four years from the opening of said lands to entry may, in the discretion of the Secretary of the Interior, be reappraised in the manner provided for in this act. And it is further provided that any lands remaining unsold after said lands have been open to entry for seven years may be sold to the highest bidder for cash without regard to the prescribed price thereof

Two commissions created.

Duties.

Composition.

Organization.

Clerks.

Classification, appraisement, etc.

Division of lands.

Compensation.

Time limit for classification, etc.

Approval.

Payment of purchase price.

Forfeiture.

Provisos. Commutation. R. S., sec. 2301. 35 Stat., 403.

Fees and commissions.

Patents.

Reappraisal of undisposed lands.

Sale of remaining lands.

- fixed under the provisions of this act, under such rules and regulations as the Secretary of the Interior may prescribe.
- Town sites reserved. SEC. 5. That the Secretary of the Interior is authorized to reserve from said lands such tracts for town-site purposes as in his opinion may be required for the future public interests, and he may cause the same to be surveyed into blocks and lots and disposed of under such regulations as he may prescribe, in accordance with section twenty-three hundred and eighty-one of the United States Revised Statutes. The net proceeds derived from the sale of such lands shall be credited to the Indians as hereinafter provided.
- Survey.
- R. S., sec. 2381.
- Deposit of proceeds to credit of Indians. SEC. 6. That from the proceeds arising from the sale and disposition of the lands aforesaid, exclusive of the customary fees and commissions, there shall be deposited in the Treasury of the United States, to the credit of the Indians belonging and having tribal rights on the reservations aforesaid in the States of South Dakota and North Dakota the sums to which the respective tribes may be entitled, which shall draw interest at three per centum per annum; that the moneys derived from the sale of said lands and deposited in the Treasury of the United States to the credit of said Indians respectively shall be expended for their benefit under the direction of the Secretary of the Interior.
- Post, 473, 501.
- Use of proceeds.
- Purchase of school lands for South Dakota and North Dakota. SEC. 7. That sections sixteen and thirty-six of the land in each township within the tract described in section one of this act shall not be subject to entry, but shall be reserved for the use of the common schools and paid for by the United States at one dollar and twenty-five cents per acre, and the same are hereby granted to the States of South Dakota and North Dakota for such purpose as the same are located in the said States respectively; and in case any of said sections, or parts thereof, are lost to said States by reason of allotments thereof to any Indian or Indians, or otherwise, the governors of said States, respectively, with the approval of the Secretary of the Interior, are hereby authorized, within the area in the respective States described in section one of this act, to locate other lands not occupied not exceeding two sections in any one township, which shall be paid for by the United States as herein provided, in quantity equal to the loss, and such selections shall be made prior to the opening of such lands to settlement.
- Price per acre.
- Lieu lands.
- Appropriation to pay for lands granted to South Dakota and North Dakota. SEC. 8. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of not more than two hundred and twenty-five thousand dollars, or so much thereof as may be necessary, to pay for the lands granted to the States of South Dakota and North Dakota, as provided in section seven of this act. And there is hereby appropriated the further sum of seventy-five thousand dollars, or so much thereof as may be necessary, for the purpose of making the appraisal and classification and allotments provided for herein: *Provided*, That the latter appropriation, or any further appropriation hereafter made for the purpose of carrying out the provisions of this act, shall be reimbursed to the United States from the proceeds received from the sale of the lands described herein or from any money in the Treasury belonging to said Indian tribes respectively.
- Appropriation for expense of allotment, etc.
- 35 Stat., 464. Proviso.
- Reimbursement.
- Amended post, 547.
- Nonresponsibility of United States. SEC. 9. That nothing in this act contained shall in any manner bind the United States to purchase any portion of the land herein described, except sections sixteen and thirty-six or the equivalent in each township, 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 the said lands and to expend and pay over the proceeds received from the sale thereof only as received and as

herem provided: *Provided*, That nothing in this act shall be construed to deprive the said Indians of the Cheyenne River or Standing Rock Indian Reservations, in South Dakota and North Dakota, of any benefits to which they are entitled under existing treaties or agreements not inconsistent with the provisions of this act: *Provided*, That Indians residing upon their allotments in townships sixteen north of ranges twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, and thirty-one east shall have the right to use timber in said townships, except on sections sixteen and thirty-six for domestic purposes only as long as the lands remain part of the public domain.

Provisos.
Treaty rights not affected.

Use of timber permitted.

Approved, May 29, 1908.

CHAP. 220. An act authorizing a resurvey of certain townships in the State of Wyoming, and for other purposes.

May 29, 1908.
[S. 6190.]

[Public, No. 160.]
35 Stat., 464.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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SEC. 25. That the title of Raleigh Brewer, senior, in and to the southeast quarter of section ten, township fifteen north, range nineteen east, Noxubee County, Mississippi, as assignee of the conveyance of Tish-o-no-wah, executed June second, eighteen hundred and thirty-one, to Reuben H. Grant and Jefferson Clement, be, and the same is hereby, quieted and confirmed, and patent therefore shall be issued to Raleigh Brewer, senior.

35 Stat., 471.
Raleigh Brewer.
Title to land in Noxubee County, Miss., confirmed.

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Approved, May 29, 1908.

CHAP. 237. An act for the survey and allotment of lands now embraced within the limits of the Fort Peck Indian Reservation, in the State of Montana, and the sale and disposal of all the surplus lands after allotment.

May 30, 1908.
[S. 208.]

[Public, No. 177.]
35 Stat., 558.

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 cause to be surveyed all the lands embraced within the limits of the Fort Peck Indian Reservation, in the State of Montana, and to cause an examination of the lands within such reservation to be made by the Reclamation Service and by experts of the Geological Survey, and if there be found any lands which it may be deemed practicable to bring under an irrigation project, or any lands bearing lignite coal, the Secretary of the Interior is hereby authorized to construct such irrigation projects and reserve such lands as may be irrigable therefrom, or necessary for irrigation works, and also coal lands as may be necessary to the construction and maintenance of any such projects.

Fort Peck Indian Reservation, Mont.
Survey of all lands in.

Examination by experts for irrigable and coal lands.

Reservation.

SEC. 2. That as soon as all the lands embraced within the said Fort Peck Indian Reservation shall have been surveyed the Commissioner of Indian Affairs shall cause allotments of the same to be made under the provisions of the allotment laws of the United States to all Indians belonging and having tribal rights on said reservation; and there shall be allotted to each such Indian three hundred and twenty acres of grazing land, and there shall also be made an additional allotment of not less than two and one-half acres nor more than twenty acres of timberland to heads of families and single adult members of the tribe over eighteen years of age: *Provided*, That should it be determined as feasible, after examination, to irrigate any of said lands, the irrigable land shall be allotted in equal proportions to such only of the members of said tribe as shall be living at the day of the beginning of

Allotments to Indians.

Area of allotments.

Allotments of timberlands.

Provisos.
Irrigable lands to be allotted.

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| Limit. | the work of allotment on said reservation by the special allotting agent, and such allotment of irrigable land shall be in addition to the allotments of grazing and timber lands aforesaid, but no member shall receive more than forty acres of such irrigable land; and to pay the costs of examination provided for herein and for the construction of irrigation systems to irrigate lands which may be found susceptible of irrigation, there is hereby appropriated two hundred thousand dollars, to be immediately available, the said sum and any and all additional sums hereafter appropriated to pay the cost of such examination and irrigation systems to be reimbursed from proceeds of sales of lands within the said reservation: <i>Provided, however,</i> That any land irrigable by any system constructed under the provisions of this act may be disposed of subject to the following conditions: The entryman or owner shall, in addition to the payments required by section eight of this act, be required to pay for a water right the proportionate cost of the construction of said system in not more than fifteen annual installments, as fixed by the Secretary of the Interior, with a view to the return of all moneys expended thereon, the same to be paid at the local land office, and the register and receiver shall be allowed the usual commissions on all moneys paid. |
| Appropriation to pay cost. | |
| Reimbursement. | |
| Payment for water right. | |
| 35 Stat., 559. Conditions. | The entryman of lands to be irrigated by said system shall, in addition to compliance with the homestead laws, reclaim at least one-half of the total irrigable area of his entry for agricultural purposes, and before receiving patent for the lands covered by his entry shall pay the charges apportioned against such tract, nor shall any such lands be subject to mineral entry or location. No right to the use of water shall be disposed of for a tract exceeding one hundred and sixty acres to any one person, and the Secretary of the Interior may limit the areas to be entered at not less than forty nor more than one hundred and sixty acres each. |
| Forfeiture. | A failure to make any two payments when due shall render the entry and water-right application subject to cancellation, with the forfeiture of all rights under this act, as well as of any moneys paid thereon. |
| Use of funds. | The funds arising hereunder shall be paid into the Treasury of the United States and be added to the proceeds derived from the sale of the lands. No right to the use of water for lands in private ownership shall be sold to any landowner unless he be an actual bona fide resident on such land or occupant thereof residing in the neighborhood of such land, and no such right shall permanently attach until all payments therefor are made. |
| Sale of water right restricted. | |
| Payment of annual charges. | All applicants for water rights under the systems constructed in pursuance of this act shall be required to pay such annual charges for operation and maintenance as shall be fixed by the Secretary of the Interior, and the failure to pay such charges when due shall render the water-right application and the entry subject to cancellation, with the forfeiture of all rights under this act as well as of any moneys already paid thereon. |
| Forfeiture. | |
| Regulations. | The Secretary of the Interior is hereby authorized to fix the time for the beginning of such payments and to provide such rules and regulations in regard thereto as he may deem proper. Upon the cancellation of any entry or water-right application, as herein provided, such lands or water rights may be disposed of under the terms of this act and at such price and on such conditions as the Secretary of the Interior may determine, but not less nor more than the cost as originally fixed. |
| Disposal of canceled entries, etc. | |
| Refund of surplus proceeds. | In every case in which a forfeiture is enforced and the land and rights of an entryman are made the subject of resale then, after the payment of the balance due from the entryman and the cost and charges, if any attendant on the forfeiture and resale, any surplus remaining out of the proceeds of such sale shall be refunded to said entryman or his heirs. |

The land irrigable under the systems herein provided, which has been allotted to Indians in severalty, shall be deemed to have a right to so much water as may be required to irrigate such land without cost to the Indians for the construction of such irrigation systems. The purchaser of any Indian allotment purchased prior to the expiration of the trust period thereon shall be exempt from any and all charge for construction of the irrigation system incurred up to the time of such purchase. All lands allotted to Indians shall bear their pro rata share of the cost of operation and maintenance of the irrigation system under which they lie; and the Secretary of the Interior may withhold from any Indian a sufficient amount of his pro rata share of any moneys subject to distribution to pay any charge assessed against land held in trust for him for operation and maintenance of the irrigation system.

When the payments required by this act have been made for the major part of the unallotted lands irrigable under any system, and subject to charges for construction thereof, the management and operation of such irrigation works shall pass to the owners of the lands irrigated thereby, to be maintained at their expense, under such form of organization and under such rules and regulations as may be acceptable to the Secretary of the Interior.

All appropriations of the waters of the reservation shall be made under the provisions of the laws of the State of Montana.

SEC. 3. That the Secretary of the Interior may reserve such lands as he may deem necessary for agency, school, and religious purposes, to remain reserved as long as needed, and as long as agency, school, or religious institutions are maintained thereon for the benefit of said Indians: *Provided, however,* That the Secretary of the Interior is hereby authorized and directed to issue a patent in fee simple to the duly authorized missionary board, or other proper authority of any religious organization heretofore engaged in mission or school work on said reservation, for such lands thereon (not included in any town site herein provided for) as have been heretofore set apart to such organization for mission or school purposes: *And provided further,* That the Secretary of the Interior is hereby authorized and directed to reserve two and seven hundredths acres of land in the town of Poplar, on said reservation, now occupied for public school purposes, and issue patent in fee for the same to the school trustees of the school district in which said land is situated.

The Secretary of the Interior is hereby authorized and directed, when the said lands are surveyed, to issue to the Great Northern Railway Company a patent or patents conveying for railroad purposes such lands at such point or points as in the judgment of the said Secretary are necessary for the use of said railway company in the construction and maintenance of water reservoirs, dam sites, and for right of way for water pipe lines for use by said railway company in operating its line of railroad over and across said reservation; the said lands so to be conveyed not to exceed forty acres at any one point and not to exceed one tract for each ten miles of the main line of said railway as now constructed within said reservation, and said lands shall be selected in such manner as not to unnecessarily injure or interfere with the selection and location of town sites hereinafter provided for; the said patent or patents to be delivered to said company upon payment by said company, within thirty days after notification of the issuance of patent, of the reasonable value of said lands, not less than two dollars and fifty cents per acre, and also upon payment by said company to said Secretary of any and all damages sustained by individual members of said tribe by reason of the appropriation of said lands for the purposes aforesaid; all moneys so paid for the value of said lands to be deposited in the Treasury of the United States to the

Water rights free to Indians.

Exemption.

Payment of cost of operation, etc.

Owners to pay expense of maintenance, etc.

35 Stat., 560.

Appropriations of waters, etc.

Land reserved for agency, etc., purposes.

Provisos. Patents in fee to religious organizations.

Poplar, Mont. Land reserved for school purposes, etc.

Great Northern Railway Company. Lands patented to, for reservoir, etc., purposes.

Maximum acreage, etc.

Payments.

Deposit to credit of Indians.

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| Damages. | credit of said Indians, and the moneys received by said Secretary as damages sustained by individual members of said tribe shall be by him paid to the individuals sustaining said damages. |
| Commission to appraise, etc., allotted lands. | SEC. 4. That upon the completion of said allotments the President of the United States shall appoint a commission consisting of three persons to inspect, classify, appraise, and value all of said lands that shall not have been allotted in severalty to said Indians or reserved by the Secretary of the Interior, said commission to be constituted as follows: One of said commissioners shall be a person holding tribal relations with said Indians, one a representative of the Indian Bureau, and one a resident citizen of the State of Montana. |
| Composition. | |
| Meeting. | SEC. 5. That within thirty days after their appointment said commissioners shall meet at some point within the Fort Peck Reservation and organize by election of one of their number as chairman. Said commission is hereby empowered to select, subject to the approval of the Secretary of the Interior, such clerks and assistants as may be necessary in the performance of their duties herein specified, the compensation of each such clerk and assistant to be fixed by said Secretary. |
| Clerks, etc. | In no case shall any such clerk or assistant receive a salary exceeding six dollars per day. In addition to the compensation of said clerks and assistants and in addition to the salaries hereinafter provided for the said commissioners, they shall each receive their actual necessary expenses incurred during such time only as they shall be engaged in the performance of their respective duties on said reservation. |
| Salaries. Expenses. 35 Stat., 561. | |
| Inspection, etc., of remaining lands. | SEC. 6. That said commissioners shall then proceed to personally inspect and classify and appraise by the smallest legal subdivisions of forty acres each all of the remaining lands embraced within said reservation. In making such classification and appraisal said lands shall be divided into the following classes: First, agricultural land; second, grazing land; third, arid land; fourth, mineral land, the mineral land not to be appraised; that said commissioners shall be paid a salary of not to exceed ten dollars per day each while actually employed in the inspection and classification of said lands, such inspection and classification to be completed within nine months from the date of the organization of said commission. |
| Classification. | |
| Time limit. | |
| Sale of lands. | SEC. 7. That when said commission shall have completed the classification and appraisal of said lands and the same shall have been approved by the Secretary of the Interior the lands shall be disposed of under the general provisions of the homestead, desert-land, mineral, and town-site laws of the United States, except sections sixteen and thirty-six of each township, or any part thereof, for which the State of Montana has not heretofore received indemnity lands under existing laws, which sections, or parts thereof, are hereby granted to the State of Montana for school purposes. And in case either of said sections, or parts thereof, is lost to the State by reason of allotment thereof to any Indian or Indians, or by reservation or withdrawal under the provisions of this act or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized to select other unoccupied, unreserved, nonmineral lands within said reservation, not exceeding two sections in any one township, which selections must be made within the sixty days immediately prior to the date fixed by the President's proclamation opening the surplus lands to settlement: <i>Provided</i> , That the United States shall pay to the said Indians for the lands in said sections sixteen and thirty-six, so granted, or the lands within said reservation selected in lieu thereof, the sum of one dollar and twenty-five cents per acre. |
| School lands excepted. | |
| Lieu lands. | |
| Limit. | |
| Proviso. Payment. | |
| Opened to settlement. | SEC. 8. That the lands so classified and appraised as provided shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the time when and the manner in which these lands may be settled upon, occupied, and entered by per- |

sons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, or enter any of said lands except as prescribed in such proclamation, until after the expiration of sixty days from the time when the same are opened to settlement and entry: *Provided*, That the rights of honorably discharged Union soldiers and sailors of the late Civil and Spanish Wars and the Philippine insurrection, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes, as amended by the act of March first, nineteen hundred and one, shall not be abridged, but no entry shall be allowed under section twenty-three hundred and six of the Revised Statutes: *Provided further*, That the price of said lands shall be the appraised value thereof, as fixed by said commission, which in no case shall be less than one dollar and twenty-five cents per acre for agricultural, grazing, and arid land, and shall be paid as follows: Upon all lands entered or filed upon under the provisions of the homestead law, there shall be paid one-fifth of the appraised value of the land when entry or filing is made, and the remainder shall be paid in five equal annual installments in one, two, three, four, and five years, respectively, from and after date of entry or filing, and when an entryman shall have complied with all the requirements of the homestead law and shall have submitted final proof within seven years from date of entry and shall have made all required payments aforesaid, he shall be entitled to a patent for the lands entered: *Provided*, That aliens who have declared their intentions to become citizens of the United States may become such entrymen, but no patent shall be issued to any person who is not a citizen of the United States at the time of making final proof: *And provided further*, That the fees and commissions at the time of commutation or final entry shall be the same as are now provided by law where the price of land is one dollar and twenty-five cents per acre: *Provided*, That nothing in this act shall prevent a citizen of the United States from commuting his homestead entry under the provisions of section two thousand three hundred and one of the Revised Statutes by paying for the land entered the price fixed by said commission, receiving credits for payments previously made.

SEC. 9. That entrymen under the desert-land law shall be required to pay one-fifth of the appraised value of the land in cash at the time of entry, and the remainder in five equal annual installments, as provided in homestead entries; but any such entryman shall be required to pay the full appraised value of the land on or before submission of final proof: *Provided*, That if any person taking any oath required by the homestead or desert-land laws or the regulations thereunder, shall swear falsely in the premises, he shall be subject to all the pains and penalties of perjury and shall forfeit the money which he may have paid for said land and all right and title to the same, and if any person making homestead or desert-land entry shall fail to comply with the law and the regulations under which his entry is made, or shall fail to make final proof within the time prescribed by law, or shall fail to make all payments or any of them required herein, he shall forfeit all money which he may have paid on the land and all right and title to the same, and the entry shall be canceled.

SEC. 10. That if, after the approval of the classification and appraisal, as provided herein, there shall be found lands within the limits of the reservation deemed practicable for irrigation projects deemed practicable under the provisions of the act of Congress approved June seventeenth, nineteen hundred and two, known as the reclamation act, said lands shall be subject to withdrawal and be disposed of under the provisions of said act, and settlers shall pay, in addition to the cost of construction and maintenance provided therein, the appraised value as provided in this act, to the proper officers, to be covered into the Treasury of the United States to the credit of the Indians.

Provisos.
Soldiers' and sailors'
rights not affected.
R. S., sec. 2304, 2305.

31 Stat., 847.

Agricultural, e t c . ,
lands.
Minimum price per
acre.

Payments.

35 Stat., 562.

Patent in fee.
Aliens, may enter
lands, etc.

Restriction.

Fees, etc.

Commutation.

R. S., sec. 2301.
Desert lands.
Payments by entry-
men.

Proviso.
Perjury.

Penalty.

Forfeiture.

Irrigable lands.
Withdrawal and sale
of.

32 Stat., 388.

Deposit of proceeds
to credit of Indians.

Sale of remaining lands.

Minimum price.

Proviso. Maximum acreage.

Exploration, etc., for coal.

35 Stat., 563.

Nonresponsibility of the United States.

Town sites. Reservations for, at Poplar, etc.

Survey, etc. R. S., sec. 2381.

Provisos. Rights of actual residents.

Proof of residence, etc.

Duty of appraisers.

SEC. 11. That all lands hereby opened to settlement remaining undisposed of at the end of five years from the date of President's proclamation to entry shall be sold to the highest bidder for cash at not less than one dollar and twenty-five cents per acre, under regulations to be prescribed by the Secretary of the Interior; and any lands remaining unsold ten years after said lands shall have been opened to entry shall be sold to the highest bidder for cash, without regard to the minimum limit above stated: *Provided*, That not more than six hundred and forty acres shall be sold to any one person or company.

SEC. 12. That the lands within said reservation however classified, shall, on and after sixty days from the date fixed by the President's proclamation opening said lands, be subject to exploration, location, and purchase under the general provisions of the United States mineral and coal land laws at not less than the price therein fixed and not less than the appraised value of the land, except that no mineral or coal exploration, location, or purchase shall be permitted upon any lands allotted to Indians or withdrawn under the provisions of this act.

SEC. 13. That nothing in this act contained shall in any manner bind the United States to purchase any part of the land herein described, except sections sixteen and thirty-six, or the equivalent in each township, that may be granted to the State of Montana, the reserved tracts hereinbefore mentioned for agency and school purposes, or to dispose of lands except as provided herein, or to guarantee to find purchasers for said lands, or any part 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.

SEC. 14. That the Secretary of the Interior is hereby authorized and directed to reserve and set aside for town-site purposes, and to survey, lay out, and plat into town lots, streets, alleys, and parks, not less than forty acres of said land at the present settlement of Poplar, and at such other places as the Secretary of the Interior may deem necessary or convenient for town sites, in such manner as will best subserve the present needs and the reasonable prospective growth of said settlement. That such town sites shall be surveyed, appraised, and disposed of as provided in section twenty-three hundred and eighty-one of the United States Revised Statutes: *Provided*, That any person who, at the date when the appraisers commence their work upon the land, shall be an actual resident upon any one such lot and the owner of substantial and permanent improvements thereon, and who shall maintain his or her residence and improvements on such lot to the date of his or her application to enter, shall be entitled to enter, at any time prior to the day fixed for the public sale and at the appraised value thereof, such lot and any four additional lots of which he or she may also be in possession and upon which he or she may have substantial and permanent improvements: *Provided further*, That before making entry of any such lot or lots the applicant shall make proof, to the satisfaction of the register and receiver of the land district in which the land lies, of such residence, possession, and ownership of improvements, under such regulations as to time, notice, manner, and character of proofs as may be prescribed by the Commissioner of the General Land Office, with the approval of the Secretary of the Interior: *Provided further*, That in making their appraisal of the lots so surveyed, it shall be the duty of the appraisers to ascertain the names of the residents upon and occupants of any such lots, the character and extent of the improvements thereon, and the name of the reputed owner thereof, and to report their findings in connection with their report of appraisal,

which report of findings shall be taken as prima facie evidence of the facts therein set out. All such lots not so entered prior to the day fixed for the public sale shall be offered at public outcry, in their regular order, with the other unimproved and unoccupied lots. That no lot shall be sold for less than ten dollars: *And provided further*, That said lots, when surveyed, shall approximate fifty by one hundred and fifty feet in size.

SEC. 15. That after deducting the expenses of the commission of classification, appraisalment, and sale of the lands, and such other incidental expenses as may necessarily be incurred, including the cost of survey of said lands, the balance realized from the proceeds of the sale of the lands in conformity with the provisions of this act shall be paid into the Treasury of the United States and placed to the credit of said Indian tribe, to draw four per centum per annum, the principal and interest to be expended from time to time by the Secretary of the Interior as he may deem advisable for the benefit of said Indians in their education and civilization, the construction and maintenance of irrigation ditches, should such be determined as feasible and beneficial to said allottees, and suitable per capita cash payments. The remainder of all funds deposited in the Treasury, realized from such sale of lands herein authorized, together with the remainder of all other funds now placed to the credit of or that shall hereafter become due to said tribe of Indians, shall, within three years after the completion of the irrigation systems to be constructed under the provisions of section two hereof, be allotted in severalty to the members of the tribe, the persons entitled to share as members in such distribution to be determined by the Secretary of the Interior.

SEC. 16. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated in addition to the amount appropriated in section two, the sum of one hundred thousand dollars, or so much thereof as may be necessary, to pay for the lands granted to the State of Montana, and for lands reserved for agency and school purposes, at the rate of one dollar and twenty-five cents per acre; also the sum of one hundred thousand dollars, or so much thereof as may be necessary, to be immediately available, to enable the Secretary of the Interior to survey, allot, classify, and appraise the lands in said reservation as provided herein; and also to defray the expense of the appraisalment and survey of town sites, the latter sums to be reimbursable out of the funds arising from the sale of said lands.

Approved, May 30, 1908.

PUBLIC ACTS OF SIXTIETH CONGRESS, SECOND SESSION, 1909.

CHAP. 76.—An act authorizing the Secretary of the Interior to sell isolated tracts of land within the Nez Perces Indian Reservation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the law providing for the sale of any isolated or disconnected tract or parcel of the public domain is hereby extended and made applicable to any isolated and unappropriated public lands embraced within the Nez Perces Indian Reservation: *Provided*, That for agricultural lands purchasers under this act shall pay not less than three dollars and seventy-five cents per acre, and for lands valuable for stone and timber they shall pay not less than five dollars per acre.

Approved, February 6, 1909.

56773°—S. Doc. 719, 62-2—25

Report.
Sale of lots.

Minimum price.
Size of lots.

Balance of proceeds.
Deposited to credit
of Indians.

Interest.

Allotment of funds.

35 Stat., 564.

Appropriation to pay
for lands granted to
Montana, etc.

Appropriation to pay
for classification, etc.

Feb. 6, 1909.
[H. R. 19095.]

[Public, No. 212.]
35 Stat., 597.

Nez Perces Indian
Reservation.
Sale of isolated
tracts of, authorized.

Proviso.
Price per acre.*

Feb. 15, 1909.
[S. 5330.]

CHAP. 126.—An act for the relief of the Mille Lac band of Chippewa Indians in the State of Minnesota, and for other purposes.

[Public, No. 226.]
35 Stat., 619.

Mille Lac Indian Reservation, Minn.
Claims of Indians for losses on opening of, referred to Court of Claims.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Court of Claims be, and it is hereby, given jurisdiction to hear and determine a suit or suits to be brought by and on behalf of the Mille Lac band of Chippewa Indians in the State of Minnesota against the United States on account of losses sustained by them or the Chippewas of Minnesota by reason of the opening of the Mille Lac Reservation in the State of Minnesota, embracing about sixty-one thousand acres of land, to public settlement under the general land laws of the United States; and from any final judgment or decree of the Court of Claims either party shall have the right to appeal to the Supreme Court of the United States, and the said cause shall be advanced on the docket of the Court of Claims and of the Supreme Court of the United States if the same shall be appealed: *Provided,* That upon the final determination of such suit or suits the Court of Claims shall have jurisdiction to decree the fees to be paid to the attorney or attorneys employed by the said Mille Lac band of Indians, and the same shall be paid out of any sum or sums found due said band or to the Chippewa Indians of Minnesota.¹

Appeal.

Proviso.
Attorney's fees.

Approved, February 15, 1909.

Feb. 17, 1909.
[H. R. 21458.]

CHAP. 138.—An act authorizing sales of land within the Coeur d'Alene Indian Reservation to the Northern Idaho Insane Asylum and to the University of Idaho.

[Public, No. 236.]
35 Stat., 626.

University of Idaho.
Sale of land within Coeur d'Alene Indian Reservation, authorized.

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 is hereby authorized, in his discretion, to sell to the regents of the University of the State of Idaho, for the use of said university, land not to exceed six hundred and forty acres in area, to be selected by the said regents of the said university within the limits of the Coeur d'Alene Indian Reservation, upon the approval of the Secretary of the Interior, said regents to pay therefor, upon receiving a grant thereof, such price as shall be fixed by the Secretary of the Interior but which shall not be less than two dollars and fifty cents per acre. The moneys derived from said sale shall be deposited in the Treasury of the United States for the benefit of the Indians of said reservation.

Minimum price per acre.
Deposit of proceeds.

Approved, February 17, 1909.

Feb. 18, 1909.
[H. R. 20385.]

CHAP. 145.—An act to enable the Omaha and Winnebago Indians to protect from overflow their tribal and allotted lands located within the boundaries of any drainage district in Nebraska.

[Public, No. 239.]
35 Stat., 628.

Omaha and Winnebago Indians, Nebr.
Drainage of lands of, authorized.
Payment of assessments, etc.

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, in his discretion, to pay from the funds remaining to the credit of the Omaha and Winnebago tribes of Indians any assessments which may be made by any drainage district in the State of Nebraska on the tribal lands of said Indians to protect such lands from overflow, not exceeding an average of eight dollars per acre.

Per capita payments to Indians.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, under such regulations as he may prescribe, to pay per capita to the Indians of the Omaha and Winnebago tribes who have allotted lands within any such drainage district the proportionate share of such Indians in the funds remaining to the credit of said tribe after the payment provided for in section one of

¹ U. S. v. Mille Lac Band, 229 U. S., 498.

this act: *Provided*, That no assessments made by such drainage district on the allotment of any Indian while the same is held in trust by the United States for the use and benefit of the allottee shall be valid or constitute a lien on the land, but the Secretary of the Interior shall retain not exceeding two hundred and forty dollars of the per capita share of any such allottee and expend the same for the payment or partial payment of the sum found by such drainage district to be due from such allottee for the purpose of protecting his lands embraced in the drainage district from overflow. Such payment shall be credited on any assessment which may be made on the allotment of said Indian after the termination of the trust by expiration of the period, issuance of a fee-simple patent, or by a conveyance under existing law, duly approved by the Secretary of the Interior.

Proviso.
Allotments held in trust.

35 Stat., 629.
Payment for protection from overflow.

Credited on assessments.

SEC. 3. That any such drainage district be, and is hereby, authorized to assess the cost of reclaiming the tribal lands of the Omaha and Winnebago Indians and all lands allotted to the Indians in severalty and held by patents containing restrictions as to alienation and taxation within such districts, subject to the limitation contained in the preceding section, and to condemn any of said lands necessary for the purpose of reclamation in the same manner as such district may condemn other lands: *Provided*, That the payments to be made or the taking of lands under the provisions of this section shall be subject to the approval of the Secretary of the Interior.

Reclamation of tribal lands.

Proviso.
Approval of payments.

SEC. 4. That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, upon application of the allottee, or his heirs, to issue a fee-simple patent to any Omaha and Winnebago Indian for the lands allotted to him within any such drainage district, and the issuance of such patent shall operate as a removal of all restrictions as to the sale, incumbrance, and taxation of the lands covered thereby.

Patent in fee simple.

Approved, February 18, 1909.

CHAP. 147.—An act to extend the time of payments on certain homestead entries in Oklahoma.

Feb. 18, 1909.
[S. 8510.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time within which all unpaid payments which have heretofore, or may hereafter, become due and payable under the act entitled "An act to open to settlement five hundred and five thousand acres of land in Kiowa-Comanche and Apache Indian reservations in Oklahoma Territory," approved June fifth, nineteen hundred and six, and the act entitled "An act giving preference right to actual settlers on pasture reserve numbered three to purchase land leased to them for agricultural purposes in Comanche County, Oklahoma," approved June twenty-eighth, nineteen hundred and six, and the act entitled "An act to extend the time of payments on certain homestead entries in Oklahoma," approved March eleventh, nineteen hundred and eight, be, and the same is hereby, postponed and extended for one year from the date on which such payments are now by law required to be made: *Provided*, That as a condition precedent to said extension in each case the settler shall pay to the Secretary of the Interior, to be held in trust by him for the benefit of the Indians entitled thereto, four per centum on the amount of such deferred payments where the settler had no preference right, and five per centum on the amount of the deferred payment where such settler was given a preference right, but the payment of said five per centum shall be made in lieu of the interest payment required by said act of June twenty-eighth, nineteen hundred and six.

[Public, No. 241.]
35 Stat., 636.

Oklahoma.
Time extended for payments on certain homestead entries in.
34 Stat., 213, 550, ante, p. 184.

35 Stat., 637.

Ante 259, 314.

Proviso.
Per centum payments.

Town-site lots.
Time of payment, extended to purchasers of.

35 Stat., 40, ante, p. 315.

Provisos.
Interest, etc., on deferred payments.

Restriction.

That the Secretary of the Interior is hereby authorized, in his discretion, to extend the time of payments to the purchasers and their assigns applying therefor upon the lots sold, or to be sold, in pursuance of an act entitled "An act providing for the platting and selling of the south half of section thirty, township two north, range eleven west of the Indian meridian, in the State of Oklahoma, for town-site purposes," approved March twenty-seventh, nineteen hundred and eight, and the Secretary of the Interior is authorized to permit the unpaid purchase money for such lots to be paid in such installments and at such times as he may deem proper: *Provided, however,* That said purchasers or their assigns shall be required to pay interest on all such deferred payments sufficient to pay the Kiowa, Comanche, and Apache Indians four per centum interest on the payments so deferred, and to pay the local authorities entitled to receive the same the equivalent of the State, county, city, and school tax at the legal rate, upon such valuation as the Secretary of the Interior may determine, and to which the lots would be liable if patented, such extension of time not to exceed four years from the date of the approval of this act: *Provided further,* That not exceeding one-half of the amount which may be set aside by the Secretary of the Interior, under the act above referred to, for the construction of two school buildings may be applied by the Secretary of the Interior to such other improvements as he may deem for the public welfare.

Approved, February 18, 1909.

Feb. 24, 1909.
[H. R. 19606.]

CHAP. 178.—An act to provide for the granting and patenting to the State of Colorado desert lands within the former Ute Indian Reservation in said State.

[Public, No. 255.]
35 Stat., 644.
Colorado.
Desert lands in former Ute Indian Reservation granted to.
28 Stat., 422.

29 Stat., 434.
31 Stat., 1188.

22 Stat., 178, vol. 1, p. 205.
Proviso.
Price per acre.

21 Stat., 203, vol. 1, p. 180.

35 Stat., 645.

Restriction.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provision of section four of "An act making appropriation for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-five, and for other purposes," approved August eighteenth, eighteen hundred and ninety-four, and the amendments thereof, approved June eleventh, eighteen hundred and ninety-six, and March third, nineteen hundred and one, respectively, be, and are hereby, extended over and shall apply to the desert lands within the limits of all that portion of the former Ute Indian Reservation, not included in any national forest, in the State of Colorado, described and embraced in the act entitled "An act relating to lands in Colorado lately occupied by the Uncompahgre and White River Ute Indians," approved July twenty-eighth, eighteen hundred and eighty-two: *Provided,* That before a patent shall issue for any of the lands aforesaid under the terms of the act approved August eighteenth, eighteen hundred and ninety-four, and amendments thereto, the State of Colorado shall pay into the Treasury of the United States the sum of one dollar and twenty-five cents per acre for the lands so patented, and the money so paid shall be subject to the provisions of section three of the act of June fifteenth, eighteen hundred and eighty, entitled "An act to accept and ratify the agreements submitted by the confederated bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriation for carrying out same."

SEC. 2. That no lands shall be included in any tract to be segregated under the provisions of this act on which the United States Government has valuable improvements, or which have been reserved for any Indian schools or farm purposes.

Approved, February 24, 1909.

CHAP. 197.—An act extending the time for final entry of mineral claims within the Shoshone or Wind River Reservation in Wyoming.

Feb. 25, 1909.
[H. R. 23473.]

[Public, No. 266.]
35 Stat., 650.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section two of chapter fourteen hundred and fifty-two of the statutes of the Fifty-eighth Congress (United States Statutes at Large, volume thirty-three, part one), being "An act to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation, in the State of Wyoming, and to make appropriations to carry the same into effect," be, and the same is hereby, amended so that all claimants and locators of mineral lands within the ceded portion of said reservation shall have five years from the date of location within which to make entry and payment instead of three years, as now provided by the said act.

Shoshone or Wind River Reservation, Wyo.
Mineral claims in. Time of final entry extended.
33 Stat., 1021, amended, ante, p. 117.

35 Stat., 651.

Approved, February 25, 1909.

CHAP. 253.—An act for the removal of the restrictions on alienation of lands of allottees of the Quapaw Agency, Oklahoma, and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes.

Mar. 3, 1909.
[H. R. 16743.]

[Public, No. 306.]
35 Stat., 751.

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, upon application of any adult member of either of the tribes of Indians belonging to the Quapaw Indian Agency in the State of Oklahoma, to remove the restrictions on any part of or all of the lands allotted to such applicant, and permit a sale under such terms and conditions as he may deem for the best interests of the applicant, excepting a tract of not less than forty acres, which shall be designated and held as a homestead: *Provided,* That this section does not apply to the Modocs.

Quapaw Indian Agency, Okla.
Alienation restrictions removed from lands of Indians of.

35 Stat., 752.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized to sell all or any of the tribal lands within the jurisdiction of the Quapaw Agency, and all agency, school, or other Government buildings on any reservation within the jurisdiction of said agency, at public auction or by sealed bids, under such regulations as he may prescribe; and he is hereby authorized to convey all lands so sold to the purchaser thereof by patents in fee. And all lands within such agency which have heretofore been reserved for agency, school, or other purposes shall, on approval of this act, revert to the tribe within whose reservation the lands are located and be sold as tribal lands as herein provided.

Homesteads retained.
Proviso.
Modocs excepted.
Tribal and agency lands, etc., to be sold.

Reversion of agency, etc., lands.

SEC. 3. That after the sale of all such lands as provided herein, the net proceeds of such sale, together with all funds belonging to such tribes from whatever source derived, shall be apportioned and paid pro rata, under direction of the Secretary of the Interior, to the members of each of the respective tribes, in such manner as he shall prescribe.

Net proceeds pro rata to Indians.

SEC. 4. That the Secretary of the Interior is hereby authorized and directed to issue patents in fee to all religious societies and organizations, severally, for the lands occupied by them within any of such reservations and heretofore reserved to such societies, as shown on approved schedules of allotments.

Patents in fee to religious societies.

SEC. 5. That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the rolls of the Klamath Agency, in Oregon, those Modoc Indians now enrolled at the Quapaw Agency, in Oklahoma, formerly Indian Territory, together with their descendants living at the date of the passage of this act, and that upon the removal of any of said Indians to the Klamath Reserva-

Modocs.
Transferred to Klamath Agency, Ore.

Allotments, etc.

Provisos.
Sale of allotments in
Oklahoma.

Leases permitted.

tion, in Oregon, they shall be allotted as other Indians on said reservation, and that upon the passage of this act they be accorded all the rights and privileges of other Indians enrolled at the Klamath Agency: *Provided*, That for the purposes of such removal the Secretary of the Interior be, and he is hereby, upon application of any allottee, authorized to sell, under such rules and regulations as he may prescribe, all lands inherited and otherwise heretofore allotted to the members of said tribe in Oklahoma, and he is authorized to issue a patent in fee simple to the purchaser or purchasers of said lands, and all restrictions as to the sale, incumbrance, and taxation of said land shall thereupon be removed: *Provided further*, That if any member of the Modoc tribe of Indians prefers not to have his or her land sold, such allottee may lease his or her land in Oklahoma for a period of not to exceed five years, the parent or next of kin having the care and custody of any minor executing the lease for such minor.

Approved, March 3, 1909.

Mar. 3, 1909.
[S. 8554.]
[Public, No. 309.]
35 Stat., 778.

CHAP. 256.—An act authorizing the Secretary of the Interior to sell part or all of the surplus lands of members of the Kaw or Kansas and Osage tribes of Indians in Oklahoma, and for other purposes.

Oklahoma.
Kaw or Kansas and
Osage Indians in.
Sale of surplus lands
of, authorized.

Proviso.
Osage lands.

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 hereby is, authorized and empowered, upon application, to sell, under such rules and regulations as he may prescribe, part or all of the surplus lands of any member of the Kaw or Kansas and Osage tribes of Indians in Oklahoma: *Provided*, That the sales of the Osage lands shall be subject to the reserved rights of the tribe in oil, gas, and other minerals.¹

Approved, March 3, 1909.

Mar. 3, 1909.
[H. R. 26916.]
[Public, No. 316.]
35 Stat., 781.

CHAP. 263.—An act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June thirtieth, nineteen hundred and ten.

Indian Department
appropriations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and in full compensation for all offices the salaries for which are specially provided for herein for the service of the fiscal year ending June thirtieth, nineteen hundred and ten, namely:

General provisions.

I. GENERAL PROVISIONS.

Under the President.

PRESIDENT.

Allotments in sever-
alty.
24 Stat., 388, vol. 1, p.
33.

To enable the President to cause, under the provisions of the act of February eighth, eighteen hundred and eighty-seven, entitled "An act to provide for the allotment of lands in severalty to Indians," such Indian reservations as in his judgment are advantageous for agricultural and grazing purposes to be surveyed or resurveyed, for the purposes of said act, and to complete the allotment of the same, including the necessary clerical work incident thereto in the field

¹ U. S. v Aaron, 183 Fed., 277

and in the Office of Indian Affairs, and delivery of trust patents, so far as allotments shall have been selected under said act, ninety thousand dollars.

SECRETARY OF THE INTERIOR.

Under the Secretary.

That when, in the judgment of the Secretary of the Interior, it is necessary for any railway company owning or operating a line of railway in any Indian reservation to acquire lands in such Indian reservation for reservoirs, material, or ballast pits for the construction, repair, and maintenance of its railway, or for the purpose of planting and growing thereon trees to protect its line of railway, the said Secretary be, and he is hereby, authorized to grant such lands to any such railway company under such terms and conditions and such rules and regulations as may be prescribed by the said Secretary.

Grant of lands to railroads in Indian reservations for reservoirs, etc.

That when any railway company desiring to secure the benefits of this provision shall file with the Secretary of the Interior an application describing the lands which it desires to purchase, and upon the payment of the price agreed upon the said Secretary shall cause such lands to be conveyed to the railway company applying therefor upon such terms and conditions as he may deem proper: *Provided*, That no lands shall be acquired under the terms of this provision in greater quantities than forty acres for any one reservoir, and one hundred and sixty acres for any material or ballast pit, to the extent of not more than one reservoir and one material or gravel pit in any one section of ten miles of any such railway in any Indian reservation: *And provided further*, That the lands acquired for tree planting shall be taken only at such places along the line of the railway company applying therefor as in the judgment of the said Secretary may be necessary and shall be taken in strips adjoining and parallel with the right of way of the railway company taking the same, and shall not exceed one hundred and fifty feet in width.

35 Stat., 782.

Conveyance of lands.

Provisos.
Restriction.Land for tree planting.
Restriction.

That all moneys paid for such lands shall be deposited in the Treasury of the United States to the credit of the tribe or tribes, and the moneys received by said Secretary as damages sustained by individual members of the Indian tribe, which damages shall be ascertained by the Secretary of the Interior and paid by the railway company taking such lands, shall be paid by said Secretary to the Indian or Indians sustaining such damages.

Use of proceeds.

That the Secretary of the Interior be, and he hereby is, authorized, under the direction of the President, to allot any Indian on the public domain who has not heretofore received an allotment, in such areas as he may deem proper, not to exceed, however, eighty acres of agricultural or one hundred and sixty acres of grazing land to any one Indian, such allotment to be made and patent therefor issued in accordance with the provisions of the act of February eighth, eighteen hundred and eighty-seven (Twenty-fourth Statutes at Large, three hundred and eighty-eight).¹

Allotments to Indians.

Limit of acreage.

Repealed, post, 479.

24 Stat., 388, vol. 1, p. 33.

COMMISSIONER.

Under the Commissioner.

Irrigation.

For construction of ditches and reservoirs, purchase and use of irrigating tools and appliances, and water rights, including lands necessary for canals, pipe lines, and reservoirs, for Indian reservations and allotments, and for drainage and protection of irrigable lands from damage by floods, in the discretion of the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior and subject to his control, two hundred thousand dollars, to be immediately available and to remain available until expended: *Provided*, That the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, may employ superintendents of irrigation, who

Proviso.
Superintendents.¹ 40 L. D., 14.

- shall be skilled irrigation engineers, not to exceed five, as in his judgment may be necessary to secure the construction of ditches and other irrigation works in a substantial and workmanlike manner.
- Surveying and allotting. For survey and subdivision of Indian reservations and of lands to be allotted to Indians, and to make allotments in severalty, to be expended by the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, seventy-five thousand dollars.
- Suppressing liquor traffic. To enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to suppress the traffic in intoxicating liquors among Indians, fifty thousand dollars;
- Support of schools. For support of Indian day and industrial schools, and for other educational purposes, not herein provided for, one million four hundred and twenty-five thousand dollars;
- Construction of buildings, etc.
35 Stat., 783. For construction, purchase, lease, and repair of school buildings, and for sewerage, water supply, and lighting plants and purchase of school sites, and improvement of buildings and grounds, three hundred thousand dollars;
- Transporting pupils. In all, one million seven hundred and twenty-five thousand dollars. For collection and transportation of pupils to and from Indian schools, and also for the transportation of Indian pupils from all the Indian schools and placing of them, with the consent of their parents, under the care and control of such suitable white families as may in all respects be qualified to give such pupils moral, industrial, and educational training, seventy-five thousand dollars: *Provided*, That not exceeding five thousand dollars of this amount may be used, under direction of the Commissioner of Indian Affairs, in the transportation and placing of Indian pupils in positions where remunerative employment can be found for them in industrial pursuits. The provisions of this section shall apply to native pupils brought from Alaska: *Provided*, That no Indian pupil under the age of fourteen years shall be transported at Government expense to any Indian school beyond the limits of the State or Territory in which the parents of such child reside or of the adjoining State or Territory: *Provided further*, That hereafter white children may, under rules prescribed by the Commissioner of Indian Affairs, be admitted to Indian boarding schools on the payment of tuition fees at a rate to be fixed in said rules: *Provided further*, That all tuition fees paid for white children so enrolled shall be deposited in the United States Treasury to reimburse the fund out of which the school is supported.
- Provisos.
Positions for pupils. To enable the Commissioner of Indian Affairs, from time to time as he may deem necessary, to detail clerks from his office to make special investigations in the field: *Provided*, That while thus absent from Washington under such detail they shall receive a per diem of three dollars to cover all expenses, exclusive of transportation and sleeping-car fares, three thousand dollars.
- Young children. To enable the Commissioner of Indian Affairs to conduct experiments on Indian school or agency farms, designed to test the possibilities of soil and climate, in the cultivation of trees, grains, vegetables, and fruits not hitherto raised in those neighborhoods, using Indian labor in the process, five thousand dollars.
- White children admitted to Indian boarding schools. To enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to make investigations on Indian reservations and take measures for the purpose of preserving living and growing timber, and removing dead timber, standing or fallen; to advise the Indians as to the proper care of forests, and to conduct such timber operations and sales of timber as may be deemed advisable and provided for by law, one hundred thousand dollars, of which ten thousand dollars shall be immediately available: *Provided*, That this section shall not apply to the Menominee Indian Reservation in Wisconsin.
- Use of tuition fees. To enable the Commissioner of Indian Affairs to conduct experiments on Indian school or agency farms, designed to test the possibilities of soil and climate, in the cultivation of trees, grains, vegetables, and fruits not hitherto raised in those neighborhoods, using Indian labor in the process, five thousand dollars.
- Special investigations. To enable the Commissioner of Indian Affairs, from time to time as he may deem necessary, to detail clerks from his office to make special investigations in the field: *Provided*, That while thus absent from Washington under such detail they shall receive a per diem of three dollars to cover all expenses, exclusive of transportation and sleeping-car fares, three thousand dollars.
- Proviso.
Per diem. To enable the Commissioner of Indian Affairs to conduct experiments on Indian school or agency farms, designed to test the possibilities of soil and climate, in the cultivation of trees, grains, vegetables, and fruits not hitherto raised in those neighborhoods, using Indian labor in the process, five thousand dollars.
- Experimental test of soils, etc. To enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to make investigations on Indian reservations and take measures for the purpose of preserving living and growing timber, and removing dead timber, standing or fallen; to advise the Indians as to the proper care of forests, and to conduct such timber operations and sales of timber as may be deemed advisable and provided for by law, one hundred thousand dollars, of which ten thousand dollars shall be immediately available: *Provided*, That this section shall not apply to the Menominee Indian Reservation in Wisconsin.
- Care of the forests. To enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to make investigations on Indian reservations and take measures for the purpose of preserving living and growing timber, and removing dead timber, standing or fallen; to advise the Indians as to the proper care of forests, and to conduct such timber operations and sales of timber as may be deemed advisable and provided for by law, one hundred thousand dollars, of which ten thousand dollars shall be immediately available: *Provided*, That this section shall not apply to the Menominee Indian Reservation in Wisconsin.
- Immediately available.
Proviso.
Restriction. To enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to make investigations on Indian reservations and take measures for the purpose of preserving living and growing timber, and removing dead timber, standing or fallen; to advise the Indians as to the proper care of forests, and to conduct such timber operations and sales of timber as may be deemed advisable and provided for by law, one hundred thousand dollars, of which ten thousand dollars shall be immediately available: *Provided*, That this section shall not apply to the Menominee Indian Reservation in Wisconsin.

That hereafter the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may designate an employee of the Indian Office to sign letters of that office requiring the signature of the commissioner or assistant commissioner, and all signatures of such employee while acting under such designation shall have the same force and effect as if made by said commissioner or assistant commissioner.

Designation of employee to sign letters, authorized.

That all lands allotted to Indians in severalty, except allotments made to members of the Five Civilized Tribes and Osage Indians in Oklahoma, may by said allottee be leased for mining purposes for any term of years as may be deemed advisable by the Secretary of the Interior; and the Secretary of the Interior is hereby authorized to perform any and all acts and make such rules and regulations as may be necessary for the purpose of carrying the provisions of this paragraph into full force and effect.

Allotments in severalty.
Lease of mineral lands.

Regulations.

That if any Indian of a tribe whose surplus lands have been or shall be ceded or opened to disposal has received or shall receive an allotment embracing lands unsuitable for allotment purposes, such allotment may be canceled and other unappropriated, unoccupied, and unreserved land of equal area, within the ceded portions of the reservation upon which such Indian belongs, allotted to him upon the same terms and with the same restrictions as the original allotment, and lands described in any such canceled allotment shall be disposed of as other ceded lands of such reservation. This provision shall not apply to the lands formerly comprising Indian Territory. The Secretary of the Interior is authorized to prescribe rules and regulations to carry this law into effect.

35 Stat., 784.
Exchange of lands unsuitable for allotment, etc.

Restriction.
Regulations.

MISCELLANEOUS.

Miscellaneous.

Telegraphing, telephoning, and purchase of Indian supplies: To pay the expense of purchasing goods and supplies for the Indian Service, including inspection, pay of necessary employees, and all other expenses connected therewith; advertising at rates not exceeding regular commercial rates; telegraphing and telephoning; and transporting Indian goods and supplies, including expenses of transportation agents and rent of warehouses, three hundred and fifteen thousand dollars.

Supplies.

All expenses.

For buildings and repairs of buildings at agencies, and for rent of buildings for agency purposes, and for water supply at agencies, seventy-five thousand dollars.

Agency buildings.

For pure vaccine matter and vaccination of Indians, five thousand dollars.

Vaccination.

To enable the Commissioner of Indian Affairs to pay court costs, witness fees, and other legal expenses incurred in suits instituted in behalf of or against Indians involving lands allotted to them, two thousand five hundred dollars, five hundred dollars thereof to be immediately available: *Provided*, That no part of this appropriation shall be used in the payment of attorney's fees.

Court costs, etc., in suits involving allotted lands.

Proviso.
Attorney's fees.

That section ten of the act of March third, eighteen hundred and seventy-five (Eighteenth Statutes at Large, four hundred and fifty-one), be amended so as to read as follows: "Each Indian agent shall keep a book of itemized expenditures of every kind, with a record of all contracts, together with the receipts of moneys from all sources, and the books thus kept shall always be open to inspection; and the said books shall remain in the office at the respective reservations, not to be removed from said reservation by said agent, but shall be safely kept and handed over to his successor, and he shall report annually to the Commissioner of Indian Affairs all material on hand and not required for his use: *Provided*, That should any agent knowingly make any false entry in said books, or shall knowingly fail to keep a perfect

Agent's records, etc.
18 Stat., 451, vol. 1, p. 25.

Annual report.

Proviso.
False entries in transcripts, etc.

- entry in said books as herein prescribed, he shall be deemed guilty of a misdemeanor and, on conviction before any United States court having jurisdiction of such offense, shall be fined in a sum not less than five hundred nor more than one thousand dollars, at the discretion of the court, and shall be rendered incompetent to hold said office of Indian agent after conviction under said act.
- Penalty.
- Use of appropriation for incidental expenses, etc. That any moneys appropriated in this act for the general incidental expenses of the Indian Service in certain States and Territories, including traveling expenses of agents, which are not needed in the particular States or Territories for which provided may be used for the same kind of expenses elsewhere, in the discretion of the Secretary of the Interior.
- Fort Lapwai School. To pay certain individual Indians of the Fort Lapwai School the sum of five hundred and sixteen dollars and eighty-eight cents, to reimburse them for moneys said to have been deposited in the safe at said school and stolen therefrom by burglars on the night of October eleventh, nineteen hundred six: *Provided*, That said Indians, before being paid, shall be required to furnish evidence of their respective losses satisfactory to the Secretary of the Interior.
- Reimbursement of Indians for loss by burglary.
- 35 Stat., 785. Proviso. Evidence of loss.

General officers and employees.

II. GENERAL OFFICERS AND EMPLOYEES.

BOARD OF INDIAN COMMISSIONERS.

- Citizen commission. For expenses of the commission of citizens, serving without compensation, appointed by the President under the provisions of the fourth section of the act of April tenth, eighteen hundred and sixty-nine, four thousand dollars, of which amount not to exceed three hundred dollars may be used by the commission for office rent.
- 16 Stat., 40.

Inspectors.

INSPECTORS.

- Irrigation engineers. For pay of two Indian inspectors, who shall be engineers, one to be designated as chief, competent in the location, construction, and maintenance of irrigation works, one at two thousand five hundred dollars per annum and one at three thousand five hundred dollars per annum; in all, six thousand dollars. For traveling expenses of two Indian inspectors, at three dollars per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses now authorized by law, for incidental expenses of negotiation, inspection, and investigation, including telegraphing and expense of going to and coming from the seat of government, and while remaining there under orders and direction of the Secretary of the Interior, for a period not to exceed twenty days, three thousand eight hundred dollars.
- Expenses.

SUPERINTENDENT OF INDIAN SCHOOLS.

- Superintendent of schools. For pay of one superintendent of Indian schools, three thousand dollars.
- Expenses. For necessary traveling expenses of one superintendent of Indian schools, including telegraphing and incidental expenses of inspection and investigation, one thousand five hundred dollars: *Provided*, That he shall be allowed three dollars per day for traveling expenses when actually on duty in the field, exclusive of cost of transportation and sleeping-car fare, in lieu of all other expenses now allowed by law.
- Proviso. Per diem.

INTERPRETERS.

- Interpreters. For payment of necessary interpreters, to be distributed in the discretion of the Secretary of the Interior, four thousand dollars; but no person employed by the United States and paid for any other service shall be paid for interpreting.

POLICE.

For pay of officers at twenty-five dollars per month each, and privates at twenty dollars per month each, of Indian police, to be employed in maintaining order and prohibiting illegal traffic in liquor on the several Indian reservations and within the Territory of Alaska, in the discretion of the Secretary of the Interior, for the purchase of equipments, and for the purchase of rations for policemen at non-ration agencies, two hundred thousand dollars.

Police.

MATRONS.

To enable the Secretary of the Interior to employ suitable persons as matrons to teach Indian girls in housekeeping and other household duties, at a rate not to exceed sixty dollars per month, and for furnishing necessary equipments, and renting quarters where necessary, thirty thousand dollars: *Provided*, That the amount paid said matrons shall not come within the limit for employees fixed by the act of June seventh, eighteen hundred and ninety-seven.

Matrons.

35 Stat., 786.

Proviso.
Additional.
30 Stat., 90.

FARMERS AND STOCKMEN.

To enable the Commissioner of Indian Affairs to employ practical farmers and practical stockmen, subject only to such examination as to qualifications as the Secretary of the Interior may prescribe, in addition to the agency and school farmers now employed, at wages not exceeding seventy-five dollars each per month, to superintend and direct farming and stock raising among such Indians as are making effort for self-support, one hundred and twenty-five thousand dollars: *Provided*, That the Commissioner of Indian Affairs may use not exceeding twenty-five thousand dollars of the said amount in the employment of additional clerical assistance at such agencies and schools as may be necessary in connection with the leasing and appraisal of Indian lands and for sundry purposes: *Provided further*, That the amounts paid such farmers and stockmen shall not come within the limit for employees fixed by the act of June seventh, eighteen hundred and ninety-seven.

Farmers and stockmen.

Provisos.
Additional clerks at agencies, etc.Additional.
30 Stat., 90, vol. 1, 86.

JUDGES.

For compensation of judges of Indian courts, twelve thousand dollars.

Judges, Indian courts.

CONTINGENCIES.

For contingencies of the Indian service, including traveling and incidental expenses of Indian agents and of their offices, and of the Commissioner of Indian Affairs; also traveling and incidental expenses of special agents, at three dollars per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses now authorized by law, and expenses of going to and from the seat of government, and while remaining there under orders and direction of the Commissioner of Indian Affairs, for a period not to exceed twenty days; for pay of employees not otherwise provided for, and for pay of special agents, at two thousand dollars per annum each, eighty-five thousand dollars.

Contingencies.

And the Secretary of the Treasury is hereby authorized to pay from the appropriation for contingencies of the Indian Service, nineteen hundred and nine, for expenses incurred under the orders of the Secretary of the Interior, to Joseph W. Howell one hundred and thirty-five dollars and to Joseph R. Webster two hundred and ten dollars.

Joseph W. Howell
and Joseph R. Webster.
Payment to.

Arizona.

ARIZONA.

San Carlos Agency,
agent.

For pay of Indian agent at the San Carlos Agency, Arizona, one thousand eight hundred dollars.

Apaches, etc.
Support, etc.

For support and civilization of the Apache and other Indians in Arizona and New Mexico who have been or may be collected on reservations in Arizona and New Mexico, three hundred thousand dollars; and the commissioner is authorized to use the unexpended balance for the fiscal year nineteen hundred and nine, which is hereby appropriated and made available for nineteen hundred and ten.

Pima Agency.
Support, etc., of In-
dians.

For support and civilization of the Indians of Pima Agency, Arizona, forty thousand dollars, to be expended for their benefit in such manner as the Secretary of the Interior, in his discretion, may deem best.

FORT MOJAVE SCHOOL.

35 Stat., 787.

Fort Mojave school.

For support and education of two hundred Indian pupils at the Indian school at Fort Mojave, Arizona, and for pay of superintendent of said school, thirty-five thousand one hundred dollars;

For general repairs and improvements, two thousand dollars;

For deep well, one thousand dollars;

In all, thirty-eight thousand one hundred dollars.

PHOENIX SCHOOL.

Phoenix school.

For support and education of seven hundred Indian pupils at the Indian school at Phoenix, Arizona, and for pay of superintendent, one hundred and nineteen thousand four hundred dollars;

For general repairs and improvements, eight thousand dollars;

In all, one hundred and twenty-seven thousand four hundred dollars.

TRUXTON CANYON SCHOOL.

Truxton Canyon
school.

For support and education of one hundred pupils at the Indian school at Truxton Canyon, Arizona, and for pay of superintendent, eighteen thousand two hundred dollars;

James H. Owen.
Payment to.

For payment to James H. Owen, of Los Angeles, California, the amount found to be due him by the Secretary of the Interior under contract of May thirty-first, nineteen hundred and six, for the construction of buildings and irrigation works at the Truxton Canyon Indian School, Arizona, nine hundred and thirty dollars.

General repairs and improvements, three thousand dollars;

In all, twenty-one thousand two hundred dollars.

Incidentals.

For general incidental expenses of the Indian Service in Arizona, including traveling expenses of agents, one thousand five hundred dollars.

Navajo Indians, Ariz.
and N. Mex.Purchase of lands,
etc., for.Appropriation imme-
diately available.

To enable the Secretary of the Interior to purchase lands and water rights for the use of Navajo Indians who have lost title to their homes on the public domain in Arizona and New Mexico the sum of forty thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the same to be immediately available.

California.

CALIFORNIA.

Mission Indians.
Support, etc.

For support and civilization of the Mission Indians in California, including pay of employees, and for the purchase of small tracts of land situated adjacent to lands heretofore purchased, twenty thousand dollars, part of which may be used for making improvements for the use and occupancy of Indians in southern California.

For support and civilization of the Indians in California, twenty thousand dollars, part of which may be used for the purchase of small tracts of land adjacent to lands now owned by the Indians and for improvements on lands for the use and occupancy of Indians.

Purchase of land for certain Indians.

SHERMAN INSTITUTE.

For support and education of five hundred and fifty Indian pupils at the Sherman Institute, Riverside, California, and for pay of superintendent, ninety-four thousand three hundred and fifty-nine dollars;

For general repairs and improvements, ten thousand dollars;

In all, one hundred and four thousand three hundred and fifty-nine dollars.

For general incidental expenses of the Indian Service in California, including traveling expenses of agents, and support and civilization of Indians at the Round Valley, Hoopa Valley, and Tule River agencies, four thousand dollars;

And pay of employees at same agencies, seven thousand dollars:

In all, eleven thousand dollars.

Sherman Institute.

Incidentals.

COLORADO.

For general incidental expenses of the Indian Service in Colorado, including traveling expenses of agents, one thousand dollars.

35 Stat., 788.
Colorado.

Incidentals.

FORT LEWIS SCHOOL.

There is hereby granted to the State of Colorado, upon the terms and conditions hereinafter named, the property, known as the Fort Lewis School, including the lands, buildings, and fixtures pertaining to said school: *Provided*, That said lands and buildings shall be held and maintained by the State of Colorado as an institution of learning, and that Indian pupils shall at all times be admitted to such school free of charge for tuition and on terms of equality with white pupils: *Provided further*, That this grant shall be effective at any time before July first, nineteen hundred and ten, if before that date the governor of the State of Colorado files an acceptance thereof with the Secretary of the Interior accepting for said State said property, upon the terms and conditions herein prescribed.

Fort Lewis school.
Grant of, to State.

Provisos.
Indian pupils, etc.

Acceptance of grant.

For support and education of two hundred Indian pupils at the Indian school at Fort Lewis, Colorado, thirty-five thousand dollars, and for pay of superintendent, one thousand six hundred dollars;

Provided, That if said school is disposed of as above authorized at any time during the fiscal year of nineteen hundred and ten the pro rata share only of the appropriation for the maintenance of said school for the portion of the year which the school is maintained by the United States shall be available.

Support, etc., of Indian pupils.

Proviso.
Pro rata share of appropriation.

GRAND JUNCTION SCHOOL.

There is hereby granted to the State of Colorado, upon the terms and conditions hereinafter named, the property, known as the Grand Junction School, including the lands, buildings, and fixtures pertaining to said school: *Provided*, That said lands and buildings shall be held and maintained by the State of Colorado as an institution of learning, and that Indian pupils shall at all times be admitted to such school free of charge for tuition and on terms of equality with white pupils: *Provided further*, That this grant shall be effective at any time before July first, nineteen hundred and ten, if before that date the governor of the State of Colorado files an acceptance thereof with the Secre-

Grand Junction School.
Grant of, to State.

Provisos.
Indian pupils.

Acceptance of grant.

tary of the Interior accepting for said State said property, upon the terms and conditions herein prescribed.

Support, etc., of pupils.

For support and education of two hundred Indian pupils at the Indian school at Grand Junction, Colorado, thirty-three thousand four hundred dollars, and pay of superintendent, one thousand six hundred dollars;

Proviso. Pro rata share of appropriation.

Provided, That if said school is disposed of as above authorized at any time during the fiscal year of nineteen hundred and ten the pro rata share only of the appropriation for the maintenance of said school for the portion of the year which the school is maintained by the United States shall be available.

Southern Ute Indian Reservation. Purchase of water right, etc.

That the Secretary of the Interior is hereby authorized to expend from the funds of the Southern Ute Indians in the Treasury of the United States sufficient moneys, not exceeding one hundred and fifty thousand dollars, to purchase a perpetual water right for the purpose of irrigating not less than ten thousand acres of land in the Southern Ute Indian Reservation in Colorado.

Confederated Bands of Ute Indians.

That to carry into effect the agreement between the Confederated Bands of Ute Indians of Colorado and the United States, ratified by the act of Congress approved June fifteenth, eighteen hundred and eighty, being "An act to accept and ratify the agreement submitted by the Confederated Bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the

35 Stat., 789.

21 Stat., 199, vol. 1, p. 180. Court of Claims to determine, etc., claims, etc., of.

same" (Twenty-first Statutes, page one hundred and ninety-nine), jurisdiction is hereby conferred upon the Court of Claims to hear, determine, and render final judgment, with right of appeal as in other cases, on the claims and rights of said Indians under said agreement, including the value of all lands ceded by the said Indians which have been set apart and reserved from the public lands as public reservations or for other public uses under existing laws and proclamations of the President, as if disposed of under the public-land laws of the United States, as provided by said agreement, and the

Perpetual trust fund. 21 Stat., 204, vol. 1, p. 185.

money due therefor; and the court shall set off against any sum found due said Indians the amount paid to them under the fifth section of said act of June fifteenth, eighteen hundred and eighty, being fifty thousand dollars per annum up to the date of rendition of final judgment in this case, also any other sum or sums that shall be found to be properly chargeable under the terms of said agreement and also any sum or sums paid by the United States to or for the benefit of said Indians, whether as a gratuity or otherwise, except such sums as have been paid for a specific purpose and an

Termination of, etc.

adequate consideration; and the credit of one million two hundred and fifty thousand dollars set apart in the Treasury by the terms of said agreement, upon which said annuity has been estimated, shall, upon the rendition of final judgment in this case, cease to exist as a trust fund, and from and after the date of said judgment no annuity shall be estimated or paid therefrom; and the action herein authorized shall be consolidated with cause congressional numbered eleven thousand two hundred and forty-eight, now pending in said court, for the purpose of using at the trial thereof all evidence which has been adduced in said pending cause, and shall be commenced by petition under the title of said pending cause and shall be conducted by the attorney of record now appearing therein, or by any attorney by him specifically authorized to appear; and the Attorney General shall continue to appear and represent the United States; and in rendering judgment herein the court shall fix upon a quantum meruit and set apart just and reasonable compensation to the attorneys on behalf of plaintiffs who have rendered actual services in prosecuting said claim before the committees of Congress

Attorney's compensation.

and in conducting the said cause before the courts in the name of the attorney of record in said pending cause, or any attorney by him specifically authorized, and said compensation shall be paid to such attorney by the Secretary of the Treasury out of any money in the Treasury arising from the sale of said ceded lands or from the proceeds of said judgment, and the balance of said judgment shall be held in the Treasury for the benefit of said Indians as a trust fund, and the interest thereon shall be distributed annually to them in accordance with the terms of said act of June fifteenth, eighteen hundred and eighty; and the said cause shall be advanced in hearing by the Court of Claims, and by the Supreme Court of the United States if the same shall be appealed.¹

Payment.

Annual distribution of interest.

IDAHO.

Idaho.

For a superintendent in charge of agency and educational matters on the Coeur d'Alene Reservation, Idaho, one thousand two hundred dollars.

Coeur d'Alene Reservation. Superintendent.

For support and civilization of the Shoshones and Bannocks, Sheep-eaters, and other Indians of the Fort Hall Reservation in Idaho, including pay of employees, thirty thousand dollars.

Fort Hall Reservation. Support, etc., of Indians.

For general incidental expenses of the Indian Service in Idaho, including traveling expenses of agents, one thousand dollars.

35 Stat., 790. Incidentals.

For carrying out the provisions of the act of March first, nineteen hundred and seven (Thirty-fourth Statutes at Large, page one thousand and twenty-four), authorizing the Secretary of the Interior to acquire lands and other property necessary in constructing a reservoir for storing water for the purpose of irrigating lands on the Fort Hall Reservation in Idaho and those ceded by the Indians of said reservation, and for construction of the system determined on, one hundred thousand dollars, reimbursable.

Fort Hall Reservation. Irrigation. 34 Stat., 1024, ante, p. 275.

That the Secretary of the Interior be, and he is hereby, authorized to investigate and settle the equitable claims of Neils Anderson, William Winchell, and others whose lands or improvements, held under possessory claims, have been or will be damaged by reason of the construction of said reservoir, for which purpose the sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated.

Neils Anderson and William Winchell. Investigation, etc., of claims of.

To enable the Secretary of the Interior to complete the survey, allotment, classification, and appraisal of the lands in the Coeur d'Alene Reservation, Idaho, fifteen thousand dollars: *Provided*, That this sum shall be reimbursed to the United States from the proceeds of the sale of the surplus lands after the allotments are made.

Coeur d'Alene Reservation, Idaho. Survey, etc.

SHOSHONES AND BANNOCKS. (Treaty.) (For Shoshones, see Wyoming.)

Bannocks.

BANNOCKS: For pay of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith, as per tenth article of treaty of July third, eighteen hundred and sixty-eight, five thousand dollars.

Fulfilling treaty. 15 Stat., 676, vol. 2, 1023.

COEUR D'ALENES. (Treaty.)

Coeur d'Alenes.

For pay of blacksmith, carpenter, and physician, and purchase of medicines, as per the eleventh article of agreement, ratified by act of March, eighteen hundred and ninety-one, three thousand dollars.

Blacksmith, etc. 26 Stat., 1029, vol. 1, p. 421.

INDIANS FORMERLY OF LEMHI AGENCY, IDAHO.

Lemhi Agency.

For the third to the eleventh, inclusive, of the twenty installments, as provided in the agreement with the Indians of Fort Hall and Lemhi Agencies, Idaho, approved February twenty-third, eighteen hundred

Fulfilling treaty with Indians formerly of. 25 Stat., 688, vol. 1, 314.

¹ The Ute Indians v. The United States, 45 Court of Claims, 440.

and eighty-nine, to be used by the Secretary of the Interior for the benefit of the Indians removed to Fort Hall Reservation from Lemhi Agency, Idaho, in such manner as the President may direct, thirty-six thousand dollars.

Iowa.

IOWA.

SAC AND FOX SCHOOL.

Sac and Fox school.

For support and education of eighty Indian pupils at the Indian school on the Sac and Fox Reservation, Iowa, and for pay of superintendent, fourteen thousand five hundred and sixty dollars;
For general repairs and improvements, three thousand dollars;
In all, seventeen thousand five hundred and sixty dollars.

Kansas.

KANSAS.

HASKELL INSTITUTE.

Haskell Institute,
Lawrence.

35 Stat., 791.

For support and education of seven hundred and fifty Indian pupils at the Indian school, Haskell Institute, Lawrence, Kansas, for transportation of pupils to and from said school, and for pay of superintendent, one hundred and thirty-seven thousand seven hundred and fifty dollars;
For general repairs and improvements, ten thousand dollars;
For hay barn, three thousand dollars;
For ventilation system, two thousand five hundred dollars;
For equipment of manual training school, two thousand five hundred dollars;
In all, one hundred and fifty-five thousand seven hundred and fifty dollars.

KICKAPOO INDIAN SCHOOL.

Kickapoo Reserva-
tion school.

For support and education of eighty Indian pupils at the Indian school, Kickapoo Reservation, Kansas, and for pay of superintendent, fourteen thousand eight hundred and sixty dollars;
General repairs and improvements, two thousand dollars;
In all, sixteen thousand eight hundred and sixty dollars.

Pottawatomies.

POTTAWATOMIES. (Treaty.)

Annuities.
7 Stat., 51, vol. 2, 41.

For permanent annuity, in silver, per fourth article of treaty of August third, seventeen hundred and ninety-five, three hundred and fifty-seven dollars and eighty cents;

7 Stat., 114, vol. 2, 101.

For permanent annuity, in silver, per third article of treaty of September thirtieth, eighteen hundred and nine, one hundred and seventy-eight dollars and ninety cents;

7 Stat., 185, vol. 2, 168.

For permanent annuity, in silver, per third article of treaty of October second, eighteen hundred and eighteen, eight hundred and ninety-four dollars and fifty cents;

7 Stat., 317, vol. 2, 294.

For permanent annuity, in money, per second article of treaty of September twentieth, eighteen hundred and twenty-eight, seven hundred and fifteen dollars and sixty cents;

7 Stat., 320, vol. 2, 298.

For permanent annuity, in specie, per second article of treaty of July twenty-ninth, eighteen hundred and twenty-nine, and second article of treaty of September twentieth, eighteen hundred and twenty-eight, five thousand seven hundred and twenty-four dollars and seventy-seven cents;

7 Stat., 318, vol. 2, 294.

For permanent provision for payment of money in lieu of tobacco, iron, and steel, per second article of treaty of September twentieth,

eighteen hundred and twenty-eight, and tenth article of treaties of June fifth and seventeenth, eighteen hundred and forty-six, one hundred and seven dollars and thirty-four cents;

9 Stat., 855, vol. 2, 559.

For permanent provision for three blacksmiths and assistants, and for iron and steel for shops, per third article of treaty of October sixteenth, eighteen hundred and twenty-six; second article of treaty of September twentieth, eighteen hundred and twenty-eight, and second article of treaty of July twenty-ninth, eighteen hundred and twenty-nine, one thousand and eight dollars and ninety-nine cents;

7 Stat., 296, vol. 2, 274.

7 Stat., 318, vol. 2, 294.

7 Stat., 321, vol. 2, 298.

7 Stat., 320, vol. 2, 298.

For permanent provision for fifty barrels of salt, per second article of treaty of July twenty-ninth, eighteen hundred and twenty-nine, fifty dollars;

In all, nine thousand and thirty-seven dollars and ninety cents.

For the purpose of carrying out the provisions of the treaty with the Pottawatomie Indians proclaimed April nineteenth, eighteen hundred and sixty-two, the Secretary of the Interior is authorized, upon application therefor, to sell the lands in Kansas allotted to those Indians styling themselves the Wah-quabas-kuk Band, and purchase satisfactory lands for them in Wisconsin or elsewhere and locate them thereon. All expenses to be paid out of the receipts from the Kansas lands.

Wah-quabas-kuk band.
Sale of Kansas lands of.
12 Stat., 1191, vol. 2, 824.

Expenses.

SACS AND FOXES OF THE MISSOURI. (Treaty.)

For support of a school, per fifth article of treaty of March sixth, eighteen hundred and sixty-one, two hundred dollars.

35 Stat., 792.
Sacs and Foxes of the Missouri.
School.
12 Stat., 1173, vol. 2, 812.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John K. Heyl upon surrender of the certificates herein referred to, from the funds of the Kaw Indians in his possession, which have been set aside for the payment of certain claims, now in his possession, the sum of one thousand five hundred dollars the same to be accepted in full payment and discharge of seven hundred and fifty dollars of Kaw scrip and the interest thereon.

John K. Heyl.
Payment to, etc.

MICHIGAN.

Michigan.

MOUNT PLEASANT SCHOOL.

For support and education of three hundred Indian pupils at the Indian school, Mount Pleasant, Michigan, and for pay of superintendent, fifty-one thousand eight hundred dollars;

Mount Pleasant school.

For general repairs and improvements, four thousand dollars;

In all, fifty-five thousand eight hundred dollars.

MINNESOTA.

Minnesota.

For pay of Indian agent at the Leech Lake Agency, Minnesota, one thousand eight hundred dollars.

Agents.
Leech Lake Agency.

For pay of Indian agent at White Earth, one thousand eight hundred dollars.

White Earth Agency.

MORRIS SCHOOL.

That there is hereby granted to the State of Minnesota, upon the terms and conditions hereinafter named, the following-described property, known as the Indian school at Morris, Minnesota, and more particularly described as follows, to wit:

Morris school.
Grant of, to State.

All those several tracts and parcels of land situate, lying, and being in the county of Stevens and State of Minnesota, and described as follows: The northeast quarter of the southwest quarter, the southwest quarter of the northwest quarter of the southwest quarter, the northeast quarter of the northwest quarter of the southwest quarter,

Description.

the northwest quarter of the southwest quarter of the southwest quarter, the southeast quarter of the northwest quarter of the southwest quarter of section thirty-six, township one hundred and twenty-five north, range forty-two west, containing eighty acres.

Beginning at the quarter post, being the southwest corner of the northwest quarter of section thirty-one, township one hundred and twenty-five north, range forty-one west of the fifth principal meridian; running along the county road (Morris, Minnesota, to Glenwood, Minnesota), or along the established line of the said county road, running from said quarter post north sixty-three degrees and thirty minutes east one and fifty-six one-hundredths chains; thence north sixty-one degrees east eight and thirteen one-hundredths chains; thence north eighty-seven degrees and twenty-five minutes east seven and seven one-hundredths chains; thence north sixty-nine degrees and thirty minutes east fourteen and eighty-five one-hundredths chains; thence north seventy-seven degrees east twenty-seven chains; thence leaving the said county road and running north twenty-five chains to a point on the north boundary line of said section thirty-one, township one hundred and twenty-five, range forty-one, fifteen chains east of the northeast corner of the northwest quarter of said section thirty-one, township one hundred and twenty-five, range forty-one; thence west along the said north boundary line of said section thirty-one, township one hundred and twenty-five, range forty-one, to the northwest corner of the northwest quarter of section thirty-one, township one hundred and twenty-five, range forty-one; thence south along the west boundary line of said section thirty-one, township one hundred and twenty-five, range forty-one, to the place of beginning, except twelve and nine-tenths acres of land owned by the Northern Pacific Railroad Company, being used for railroad right of way and special snow-fence purposes.

35 Stat., 793.

Exception.

Also all that part of the east half of the southwest quarter of the southwest quarter of section thirty-six, township one hundred and twenty-five north, range forty-two west of the fifth principal meridian, in Stevens County, Minnesota, lying south of the county road from Morris to Cyrus, Minnesota, containing fifteen acres.

And beginning at the northwest corner of the southeast quarter of section thirty-six, township one hundred and twenty-five, range forty-two; thence south eleven and five one-hundredths chains, east three and sixteen one-hundredths chains, south two and fifty-seven one-hundredths chains, to the Cyrus and Morris public road; thence easterly along the north line of said road to a point on the east line of the northwest quarter of the southeast quarter of section thirty-six, seven and twenty-five one-hundredths chains south of the northeast corner of the northwest quarter of the southeast quarter of section thirty-six; thence north seven and twenty-five one-hundredths chains to said northeast corner; thence west to the place of beginning, containing twenty-two and one-half acres.

And the south half of the south half of the northwest quarter of the northwest quarter of the southwest quarter of section thirty-six, township one hundred and twenty-five, range forty-two, containing two and one-half acres.

And lot numbered three of county subdivision of unplatted part of east half of section thirty-five, township one hundred and twenty-five, range forty-two, containing eight and seventy-five one-hundredths acres, described as follows: Commencing at a point on the north side of the county road leading from Morris to Cyrus, Minnesota, six hundred and eighty-eight feet from the southeast corner of section thirty-five, township one hundred and twenty-five north, range forty-two west; thence north eight hundred and eighty-seven feet, west four hundred and forty feet, south six hundred and forty-

six feet; thence southeast three hundred and ninety-one feet to said county road; thence northeast along said county road two hundred and thirty-two feet to the place of beginning.

Aggregating two hundred and ninety acres, with buildings, improvements, and other appurtenances thereon.

Provided, That said lands and buildings shall be held and maintained by the State of Minnesota as an agricultural school, and that Indian pupils shall at all times be admitted to such school free of charge for tuition and on terms of equality with white pupils.

Provided further, That this grant shall be effective on July first, nineteen hundred and ten, if before that date the State of Minnesota, by its legislature, shall, by a bill or joint resolution, accept the terms of this grant, and in said event the said State of Minnesota shall file with the Secretary of the Interior a certified copy of said act or joint resolution, whereupon this grant shall take effect without further act; and the indorsement of the Secretary of the Interior upon a certified copy of said act or joint resolution of the legislature of the State of Minnesota, showing the date of the filing thereof with the said Secretary of the Interior, and showing said date to be prior to July first, nineteen hundred and ten, shall be competent proof in all courts of record of the filing of such certified copy of such act or joint resolution.

For support and education of one hundred and fifty Indian pupils at the Indian school, Morris, Minnesota, twenty-five thousand one hundred and fifty dollars, and for pay of superintendent, one thousand five hundred dollars;

For general repairs and improvements, one thousand dollars;

In all, twenty-seven thousand six hundred and fifty dollars;

Provided, That if said school is disposed of as above authorized at any time during the fiscal year of nineteen hundred and ten the pro rata share only of the appropriation for the maintenance of said school for the portion of the year which the school is maintained by the United States shall be available.

PIPESTONE SCHOOL.

For support and education of two hundred and twenty-five Indian pupils at the Indian school, Pipestone, Minnesota, and for pay of superintendent, thirty-nine thousand one hundred and seventy-five dollars;

For general repairs and improvements, two thousand five hundred dollars;

For removing obstructions at the falls and improving the highway to the cemetery, four thousand dollars;

In all, forty-five thousand six hundred and seventy-five dollars.

CHIPPEWAS OF THE MISSISSIPPI. (Treaty.)

For support of a school or schools upon said reservation, during the pleasure of the President, in accordance with third article of treaty of March nineteenth, eighteen hundred and sixty-seven, four thousand dollars.

CHIPPEWAS OF MINNESOTA, REIMBURSABLE. (Treaty.)

Advance interest to the Chippewa Indians in Minnesota, as required by section seven of "An act for the relief of the Chippewa Indians in the State of Minnesota," approved January fourteenth, eighteen hundred and eighty-nine, to be expended under the direction of the

Total acreage.

Proviso.
Indian pupils, etc.

Acceptance of grant.

Effect.

35 Stat., 794.

Support, etc., of Indian pupils.

Proviso.
Pro rata share of appropriation, etc.

Pipestone school.

Chippewas of the Mississippi.

Schools.
16 Stat., 720, vol. 2, 975.

Chippewas of Minnesota.

Advance interest.
25 Stat., 645, vol. 1, p. 305.

Secretary of the Interior, in the manner required by said act (reimbursable), ninety thousand dollars.

Civilization, etc.
25 Stat., 642, vol. 1, p.
303.

To enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to carry out an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January fourteenth, eighteen hundred and eighty-nine, namely, the purchase of material and employment of labor for the erection of houses for Indians; for the purchase of agricultural implements, stock, and seeds, breaking and fencing land; for payment of expenses of delegations of Chippewa Indians to visit the White Earth Reservation; for the erection and maintenance of day and industrial schools; for subsistence and for pay of employees; for pay of commissioners and their expenses, and for removal of Indians and for their allotments, to be reimbursed to the United States out of the proceeds of sale of their lands, one hundred and fifty thousand dollars.

White Earth band of
Chippewas.

Fund for annual celebra-
tion.

The Secretary of the Interior is hereby authorized to advance to the executive committee of the White Earth band of Chippewa Indians in Minnesota the sum of one thousand dollars, or so much thereof as may be necessary, to be expended in the annual celebration of said band to be held June fourteenth, nineteen hundred and nine, out of the funds belonging to said band.

35 Stat., 795.
Montana.

MONTANA.

Agents.

For pay of Indian agents in Montana at the following-named agencies at the rates respectively indicated, namely:

Crow Agency.

At the Crow Agency, Montana, two thousand dollars.

Flathead Agency.

At the Flathead Agency, Montana, one thousand eight hundred dollars.

Fort Belknap
Agency.
Support, etc., of In-
dians.
Purchase of imple-
ments, etc.

For support and civilization of the Indians at Fort Belknap Agency, Montana, including pay of employees, twenty thousand dollars.

Ante, p. 331.
Available for reex-
penditure, etc.

That any moneys repaid by Indians to the United States under the provisions of the section of the Indian appropriation act approved April thirtieth, nineteen hundred and eight, appropriating the sum of twenty-five thousand dollars for the purchase of implements and other equipment for the Indians of the Fort Belknap Reservation in the State of Montana (Thirty-fifth Statutes at Large, page eighty-three), shall be available for reexpenditure for the same purposes and under the same conditions until June first, nineteen hundred and fifteen.

Crow Indians.
Support, etc., of In-
dians.

For support and civilization of the Crow Indians in Montana, including pay of employees, eight thousand dollars.

Flathead Agency.
Support, etc., of In-
dians.

For support and civilization of Indians at Flathead Agency, Mon-
tana, including pay of employees, nine thousand dollars.

Fort Peck Agency.
Support, etc., of In-
dians.

For support and civilization of the Indians at Fort Peck Agency,
Montana, including pay of employees, fifty thousand dollars.

Surveys, etc., Black-
feet Reservation.

To enable the Secretary of the Interior to complete the survey, allotment, classification, and appraisement of the lands in the Black-foot Reservation, in the State of Montana, one hundred thousand dollars: *Provided*, That this sum shall be reimbursed to the United States from the proceeds of the sale of the surplus lands after the allotments are made.

Proviso.
Reimbursement.

Fort Belknap Reser-
vation.
Irrigation.

For completion and extension of the Milk River Irrigation System on the Fort Belknap Reservation in Montana, twenty-five thousand dollars, reimbursable.

Flathead Reserva-
tion.
Irrigation.
33 Stat., 305, ante, p.
79.

For construction of irrigation systems to irrigate the allotted lands of the Indians of the Flathead Reservation in Montana and the unallotted irrigable lands to be disposed of under the act of April twenty-third, nineteen hundred and four, entitled "An act for the

survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation in the State of Montana, and the sale and disposal of all surplus lands after allotment," including the necessary surveys, plans, and estimates, two hundred and fifty thousand dollars, one hundred thousand dollars thereof to be immediately available, the cost of said entire work to be reimbursed from the proceeds of the sale of the lands and timber within said reservation.

That the act of April twenty-third, nineteen hundred and four (Thirty-third Statutes at Large, page three hundred and two), entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," as amended by the act of June twenty-first, nineteen hundred and six, and the act of May twenty-ninth, nineteen hundred and eight, be amended by adding thereto the following sections:

"SEC. 21. That the lands allotted, those retained or reserved, and the surplus lands sold or otherwise disposed of shall be subject for a period of twenty-five years to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country, and that the Indian allottees, whether under the care of an Indian agent or not, shall for a like period be subject to all the laws of the United States prohibiting the sale or other disposition of intoxicants to Indians.

"SEC. 22. That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to reserve from location, entry, sale, or other appropriation all lands within said Flathead Indian Reservation chiefly valuable for power sites or reservoir sites, and he shall report to Congress such reservations.

That section eleven of the act of April twenty-third, nineteen hundred and four (Thirty-third Statutes at Large, page three hundred and two), entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," be amended to read as follows:

"SEC. 11. That all merchantable timber on said lands returned and classified by said commission as timber lands shall be sold and disposed of by the Secretary of the Interior, for cash, under sealed bids or at public auction, as the Secretary of the Interior may determine, and under such regulations as he may prescribe: *Provided*, That after the sale and removal of the timber such of said lands as are valuable for agricultural purposes shall be sold and disposed of by the Secretary of the Interior in such manner and under such regulations as he may prescribe."

To enable the Secretary of the Interior to complete the survey, allotment, classification, and appraisal of the lands in the Fort Peck Indian Reservation in the State of Montana, fifty thousand dollars: *Provided*, That this sum shall be reimbursed to the United States from the proceeds of the sale of the surplus lands after the allotments are made.

That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be appraised the south half of southwest quarter of northeast quarter and south half of south half of northwest quarter; the north half of southwest quarter of section twenty-eight the south half of south half of northeast quarter and the north half of north half of southeast quarter of section twenty-nine, in township twenty-seven north, range forty-four east, Montana meridian, in the Fort Peck Indian Reservation, for the purpose of granting the same to the Great Northern Railway Company for a ballast pit for ballasting its railway, and upon appraising said land the Secretary of the Interior is authorized to convey the same to said railway upon such

Reimbursement.

Allotments, etc.
33 Stat., 302, ante, p.
79.34 Stat., 354, ante, p.
221.
Ante, p. 361.Sale of intoxicants
prohibited.
Prohibition term, 25
years.

Indian allottees.

35 Stat., 796.
Power and reservoir
sites to be reserved.

Report to Congress.

Timber lands.
33 Stat., 304, ante, p.
79.Sale of merchantable
timber.Proviso.
Sale of land.Fort Peck Indian Res-
ervation.
Allotment, etc., of
lands in.Proviso.
Reimbursement.Great Northern Rail-
way Company.
Sale of land to.

- terms as he may deem advisable. If the sale of said land shall interfere with any improvements of an individual Indian, provision shall be made for the payment of damages, and the amount of damages awarded shall be paid to such Indian, subject to the control of the Secretary of the Interior as to the funds of incompetent Indians, and if the sale of said land interferes with any allotment, such allottee shall be entitled to reallocation.
- Damages, etc. That the act of Congress approved May thirtieth, nineteen hundred and eight, entitled "An act for the survey and allotment of lands now embraced within the limits of the Fort Peck Indian Reservation, in the State of Montana, and the sale and disposal of all the surplus lands after allotment," be, and it is hereby, amended by adding thereto section seventeen, as follows:
- Reallotment. "SEC. 17. That the lands allotted, those retained or reserved, and the surplus lands sold or otherwise disposed of shall be subject for a period of twenty-five years to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country, and that the Indian allottees, whether under the care of an Indian agent or not, shall for a like period be subject to all the laws of the United States prohibiting the sale or other disposition of intoxicants to Indians."
- Sale of intoxicants. For general incidental expenses of the Indian Service in Montana, including traveling expenses of agents, two thousand five hundred dollars;
- Ante, p. 377. 35 Stat., 797.
Crows. CROWS. (Treaty.)
- Prohibition term, 25 years. For pay of physician, as per tenth article of the treaty of May seventh, eighteen hundred and sixty-eight, one thousand two hundred dollars;
- Indian allottees. For pay of carpenter, miller, engineer, farmer, and blacksmith, as per tenth article of same treaty, three thousand six hundred dollars;
- Incidentals. For pay of second blacksmith, as per eighth article of same treaty, one thousand two hundred dollars;
- 35 Stat., 797. In all, six thousand dollars.
- Fulfilling treaty. 15 Stat., 652, vol. 2 1010. For pay of physician, two teachers, two carpenters, one miller, two farmers, a blacksmith, and engineer, per seventh article of the treaty of May tenth, eighteen hundred and sixty-eight, nine thousand dollars;
- Northern Cheyennes and Arapahoes. In all, ninety-nine thousand dollars.
- Subsistence, etc. 19 Stat., 256. That any of the lands withdrawn under the reclamation act in pursuance of the provisions of section five of the act of Congress approved April twenty-seventh, nineteen hundred and four, entitled "An act to ratify and amend an agreement with the Indians of the Crow Reservation, in Montana, and making appropriations to carry the same into effect," which are not disposed of within five years from the date of the passage of said act shall remain subject to disposal under the provisions of the reclamation act until otherwise directed by the Secretary of the Interior.
- Physician, etc. 15 Stat., 658, vol. 2, 1014. For the employment of "Line Riders" along the southern and eastern boundary of the Northern Cheyenne Indian Reservation in the State of Montana, one thousand five hundred dollars is hereby appropriated, to be expended under the direction of the Secretary of the Interior.
- Crow Reservation. Lands reserved for irrigation. 33 Stat., 360, ante, p. 87. For the employment of "Line Riders" along the southern and eastern boundary of the Northern Cheyenne Indian Reservation in the State of Montana, one thousand five hundred dollars is hereby appropriated, to be expended under the direction of the Secretary of the Interior.
- Northern Cheyenne Reservation. Employment of "Line Riders."

NEBRASKA.

Nebraska.

GENOA SCHOOL.

For the support and education of three hundred Indian pupils at the Indian school of Genoa, Nebraska, fifty thousand four hundred dollars, and for pay of superintendent, one thousand seven hundred dollars.

Genoa school.

For general repairs and improvements, one thousand dollars.

To replace brick barn destroyed by fire, five thousand dollars.

In all, fifty-eight thousand one hundred dollars.

WINNEBAGOES. (Treaty.)

Winnebagoes.

For interest on eight hundred and four thousand nine hundred and nine dollars and seventeen cents, at five per centum per annum, per fourth article of treaty of November first, eighteen hundred and thirty-seven, forty thousand two hundred and forty-five dollars and forty-five cents; and the Secretary of the Interior is hereby directed to expend said interest for the support, education, and civilization of said Indians, to be expended in such manner and to whatever extent that he may judge to be necessary and expedient for their welfare and best interest;

Support, etc.

7 Stat., 545, vol. 2, 498.

Civilization, etc.

For interest on seventy-eight thousand three hundred and forty dollars and forty-one cents, at five per centum per annum, to be expended under the direction of the Secretary of the Interior for the erection of houses, improvement of their allotments of land, purchase of stock, agricultural implements, seeds, and other beneficial objects, three thousand nine hundred and seventeen dollars and two cents;

35 Stat., 798.

Interest.

In all, forty-four thousand one hundred and sixty-two dollars and forty-seven cents.

That the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury to the credit of the Winnebago tribe of Indians the sum of eight hundred and eighty-three thousand two hundred and forty-nine dollars and fifty-eight cents, and such sum shall bear interest at the rate of five per centum per annum until withdrawn from the Treasury for payment to the Indians as hereinafter provided, being the balance of the unappropriated amounts due said tribe under the fourth article of the treaty of November first, eighteen hundred and thirty-seven, to wit, eight hundred and four thousand nine hundred and nine dollars and seventeen cents (Seventh Statutes at Large, page five hundred and forty-four) and the act of July fifteenth, eighteen hundred and seventy, seventy-eight thousand three hundred and forty dollars and forty-one cents (Sixteenth Statutes at Large, page three hundred and fifty-five), and the Secretary of the Interior is hereby authorized and directed to cause a new enrollment to be made of all Winnebago Indians entitled to share in said fund other than those enrolled at the Winnebago agency in Nebraska, and until the completion of such enrollment no part of said sum shall be distributed. Upon the completion of such roll the Secretary of the Interior is authorized to pay per capita to the members of the tribe, except those resident in Wisconsin, their proportionate share of said sum, under such rules and regulations as he may prescribe, in the same manner as provided by the act of April twenty-first, nineteen hundred and four (Thirty-third Statutes at Large, page two hundred and one.) The proportionate share to the credit of the Winnebago Indians resident in Wisconsin shall be held in the Treasury of the United States, pending further legislation.

Principal sum to credit of tribe.

7 Stat., 544, vol. 2, 498.

16 Stat., 355.

New enrollment.

Per capita distribution.
33 Stat., 201, ante, p. 47; post, 485, 524.

Exception.

Nevada.

NEVADA.

Western Shoshone
Agency.
Support, etc., of In-
dians.

For support and civilization of the Indians of the Western Shoshone Agency, Nevada, including pay of employees, eight thousand dollars.

CARSON SCHOOL.

Carson school.

For support and education of three hundred Indian pupils at the Indian school at Carson City, Nevada, and for pay of superintendent, fifty-one thousand nine hundred dollars;

For general repairs and improvements, five thousand dollars;

In all, fifty-six thousand nine hundred dollars.

Incidentals.

For general incidental expenses of the Indian Service in Nevada, including traveling expenses of agents, and support and civilization of Indians located on the Piute, Walker River, and Pyramid Lake reservations, five thousand dollars;

And pay of employees, including physician at the Walker River Reservation, four thousand dollars;

In all, nine thousand dollars.

Irrigation.
32 Stat., 388.

That in carrying out any irrigation project which may be undertaken under the provisions of the act of June seventeenth, nineteen hundred and two (Thirty-second Statutes, page three hundred and eighty-eight), known as "The Reclamation act," and which may make possible, and provide for in connection with the reclamation of other lands, the irrigation of all or any part of the irrigable lands heretofore included in allotments made to Indians under the fourth section of the general allotment act, the Secretary of the Interior be, and he hereby is, authorized to make such arrangement and agreement in reference thereto as said Secretary deems for the best interest of the Indians: *Provided*, That no lien or charge for construction, operation, or maintenance shall thereby be created against any such lands: *Provided further*, That to meet the necessary cost of carrying out this legislation the Secretary of the Interior is authorized to expend, out of the sum appropriated in this act for irrigation, an amount not exceeding thirteen thousand dollars.

35 Stat., 799.

24 Stat., 389, vol. 1, p.
33.

Provisos.
No lien, etc., against
reserved lands.
Amount of cost.

New Mexico.

NEW MEXICO.

(See Arizona for "Support and civilization of the Apache, and so forth," in Arizona and New Mexico.)

ALBUQUERQUE SCHOOL.

Albuquerque school.

For support and education of three hundred Indian pupils at the Indian school at Albuquerque, New Mexico, and for pay of superintendent, fifty-one thousand nine hundred dollars;

General repairs and improvements, five thousand dollars;

In all, fifty-six thousand nine hundred dollars.

SANTE FE SCHOOL.

Santa Fe school.

For support and education of three hundred Indian pupils at the Indian school at Santa Fe, New Mexico, and for pay of superintendent, fifty-one thousand nine hundred dollars;

For general repairs and improvements, five thousand dollars;

For water supply, one thousand six hundred dollars;

In all, fifty-eight thousand five hundred dollars.

Pueblo Indians.
Attorney.

For pay of one special attorney for the Pueblo Indians of New Mexico, one thousand five hundred dollars;

And for necessary traveling and incidental expenses of said attorney, five hundred dollars;

In all, two thousand dollars.

For general incidental expenses of the Indian Service in New Mexico, including traveling expenses of agents, one thousand five hundred dollars.

Incidentals.

For the construction of a bridge across the San Juan River, near Shiprock School, in the Navajo Indian Reservation, in the Territory of New Mexico, ten thousand dollars, or so much thereof as may be necessary: *Provided*, That no part of this appropriation shall be available until the proper officer of the Indian Bureau shall investigate and report that the work contemplated can be completed for the amount herein appropriated.

San Juan River.
Construction of
bridge.Proviso.
Investigation, etc.

For completion of the irrigation system on the Zuni Reservation in New Mexico, twenty-five thousand dollars, to be immediately available.

Zuni irrigation proj-
ect.

NEW YORK.

New York.

For pay of Indian agent at the New York Agency, New York, one thousand dollars.

New York Agency.
Agent, etc.

For pay of physician, New York Agency, six hundred dollars.

SENECAS OF NEW YORK. (Treaty.)

For permanent annuity, in lieu of interest on stock, per act of February nineteenth, eighteen hundred and thirty-one, six thousand dollars;

Senecas.
Annuity,
4 Stat., 442.

For interest, in lieu of investment, on seventy-five thousand dollars, at five per centum, per act of June twenty-seventh, eighteen hundred and forty-six, three thousand seven hundred and fifty dollars;

35 Stat., 800.

Interest.
9 Stat., 35.

For interest, at five per centum, on forty-three thousand and fifty dollars transferred from the Ontario Bank to the United States Treasury, per act of June twenty-seventh, eighteen hundred and forty-six, two thousand one hundred and fifty-two dollars and fifty cents;

In all, eleven thousand nine hundred and two dollars and fifty cents.

SIX NATIONS OF NEW YORK. (Treaty.)

Six Nations.

For permanent annuity, in clothing and other useful articles, per sixth article of treaty of November eleventh, seventeen hundred and ninety-four, four thousand five hundred dollars.

Annuity.
7 Stat., 46, vol. 2, 36.

That the Secretary of the Treasury is hereby authorized and directed to place on the books of the Treasury to the credit of the Seneca Indians of New York the sum of one hundred and eighteen thousand and fifty dollars, and such sum shall bear interest at the rate of five per centum per annum until withdrawn from the Treasury for payment to the Indians as hereinafter provided, being the value of stocks held in trust for the Indians and taken by the United States, and canceled under authority of the act of June twenty-seventh,

Seneca Indians.
Principal sum to
credit of tribe.

eighteen hundred and forty-six (Ninth Statutes at Large, page thirty-five), and the Secretary of the Interior is authorized to pay per capita to the members of the tribe entitled thereto the said sum under such rules and regulations as he may prescribe, in the same manner as provided by the act of April twenty-first, nineteen hundred and four (Thirty-third Statutes at Large, page two hundred and one).

9 Stat., 35.
Per capita distribu-
tion.33 Stat., 201, ante, p.
47.

North Carolina.

NORTH CAROLINA.

CHEROKEE SCHOOL.

Cherokee school.

For support and education of two hundred pupils at the Indian school at Cherokee, North Carolina, and for pay of superintendent, thirty-four thousand two hundred and twenty dollars;

For general repairs and improvements, one thousand five hundred dollars;

In all, twenty-nine thousand seven hundred and twenty dollars.

North Dakota.

NORTH DAKOTA.

Agent, Standing Rock Agency.

For pay of the Indian agent at the Standing Rock Agency, North Dakota, two thousand dollars.

Devils Lake Sioux. Support, etc., of Indians.

For support and civilization of Sioux of Devils Lake, North Dakota, five thousand dollars.

Fort Berthold Agency. Support, etc., of Indians.

For support and civilization of Indians at Fort Berthold Agency, in North Dakota, including pay of employees, twenty thousand dollars.

Payment for horses condemned, etc.

For payment to such Indians of the Fort Berthold Reservation in North Dakota as the Secretary of the Interior shall determine to be entitled thereto the value of certain horses condemned and destroyed by the Bureau of Animal Industry in nineteen hundred and six and nineteen hundred and seven, the said value to be ascertained and determined by the said Secretary, thirteen thousand eight hundred and sixty dollars, or so much thereof as may be necessary.

Turtle Mountain Band.

For support and civilization of Turtle Mountain Band of Chippewas, North Dakota, including seeds, thirteen thousand dollars.

35 Stat., 801.

Patents to allottees.

That the Secretary of the Interior be, and he is hereby, authorized, on the approval of any allotment or homestead made to an Indian of the Turtle Mountain Band of Chippewa Indians under the act of April twenty-first, nineteen hundred and four (Thirty-third Statutes at Large, pages one hundred and eighty-nine and one hundred and ninety-four), to cause patent to issue therefor in the name of the allottee in accordance with section five of the act of February eighth, eighteen hundred and eighty-seven, entitled "An act to provide for the allotment of lands in severalty to the Indians of the various reservations and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," and amendments thereto.

33 Stat., 189, 194, ante, p. 39.

Trust patents. 24 Stat., 339, vol. 1, p. 33.

FORT TOTTEN SCHOOL.

Fort Totten school.

For support and education of three hundred and twenty-five Indian pupils at the Indian school, Fort Totten, North Dakota, and for pay of superintendent, fifty-five thousand nine hundred and seventy-five dollars;

For general repairs and improvements, five thousand dollars;

In all, sixty thousand nine hundred and seventy-five dollars.

WAHPETON SCHOOL.

Wahpeton school.

For the support and education of one hundred Indian pupils at the Indian school at Wahpeton, North Dakota, and for pay of superintendent, eighteen thousand two hundred dollars;

For general repairs and improvements, two thousand dollars;

For improving the heating and lighting plant, five thousand dollars;

In all, twenty-five thousand two hundred dollars.

Purchase of live stock. Use of unexpended balance. Ante, p. 335.

The Commissioner of Indian Affairs is hereby authorized to expend in behalf of said Indian school at Wahpeton, North Dakota, the unexpended balance of the item of five thousand dollars appropriated by the act of April thirtieth, nineteen hundred and eight, for the purchase

of live stock, seed, equipment of farm, and machinery; and also to expend for said school the unappropriated balance of the appropriation of two thousand five hundred dollars made in said act of April thirtieth, nineteen hundred and eight, for the construction of concrete walk, driveways and grading; and the unexpended balance of said two appropriations is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Concrete walk, etc.

BISMARCK SCHOOL.

For support and education of one hundred Indian pupils at the Indian school, Bismarck, North Dakota, and for pay of superintendent, eighteen thousand two hundred dollars;

Bismarck school.

For general repairs and improvements, two thousand dollars;

For brick barn, five thousand dollars;

In all, twenty-five thousand two hundred dollars.

For general incidental expenses of the Indian service in North Dakota, including traveling expenses of agents at three agencies, one thousand dollars.

Incidentals.

OKLAHOMA.

Oklahoma.

For pay of Indian agents in Oklahoma at the following-named agencies at the rates respectively indicated, namely:

Agents.

At the Kiowa Agency, Oklahoma, two thousand dollars.

Kiowa Agency.

At the Osage Agency, Oklahoma, two thousand dollars.

Osage Agency.

For support and civilization of the Apaches, Kiowas, Comanches, Wichitas, and affiliated bands who have been collected in the reservations set apart for their use and occupation, twenty-five thousand dollars.

35 Stat., 802.
Apaches, etc.
Support, etc.

That the Secretary of the Interior is hereby authorized and directed to turn over to the proper officers, respectively, of the counties now forming a part of the area covered by the counties of Caddo, Kiowa, and Comanche, State of Oklahoma, upon such equitable basis as may be satisfactory to and approved by the Secretary of the Interior, the respective unexpended balances of the funds derived from the sale of town lots in the towns of Anadarko, Hobart, and Lawton, Oklahoma, under the act of March third, nineteen hundred and one, and by that act and the acts of June thirtieth, nineteen hundred and two, and March fourteenth, nineteen hundred and six, set apart for the construction of public improvements in the said counties, as a trust fund, to be by them, or under their supervision, expended solely for the construction and completion of public improvements in the counties aforesaid, as provided by the enactments of Congress creating and regulating the disposition of said funds, and for expenses necessary in connection with the construction and completion of such improvements.

Proceeds of town-lot
sales in Anadarko, etc.
Use of unexpended
balances for county im-
provements.31 Stat., 1904, vol. 1,
743.
32 Stat., 506, vol. 1,
761.
34 Stat., 62.

For a monument to Cynthia Ann Parker, mother of Quanna Parker, chief of the Comanches, one thousand dollars, to be expended under such regulations as the Secretary of the Interior may prescribe.

Cynthia Ann Parker.
Monument for.

For support and civilization of the Arapahoes and Cheyennes who have been collected on the reservations set apart for their use and occupation thirty-five thousand dollars.

Arapahoes and Chey-
ennes.

For support and civilization at the Kansas Indians, Oklahoma, including agricultural assistance and pay of employees, one thousand five hundred dollars.

Kansas Indians.

For support and civilization of the Kickapoo Indians in Oklahoma, two thousand dollars.

Kickapoos.

For support and civilization of the Ponca Indians, including pay of employees, nine thousand dollars.

Poncas.

For general incidental expenses of the Indian Service in Oklahoma, and for pay of employees, twenty-two thousand dollars.

Incidentals.

CHILOCCO SCHOOL.

Chilocco school. For support and education of seven hundred Indian pupils at the Indian school at Chilocco, Oklahoma, and for pay of superintendent, one hundred and nineteen thousand four hundred dollars.
For general repairs and improvements, ten thousand dollars;
In all, one hundred and twenty-nine thousand four hundred dollars;

Pawnees.

PAWNEES. (Treaty.)

Annuity.
11 Stat., 729, vol. 2, 764.
27 Stat., 644, vol. 1, 496.
For perpetual annuity, which is to be paid in cash to them, per second article of treaty of September twenty-fourth, eighteen hundred and fifty-seven, and agreement of November twenty-third, eighteen hundred and ninety-two, article three, thirty thousand dollars;

Schools.
11 Stat., 730, vol. 2, 764.

For support of two manual-labor schools, per third article of same treaty of September twenty-fourth, eighteen hundred and fifty-seven, ten thousand dollars;

Farmer, etc.
11 Stat., 730, vol. 2, 765.

For pay of one farmer, two blacksmiths, one miller, one engineer and apprentices, and two teachers, as per fourth article of same treaty, five thousand four hundred dollars;

Physician.

For pay of physician and purchase of medicines, one thousand two hundred dollars;

35 Stat., 803.

Iron, steel, etc.

11 Stat., 730, vol. 2, 765.

For purchase of iron and steel and other necessaries for the shops, as per fourth article of treaty of September twenty-fourth, eighteen hundred and fifty-seven, five hundred dollars;

In all, forty-seven thousand one hundred dollars.

Quapaws.

QUAPAWS. (Treaty.)

Education.
7 Stat., 425, vol. 2, 396.
Unexpended balance immediately available.

For education, per third article of treaty of May thirteenth, eighteen hundred and thirty-three, one thousand dollars; and the unexpended balance of the appropriation for education per said article of said treaty for the fiscal year nineteen hundred and seven is hereby reappropriated and made immediately available for payment for the care and support of Quapaw Indian children at the mission school on the Quapaw Reservation during the said fiscal year nineteen hundred and seven, in accordance with a resolution of the Quapaw national council adopted December thirty-first, nineteen hundred and seven, on file in the office of Indian Affairs.

Blacksmiths, etc.

For blacksmith and assistants, and tools, iron, and steel for blacksmith shop, per same article and treaty, five hundred dollars;

Proviso.
Certificate of President.

In all, one thousand five hundred dollars: *Provided*, That the President of the United States shall certify the same to be for the best interests of the Indians.

Sacs and Foxes of the Mississippi.

SACS AND FOXES OF THE MISSISSIPPI. (Treaty.)

Annuity.
7 Stat., 85, vol. 2, 74.

For permanent annuity, in goods or otherwise, per third article of treaty of November third, eighteen hundred and four, one thousand dollars;

Interest.
7 Stat., 541, vol. 2, 497.

For interest on two hundred thousand dollars, at five per centum, per second article of treaty of October twenty-first, eighteen hundred and thirty-seven, ten thousand dollars;

Proviso
Physician, etc.

For interest on eight hundred thousand dollars, at five per centum, per second article of treaty of October eleventh, eighteen hundred and forty-two, forty thousand dollars: *Provided*, That the sum of one thousand five hundred dollars of this amount shall be used for the pay of a physician and for purchase of medicine:

In all, fifty-one thousand dollars.

Principal sum to credit of tribe.

That the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury to the credit of the

Sacs and Foxes of the Mississippi tribe of Indians, the unappropriated sums of two hundred thousand dollars, due under the second article of the treaty of October twenty-first, eighteen hundred and thirty-seven (Seventh Statutes at Large, page five hundred and forty), and eight hundred thousand dollars under the second article of the treaty of October eleventh, eighteen hundred and forty-two (Seventh Statutes at Large, page five hundred and ninety-six).

7 Stat., 541, vol. 2, 495.

7 Stat., 596, vol. 2, 546.

Per capita payment.

That the Secretary of the Interior is hereby authorized, in his discretion, to pay per capita to the Sacs and Foxes of the Mississippi tribe of Indians in the State of Oklahoma the sum of one hundred thousand dollars, now to the credit of the tribe in the United States Treasury under the title of "Sac and Fox of the Mississippi in Oklahoma fund"; and also the sum of twelve thousand one hundred and sixty-four dollars and ninety-six cents standing to the credit of the tribe under the title of "Sac and Fox of the Mississippi fund."

FIVE CIVILIZED TRIBES.

Five Civilized Tribes.

For pay of superintendent at the Union Agency, Oklahoma, four thousand five hundred dollars.

Union Agency.
Superintendent.

For special clerical force in the office of the United States Indian agent, Union Agency, and miscellaneous expenses in connection with entering of remittances received on account of payments of town lots and issuance of patents, six thousand dollars.

35 Stat., 804.

Special clerks, etc.

For clerical work and labor connected with the leasing of Creek and Cherokee lands for mineral and other purposes, and the leasing of lands of full-blood Indians under the act of April twenty-sixth, nineteen hundred and six, and acts amendatory thereto, thirty thousand dollars.

Leases, etc.

34 Stat., 145, ante, p. 177.

For appraising, clerical work, and labor connected with the sale of restricted lands, Five Civilized Tribes, twenty-five thousand dollars.

Sales of restricted
lands.

For the purpose of removing intruders and placing allottees in unrestricted possession of their allotments, to be expended under the direction of the Secretary of the Interior, seventeen thousand dollars.

Removal of intruders.

To enable the Secretary of the Interior to carry out the provisions of the act approved April twenty-first, nineteen hundred and four, and section one of the act of May twenty-seventh, nineteen hundred and eight, for the removal of restrictions upon the alienation of lands of allottees of the Five Civilized Tribes, fifteen thousand dollars.

Removal of alienation
restrictions.

33 Stat., 204, ante, p. 50.

35 Stat., 312, ante, p. 351.

DISTRICT AGENTS

District agents.

Supplemental to the funds appropriated and available for expenses connected with the affairs of the Five Civilized Tribes, there is hereby appropriated for the salaries and expenses of district agents and other employees connected with the work of such agents, out of any funds in the Treasury not otherwise appropriated, the sum of ninety thousand dollars, to be immediately available as the Secretary of the Interior may direct; and all powers heretofore conferred by law on said district agents, who were designated by the act of May twenty-seventh, nineteen hundred and eight (Thirty-fifth Statutes at Large, page three hundred and twelve), as "local representatives" of the Secretary of the Interior, are continued in full force and effect: *Provided*, That the Secretary of the Interior is hereby authorized to employ of such district agents such number, not exceeding five, as he deems proper, to perform like duties as those now performed by them among the Five Civilized Tribes in Oklahoma in other portions of that State.

Salaries, etc.

Immediately available.
Powers continued.
Ante, p. 352.Proviso.
Assignment, etc.

SCHOOLS.

Tribal schools.
Maintenance, etc.

For the maintenance, strengthening, and enlarging of the tribal schools of the Cherokee, Creek, Choctaw, Chickasaw, and Seminole nations, and making provision for the attendance of children of parents of other than Indian blood therein, and the establishment of new schools under the control of the Department of the Interior, the sum of one hundred and fifty thousand dollars, or so much thereof as may be necessary, to be placed in the hands of the Secretary of the Interior, and disbursed by him under such rules and regulations as he may prescribe.

COMPLETION OF THE WORK.

Completing work of
Commission.

For the completion of the work heretofore required by law to be done by the Commission to the Five Civilized Tribes, one hundred and forty thousand dollars, said appropriation to be disbursed under the direction of the Secretary of the Interior, and the Secretary of the Interior is directed to so disburse this appropriation as to complete said work by July first, nineteen hundred and ten.

35 Stat., 805.

Cherokee, Choctaw,
and Chickasaw Indi-
ans.

Payment to allottees
from tribal fund.

Creeks.
Equalization of allot-
ments.

Payment to allottees.

Provisos.
Tribal settlement.

Acknowledgment of

Compensation of tri-
bal councils.

Time extended for
town-lot payments, etc.

Rights of freedmen.

Condemning segrega-
ted coal, etc., lands.

Amended, post, 515.

Proviso.
Reversion.

Eastern Cherokees.
Council meetings.

Per diem allowances
for attending.

That allottees of the Cherokee, Choctaw, and Chickasaw nations, having remnant allotments due them of not exceeding fifty dollars in value, shall be paid twice the value thereof in lieu of such allotment, by check from the tribal funds of their respective tribes. The Secretary of the Interior is directed immediately after July first, nineteen hundred and nine and prior to December first, nineteen hundred and nine, to pay allottees out of the funds of the Creek Nation, the amounts severally due for the equalization of their allotments. In making such payment for the equalization of the Creek allotments eight hundred dollars shall be taken as the standard value of an allotment: *Provided*, That the payment of such funds for the equalization of allotment shall be a final and conclusive settlement of all claims for the equalization of allotments in the Creek Nation: *And provided further*, That as a condition precedent to any such payment the Creek National Council shall pass an act, in form approved by the Secretary of the Interior, discharging the United States from all claim and demand on this account.

The tribal councils when meeting shall receive compensation only for the length of time authorized by the Secretary of the Interior.

The town-lot payments in default shall not work forfeiture if payment, with ten per centum interest from date of such default, is made before December first, nineteen hundred and nine. All rights to acquire land for allotment by Choctaw and Chickasaw freedmen shall cease December first, nineteen hundred and ten. The surface only of the segregated coal and asphalt lands of the Choctaw and Chickasaw nation shall be subject to condemnation under the laws of the State of Oklahoma for State penal institutions, county and municipal purposes and for sewers and water systems: *Provided*, That the title to the surface of any lands so condemned shall revert to the Choctaw and Chickasaw nation upon its ceasing to be used for the purpose for which it was condemned and the tribal relation is hereby continued for such purpose and no title to any mineral rights in said lands so condemned shall be acquired hereunder.

The Court of Claims is hereby authorized to allow, and, upon such allowance, the Secretary of the Treasury is hereby directed to pay out of the sum awarded to the Eastern Cherokees, under the judgment of the Supreme Court of the United States, October term, nineteen hundred and five, to the several members of the council of the Eastern Cherokees, the sum of five dollars per diem each for the period they severally rendered service in going to and from and attending the councils of the Eastern Cherokees, as shall be certified

to the Court of Claims by the president and secretary of the council, and otherwise established to the satisfaction of said court: *Provided*, That in no event shall the amount thus paid exceed five thousand dollars.

Proviso.
Maximum.

To reimburse Doctor G. W. Harkins, of Coalgate, Oklahoma, for services rendered and expenses incurred in suppressing the spread of smallpox in Indian Territory from June thirtieth, nineteen hundred and one, to August eighth, nineteen hundred and one, six hundred and thirty-four dollars and fifteen cents, the same to be accepted by said Doctor G. W. Harkins in full payment of all demand for such services and expenses.

G. W. Harkins.
Reimbursement.

CHOCTAWS. (Treaty.)

Choctaws.

For permanent annuity, per second article of treaty of November sixteenth, eighteen hundred and five, and thirteenth article of treaty of June twenty-second, eighteen hundred and fifty-five, three thousand dollars;

Annuity.
7 Stat., 99, vol. 2, 87.
11 Stat., 614, vol. 2,
709.

For permanent annuity for support of light horsemen, per thirteenth article of treaty of October eighteenth, eighteen hundred and twenty, and thirteenth article of treaty of June twenty-second, eighteen hundred and fifty-five, six hundred dollars;

35 Stat., 805.

For permanent annuity for support of blacksmith, per sixth article of treaty of October eighteenth, eighteen hundred and twenty, ninth article of treaty of January twentieth, eighteen hundred and twenty-five, and thirteenth article of treaty of June twenty-second, eighteen hundred and fifty-five, six hundred dollars;

Light horsemen.
7 Stat., 213, vol. 2, 193.
11 Stat., 614, vol. 2,
709.

For permanent annuity for education, per second and thirteenth articles of last two treaties named above, six thousand dollars;

Blacksmith.
7 Stat., 212, 236, vol. 2,
213.

For permanent annuity for iron and steel, per ninth article of treaty of January twentieth, eighteen hundred and twenty-five, and thirteenth article of treaty of June twenty-second, eighteen hundred and fifty-five, three hundred and twenty dollars;

Education.
7 Stat., 235, vol. 2, 212.
11 Stat., 614, vol. 2, 709.

In all, ten thousand five hundred and twenty dollars.

Iron and steel.
7 Stat., 236, vol. 2, 213.
11 Stat., 614, vol. 2,
709.

SEMINOLES. (Treaty.)

Seminoles.

For five per centum interest on two hundred and fifty thousand dollars, to be paid as annuity, per eighth article of treaty of August seventh, eighteen hundred and fifty-six, twelve thousand five hundred dollars;

Interest.
11 Stat., 702, vol. 2,
760.

For five per centum interest on two hundred and fifty thousand dollars, to be paid as annuity (they having joined their brethren West), per eighth article of treaty of August seventh, eighteen hundred and fifty-six, twelve thousand five hundred dollars;

For interest on fifty thousand dollars, at the rate of five per centum per annum, to be paid annually, for the support of schools, as per third article of treaty of March twenty-first, eighteen hundred and sixty-six, two thousand five hundred dollars;

14 Stat., 757, vol. 2,
911.

For interest on twenty thousand dollars, at the rate of five per centum per annum, to be paid annually for the support of the Seminole government, as per same article, same treaty, one thousand dollars;

In all, twenty-eight thousand five hundred dollars.

That the Secretary of the Treasury is hereby authorized and directed to place on the books of the Treasury to the credit of the Seminole tribe of Indians, the sum of five hundred and seventy thousand dollars, said sum, or any part thereof, so long as it remains in the Treasury, to draw interest at the rate of five per centum per annum, being the balance of the unappropriated amounts due said tribe, under article eight of the treaty of August seventh, eighteen hundred and fifty-six (Eleventh Statutes at Large, page seven hundred

Credit to tribal fund.

Interest.
11 Stat., 702, vol. 2,
760.
14 Stat., 756, vol. 2,
911.

and two), and article three of the treaty of March twenty-first, eighteen hundred and sixty-six (Fourteenth Statutes at Large, page seven hundred and fifty-six).

Kiowa, Comanche,
and Apache Indians.
Payments from tri-
bal funds to.

That the Secretary of the Interior be, and he is hereby, authorized to withdraw from the Treasury of the United States, at his discretion, the sum of two hundred and fifty thousand dollars, or so much thereof as may be necessary, of the funds on deposit to the credit of the Kiowa, Comanche, and Apache tribes of Indians in Oklahoma, and pay out the same for the benefit of the members of said tribes for their maintenance and support, and improvement of their homesteads, for the ensuing year in such manner and under such regulations as he may prescribe.

Goodland Indian Or-
phan Industrial School.
Choctaw lands to be
conveyed to.

That the Secretary of the Interior is hereby authorized, in case, after investigation, he deems it for the best interest of the tribe, to set aside six hundred and forty acres of Choctaw land for the benefit of old Goodland Indian Orphan Industrial School, and to convey the same to said school in conjunction with the principal chief of the Choctaw Nation and the governor of the Chickasaw Nation.

35 Stat., 807.

Benedictine Fathers
of Sacred Heart Abbey,
Okla.
Patent in fee to.

That the Secretary of the Interior is hereby authorized and directed to issue a patent in fee to the Benedictine Fathers of Sacred Heart Abbey, Oklahoma, for the following-described lands, now and for many years reserved for and occupied by the Sacred Heart Mission, to wit: The south half of section seven and the north half of section eighteen, in township six north, range five east, on the Pottawatomie Reservation, Oklahoma, containing six hundred and forty acres more or less.

Fleming v. McCur-
tain.
Advancement of case
in Supreme Court.

That the Attorney General of the United States is hereby authorized and directed to immediately move the advancement, upon the docket of the Supreme Court of the United States, of the case of J. E. Fleming and others, against Green McCurtain and others, docket numbered five hundred and thirty-five to the earliest practicable hearing.

Oregon.

OREGON.

Support, etc., of In-
dians.
Klamath Agency.

For support and civilization of the Klamath, Modocs, and other Indians of the Klamath Agency, Oregon, including pay of employees, eight thousand dollars.

Warm Springs
Agency.

For support and civilization of the confederated tribes and bands under Warm Springs Agency, and for pay of employees, four thousand dollars.

Walla Walla, Cayuse
and Umatilla tribes.

For support and civilization of the Walla Walla, Cayuse, and Umatilla tribes, Oregon, including pay of employees, three thousand dollars.

SALEM SCHOOL.

Salem school.

For support and education of six hundred Indian pupils at the Indian school, Salem, Oregon, and for pay of superintendent, one hundred and two thousand two hundred dollars;

For general repairs and improvements, ten thousand dollars;

In all, one hundred and twelve thousand two hundred dollars.

Incidentals.

For general incidental expenses of the Indian Service in Oregon, including traveling expenses of agents, and support and civilization of Indians of Grande Ronde and Siletz Agencies, three thousand dollars;

Pay of employees at the same agencies, three thousand dollars;

In all, six thousand dollars.

SILETZ INDIAN RESERVATION.

That within one year from the date of the approval of this act any religious or missionary society now occupying, under proper authority, for religious or educational work among the Indians, any lands on the Siletz Reservation in Oregon, shall have the right to purchase ten acres of land on said reservation, or a less quantity at the option of the purchaser, at the rate of two dollars and fifty cents per acre, and the same shall be conveyed to such religious or missionary society by patent.

Siletz Reservation.
Sale of lands on, to
religious societies.

Price per acre.

MOLELS. (Treaty.)

For pay of teachers and for manual-labor schools, and for all necessary materials therefor, and for the subsistence of the pupils, per second article of treaty of December twenty-first, eighteen hundred and fifty-five, three thousand dollars.

Molels.

Schools.
12 Stat., 981, vol. 2,
740.

PENNSYLVANIA.

For support and education of Indian school at Carlisle, Pennsylvania, for transportation of pupils to and from said school, for pay of superintendent, and for general repairs and improvements, one hundred and sixty-four thousand dollars.

35 Stat., 808.

Pennsylvania.
Carlisle school.

SOUTH DAKOTA.

For pay of Indian agents in South Dakota at the following named agencies at the rates respectively indicated, namely:

At the Crow Creek Agency, one thousand six hundred dollars.
At the Pine Ridge Agency, two thousand two hundred dollars.
At the Rosebud Agency, one thousand eight hundred dollars.
At the Sisseton Agency, one thousand five hundred dollars.
At the Yankton Agency, one thousand six hundred dollars.

South Dakota.

Agents at agencies.

Crow Creek.
Pine Ridge.
Rosebud.
Sisseton.
Yankton.

CHAMBERLAIN SCHOOL.

There is hereby granted to the State of South Dakota upon the terms and conditions hereinafter named the following-described property, known as the Chamberlain School, including the lands, buildings, and fixtures pertaining to said school: *Provided*, That said lands and buildings shall be held and maintained by the State of South Dakota as an institution of learning, and that Indian pupils shall at all times be admitted to such school free of charge for tuition and on terms of equality with white pupils: *Provided further*, That this grant shall be effective at any time before July first, nineteen hundred and ten, if before that date the governor of the State of South Dakota files an acceptance thereof with the Secretary of the Interior accepting for said State said property, upon the terms and conditions herein prescribed. If said property is not accepted by the State of South Dakota, as hereinbefore provided, the Secretary of the Interior is hereby authorized to dispose of and convey the real estate, including buildings and fixtures, of the Chamberlain School, South Dakota, for a price not less than twenty-six thousand dollars, upon condition that the property shall continue to be maintained and operated as an educational institution, and that children of Indian parents shall have the same privilege of education as white children, but with tuition free: *Provided*, That the Commissioner of Indian Affairs is authorized and directed to dispose, by sale or transfer to other schools, such property as is not covered by the transfer of the realty, buildings, and fixtures.

Chamberlain
school.
Grant of, to State.

Provisos.
Indian pupils, etc.
Acceptance of grant.

Sale in case of non-
acceptance.

Minimum price.
Requirements.

Sale, etc., of residue
of property.

Indian pupils, etc.

For the support and education of one hundred and fifty Indian pupils at the Indian school at Chamberlain, South Dakota, twenty-five thousand and fifty dollars, and for pay of superintendent, one thousand six hundred dollars;

For general repairs and improvements, one thousand dollars;

In all, twenty-seven thousand six hundred and fifty dollars:

Proviso.
Pro rata share of ap-
propriation, etc.

Provided, That if such school is disposed of as above authorized at any time during the fiscal year of nineteen hundred and ten the pro rata share only of the appropriation for the maintenance of said school for the portion of the year which the school is maintained by the United States shall be available.

Edward N. Vandall.
Land on former
Yankton Reservation
allotted to, etc.

That the Secretary of the Interior be, and he is hereby, authorized to allot eighty acres of land on the former Yankton Reservation in South Dakota, now reserved for Indian administrative purposes to Edward N. Vandall, a Yankton Sioux allottee, in consideration that said Vandall relinquish eighty acres of land, more or less, which he now holds in allotment.

35 Stat., 809.

FLANDREAU SCHOOL.

Flandreau school.

For support and education of three hundred and seventy-five Indian pupils at the Indian school at Flandreau, South Dakota, and for pay of superintendent, sixty-four thousand four hundred and twenty-five dollars;

For general repairs and improvements, five thousand dollars, of which two thousand five hundred dollars shall be immediately available;

In all, sixty-nine thousand four hundred and twenty-five dollars.

PIERRE SCHOOL.

Pierre school.

For support and education of one hundred and fifty Indian pupils at the Indian school at Pierre, South Dakota, and for pay of superintendent, twenty-six thousand five hundred and fifty dollars;

For general repairs and improvements, four thousand five hundred dollars;

For construction of new water pipe, four thousand dollars;

In all, thirty-five thousand and fifty dollars.

RAPID CITY SCHOOL.

Rapid City school.

For support and education of two hundred and fifty Indian pupils at the Indian school, Rapid City, South Dakota, and pay of superintendent, forty-three thousand three hundred and fifty dollars;

For general repairs and improvements, five thousand dollars;

For installation of water plant, twenty thousand dollars;

In all, sixty-eight thousand three hundred and fifty dollars.

Incidentals.

For general incidental expenses of the Indian Service in South Dakota, including traveling expenses of agents, three thousand dollars.

Bureau of Catholic
Indian Missions.
Patents in fee to.

That the Secretary of the Interior is hereby authorized and directed to issue patents in fee to the Bureau of Catholic Indian Missions, organized under an act of the Assembly of Maryland entitled "An act to incorporate the Bureau of Catholic Indian Missions," approved April sixth, eighteen hundred and ninety-four, for the land set apart to the Catholic Church on the Rosebud, Pine Ridge, Crow Creek, and Lower Brule Reservations, in the State of South Dakota, as follows:

Rosebud Reserva-
tion.
Saint Francis Mis-
sion.

On the Rosebud Reservation, at or near Saint Francis Mission: The east half of the northeast quarter and the east half of the southeast quarter of section thirty-one, and the west half of the northwest quarter and the west half of the southwest quarter of section thirty-two,

all in township thirty-seven north, range thirty west of the sixth principal meridian, containing three hundred and twenty acres, more or less; also, at or near Red Leaf Camp, the southwest quarter of the northwest quarter of section two, township thirty-nine north, range thirty-three west of the sixth principal meridian, containing forty acres, more or less; also, at or near Oak Creek, the southwest quarter of the southeast quarter of section one, township thirty-nine north, range twenty-six west of the sixth principal meridian, containing forty acres, more or less; also, at or near Antelope Creek, the southwest quarter of the southeast quarter of section thirty-four, township thirty-nine north, range twenty-eight west of the sixth principal meridian, containing forty acres, more or less; also, at or near Little White River, the northwest quarter of the southwest quarter of section thirty-four, township forty-two north, range twenty-nine west of the sixth principal meridian, containing forty acres, more or less; also, at or near Ponca Creek, lot one and the northeast quarter of the northwest quarter of section seven, township ninety-six north, range seventy-one west of the fifth principal meridian, containing seventy-eight and sixty-two one-hundredths acres, more or less; also, at or near Saint Francis Mission, for cemetery purposes, the northeast quarter of the northwest quarter of section thirty-two, township thirty-seven north, range thirty west of the sixth principal meridian, containing forty acres, more or less; also, at or near Little White River, for cemetery purposes, the southwest quarter of the northeast quarter of section thirty, township forty north, range twenty-nine west of the sixth principal meridian, containing forty acres, more or less, and the northeast quarter of the northeast quarter of section thirty-three, township forty-three north, range twenty-five west of the sixth principal meridian, containing forty acres, more or less.

On the Pine Ridge Reservation: The north half of the northeast quarter and the north half of the northwest quarter of section fourteen, township thirty-nine north, range forty-three west of the sixth principal meridian, containing one hundred and sixty acres, more or less, and the northwest quarter of section twenty, township forty-one north, range forty-three west of the sixth principal meridian, containing one hundred and sixty acres, more or less.

On the Crow Creek Reservation: The northwest quarter of section four, township one hundred and nine north, range seventy-two west of the fifth principal meridian, containing one hundred and fifty-eight and forty one-hundredths acres, more or less; also the north half of the northwest quarter of the northwest quarter of the southwest quarter, shown by the tract book to be in lot eight, section twenty-three, township one hundred and seven north, range seventy-two west of the fifth principal meridian.

On the Lower Brule Reservation: On agency reserve in section fifteen, township one hundred and seven north, range seventy-three west of the fifth principal meridian, described as beginning at the corner to sections ten, eleven, fourteen, fifteen; thence west three hundred and thirty feet on the section line between sections ten and fifteen; thence south two hundred and sixty-four feet; thence east three hundred and thirty feet; thence north two hundred and sixty-four feet to the place of beginning, containing two acres.

Red Leaf Camp.

Oak Creek.

Antelope Creek.

Little White River.

Ponca Creek.

35 Stat., 810.

Saint Francis Mission Cemetery.

Little White River Cemetery.

Pine Ridge Reservation.

Crow Creek Reservation.

Lower Brule Reservation.

- Sioux of different tribes. SIOUX OF DIFFERENT TRIBES, INCLUDING SANTEE SIOUX OF NEBRASKA. (Treaty.)
- Teachers, etc. 15 Stat., 640, vol. 2, 1002. For pay of five teachers, one physician, one carpenter, one miller, one engineer, two farmers, and one blacksmith, per thirteenth article of treaty of April twenty-ninth, eighteen hundred and sixty-eight, ten thousand four hundred dollars;
For pay of second blacksmith, and furnishing iron, steel, and other material, per eighth article of same treaty, one thousand six hundred dollars;
- Employees. For pay of additional employees at the several agencies for the Sioux in Nebraska and Dakota, eighty-eight thousand dollars;
- Subsistence, etc. 19 Stat., 256, vol. 1, 170. For subsistence of the Sioux, and for purposes of their civilization, as per agreement ratified by act of Congress approved February twenty-eighth, eighteen hundred and seventy-seven, five hundred thousand dollars: *Provided*, That this sum shall include transportation of supplies from the termination of railroad or steamboat transportation, and in this service Indians shall be employed whenever practicable;
- Proviso. Transportation. For support and maintenance of day and industrial schools, including erection and repairs of school buildings, in accordance with article seven of the treaty of April twenty-ninth, eighteen hundred and sixty-eight, which article is continued in force for twenty years by section seventeen of the act of March second, eighteen hundred and eighty-nine, two hundred thousand dollars;
In all, eight hundred thousand dollars.
- 35 Stat., 811. Sioux, Yankton tribe. SIOUX, YANKTON TRIBE. (Treaty.)
- Subsistence, etc. 19 Stat., 287. For subsistence and civilization of Yankton Sioux, heretofore provided for in appropriations under "Fulfilling treaty with Sioux of different tribes," and so forth, twenty thousand dollars;
- Canton. Expenses of insane asylum. For the equipment and maintenance of the asylum for insane Indians at Canton, South Dakota, for incidental and all other expenses necessary for its proper conduct and management, including pay of employees, and for necessary expense of transporting insane Indians to and from said asylum, twenty-five thousand dollars;
- Survey and allotment. To enable the Secretary of the Interior to complete the survey and allotment of the reservations of the Sioux Nation of Indians in North and South Dakota, thirty thousand dollars: *Provided*, That this sum shall be reimbursed to the United States from the proceeds of the sale of surplus lands after the allotments are made.
- Proviso. Reimbursement.
- Allotments in Sioux Reservation. 25 Stat., 888, vol. 1, 328. To enable the President to cause, under the provisions 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," to be allotted the lands in said separate reservations as provided in said act, including the necessary resurveys, thirty thousand dollars.
- Flandreau tribe. Per capita payment. 25 Stat., 888, vol. 1, 328. That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to the Flandreau Tribe of Indians in the State of South Dakota per capita the balance remaining in the Treasury to their credit, approximating eight thousand dollars, accruing to said Indians under the act of March second, eighteen hundred and eighty-nine.
- Standing Rock Reservation. Land reserved for cemetery. That the following-described tract of land situated in Boreman County, in the State of South Dakota, and described as follows, to wit: A strip of land ten chains wide on the west side of lot three, in section twenty-six, of township twenty north, of range twenty-five east, of the Black Hills principal meridian be, and the same hereby

is, reserved for cemetery purposes for the perpetual use of the Indians of the Standing Rock Indian Reservation, and the same shall not be subject to taxation so long as the same may be used for cemetery purposes.

UTAH.

For pay of Indian agent at the Uintah and Ouray Agency, Utah (consolidated), one thousand eight hundred dollars.

For general incidental expenses of the Indian Service in Utah, including traveling expenses of agents, one thousand dollars.

For constructing irrigation system, to irrigate the allotted lands of the Uncompahgre, Uintah, and White River Utes in Utah, as provided by the act of June twenty-first, nineteen hundred and six, one hundred and twenty-five thousand dollars, reimbursable.

There is hereby granted to the State of Utah, upon the terms and conditions hereinafter named, the property, known as the Panguitch School, including the lands, buildings, and fixtures pertaining to said school: *Provided*, That said lands and buildings shall be held and maintained by the State of Utah as an institution of learning, and that Indian pupils shall at all times be admitted to such school free of charge for tuition and on terms of equality with white pupils: *Provided further*, That this grant shall be effective at any time before July first, nineteen hundred and ten, if before that date the governor of the State of Utah files an acceptance thereof with the Secretary of the Interior accepting for said State said property upon the terms and conditions herein prescribed.

To enable the Commissioner of Indian Affairs to perfect and protect the rights of the Uncompahgre, Uintah, and White River Utes in Utah in and to the waters appropriated under the laws of the State of Utah for the irrigation systems authorized by the act of June twenty-first, nineteen hundred and six, two hundred thousand dollars, or so much thereof as may be necessary, the amount expended hereunder to be reimbursed from the proceeds of the sale of lands within the former Uintah Reservation: *Provided*, That said sum, or any part thereof, shall be used only in the event of failure to procure from the State of Utah or its officers an extension of time in which to make final proof for waters appropriated for the benefit of the Indians, and any sum expended hereunder shall be reimbursed from the proceeds of the sale of the lands within the former Uintah Reservation.

CONFEDERATED BANDS OF UTES. (Treaty.)

For pay of two carpenters, two millers, two farmers, and two blacksmiths, as per tenth article of treaty of October seventh, eighteen hundred and sixty-three, and fifteenth article of treaty of March second, eighteen hundred and sixty-eight, six thousand seven hundred and twenty dollars.

For pay of two teachers, as per same article of same treaty, one thousand eight hundred dollars;

For purchase of iron and steel and the necessary tools for blacksmith shop, per ninth article of same treaty, two hundred and twenty dollars;

For annual amount for the purchase of beef, mutton, wheat, flour, beans, and potatoes, or other necessary articles of food, as per twelfth article of same treaty, thirty thousand dollars;

For pay of employees at the several Ute agencies, fifteen thousand dollars;

In all, fifty-three thousand seven hundred and forty dollars.

Utah.

Uintah and Ouray Agency.
Agent.
Incidentals.

Irrigation.
Lands of Uncompahgre, Uintah, and White River Utes.
34 Stat., 375, ante, p. 243.

Panguitch School.
Grant of, to State.

Provisos.
Indian pupils, etc.

Acceptance of grant.

35 Stat., 812.
Protecting, etc., water rights.
34 Stat., 375, ante, p. 243.

Reimbursement.
Proviso.
Restriction.

Utes, Confederated Bands.

Carpenters, etc.
13 Stat., 675, vol. 2, 853.
15 Stat., 622, vol. 2, 993.

Food.
15 Stat., 622, vol. 2, 992.

Employees.

Virginia.

VIRGINIA.

Hampton school.

For the support and education of one hundred and twenty Indian pupils at the school at Hampton, Virginia, twenty thousand and forty dollars.

Washington.

WASHINGTON.

Colville Agency.
Agent.

For pay of the Indian agent at the Colville Agency, Washington, one thousand eight hundred dollars.

Support, etc.,
D'Wamish, etc., Indi-
ans.

For support and civilization of the D'Wamish and other allied tribes in Washington, including pay of employees, seven thousand dollars;

Makahs.

For support and civilization of the Makahs, Washington, including pay of employees, two thousand dollars;

Qui-nai-elts and Quil-
leh-utes.

For support and civilization of the Qui-nai-elts and Quil-leh-utes, including pay of employees, one thousand dollars;

Yakimas.

For support and civilization of Yakimas, and other Indians at said agency, including pay of employees, five thousand dollars;

Incidentals.

For general incidental expenses of the Indian Service in Washington, including traveling expenses of agents, and support and civilization of Indians at Colville and Puyallup agencies, and for pay of employees, thirteen thousand dollars.

Spokanes.

SPOKANES. (Treaty.)

Blacksmith, etc.
27 Stat., 139, vol. 1,
449.
35 Stat., 813.

For pay of a blacksmith and carpenter to do necessary work and to instruct the said Indians in those trades, one thousand dollars each, per sixth article of agreement with said Indians, dated March eighteenth, eighteen hundred and eighty-seven, ratified by act of Congress approved July thirteenth, eighteen hundred and ninety-two, two thousand dollars;

Joseph's Band, Nez
Perces.

For purchase of agricultural implements, and support and civilization of Joseph's Band of Nez Perce Indians, one thousand dollars;

Yakimas.
Irrigating allot-
ments.
33 Stat., 597, ante, p.
110.

For the extension of the irrigation system on lands allotted to Yakima Indians in Washington, fifteen thousand dollars, to be reimbursed from the proceeds of the sale of surplus lands, as provided by the act of 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";

Colville Reservation.
Survey, etc.

To enable the Secretary of the Interior to complete the survey, allotment, classification, and appraisal of the lands in the Colville Reservation in the State of Washington, fifty thousand dollars: *Provided*, That this sum shall be reimbursed to the United States from the proceeds of the sale of surplus lands after the allotments are made.

Proviso.
Reimbursement.Spokane Reservation.
Survey, etc.

To enable the Secretary of the Interior to complete the survey, allotment, classification, and appraisal of lands in the Spokane Reservation in the State of Washington, ten thousand dollars; *Provided*, That this sum shall be reimbursed to the United States from the proceeds of the sale of the surplus lands after the allotments are made.

Proviso.
Reimbursement.Colville Reservation.
Third payment to In-
dians.
27 Stat., 62, vol. 1, p.
441.

For the third of five installments to the Indians residing on the Colville Reservation for the cession by said Indians to the United States of one million five hundred thousand acres of land opened to settlement by an act of Congress "To provide for the opening of a part of the Colville Reservation in the State of Washington, and for other purposes," approved July first, eighteen hundred and ninety-two, being a part of the full sum set aside and held in the Treasury of the United States in payment for said land under the terms of the act approved June twenty-first, nineteen hundred and six, ratifying the agreement ceding said land to the United States under date of May ninth, eighteen hundred and ninety-one, three hundred thousand

34 Stat., 377, ante, p.
245.

dollars, to be expended for the benefit of said Indians in accordance with the provisions of the said act setting aside in the Treasury the money in payment for the land ceded.

WISCONSIN.

Wisconsin.

For pay of Indian agent at the La Pointe Agency, Wisconsin, two thousand five hundred dollars.

La Pointe Agency.
Agent.

HAYWARD SCHOOL.

For the support and education of two hundred and ten pupils at the Indian school at Hayward, Wisconsin, and pay of superintendent, thirty-six thousand six hundred and seventy dollars;

Hayward school.

For general repairs and improvements, two thousand two hundred dollars;

In all, thirty-eight thousand eight hundred and seventy dollars.

TOMAH SCHOOL.

For support and education of two hundred and fifty Indian pupils at the Indian school, Tomah, Wisconsin, and pay of superintendent, forty-three thousand four hundred and fifty dollars;

Tomah school.

For general repairs and improvements, three thousand dollars;

For steel tower for water tank, three thousand dollars;

In all, forty-nine thousand four hundred and fifty dollars.

For support and civilization of the Chippewas of Lake Superior, Wisconsin, to be expended for agricultural and educational purposes; pay of employees, including pay of physician, purchase of goods and provisions, and for such other purposes as may be deemed for the best interests of said Indians, seven thousand dollars.

35 Stat., 814.

Chippewas of Lake Superior.
Support, etc.

That the Secretary of the Interior is hereby authorized and directed to issue patents in fee to the trustees of the diocese of Fond du Lac, organized under an act of the State of Wisconsin, entitled "An act to provide for the incorporation of trustees to hold property for religious purposes in certain cases, approved March second, eighteen hundred and seventy-five," for said lands so set apart to said church, as follows: Lot X, in the southeast quarter of section three, township twenty-three north, range nineteen east, fourth principal meridian, containing one acre, more or less; the northeast quarter of the northwest quarter section twelve, township twenty-three north, range nineteen east, fourth principal meridian, containing forty acres; claim numbered one hundred and forty, in section three, township twenty-three north, range nineteen east, fourth principal meridian, containing seven acres, more or less; claim numbered one hundred and forty-seven, in section three, township twenty-three north, range nineteen east, fourth principal meridian, containing forty-eight acres, more or less, on the Oneida Indian Reservation in Wisconsin.

Oneida Indian Reservation.
Patents in fee to Diocese of Fond du Lac.

Description.

That the Secretary of the Interior is hereby authorized and directed to issue a patent in fee simple to the duly authorized missionary board, or other proper authority, of any religious organization engaged in mission or school work on any Indian reservation, for such lands thereon as have been heretofore set apart to and are now being used and occupied by such organization for mission or school purposes.

Religious organizations.
Patents in fee may issue to.

That the provisions of section two of the act approved May twenty-ninth, nineteen hundred and eight, conferring jurisdiction upon the Court of Claims in certain cases against the Menominee Indians, be, and the same hereby are, extended to the heirs of the legal representatives of William H. Stacy, formerly a trader upon the Menominee Reservation in Wisconsin, and to all other persons having claims

Menominee Indians.
Adjudication of certain claims against.
Jurisdiction extended.
Ante, p. 357.

Appropriation immediately available. against the Menominee Tribe of Indians and against certain members of said tribe of the character described in said act, and the Secretary of the Treasury is authorized and directed to pay to Henry S. Comstock, attorney of record for said Indians in the Court of Claims, the sum of two thousand dollars to be immediately available out of any funds in the Treasury to the credit of said tribe for the purpose of taking depositions, payment of witness fees, and other expenses necessarily incident to the preparation of the defense of said Indians against all actions brought or to be brought under the provisions of section two of the act above mentioned, the said amount to be accounted for in final settlement of fees and expenses with said court and to be deducted from the allowance made.

Wyoming.

WYOMING.

Shoshone Indians.
Support, etc.

For support and civilization of Shoshone Indians in Wyoming, twelve thousand dollars.

SHOSHONE SCHOOL.

Shoshone school.

For support and education of one hundred and seventy-five Indian pupils at the Indian school, Shoshone Reservation, Wyoming, and pay of superintendent, thirty-one thousand and twenty-five dollars; For general repairs and improvements, three thousand dollars; In all, thirty-four thousand and twenty-five dollars.

Incidentals.

For general incidental expenses of the Indian Service in Wyoming, including traveling expenses of agents, one thousand dollars.

35 Stat., 815.

Irrigation system.

For continuing the work of constructing an irrigation system within the diminished Shoshone or Wind River Reservation, in Wyoming, one hundred thousand dollars: *Provided*, That said sum be reimbursed to the Treasury of the United States from the sale of lands made under the provisions of the act of March third, nineteen hundred and five (Thirty-third Statutes at Large, page one thousand and sixteen).

33 Stat., 1016, ante, p. 117.

Shoshones.

SHOSHONES AND BANNOCKS. (Treaty.) (For Bannocks, see Idaho.)

Fulfilling treaty.
15 Stat., 676, vol. 2,
1023.

Shoshones: For pay of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith, as per tenth article of treaty of July third, eighteen hundred and sixty-eight, five thousand dollars;

For pay of second blacksmith, and such iron and steel and other materials as may be required, as per eighth article of same treaty, one thousand dollars;

In all, six thousand dollars.

Approved, March 3, 1909.

Mar. 4, 1909.
[H. R. 28376.]
[Public, No. 327.]
35 Stat., 907.

CHAP. 298.—An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June thirtieth, nineteen hundred and nine, and for prior years, and for other purposes.

Deficiencies appropriations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in the appropriations for the fiscal year nineteen hundred and nine, and for prior years, and for other objects hereinafter stated, namely:

* * * * *

35 Stat., 924.
Northern Arapahoe
Indians.
Determination of
money due.

To enable the Secretary of the Interior to employ in the Office of Indian Affairs an expert accountant to state the account of the Northern Arapahoe Indians, in order to determine what sums of money, if any, are still due said Indians from appropriations made in

fulfillment of the treaties with the Northern Cheyennes and Arapahoes ratified by the acts of Congress approved July twenty-fifth, eighteen hundred and sixty-eight (Fifteenth Statutes at Large, page six hundred and fifty-five), and February twenty-eighth, eighteen hundred and seventy-seven (Nineteenth Statutes at Large, page two hundred and fifty-four), one thousand five hundred dollars, or so much thereof as may be necessary.

15 Stat., 655, vol. 2, 1012.

19 Stat., 254, vol. 1, 168.

* * * * *

That the general deficiency appropriation act of June thirtieth, nineteen hundred and six, so far as the same provides for the payment of item two of the judgment of the Court of Claims of May eighteenth, nineteen hundred and five, in favor of the Eastern Cherokees, shall be so construed as to carry interest on said item two up to such time as the roll of the individual beneficiaries entitled to share in said judgment shall be finally approved by the Court of Claims, and for the payment of said interest a sufficient sum is hereby appropriated.

35 Stat., 938.

Eastern Cherokees. Payment of interest. 34 Stat., 664.

35 Stat., 939.

* * * * *

Approved, March 4, 1909.

CHAP. 321.—An Act To codify, revise, and amend the penal laws of the United States.

Mar. 4, 1909. [S. 2982.]

[Public, No. 350.]

35 Stat., 1088.

Criminal Code.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the penal laws of the United States be, and they hereby are, codified, revised, and amended, with title, chapters, headnotes, and sections, entitled, numbered, and to read as follows:

CRIMES.

Crimes.

* * * * *

CHAPTER FOUR.

OFFENSES AGAINST THE OPERATIONS OF THE GOVERNMENT.

35 Stat., 1093. Offenses against operations of the Government.

* * * * *

SEC. 50. Whoever shall unlawfully cut, or aid in unlawfully cutting, or shall wantonly injure or destroy, or procure to be wantonly injured or destroyed, any tree, growing, standing, or being upon any land of the United States which, in pursuance of law, has been reserved or purchased by the United States for any public use, or upon any Indian reservation, or lands belonging to or occupied by any tribe of Indians under the authority of the United States, shall be fined not more than five hundred dollars, or imprisoned not more than one year, or both.

35 Stat., 1098, post, 477. Timber, etc., deprecations on reservations or Indian lands. R. S., sec. 5388. 25 Stat., 166.

Punishment for.

* * * * *

CHAPTER FOURTEEN.

GENERAL AND SPECIAL PROVISIONS.

35 Stat., 1151. General and special provisions.

* * * * *

SEC. 328. All Indians committing against the person or property of another Indian or other person any of the following crimes, namely—murder, manslaughter, rape, assault with intent to kill, assault with a dangerous weapon, arson, burglary, and larceny, within any Territory of the United States, and either within or without an Indian reservation, shall be subject therefor to the laws of such Territory relating to said crimes, and shall be tried therefor in the same courts

Indians committing certain crimes. 23 Stat., 385, vol. 1, 32. 29 Stat., 487.

and in the same manner and shall be subject to the same penalties as are all other persons charged with the commission of said crimes, respectively; and the said courts are hereby given jurisdiction in all such cases. And all such Indians committing any of the above-named crimes against the person or property of another Indian or other person within the boundaries of any State of the United States, and within the limits of any Indian reservation, shall be subject to the same laws, tried in the same courts and in the same manner, and be subject to the same penalties as are all other persons committing any of the above crimes within the exclusive jurisdiction of the United States: *Provided*, That any Indian who shall commit the offense of rape upon any female Indian within the limits of any Indian reservation shall be imprisoned at the discretion of the court.¹

Acts on reservations, etc.

Punishment for.

Proviso.
Rape on Indian woman.

Crimes committed on Indian reservations in South Dakota.
32 Stat., 793, ante, 5.

35 Stat., 1152.

Proviso.
Rape of female Indian.

SEC. 329. The circuit and district courts of the United States for the district of South Dakota shall have jurisdiction to hear, try, and determine all actions and proceedings in which any person shall be charged with the crime of murder, manslaughter, rape, assault with intent to kill, assault with a dangerous weapon, arson, burglary, or larceny, committed within the limits of any Indian reservation in the State of South Dakota. Any person convicted of murder, manslaughter, rape, arson, or burglary, committed within the limits of any such reservation, shall be subject to the same punishment as is imposed upon persons committing said crimes within the exclusive jurisdiction of the United States: *Provided*, That any Indian who shall commit the crime of rape upon any female Indian within any such reservation shall be imprisoned at the discretion of the court. Any person convicted of the crime of assault with intent to kill, assault with a dangerous weapon, or larceny, committed within the limits of any such reservation, shall be subject to the same punishment as is provided in cases of other persons convicted of any of said crimes under the laws of the State of South Dakota. This section is passed in pursuance of the cession of jurisdiction contained in chapter one hundred and six, Laws of South Dakota, nineteen hundred and one.

* * * * *

Approved, March 4, 1909.

Feb. 27, 1909.
[S. J. Res. 88.]
[Pub. Res., No. 50.]
35 Stat., 1167.

[No. 18.] Joint resolution to provide for an accounting of certain funds held in trust for the Chippewa Indians in Minnesota.

Chippewa Indians
Minn.
Sale of lands and timber of.
25 Stat., 642, vol. 1, p. 301.
Report to Congress, of receipts and disbursements.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury and the Secretary of the Interior be, and they are hereby, required to make to Congress a report of the moneys received from all sources for the Chippewa Indians in Minnesota on account of the sale of lands and timber under the provisions of the act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January fourteenth, eighteen hundred and eighty-nine, and the acts amendatory thereto, together with such items, if any, as may have been realized from other sources for the benefit of said Chippewa Indians, and the disbursements made from said funds.

Approved, February 27, 1909.

¹ U. S. v. Gardner, 189 Fed., 690.

[No. 19.] Joint resolution relative to homestead designations, made and to be made, of members of the Osage Tribe of Indians.

Feb. 27, 1909.
[S. J. Res. 76.]

[Pub. Res., No. 51.]
35 Stat., 1167.

Osage Indians, Okla.
Homesteads of, to be designated from allotment selections.

34 Stat., 539, ante, p. 252.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That homesteads of members of the Osage Tribe of Indians in Oklahoma may consist of land designated from any one or more of their first three allotment selections taken under the act of Congress approved June twenty-eighth, nineteen hundred and six, entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma Territory, and for other purposes," the designation thereof to be subject to approval by the Secretary of the Interior.

Approved, February 27, 1909.

PRIVATE ACTS OF SIXTIETH CONGRESS, SECOND SESSION, 1909.

CHAP. 327.—An act authorizing the Secretary of the Interior to ascertain the amount due O bah baum, and pay the same out of the fund known as "For the relief and civilization of the Chippewa Indians."

Mar. 4, 1909.
[S. 4103.]

[Private, No. 215.]
35 Stat., part 2, p. 450.

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 is hereby authorized and directed to ascertain the value of the timber heretofore and during the years of eighteen hundred and ninety-six, eighteen hundred and ninety-seven, and eighteen hundred and ninety-eight cut upon the allotment of O bah baum, an allottee of the White Earth Diminished Reservation, upon lot numbered two of the northeast quarter and lot numbered three of the northwest quarter of section sixteen, township one-hundred and forty-two, range thirty-seven, and, after deducting from the value of said timber the amount heretofore paid the said O bah baum, to pay over to the said O bah baum the balance of the value of said timber, said payment to be made from the funds carried on the books of the office of the Secretary of the Interior under the head "For the relief and civilization of the Chippewa Indians in the State of Minnesota," created by the act of January fourteenth, eighteen hundred and eighty-nine.

O bah baum.
Payment for timber cut from allotment of.

Payment from Indian funds.

25 Stat., 642, vol. 1, p. 301.

SEC. 2. That this act shall take effect and be in force from and after the date of its passage.

Effect.

Approved, March 4, 1909.

PUBLIC ACTS OF SIXTY-FIRST CONGRESS, FIRST SESSION, 1909.

CHAP. 7.—An act making appropriations to supply urgent deficiencies in appropriations for the fiscal year nineteen hundred and nine, and for other purposes.

Aug. 5, 1909.
[H. R. 11570.]

[Public, No. 6.]
36 Stat., 118.

Urgent deficiencies appropriations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to supply urgent deficiencies:

* * * * *

INDIAN AFFAIRS.

The Secretary of the Interior is hereby authorized to expend five thousand dollars, or so much thereof as may be necessary, from the moneys placed in the Treasury to the credit of the Winnebago Indians by the act approved March third, nineteen hundred and nine (Thirty-fifth Statutes at Large, page seven hundred and ninety-eight), to carry out the provisions of the said act and cause the enrollment of the Winnebago Indians to be made as provided therein.

36 Stat., 124.
Winnebago Indians, Nebraska.
Expenses of enrollment.
35 Stat., 798, ante, p. 405.

* * * * *

La Pointe Agency,
Wis.
Relief of sufferers
from floods.

To enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to pay expenses heretofore or hereafter incurred in the relief of suffering, destitution, and want among the Indians of the La Pointe Indian Agency, Wisconsin, by reason of the destruction of their homes and farms by floods, ten thousand dollars, or so much thereof as may be necessary, to continue available during the fiscal year nineteen hundred and ten: *Provided*, That a detailed report of all expenditures hereunder shall be made to the next session of Congress.

Proviso.
Report.

* * * * *

Approved, August 5, 1909.

PUBLIC ACTS OF SIXTY-FIRST CONGRESS, SECOND SESSION, 1910.

Jan. 31, 1910.
[H. R. 14579.]
[Public, No. 29.]
36 Stat., 190.

CHAP. 21.—An act to amend section twelve of an act entitled "An act to authorize the Secretary of the Interior to issue patents in fee to purchasers of Indian lands under any law now existing or hereafter enacted, and for other purposes," approved May twenty-ninth, nineteen hundred and eight, and for other purposes.

Masonic orphanage,
etc., Oklahoma.
Sale of Cheyenne and
Arapahoe Indian lands
for, at El Reno.
35 Stat., 448, ante, p.
360, post, 512.
36 Stat., 191.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section twelve of an act entitled "An act to authorize the Secretary of the Interior to issue patents in fee to purchasers of Indian lands under any law now existing or hereafter enacted, and for other purposes," approved May twenty-ninth, nineteen hundred and eight, be amended by adding at the end of said section twelve the following: That the preference right to purchase the six hundred and forty acres of land, together with the buildings and other appurtenances thereto belonging, heretofore set aside as reservation for the Cheyenne and Arapahoe Agency and the Arapahoe Indian School in Oklahoma, granted to the city of El Reno, Oklahoma, to be used for school purposes as provided by this section, be, and the said preference right to purchase is hereby granted to the Grand Lodge of Ancient Free and Accepted Masons of the State of Oklahoma to be used as a Masonic orphanage, home, and industrial school: *Provided*, That the preference right to purchase herein granted shall not take effect until after the expiration of the preference right to purchase granted by this act to said city of El Reno: *Provided further*, That said Grand Lodge of Ancient Free and Accepted Masons shall pay for said lands the appraised value thereof, according to the appraisement made by the Secretary of the Interior. The said amount to be paid as follows, to wit: Twenty-five thousand dollars cash, and the remainder in two annual payments with interest at five per centum per annum on the deferred payments, under such rules and regulations as shall be prescribed by the Secretary of the Interior: *And provided further*, That the preference right to purchase herein granted shall be exercised within thirty days from the passage hereof.

Purchase by Grand
Lodge of Masons au-
thorized.

Provisos.
Effect.

Payments.

Time limit.

Approved, January 31, 1910.

Feb. 17, 1910.
[H. R. 12438.]
[Public, No. 46.]
36 Stat., 196.

CHAP. 40.—An act to amend sections seven and eight of the act of May twenty-ninth, nineteen hundred and eight, entitled "An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Cheyenne River and Standing Rock Indian reservations, in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect."

Cheyenne River and
Standing Rock Indian
reservations, S. Dak.
and N. Dak.
Sale of lands on.
35 Stat., 463, ante, p.
373.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections seven and eight of the act of May twenty-ninth, nineteen hundred and eight, entitled "An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Cheyenne River and Standing Rock Indian reservations in the States of South Dakota and North Dakota,

and making appropriation and provision to carry the same into effect," are amended and as so amended are reenacted to read as follows:

"SEC. 7. That sections sixteen and thirty-six of the land in each township within the tract described in section one of this act shall not be subject to entry, but shall be reserved for the use of the common schools and paid for by the United States at two dollars and fifty cents per acre, and the same are hereby granted to the States of South Dakota and North Dakota for such purpose as the same are located in the said States, respectively; and in case any of said sections, or parts thereof, are lost to said States by reason of allotments thereof to any Indian or Indians, or otherwise, the Governors of said States, respectively, with the approval of the Secretary of the Interior, are hereby authorized, within the area in the respective States described in section one of this act, to locate other lands not occupied not exceeding two sections in any one township, which shall be paid for by the United States as herein provided, in quantity equal to the loss, and such selections shall be made prior to the opening of such lands to settlement.

Purchase of school lands for South Dakota and North Dakota.
Price increased.

Location of lieulands.

"SEC. 8. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of not more than four hundred and fifteen thousand dollars, or so much thereof as may be necessary, to pay for the lands granted to the States of South Dakota and North Dakota, as provided in section seven of this act. And there is hereby appropriated the further sum of seventy-five thousand dollars, or so much thereof as may be necessary, for the purpose of making the appraisement and classification and allotments provided for herein: *Provided*, That the latter appropriation, or any further appropriation hereafter made for the purpose of carrying out the provisions of this act, shall be reimbursed to the United States from the proceeds received from the sale of the lands described herein or from any money in the Treasury belonging to said Indian tribes, respectively: *And provided further*, That the lands allotted, those retained or reserved, and the surplus lands sold, set aside for town-site purposes, or granted to the said States, or otherwise disposed of under the provisions of this act, shall be subject for a period of twenty-five years to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country."

Appropriation to pay for lands granted to South and North Dakotas, increased.

Appropriation for expenses of allotting, etc.

36 Stat., 197.

Provisos.
Reimbursement.

Intoxicants prohibited for 25 years.

Approved, February 17, 1910.

CHAP. 129.—An act for the relief of homestead settlers under the acts of February twentieth, nineteen hundred and four; June fifth and twenty-eighth, nineteen hundred and six; March second, nineteen hundred and seven; and May twenty-ninth, nineteen hundred and eight.

Mar. 26, 1910.
[H. R. 10321.]

[Public, No. 108.]
36 Stat., 265.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That two years additional time for paying the installments due or to become due is hereby given to the purchasers of homestead lands sold pursuant to the provisions of an act entitled "An act to authorize the sale of a part of what is known as the Red Lake Indian Reservation in the State of Minnesota," approved February twentieth, nineteen hundred and four; and no homestead entries under said act shall be canceled for nonpayment of installments of the purchase price until the expiration of the two additional years above named.

Public lands.
Red Lake Indian Reservation, Minn.
Time extended for payments by homestead settlers on.
33 Stat., 49, ante, p. 28.

SEC. 2. That the time within which all unpaid payments which have heretofore or may hereafter become due and payable under the act entitled "An act to authorize the sale and disposition of a portion of the surplus or unallotted lands in the Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect," approved March second,

Rosebud Indian Reservation, S. Dak.
Time extended for payments by homestead settlers on.
34 Stat., 1230, ante, p. 307.

- Provisos.
Interest on deferred
payments.
- Residence, etc., re-
quired.
- 36 Stat., 266.
- Kiowa, Comanche,
and Apache Indian
Reservations, Okla.
Time extended for
payments by home-
stead settlers on opened
pasture, etc., lands of.
34 Stat., 213.
34 Stat., 550.
Ante, p. 184.
- Provisos.
Interest on deferred
payments.
- Residence, etc., re-
quired.
- Cheyenne River and
Standing Rock Indian
Reservations, S. Dak.
and N. Dak.
35 Stat., 462.
Ante, p. 373.
- Time of payment for
homestead entries on
ceded lands extended.
- Forfeiture.
- Provisos.
Commutation.
R. S., sec. 2301.
- Fees and commis-
sions.
- nineteen hundred and seven, except the cash payment required at the time of entry, be, and the same is hereby, postponed and extended for one year from the date on which such payments are now by law required to be made: *Provided*, That any payment not made within the time required by the act above stated and extended by the provisions of this act shall draw interest at five per centum per annum, and the interest, when paid, shall be credited to the proceeds of the sale of the land as provided in said act: *Provided further*, That such extension shall be subject to a full compliance by the entrymen with all requirements of the homestead laws as to residence and improvement.
- SEC. 3. That all payments heretofore due and extended, and the payments due or to become due during the year nineteen hundred and ten from entrymen who have made entry under an act entitled "An act to open to settlement five hundred and five thousand acres of land in Kiowa, Comanche, and Apache Indian Reservations, in Oklahoma Territory," approved June fifth, nineteen hundred and six, and the act entitled "An act giving preference right to actual settlers on pasture reservation numbered three to purchase land leased to them for agricultural purposes in Comanche County, Oklahoma," approved June twenty-eighth, nineteen hundred and six, are hereby postponed and extended as follows: One of said payments shall be made in nineteen hundred and eleven at the time when a payment would become due under existing law or one year after such payment became due in nineteen hundred and ten, and the other payments shall be made annually thereafter until all payments are made: *Provided*, That all payments postponed and extended by the provisions of this act shall draw interest at five per centum per annum from the date of such extension, and the interest when paid shall be credited to the proceeds of the sale of the land as provided in said acts: *And provided further*, That nothing in this act shall extend the time of payments in any case where it shall appear to the satisfaction of the Secretary of the Interior that the law in regard to residence and improvement, as provided by the homestead law, has not been fully performed.
- SEC. 4. That section four of an act entitled "An act authorizing the sale and disposition of a portion of the surplus and unallotted lands in the Cheyenne River and Standing Rock Indian Reservations in the States of South Dakota and North Dakota and making appropriation and provision to carry the same into effect," approved May twenty-ninth, nineteen hundred and eight, be, and the same hereby is, amended to read as follows:
- SEC. 4. That the price of said lands shall be paid in accordance with the rules and regulations to be prescribed by the Secretary of the Interior upon the following terms: One-fifth of the purchase price to be paid at the time of entry, and the balance in five equal installments, the first within two years and the remainder annually in three, four, five, and six years, respectively, from and after the date of entry. In case any entryman fails to make the annual payments, or any of them, when due, all rights in and to the land covered by his entry shall cease, and any payments theretofore made shall be forfeited and the entry canceled, and the lands shall be reoffered for sale and entry under the provisions of the homestead law at the appraised price thereof: *And provided*, That nothing in this act shall prevent homestead settlers from commuting their entries under section twenty-three hundred and one, Revised Statutes, by paying for the land entered the price fixed herein, receiving credit for payments previously made. In addition to the price to be paid for the land the entryman shall pay the same fees and commissions at the time of commutation or final entry as now provided by law, where the price

of land is one dollar and twenty-five cents per acre, and when the entryman shall have complied with all the requirements and terms of the homestead laws as to settlement and residence and shall have made all the required payments aforesaid he shall be entitled to a patent for the lands entered: *And provided further*, That all lands remaining undisposed of at the expiration of four years from the opening of said lands to entry may, in the discretion of the Secretary of the Interior, be reappraised in the manner provided for in this act: *And it is further provided*, That any lands remaining unsold after said lands have been open to entry for seven years may be sold to the highest bidder for cash without regard to the prescribed price thereof fixed under the provisions of this act, under such rules and regulations as the Secretary of the Interior may prescribe.

Approved, March 26, 1910.

Patents.

Reappraisal of lands
undisposed.

36 Stat., 267.

Sale of remaining
lands.

CHAP. 140.—An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June thirtieth, nineteen hundred and eleven.

Apr. 4, 1910.
[H. R. 19028.]

[Public, No. 114.]
36 Stat., 269.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and in full compensation for all offices the salaries for which are provided for herein for the service of the fiscal year ending June thirtieth, nineteen hundred and eleven, namely:

Indian Department
appropriations.

SEC. 1. For the survey, resurvey, and classification of lands to be allotted in severalty under the provisions of the act of February eighth, eighteen hundred and eighty-seven, entitled "An act to provide for the allotment of lands in severalty to Indians," and under any other act or acts providing for the survey and allotment of lands in severalty to Indians, including the necessary clerical work incident thereto and to the issuance of all patents in the field and in the office of Indian Affairs, and to the delivery of trust patents for allotments under said act or any such act or acts; and for the survey and subdivision of Indian reservations and lands to be allotted to Indians under authority of law, two hundred and fifteen thousand dollars, to be repaid proportionately out of any Indian moneys held in trust or otherwise by the United States and available by law for such reimbursable purpose and to remain available until expended: *Provided*, That the unexpended balances of all continuing appropriations heretofore made for allotment work, general or specific, are hereby made available for the purposes enumerated herein.

Surveys, etc., for al-
lotments in severalty.
24 Stat., 388, vol. 1, p.
33.

Surveying reserva-
tions, etc., for al-
lotments.

Repayment.

Proviso.
Use of balances.

Hereafter the Secretary of the Interior shall cause to be stated annual accounts between the United States and each tribe of Indians arising under appropriations heretofore, herein, or hereafter to be made, which by law are required to be reimbursed to the United States, crediting in said accounts the sums so reimbursed, if any; and the Secretary of the Interior shall pay, out of any fund or funds belonging to such tribe or tribes of Indians applicable thereto and held by the United States in trust or otherwise, all balances of accounts due to the United States and not already reimbursed to the Treasury, and deposit such sums in the Treasury as miscellaneous receipts; and such accounts shall be received and examined by the proper auditor of the Treasury Department and the balances arising

36 Stat., 270.

Annual statement of
reimbursable accounts.

Payment of bal-
ances due.

Accounting.

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| Proviso. Annual report of cost of survey and allotment work. | thereon certified to the Secretary of the Treasury: <i>Provided</i> , That hereafter the Secretary of the Interior shall transmit to Congress annually on the first Monday in December a cost account for the preceding fiscal year of all survey and allotment work on Indian reservations. |
| Irrigation. | For the construction, repair, and maintenance of ditches, reservoirs, and dams, purchase and use of irrigation tools and appliances, water rights, lands necessary for canals, pipe lines and reservoirs for Indian reservations and allotments, and for drainage and protection of irrigable lands from damage by floods, two hundred and forty-nine thousand one hundred dollars, of which twenty-five thousand dollars shall be immediately available, and the balance of the appropriation shall remain available until expended: <i>Provided</i> , That no part of this appropriation shall be expended on any irrigation system or reclamation project for which specific appropriation is made in this act or for which public funds are or may be available under any other act of Congress, and hereafter no new irrigation project on any Indian reservation, allotments or lands, shall be undertaken until it shall have been estimated for and a maximum limit of cost ascertained from surveys, plans, and reports submitted by the chief irrigation engineer in the Indian service and approved by the Commissioner of Indian Affairs and the Secretary of the Interior, and such limit of cost shall in no case be exceeded without express authorization of Congress, and hereafter no new project to cost in the aggregate to exceed thirty-five thousand dollars shall be undertaken on any Indian reservation or allotment without specific authority of Congress; and the Secretary of the Interior shall transmit to Congress on the first Monday in December, nineteen hundred and ten, a statement, by systems or projects, showing the original estimated cost, the present estimated cost, and the total amount of all moneys, from whatever source derived, expended thereon for construction, extension, repair, or maintenance, of each irrigation system or reclamation project on Indian reservations, allotments or lands to and including June thirtieth, nineteen hundred and ten; and annually thereafter the Secretary of the Interior shall transmit to Congress a cost account of all moneys, from whatever source derived, expended on each such irrigation project for the preceding fiscal year: <i>Provided</i> |
| Continuing balance. Provisos. Use restricted. | <i>further</i> , That nothing herein contained shall be construed to prohibit reasonable expenditures from this appropriation for preliminary surveys and investigations to determine the feasibility and estimated cost of new projects, or to prevent the Bureau of Indian Affairs from having the benefit of consultation with engineers in other branches of the public service or carrying out existing agreements with the Reclamation Service; for pay of one chief inspector of irrigation, who shall be a skilled irrigation engineer, four thousand dollars; one assistant inspector of irrigation, who shall be a skilled irrigation engineer, two thousand five hundred dollars; for traveling expenses of two inspectors of irrigation, at three dollars per diem when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses authorized by law, and for incidental expenses of negotiation, inspection, and investigation, including telegraphing and expense of going to and from the seat of government, and while remaining there under orders, four thousand two hundred dollars; in all, two hundred fifty-nine thousand eight hundred dollars: <i>Provided</i> , That the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, may employ superintendents of irrigation who shall be skilled irrigation engineers, not to exceed seven in number. |
| Estimates required. | For the suppression of the traffic in intoxicating liquors among Indians, eighty thousand dollars, ten thousand dollars thereof to be immediately available. |
| Limit of cost. | |
| Annual report of all projects. | |
| Preliminary surveys, etc. | |
| Cooperation with other bureaus. | |
| Irrigation inspectors. | |
| 36 Stat., 271. | |
| Superintendents of irrigation. | |
| Suppressing liquor traffic. | |

To enable the President to relieve distress among Indians and to provide for their care and for the prevention and treatment of tuberculosis, trachoma, smallpox, and other contagious and infectious diseases, including the purchase of vaccine and expense of vaccination, forty thousand dollars.

Relief of distress, preventing diseases, etc.

For support of Indian day and industrial schools, not otherwise provided for, and for other educational and industrial purposes in connection therewith, one million four hundred and twenty thousand dollars.

Support of schools.

For construction, lease, purchase, and repair of school buildings, and for sewerage, water supply, lighting plants, and purchase of school sites and improvements of buildings and grounds, three hundred and fifty thousand dollars.

Constructing buildings, etc.

For collection and transportation of pupils to and from Indian schools, and for the transportation of Indian pupils from any and all Indian schools and placing them, with the consent of their parents, under the care and control of white families qualified to give such pupils moral, industrial, and educational training, seventy thousand dollars: *Provided*, That not to exceed five thousand dollars of this amount may be used in the transportation and placing of Indian pupils in positions where remunerative employment may be found for them in industrial pursuits. The provisions of this section shall also apply to native pupils brought from Alaska.

Transporting pupils.

Provisos. Positions for pupils.

Alaska pupils.

All moneys appropriated herein for school purposes among the Indians shall be expended, without restriction as to per capita expenditure for the annual support and education of any one pupil in any school.

No per capita restriction.

To conduct experiments on Indian school or agency farms designed to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, and fruits, for the purposes of preserving living and growing timber on Indian reservations and allotments, and to advise the Indians as to the proper care of forests: *Provided*, That this shall not as to timber apply to the Menominee Indian Reservation in Wisconsin or the Red Lake Indian Reservation in Minnesota. For the employment of suitable persons as matrons to teach Indian women housekeeping and other household duties, and for furnishing necessary equipments and renting quarters for them where necessary; and for the employment of practical farmers and stockmen, in addition to the agency and school farmers now employed, to superintend and direct farming and stock raising among Indians, three hundred and fifty thousand dollars, of which fifty thousand dollars shall become immediately available: *Provided*, That not to exceed five thousand dollars of the amount herein appropriated shall be used to conduct experiments on Indian school or agency farms to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, and fruits: *Provided further*, That the amounts paid to matrons, farmers, and stockmen herein provided for shall not come within the limit for employees fixed by the act of June seventh, eighteen hundred and ninety-seven.

Agricultural experiments.

Care of forests.

Provisos. Restriction.

Matrons.

Farmers and stockmen.

Amount for testing soils, etc.

Amounts to matrons, etc.

30 Stat., 90, vol. 1, 89.

36 Stat., 272.

Supplies. All expenses of purchase, etc.

For the purchase of goods and supplies for the Indian Service, including inspection, pay of necessary employees, and all other expenses connected therewith, including advertising, telegraphing, telephoning, rent of warehouses, and the transportation of Indian goods and supplies, three hundred and fifteen thousand dollars.

Agency buildings.

For buildings and repairs of buildings at agencies and for rent of buildings for agency purposes and for water supply at agencies, seventy-five thousand dollars.

For witness fees and other legal expenses incurred in suits instituted in behalf of or against Indians involving the question of title to lands allotted to them, or the right of possession of personal property held

Legal expenses in suits involving allotted lands, etc.

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| Proviso. Attorneys' fees. | by them, two thousand five hundred dollars: <i>Provided</i> , That no part of this appropriation shall be used in the payment of attorney fees. |
| Citizen commission. | SEC. 2. For expenses of the Board of Indian Commissioners, four thousand dollars, including not to exceed three hundred dollars for office rent. |
| Interpreters. Proviso. Restriction. | For payment of necessary interpreters, eight thousand dollars: <i>Provided</i> , That hereafter no person employed by the United States and paid for any other service shall be paid for interpreting. |
| Indian police. | For payment of Indian police, including chiefs of police at not to exceed fifty dollars per month each, and privates at twenty dollars per month each, to be employed in maintaining order, and for the purchase of equipments and rations for policemen at nonration agencies, two hundred thousand dollars. |
| Judges, Indian courts. | For compensation of judges of Indian courts, twelve thousand dollars. |
| Contingencies. | For contingencies of the Indian service; for traveling and incidental expenses of the Commissioner of Indian Affairs and other officers and employees in the Indian service, including clerks detailed from the Bureau of Indian Affairs for special service in the field; for traveling and incidental expenses of special agents, at three dollars per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses, including expenses of going to and from the seat of government and while remaining there under orders; for pay of employees not otherwise provided for; and for pay of special agents at two thousand dollars per annum each, one hundred and fifteen thousand dollars. |

Arizona.

ARIZONA AND NEW MEXICO.

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| Support, etc., Indians on reservations. | SEC. 3. For support and civilization of Indians on reservations in Arizona and New Mexico, three hundred and thirty thousand dollars. |
| Gila River Reservation. Irrigation system. | For continuing the work of constructing an irrigation system for the irrigation of the lands of the Pima Indians in the vicinity of Sacaton, in the Gila River Indian Reservation, seventy-five thousand dollars: <i>Provided</i> , That the amount hereby appropriated and all moneys heretofore, herein or hereafter to be appropriated for this project, shall be repaid into the Treasury of the United States in accordance with the provisions of section ten of the act of March third, nineteen hundred and five: <i>Provided further</i> , That the Secretary of the Interior shall transmit to Congress on the first Monday in December, nineteen hundred and ten, a statement showing the original estimated cost, the present estimated cost, and the total amount of all moneys, from whatever source derived, expended thereon, of each irrigation project for which specific appropriation is made in this act, to and including June thirtieth, nineteen hundred and ten, and annually thereafter the Secretary of the Interior shall transmit to Congress a cost account of all moneys, from whatever source derived, expended on each such irrigation project for the preceding fiscal year. |
| Provisos. Repayment. | For the construction of a pumping plant to be used for irrigation purposes on the Colorado River Reservation, together with the necessary canals and laterals, for the utilization of water in connection therewith, for the purpose of securing an appropriation of water for the irrigation of approximately one hundred and fifty thousand acres of land, fifty thousand dollars, to be reimbursed from the sale of the surplus lands of the reservation. |
| 33 Stat., 1061, ante, 158. Full statement of cost, etc., of all irrigation projects. | For support and education of two hundred Indian pupils at the Indian school at Fort Mojave, and for pay of superintendent of said school, thirty-five thousand one hundred dollars; for general repairs and improvements, three thousand dollars; in all, thirty-eight thousand one hundred dollars. |
| 36 Stat., 273, post, 534. Colorado River Reservation. Pumping plant, etc., for irrigation. | |
| Fort Mojave School. | |

For support and education of seven hundred Indian pupils at the Indian school at Phoenix, Arizona, and for pay of superintendent, one hundred nineteen thousand four hundred dollars; for general repairs and improvements, eight thousand dollars; in all, one hundred twenty-seven thousand four hundred dollars.

Phoenix School.

For support and education of one hundred pupils at the Indian school at Truxton Canyon, Arizona, and for pay of superintendent, eighteen thousand two hundred dollars; for general repairs and improvements, three thousand dollars; in all, twenty-one thousand two hundred dollars.

Truxton Canyon School.

The Secretary of the Interior is hereby authorized and directed to make an investigation of the conditions on the Navaho Indian Reservation in Coconino County, in the Territory of Arizona, with respect to the necessity of constructing a bridge at or near Tanners Crossing, on said reservation, and also to cause surveys, plans, and reports to be made, together with an estimated limit of cost for the construction of a suitable bridge at that place, and submit his report thereon to Congress on the first Monday in December, nineteen hundred and ten, and the sum of one thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the purposes herein authorized.

Navaho Reservation. Bridge at Tanners Crossing.

CALIFORNIA.

California.

SEC. 4. For support and civilization of Indians in California, including pay of employees, and for the purchase of small tracts of land situated adjacent to lands heretofore purchased, and for improvements on lands for the use and occupancy of Indians in California, forty-two thousand dollars: *Provided*, That all moneys heretofore appropriated for support of Northern Indians in California and not covered back into the Treasury at the date of the passage of this act are hereby made available for the purchase of lands for landless Indians in California.

Support, etc., of Indians.

Proviso. Lands for landless Indians.

For support and education of five hundred and fifty Indian pupils at the Sherman Institute, Riverside, California, and for pay of superintendent, ninety-four thousand three hundred and fifty dollars; for general repairs and improvements, ten thousand dollars; for additions to dormitories, fifteen thousand dollars; for a new hospital, fifteen thousand dollars; in all, one hundred thirty-four thousand three hundred and fifty dollars.

Sherman Institute.

COLORADO.

Colorado.

SEC. 5. There is hereby granted to the State of Colorado, upon the terms and conditions hereinafter named, the property known as the Grand Junction School, including the lands, buildings, and fixtures pertaining to said school: *Provided*, That said lands and buildings shall be held and maintained by the State of Colorado as an institution of learning, and that Indian pupils shall at all times be admitted to such school free of charge for tuition and on terms of equality with white pupils: *Provided further*, That this grant shall be effective at any time before July first, nineteen hundred and eleven, if before that date the governor of the State of Colorado files an acceptance thereof with the Secretary of the Interior accepting for said State said property upon the terms and conditions herein prescribed.

Grand Junction School. Transfer to State authorized.

Proviso. Requirements.

36 Stat., 274. Acceptance to be filed.

For support and education of two hundred Indian pupils at the Indian school at Grand Junction, Colorado, thirty-three thousand four hundred dollars, and pay of superintendent, one thousand six hundred dollars: *Provided*, That if said school is disposed of as above authorized at any time during the fiscal year of nineteen hundred

Support of pupils.

Proviso. Deduction if school transferred.

and eleven, the pro rata share only of the appropriation for the maintenance of said school for the portion of the year which the school is maintained by the United States shall be available.

Fort Lewis School.
Transfer to State
authorized.

Provisos.
Requirements.

Acceptance to be
filed.

Sale if grant not ac-
cepted.

There is hereby granted to the State of Colorado, upon the terms and conditions hereinafter named, the property known as the Fort Lewis School, including the lands, buildings, and fixtures pertaining to said school: *Provided*, That said lands and buildings shall be held and maintained by the State of Colorado as an institution of learning, and that Indian pupils shall at all times be admitted to such school free of charge for tuition and on terms of equality with white pupils: *Provided further*, That this grant shall be effective at any time before July first, nineteen hundred and eleven, if before that date the governor of the State of Colorado files an acceptance thereof with the Secretary of the Interior accepting for said State said property upon the terms and conditions herein prescribed: *Provided further*, That if said property is not accepted by the State of Colorado as hereinbefore provided, the Secretary of the Interior is hereby authorized to dispose of and convey the said property, including the real estate, buildings and fixtures, to the highest bidder for cash at a price not less than the appraised valuation to be fixed by the Secretary of the Interior, the sale to be subject to his approval and under such rules and regulations as he may prescribe; and the Secretary of the Interior is also authorized and directed to sell, or transfer to other Government Indian schools, all other property pertaining to the said Fort Lewis School for the disposition of which provision is not otherwise made herein.

Florida.

FLORIDA.

Relief, etc., of Semi-
noles.

Alabama Indians in
Texas.
Investigation.

SEC. 6. For relief of distress among the Seminole Indians in Florida, and for purposes of their civilization, fifteen thousand dollars; and the Secretary of the Interior is hereby authorized and directed to investigate the conditions of the Alabama Indians in Texas and to submit his report thereon to Congress at the next session.

Idaho.

IDAHO.

Fort Hall Reserva-
tion.
Support, etc., of In-
dians.

Irrigating system.
Post, p. 473.
36 Stat., 744.

Provisos.
Repayment.

34 Stat., 1024; ante,
275.
Water rights.

Forfeited rights.
36 Stat., 275.

Bannocks.
Fulfilling treaty.
15 Stat., 676, vol. 2,
1023.

SEC. 7. For support and civilization of the Shoshones and Bannocks, Sheepeaters, and other Indians on the Fort Hall Reservation in Idaho, including pay of employees, thirty thousand dollars.

For continuing the work of constructing an irrigating system for the irrigation of lands on the Fort Hall Reservation, Idaho, and lands ceded by the Indians of said reservation, one hundred thousand dollars: *Provided*, That the amount hereby appropriated, and all moneys heretofore or hereafter to be appropriated for this project, shall be repaid into the Treasury of the United States in accordance with the provisions of the act of March first, nineteen hundred and seven: *Provided further*, That lands in private ownership shall pay only six dollars per acre for water rights, including construction charges, in accordance with the act of March first, nineteen hundred and seven: *Provided, however*, That in case of any forfeiture of the rights acquired by the purchaser, he shall lose the money previously paid and the water right for the land, but it may be purchased by another person who shall thereafter acquire the land in question at such price and on such conditions as the Secretary of the Interior may determine, but not less than the cost originally determined.

For fulfilling treaty stipulations with the Bannocks in Idaho: For pay of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith (article ten, treaty of July third, eighteen hundred and sixty-eight), five thousand dollars.

For the Coeur d'Alenes, in Idaho: For pay of blacksmith, carpenter, and physician, and purchase of medicines (article eleven, agreement ratified March third, eighteen hundred and ninety-one), three thousand dollars.

Coeur d'Alenes.
Fulfilling treaty.
26 Stat., 1029, vol. 1,
421.

For the twelfth to the twentieth, inclusive, of the twenty installments, as provided in the agreement with the Indians of the Fort Hall and Lemhi agencies, Idaho, approved February twenty-third, eighteen hundred and eighty-nine, to be used for the benefit of the Indians removed to Fort Hall Reservation from Lemhi Agency, Idaho, in such manner as the President may direct, thirty-six thousand dollars.

Lemhi agency In-
dians.
Last installments for
ceded lands.
25 Stat., 688, vol. 1,
314.

Provided, That it shall be optional with those Indians entitled to allotments on the Fort Hall Reservation whether they accept a portion of their allotment within the irrigated portion of the reservation, or shall avail themselves of the provisions of the act of February twenty-third, eighteen hundred and eighty-nine, entitled "An act to accept and ratify the agreement submitted by the Shoshones, Bannocks, and the Sheepeaters of the Fort Hall and Lemhi Reservation in Idaho, May fourteenth, eighteen hundred and eighty, and for other purposes."

Provisos.
Option to accept ir-
rigated lands as part of
allotment.
25 Stat., 688, vol. 1,
314.

And provided further, That the Secretary of the Interior is hereby authorized to set aside and reserve certain lands in the western part of the Fort Hall Indian Reservation, lying between the Snake River and the Port Neuf River, in ranges thirty-two and thirty-three east of the Boise meridian, known as the "Fort Hall Bottoms," for the use in common of the Indians for grazing purposes.

Lands reserved for
grazing.

KANSAS.

Kansas.

SEC. 8. For support and education of seven hundred and fifty Indian pupils at the Indian school, Haskell Institute, Lawrence, Kansas, for transportation of pupils to and from said school, and for pay of superintendent, one hundred thirty-seven thousand seven hundred and fifty dollars; for drainage, ten thousand dollars; for general repairs and improvements, ten thousand dollars; in all, one hundred fifty seven thousand seven hundred and fifty dollars.

Haskell Institute.

For support and education of eighty Indian pupils at the Indian school, Kickapoo Reservation, Kansas, and for pay of superintendent, fourteen thousand eight hundred and sixty dollars; for general repairs and improvements, two thousand dollars; for new buildings, one thousand dollars; in all, seventeen thousand eight hundred and sixty dollars.

Kickapoo Reserva-
tion School.

For fulfilling treaties with the Sacs and Foxes of the Missouri: For support of a school (article five, treaty of March sixth, eighteen hundred and sixty-one), two hundred dollars.

Sacs and Foxes of
the Missouri.
School.
12 Stat., 1172, vol. 2,
812.

MICHIGAN.

Michigan.

SEC. 9. For support and education of three hundred Indian pupils at the Indian school, Mount Pleasant, Michigan, and for pay of superintendent, fifty-one thousand eight hundred dollars; for new office building, three thousand dollars; for general repairs and improvements, seven thousand dollars; in all, sixty-one thousand eight hundred dollars.

Mount Pleasant
School.

36 Stat., 276.

MINNESOTA.

Minnesota.

SEC. 10. For support and education of two hundred and twenty-five Indian pupils at the Indian school, Pipestone, Minnesota, and for pay of superintendent, thirty-nine thousand one hundred and seventy-five dollars; for general repairs and improvements, two

Pipestone School.

thousand five hundred dollars; in all, forty-one thousand six hundred and seventy-five dollars.

Chippewas of the
Mississippi
Schools.
16 Stat., 720, vol. 2,
975.

For support of a school or schools for the Chippewas of the Mississippi in Minnesota (article three, treaty of March nineteenth, eighteen hundred and sixty-seven), four thousand dollars.

Chippewas of Min-
nesota.
Advance interest.
25 Stat., 645, vol. 1,
305.

For advance interest to the Chippewa Indians in Minnesota, as required by section seven, act of January fourteenth, eighteen hundred and eighty-nine, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," to be expended in the manner required by said act, ninety thousand dollars: *Provided*, That the amount of this appropriation and all moneys heretofore or hereafter to be appropriated for this purpose shall be repaid into the Treasury of the United States in accordance with the provisions of the act of January fourteenth, eighteen hundred and eighty-nine: *Provided further*, That the Secretary of the Treasury shall transmit to Congress on the first Monday in December, nineteen hundred and ten, a statement, by tribes and funds, of all moneys appropriated by Congress since July first, eighteen hundred and seventy-five, required by law to be reimbursed to the United States from Indian tribal funds held in trust or otherwise, showing the extent to which such reimbursements have been or may now be accomplished.

Provisos.
Repayment.

Statement of all
moneys reimbursable
from tribal funds.

Civilization, etc.
25 Stat., 642, vol. 1,
301.

To enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to carry out an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January fourteenth, eighteen hundred and eighty-nine, namely, the purchase of material and employment of labor for the erection of houses for Indians; for the purchase of agricultural implements, stock, and seeds, breaking and fencing land; for payment of expenses of delegations of Chippewa Indians to visit the White Earth Reservation; for the erection and maintenance of day and industrial schools; for subsistence and for pay of employees; for pay of commissioners and their expenses, and for removal of Indians and for their allotments, to be reimbursed to the United States out of the proceeds of sale of their lands, one hundred and fifty thousand dollars.

White Earth Band.
Fund for annual
celebration.

The Secretary of the Interior is hereby authorized to advance to the executive committee of the White Earth Band of Chippewa Indians in Minnesota the sum of one thousand dollars, or so much thereof as may be necessary, to be expended in the annual celebration of said band to be held June fourteenth, nineteen hundred and ten, out of the funds belonging to said band.

Clearwater River.
Bridge on Old Red
Lake Agency Road.

To enable the Secretary of the Interior to construct a bridge on the Old Red Lake Agency Road across Clearwater River, at or near the section line between sections five and eight, in township one hundred and fifty north, range thirty-seven west of the fifth principal meridian, one thousand dollars.

Montana.

MONTANA.

Fort Belknap
Agency.
Support, etc., of In-
dians.

SEC. 11. For the support and civilization of the Indians at Fort Belknap Agency, Montana, including pay of employees, twenty thousand dollars.

36 Stat., 277.
Crows.
Support, etc.
Flathead Agency.
Support, etc., of In-
dians.

For support and civilization of the Crow Indians in Montana, including pay of employees, eight thousand dollars.

Fort Peck Agency.
Support, etc., of In-
dians.

For support and civilization of Indians at Flathead Agency, Montana, including pay of employees, nine thousand dollars.

For support and civilization of the Indians at Fort Peck Agency, Montana, including pay of employees, forty thousand dollars.

For the Milk River irrigation system on the Fort Belknap Reservation, in Montana, twenty-five thousand dollars: *Provided*, That the amount hereby appropriated, and all moneys appropriated in the acts of May (April) thirtieth, nineteen hundred and eight, and March third, nineteen hundred and nine, shall be repaid into the Treasury of the United States from Indian funds applicable for such purpose.

Fort Belknap Res-
ervation.
Irrigation.
Proviso.
Repayment.
35 Stat., 83, 795, ante,
pp. 331, 402.

For the construction of irrigation systems to irrigate the allotted lands of the Indians of the Flathead Reservation, in Montana, and the unallotted irrigable lands to be disposed of under authority of law, including the necessary surveys, plans, and estimates, two hundred and fifty thousand dollars, one hundred thousand dollars of which shall be immediately available: *Provided*, That the amount hereby appropriated, and all moneys heretofore or hereafter to be appropriated, for this project shall be repaid into the Treasury of the United States in accordance with the provisions of the act of April thirtieth, nineteen hundred and eight, and the act of March third, nineteen hundred and nine.

Flathead Reser-
vation.
Irrigation.

Proviso.
Repayment.

For construction of irrigation systems to irrigate the allotted lands of the Indians of the Blackfeet Indian Reservation in Montana and the unallotted irrigable lands to be disposed of under authority of law, including the necessary surveys, plans, and estimates, two hundred thousand dollars: *Provided*, That the amount hereby appropriated, and all moneys heretofore or hereafter to be appropriated, for this project shall be repaid into the Treasury of the United States in accordance with the provisions of the act of March first, nineteen hundred and seven.

Blackfeet Reser-
vation.
Irrigation.

Proviso.
Repayment.

34 Stat., 1037, ante,
p. 286.

For fulfilling treaties with Crows, Montana: For pay of physician, one thousand two hundred dollars, and for pay of carpenter, miller, engineer, farmer, and blacksmith (article ten, treaty of May seventh, eighteen hundred and sixty-eight), three thousand six hundred dollars; for pay of second blacksmith (article eight, same treaty), one thousand two hundred dollars; in all, six thousand dollars.

Crows.
Fulfilling treaty.

15 Stat., 652, vol. 2,
1011.

For subsistence and civilization (agreement with the Sioux Indians, approved February twenty-eighth, eighteen hundred and seventy-seven), including subsistence and civilization of Northern Cheyennes removed from Pine Ridge Agency to Tongue River, Montana, ninety thousand dollars; for pay of physician, two teachers, two carpenters, one miller, two farmers, a blacksmith, and engineer (article seven, treaty of May tenth, eighteen hundred and sixty-eight), nine thousand dollars; in all, ninety-nine thousand dollars.

Northern Cheyennes,
etc.
Subsistence, etc.
19 Stat., 256, vol. 1,
170.

Physician, etc.
15 Stat., 658, vol. 2,
1014.

For the employment of "line riders" along the southern and eastern boundaries of the Northern Cheyenne Indian Reservation in the State of Montana, one thousand five hundred dollars.

Employing "line
riders."

There is hereby appropriated the sum of fifteen thousand dollars, or so much thereof as may be necessary, to be immediately available, for the purpose of encouraging industry among the Indians of the Tongue River Indian Reservation in the State of Montana, and to aid them to engage in the culture of fruits, grains, and other crops. The said sum may be used for the purchase of animals, machinery, tools, implements, and other agricultural equipment: *Provided*, That the sum hereby appropriated shall be expended subject to conditions to be prescribed by the Secretary of the Interior for its repayment to the United States, and all repayments to this fund as herein provided are hereby appropriated for the same purpose as the original fund and the entire fund including repayments shall remain available until June thirtieth, nineteen hundred and sixteen: *Provided further*, That the Secretary of the Interior shall submit to Congress annually on the first Monday in December a detailed report of the use of this fund.

Tongue River Reser-
vation.
Assistance to In-
dians on.

Proviso.
Repayment.

33 Stat., 278.

Nebraska.

NEBRASKA.

Genoa school.

SEC. 12. For the support and education of three hundred Indian pupils at the Indian school at Genoa, Nebraska, fifty thousand four hundred dollars; for pay of superintendent, one thousand seven hundred dollars; for general repairs and improvements, two thousand dollars; for erection of employees' quarters, seven thousand five hundred dollars; for enlarging shop building, four thousand dollars; in all, sixty-five thousand six hundred dollars.

Parker Cabney.
Allotment canceled.

That the Secretary of the Interior be, and he is hereby, authorized to cancel the allotment erroneously made to Parker Cabney (also known as Leon and Henry Cabney), Omaha allottee numbered four hundred and sixty-three, described as lot two, and the southwest quarter of the northeast quarter of section five, township twenty-four north, range eight east of the sixth principal meridian in Nebraska, containing eighty-one and ten one-hundredths acres.

Nevada.

NEVADA.

Western Shoshone
Agency.
Support, etc., of In-
dians.

SEC. 13. For support and civilization of the Indians of the Western Shoshone Agency, Nevada, including pay of employees, eight thousand dollars.

Carson City school.

For support and education of three hundred Indian pupils at the Indian school at Carson City, Nevada, and for pay of superintendent, fifty-one thousand nine hundred dollars; for general repairs and improvements, five thousand dollars; in all, fifty-six thousand nine hundred dollars.

Moapa River, Walker
River, and Pyramid
Lake Reservations.
Support, etc., of In-
dians.

For support and civilization of Indians located on the Moapa River, Walker River, and Pyramid Lake Reservations, in the State of Nevada, four thousand five hundred dollars; for pay of employees, including physician at the Walker River Reservation, four thousand dollars; in all, eight thousand five hundred dollars.

Ormsby County.
Payment to.

The Secretary of the Interior is hereby authorized and directed to pay to the board of county commissioners of Ormsby County, Nevada, in full settlement for damages to the public road caused by the breaking of the dam belonging to the Indian school at Carson City, Nevada, the sum of seventy dollars, to be paid from an unexpended balance of the appropriation "Indian school, Carson City, Nevada, nineteen hundred and seven," which sum is hereby reappropriated.

Lands for Indian fam-
ilies.

For the purchase of land adjacent to the Lovelock School site, in Nevada, for the use and occupation of certain Indian families, three thousand dollars.

New Mexico.

NEW MEXICO.

Albuquerque school.

SEC. 14. For support and education of three hundred Indian pupils at the Indian school at Albuquerque, New Mexico, and for pay of superintendent, fifty-one thousand nine hundred dollars; for general repairs and improvements, five thousand dollars; in all, fifty-six thousand nine hundred dollars.

Santa Fe school.

For support and education of three hundred Indian pupils at the Indian school at Santa Fe, New Mexico, and for pay of superintendent, fifty-one thousand nine hundred dollars; for general repairs and improvements, five thousand dollars; for water supply, one thousand six hundred dollars; in all, fifty-eight thousand five hundred dollars.

Pueblo Indians.
Attorney.

For pay of one special attorney for the Pueblo Indians of New Mexico, one thousand five hundred dollars; for necessary traveling and incidental expenses of said attorney, five hundred dollars; in all, two thousand dollars.

NEW YORK.

SEC. 15. For fulfilling treaties with Senecas of New York: For permanent annuity in lieu of interest on stock (act of February nineteenth, eighteen hundred and thirty-one), six thousand dollars.

For fulfilling treaties with Six Nations of New York: For permanent annuity, in clothing and other useful articles (article six, treaty of November eleventh, seventeen hundred and ninety-four), four thousand five hundred dollars.

36 Stat., 279

New York.
Senecas.
Annuity.
4 Stat., 442.Six Nations.
Annuity.
7 Stat., 46, vol. 2, 36.

NORTH CAROLINA.

SEC. 16. For support and education of one hundred and fifty Indian pupils at the Indian school at Cherokee, North Carolina, and for pay of superintendent, twenty-six thousand five hundred and fifty dollars; for general repairs and improvements, one thousand five hundred dollars; in all, twenty-eight thousand and fifty dollars.

North Carolina.

Cherokee school.

NORTH DAKOTA.

SEC. 17. For support and civilization of the Sioux of Devils Lake, North Dakota, five thousand dollars.

For support and civilization of Indians at Fort Berthold Agency, in North Dakota, including pay of employees, twenty thousand dollars.

For support and civilization of Turtle Mountain Band of Chippewas, North Dakota, including seeds, thirteen thousand dollars.

For support and education of three hundred and twenty-five Indian pupils at the Indian school, Fort Totten, North Dakota, and for pay of superintendent, fifty-five thousand nine hundred and seventy-five dollars; for general repairs and improvements, five thousand dollars; for heating and lighting system, five thousand dollars; in all, sixty-five thousand nine hundred and seventy-five dollars.

For the support and education of one hundred Indian pupils at the Indian school, Wahpeton, North Dakota, and for pay of superintendent, eighteen thousand two hundred dollars; for general repairs and improvements, two thousand dollars; for new buildings, twenty-five thousand dollars; for purchase of seed, stock, and machinery, five thousand dollars; in all, fifty thousand two hundred dollars; and the Secretary of the Interior is hereby authorized and directed to pay to the treasurer of the city of Wahpeton, North Dakota, the sum of one hundred and thirty-two dollars and sixty-eight cents, in full payment of all claims for water furnished to the Wahpeton Indian School by the said city of Wahpeton, to be paid out of the fund for waterworks now available for the use of said school.

For support and education of one hundred Indian pupils at the Indian school, Bismarck, North Dakota, and for pay of superintendent, eighteen thousand two hundred dollars; for general repairs and improvements, two thousand dollars; for the erection of a school building, twenty thousand dollars; for the purchase of live stock and machinery for the school farm, two thousand dollars; in all, forty-two thousand two hundred dollars.

To pay the Sisseton and Wahpeton and Cut Head Bands of Sioux Indians of the Devils Lake Indian Reservation, in the State of North Dakota, for a tract of land containing nine hundred and sixty acres, formerly embraced within the Devils Lake Indian Reservation, known as "Sully's Hill," which tract was reserved from disposition by proclamation of the President dated June second, nineteen hundred and eight, (four) made in pursuance of the act of Congress approved April twenty-seventh, nineteen hundred and four, ratifying and

North Dakota.

Devils Lake Sioux.
Support, etc.Fort Berthold
Agency.
Support, etc., of In-
dians.Turtle Mountain
Band.
Support, etc.
Fort Totten school.

Wahpeton school.

Wahpeton.
Payment to city.

Bismarck school.

Devils Lake Reser-
vation.
Payment to bands
of Sioux for Sully's Hill.33 Stat., 2370, post,
579.
33 Stat., 319, ante, 83.

36 Stat., 280.

amending the agreement with said Indians for the cession of certain of their lands, at the rate of three dollars and twenty-five cents per acre, three thousand one hundred and twenty dollars.

Oklahoma.

OKLAHOMA.

Wichitas, etc.
Support, etc.

SEC. 18. For support and civilization of the Wichitas and affiliated bands who have been collected on the reservations set apart for their use and occupation in Oklahoma, five thousand dollars.

Kiowas, Comanches,
and Apaches.
Payment to members
of tribes.

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of two hundred and fifty thousand dollars, or so much thereof as may be necessary, of the funds on deposit to the credit of the Kiowa, Comanche, and Apache tribes of Indians in Oklahoma and pay out the same for the benefit of the members of said tribes, including their maintenance and support and improvement of their homesteads, for the ensuing year in such manner and under such regulations as he may prescribe.

Support, etc.
Arapahoes and Chey-
ennes.

For support and civilization of the Arapahoes and Cheyennes who have been collected on the reservations set apart for their use and occupation in Oklahoma, thirty-five thousand dollars.

Kansas Indians.

For support and civilization of the Kansas Indians, Oklahoma, including agricultural assistance and pay of employees, one thousand five hundred dollars.

Kickapoos.

For support and civilization of the Kickapoo Indians in Oklahoma, two thousand dollars.

Poncas.

For support and civilization of the Ponca Indians in Oklahoma, including pay of employees, eight thousand dollars.

Chilocco School.

For support and education of five hundred Indian pupils at the Indian school at Chilocco, Oklahoma, and for pay of superintendent, eighty-three thousand five hundred dollars; for general repairs and improvements, six thousand five hundred dollars; in all, ninety thousand dollars.

Pawnees.
Annuity.
27 Stat., 644; vol. 1,
496.

For fulfilling treaties with Pawnees, Oklahoma: For perpetual annuity, to be paid in cash to the Pawnees (article three, agreement of November twenty-third, eighteen hundred and ninety-two), thirty thousand dollars; for support of two manual-labor schools (article three, treaty of September twenty-fourth, eighteen hundred and fifty-seven), ten thousand dollars; for pay of one farmer, two blacksmiths, one miller, one engineer and apprentices, and two teachers (article four, same treaty), five thousand four hundred dollars; for purchase of iron and steel and other necessities for the shops (article four, same treaty), five hundred dollars; for pay of physician and purchase of medicines, one thousand two hundred dollars; in all, forty-seven thousand one hundred dollars.

Schools.
11 Stat., 730, vol. 2,
764.
Farmer, blacksmith,
etc.
11 Stat., 730, vol. 2,
765.
Iron and steel, etc.

Physician.

Quapaws.
Education.
7 Stat., 425, vol. 2, 396.
Blacksmith, etc.

For support of Quapaws, Oklahoma: For education (article three, treaty of May thirteenth, eighteen hundred and thirty-three), one thousand dollars; for blacksmith and assistants, and tools, iron and steel for blacksmith shop (same article and treaty), five hundred dollars; in all, one thousand five hundred dollars: *Provided*, That the President of the United States shall certify the same to be for the best interests of the Indians.

Proviso.
Certificate of Presi-
dent.Sacs and Foxes of
the Mississippi.
Interest on com-
muted annuities.
35 Stat., 803, ante,
410.

The sum of one million dollars placed upon the books of the Treasury to the credit of the Sacs and Foxes of the Mississippi tribe of Indians by authority of the act approved March third, nineteen hundred and nine, or any part thereof, shall draw interest at the rate of five per centum per annum so long as it remains in the Treasury.

James F. Rowell.
Enrollment in Kiowa
tribe.

The Secretary of the Interior is hereby authorized and directed to enroll and allot James F. Rowell, intermarried in the Kiowa tribe of Indians, who was regularly adopted by the tribal council of aforesaid tribe previous to June first, nineteen hundred and nine.

FIVE CIVILIZED TRIBES.

SEC. 19. For expense of administration of the affairs of the Five Civilized Tribes, Oklahoma, including the salary of superintendent, at not to exceed four thousand five hundred dollars per annum, and the compensation of all employees whose continued employment may be necessary for the purposes for which appropriations were made in the Indian appropriation act for the fiscal year nineteen hundred and ten, as follows:

"For pay of superintendent at the Union Agency, Oklahoma;

"For special clerical force in the office of the United States Indian agent, Union Agency, and miscellaneous expenses in connection with entering of remittances received on account of payments of town lots and issuance of patents;

"For clerical work and labor connected with the leasing of Creek and Cherokee lands for mineral and other purposes, and the leasing of lands of full-blood Indians under the act of April twenty-sixth, nineteen hundred and six, and acts amendatory thereto;

"For appraising, clerical work, and labor connected with the sale of restricted lands, Five Civilized Tribes;

"For the purpose of removing intruders and placing allottees in unrestricted possession of their allotments, to be expended under the direction of the Secretary of the Interior;

"To enable the Secretary of the Interior to carry out the provisions of the act approved April twenty-first, nineteen hundred and four, and section one of the act of May twenty-seventh, nineteen hundred and eight, for the removal of restrictions upon the alienation of lands of allottees of the Five Civilized Tribes;

"For the completion of the work heretofore required by law to be done by the Commission to the Five Civilized Tribes;

"For general incidental expenses of the Indian Service in Oklahoma, and for pay of employees;"

And for making sales of tribal property authorized by law and for other work incidental to closing up the affairs of the Five Civilized Tribes.

In all, two hundred thousand dollars.

Provided, That any unexpended balances of appropriations heretofore made for such purposes are also hereby made available for this purpose.

For salaries and expenses of district agents for the Five Civilized Tribes in Oklahoma and other employees connected with the work of such agents, ninety thousand dollars, ten thousand dollars of which shall be immediately available.

That Chickasaw freedmen having remnant allotments due them of not exceeding fifty dollars in value shall be paid twice the appraised value thereof in lieu of the amount necessary to complete their allotments, and the sum of twenty thousand dollars, or so much thereof as may be necessary, is hereby appropriated for such purpose: *Provided*, That there shall be deducted from the amount awarded the Choctaw and Chickasaw nations under section forty of the Act of July first, nineteen hundred and two (Thirty-second Statutes, six hundred and forty-one), in payment for allotments to Chickasaw freedmen, an amount equal to the sums paid such Chickasaw freedmen.

For payment of costs, witness fees, charges in appeals, and other expenses incident to suits brought in the courts of Oklahoma in the name and for the benefit of Indian allottees of the Five Civilized Tribes having restricted lands, to be available until expended, ten thousand dollars: *Provided*, That when any part of this appropriation has been so used, and has been refunded and covered into the Treasury, it shall be credited to said appropriation, and shall be available to be used

36 Stat., 281.
Five Civilized Tribes.

Administration expenses.

35 Stat., 803.

Union Agency.
Superintendent.
Special clerks, etc.

Leases, etc.

34 Stat., 145.

Sale of restricted lands.

Removing intruders.

Removing alienation restrictions.
33 Stat., 204.
35 Stat., 312.

Completing work of commission.

Incidentals.

Sales of tribal property, etc.

Proviso.
Balances available.

District agents, etc.

Chickasaw freedmen.
Payment for remnant allotments.

Proviso.
Deduction from award to Choctaws and Chickasaws.
32 Stat., 650, vol. 1. p. 780.

Legal expenses in suits on restricted lands.

Proviso.
Use of repayments.

again for the same purposes and in the same manner as originally provided herein, for a period not exceeding five years.

36 Stat., 282.
Tribal schools.

For support of the tribal schools of Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations, as provided for by section ten of the act of April twenty-sixth, nineteen hundred and six, seventy-five thousand dollars, or so much thereof as may be necessary.

Choctaws.
Fulfilling treaties.
Annuities.
7 Stat., 99, vol. 2, 87;
11 Stat., 614, vol. 2, 709.
Light horsemen.
7 Stat., 213, vol. 2, 192;
11 Stat., 614, vol. 2, 709.

For fulfilling treaties with Choctaws, Oklahoma: For permanent annuity (article two, treaty of November sixteenth, eighteen hundred and five, and article thirteen, treaty of June twenty-second, eighteen hundred and fifty-five), three thousand dollars; for permanent annuity for support of light horsemen (article thirteen, treaty of October eighteenth, eighteen hundred and twenty, and article thirteen, treaty of June twenty-second, eighteen hundred and fifty-five), six hundred dollars; for permanent annuity for support of blacksmith (article six, treaty of October eighteenth, eighteen hundred and twenty, and article nine, treaty of January twentieth, eighteen hundred and twenty-five, and article thirteen, treaty of June twenty-second, eighteen hundred and fifty-five), six hundred dollars; for permanent annuity for education (article two, treaty of January twentieth, eighteen hundred and twenty-five, and article thirteen, treaty of June twenty-second, eighteen hundred and fifty-five), six thousand dollars; for permanent annuity for iron and steel (article nine, treaty of January twentieth, eighteen hundred and twenty-five, and article thirteen, treaty of June twenty-second, eighteen hundred and fifty-five), three hundred and twenty dollars; in all, ten thousand five hundred and twenty dollars.

Blacksmith.
7 Stat., 212, 236, vol. 2,
192, 213.

Education.
7 Stat., 235, vol. 2, 212;
11 Stat., 614, vol. 2, 709.

Iron and steel.
7 Stat., 236, vol. 2, 213;
11 Stat., 614, vol. 2, 709.

Arthur P. Murphy.
Payment from Creek
funds to.

The Secretary of the Interior is directed to pay Arthur P. Murphy, out of the funds of the Muskogee (Creek) tribe of Indians, the sum of four thousand three hundred and twenty dollars and eight cents, in full payment for amount due him as attorney for said tribe of Indians under contract dated January tenth, nineteen hundred and three, and approved by the Commissioner of Indian Affairs and the Secretary of the Interior January thirteenth, nineteen hundred and three.

Okmulgee.
Payment from Creek
funds to.

The Secretary of the Interior is hereby authorized to pay, out of the funds of the Creek Nation on deposit in the Treasury of the United States, one-half of the cost of paving the streets surrounding the block occupied by the Creek national capitol in the town of Okmulgee, Oklahoma, the same to be immediately available on the submission of proof to him showing the entire cost of the improvement: *Provided*, That said Secretary shall be satisfied that the charges made for the paving are reasonable.

Proviso.
Condition.

Saint Agnes Acad-
emy.
Payment from Chick-
asaw funds to.

The Secretary of the Interior is hereby authorized to pay from the funds of the Chickasaw Nation the sum of one thousand three hundred and sixty-eight dollars to the Saint Agnes Academy, of Ardmore, Oklahoma, balance due for board and tuition of Chickasaw children, for the year ending June thirtieth, nineteen hundred and three.

Douglas H. Johnston
Payment from Chick-
asaw funds to.

The Secretary of the Interior is hereby authorized to pay, out of the funds of the Chickasaw Indians now on deposit in the Treasury of the United States, to Douglas H. Johnston, governor of said nation, the sum of three thousand dollars per annum from September first, nineteen hundred and six, to March first, nineteen hundred and ten.

M. L. Mott.
Payment from Creek
funds to.

The Secretary of the Interior is hereby authorized to pay from the funds of the Muskogee Nation one thousand five hundred dollars to M. L. Mott, balance due for services rendered as attorney of the Muskogee Nation under contract of March second, nineteen hundred and six.

OREGON.

Oregon.

SEC. 20. For support and civilization of the Klamath, Modocs, and other Indians of the Klamath Agency, Oregon, including pay of employees, eight thousand dollars.

Klamath Agency.
Support, etc., of Indians.

For support and civilization of the confederated tribes and bands under Warm Springs Agency, and for pay of employees, four thousand dollars.

Warm Springs Agency.
Support, etc., of Indians.

For support and civilization of the Wallawalla, Cayuse, and Umatilla Tribes, Oregon, including pay of employees, three thousand dollars.

36 Stat., 283.
Wallawallas, Cayuses, and Umatillas.
Support, etc., of.

For support and education of six hundred Indian pupils, including native pupils brought from Alaska, at the Indian school, Salem, Oregon, and for pay of superintendent, one hundred and two thousand two hundred dollars; for purchase of additional farming land, twenty thousand three hundred and fifty dollars; for general repairs and improvements, ten thousand dollars; in all, one hundred and thirty-two thousand five hundred and fifty dollars.

Salem school.

For support and civilization of Indians of Grande Ronde and Siletz agencies, Oregon, including pay of employees, five thousand dollars.

Grande Ronde and Siletz agencies.
Support, etc., of Indians.

For support of Molels, Oregon: For pay of teachers and for manual-labor schools and for all necessary materials therefor, and for the subsistence of the pupils (article two, treaty of December twenty-first, eighteen hundred and fifty-five), three thousand dollars.

Molels.
Schools.
12 Stat., 981, vol. 2,
740.

PENNSYLVANIA.

Pennsylvania.

SEC. 21. For support and education of Indian pupils at the Indian school at Carlisle, Pennsylvania, for transportation of pupils to and from said school, for pay of superintendent, and for general repairs and improvements, one hundred and sixty-two thousand dollars; for steam heating plant, ten thousand dollars; in all, one hundred and seventy-two thousand dollars.

Carlisle school.

SOUTH DAKOTA.

South Dakota.

SEC. 22. For support and education of three hundred and seventy-five Indian pupils at the Indian school at Flandreau, South Dakota, and for pay of superintendent, sixty-four thousand four hundred and twenty-five dollars; for general repairs and improvements, five thousand dollars, of which two thousand five hundred dollars shall be immediately available; in all, sixty-nine thousand four hundred and twenty-five dollars.

Flandreau school.

For support and education of one hundred and fifty Indian pupils at the Indian school at Pierre, South Dakota, and for pay of superintendent, twenty-six thousand five hundred and fifty dollars; for new building, twenty-five thousand dollars; for general repairs and improvements, five thousand dollars; in all, fifty-six thousand five hundred and fifty dollars.

Pierre school.

For support and education of two hundred and fifty Indian pupils at the Indian school, Rapid City, South Dakota, and pay of superintendent, forty-three thousand three hundred and fifty dollars; for general repairs and improvements, seven thousand five hundred dollars; in all, fifty thousand eight hundred and fifty dollars.

Rapid City school.

For the support of Sioux of different tribes, including Santee Sioux of Nebraska, North Dakota, and South Dakota: For pay of five teachers, one physician, one carpenter, one miller, one engineer, two farmers, and one blacksmith (article thirteen, treaty of April twenty-ninth, eighteen hundred and sixty-eight), ten thousand four hundred

Sioux of different tribes.
Teachers, etc.

15 Stat., 640, vol. 2,
1002.

- dollars; for pay of second blacksmith, and furnishing iron, steel, and other material (article eight of same treaty), one thousand six hundred dollars; for pay of additional employees at the several agencies for the Sioux in Nebraska, North Dakota, and South Dakota, eighty-eight thousand dollars; for subsistence of the Sioux, and for purposes of their civilization (act of February twenty-eighth, eighteen hundred and seventy-seven), three hundred and fifty thousand dollars: *Provided*, That this sum shall include transportation of supplies from the termination of railroad or steamboat transportation, and in this service Indians shall be employed whenever practicable; and additional to the appropriation of three hundred and fifty thousand dollars herein made for the purposes of civilization, and supplemental thereto, there is hereby appropriated the sum of one hundred and fifty thousand dollars, to be paid from tribal funds held in trust for the Indians on the Cheyenne River and Standing Rock Reservations, in South and North Dakota, to be expended for their benefit, as provided for in section six of the act of May twenty-ninth, nineteen hundred and eight; in all, six hundred thousand dollars.
- Employees.**
- Subsistence, etc.**
19 Stat., 256; vol. 1, 170.
- Proviso.**
Transportation.
36 Stat., 284.
- Cheyenne River and Standing Rock Reservations.**
Payment from tribal funds to Indians on.
- 35 Stat., 464, ante, 376.
- Schools.**
- 15 Stat., 637, vol. 2, 998.
25 Stat., 894; vol. 1, 335.
- Yankton Sioux.**
Subsistence, etc.
- Court of Claims to report on ownership of lands in Minnesota claimed by.**
- Description.**
- Proceedings, etc.**
- Canton.**
Expenses of insane asylum.
- For support and maintenance of day and industrial schools among the Sioux Indians in South Dakota, including the erection and repairs of school buildings, two hundred thousand dollars, to be expended under the agreement with said Indians in section seventeen of the act of March second, eighteen hundred and eighty-nine, which agreement is hereby extended to and including June thirtieth, nineteen hundred and eleven.
- For subsistence and civilization of the Yankton Sioux, South Dakota, fifteen thousand dollars.
- That jurisdiction be, and hereby is, conferred upon the Court of Claims of the United States to hear, and report a finding of fact, as between the United States and the Yankton Tribe of Indians of South Dakota as to the interest, title, ownership, and right of possession of the said tribe of Indians in and to the following lands and premises, to wit: the said lands being described and indicated on the township plats of the Government legal survey approved August fifteenth, eighteen hundred and seventy-two, by the surveyor general for the State of Minnesota, as lying in sections one and two of township one hundred and six north, range forty-six west, and sections thirty-five and thirty-six of township one hundred and seven north, range forty-six west of the fifth principal meridian, containing six hundred and forty-eight and two-tenths acres, more or less, and embracing the red pipestone quarries.
- Proceedings shall be commenced by petition in the name of said Yankton Tribe of Indians, which petition shall be verified by the attorney or attorneys for said Indians. The proceedings shall in all respects be conducted without cost or expense to said Indians, and the United States, through the Secretary of the Interior, shall furnish without cost to said Indians a competent attorney or attorneys to appear for and represent them in said proceedings, the attorney's fee therefor to be fixed by the Secretary of the Interior.¹
- For the equipment and maintenance of the asylum for insane Indians at Canton, South Dakota, for incidental and all other expenses necessary for its proper conduct and management, including pay of employees, and for necessary expense of transporting insane Indians to and from said asylum, twenty-five thousand dollars; for enlargement and additional equipment, twenty-five thousand dollars; in all, fifty thousand dollars.

¹ Yankton Tribe of Indians v. United States, No. 31253, Court of Claims docket.

UTAH.

Utah.

SEC. 23. For pay of Indian agent at the Uintah and Ouray Agency (consolidated), Utah, one thousand eight hundred dollars.

Uintah and Ouray Agency.
Agent.
Utes, Confederated Bands.
Carpenters, etc.
15 Stat., 622, vol. 2, 993.

For support of Confederated Bands of Utes in Utah: For pay of two carpenters, two millers, two farmers, and two blacksmiths (article fifteen, treaty of March second, eighteen hundred and sixty-eight), six thousand seven hundred and twenty dollars; for pay of two teachers (same article and treaty), one thousand eight hundred dollars; for purchase of iron and steel and the necessary tools for blacksmith shop (article nine, same treaty), two hundred and twenty dollars; for annual amount for the purchase of beef, mutton, wheat, flour, beans, and potatoes, or other necessary articles of food (article twelve, same treaty), thirty thousand dollars; for pay of employees at the several Ute Agencies, fifteen thousand dollars; in all, fifty-three thousand seven hundred and forty dollars.

Food.
36 Stat., 285.
Employees.

For straightening the Duchesne River within the limits of the town site of Duchesne, now Theodore, in the State of Utah, five thousand dollars, to be immediately available and to be reimbursed to the United States out of the proceeds of the sale of lands within the ceded Uintah Indian Reservation opened to entry under the act of May twenty-seventh, nineteen hundred and two, including the sales of lots within said town site of Theodore.

Duchesne River.
Straightening.

Repayment.

32 Stat., 263, vol. 1, 753.

That the Secretary of the Interior is hereby authorized to pay from the reclamation fund for the benefit of the Uintah Indians the sum of one dollar and twenty-five cents per acre for the lands in the former Uintah Indian Reservation, in the State of Utah, which were set apart by the President for reservoir and other purposes under the provisions of the act approved March third, nineteen hundred and five, chapter fourteen hundred and seventy-nine, and which were by the Secretary of the Interior withdrawn for irrigation works under the provisions of the reclamation act of June seventeenth, nineteen hundred and two, in connection with the reservoir for the Strawberry Valley project. Such payment shall be made in five annual installments, and the moneys paid shall be subject to the same disposition as the proceeds of the sales of lands in the former Indian reservation. All such payments shall be included in the cost of construction of said Strawberry Valley project to be reimbursed by the owners of lands irrigated therefrom, all receipts from said lands, as rentals or otherwise, being credited to the said owners. All right, title, and interest of the Indians in the said lands are hereby extinguished, and the title, management and control thereof shall pass to the owners of the lands irrigated from said project whenever the management and operation of the irrigation works shall so pass under the terms of the reclamation act.

Uintah Indians.
Payment from reclamation funds for lands withdrawn for Strawberry Valley project.

35 Stat., 1069, ante, 146.

32 Stat., 388.

Installments.

Reimbursement.

To complete the irrigation systems to irrigate the allotted lands of the Uncompahgre, Uintah, and White River Utes, in Utah, authorized under the act of June twenty-first, nineteen hundred and six, to be expended under the terms thereof and reimbursable as therein provided, seventy-five thousand dollars.

Uncompahgre, Uintah, and White River Utes.
Irrigating allotted lands.
34 Stat., 375, ante, 243.

That the provisions of section four of "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-five, and for other purposes," approved August eighteenth, eighteen hundred and ninety-four, and the act amendatory thereof, approved June eleventh, eighteen hundred and ninety-six, respectively, be, and are hereby, extended over and shall apply to the desert lands included within the limits of the former Uintah Indian Reservation, in Utah, not included in any forest reservation: *Provided*, That before a patent shall issue for any of the lands aforesaid under the terms of the said

Uintah Reservation.
Carey Act provisions extended to lands of former.
28 Stat., 422.

29 Stat., 434.

Proviso.
Payment by State.

- act approved August eighteenth, eighteen hundred and ninety-four, and amendments thereto, the State of Utah shall pay into the Treasury of the United States the sum of one dollar and twenty-five cents per acre for the lands so patented, and the money so paid shall be subject to the provision of "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes," approved May twenty-seventh, nineteen hundred and two. That no lands shall be included in any tract to be segregated under the provisions of this act on which the United States has valuable improvements or which have been reserved for Indian schools or farm uses or for other purposes.
- Use of receipts.
- 32 Stat., 264, vol. 1, 753. Lands excluded.
- 36 Stat., 286. Virginia.
- Hampton school.
- Washington.
- Support, etc. D'Wamish, etc., Indians.
- Makahs.
- Qui-nai-elts and Quileh-utes.
- Yakimas, etc.
- Colville and Puyallup agencies' Indians.
- Spokanes. Blacksmith, etc.
- 27 Stat., 139, vol. 1, 449.
- Joseph's Band, Nez Percés.
- Yakimas. Irrigating a l l o t - m e n t s .
- Proviso. Repayment.
- 33 Stat., 597, ante, 110.
- Colville Reservation. Fourth payment to Indians. 27 Stat., 62, vol. 1, 441.
- 34 Stat., 377, ante, 245.
- SEC. 24. For the support and education of one hundred and twenty Indian pupils at the school at Hampton, Virginia, twenty thousand and forty dollars.
- VIRGINIA.
- SEC. 25. For support and civilization of the D'Wamish and other allied tribes in Washington, including pay of employees, seven thousand dollars.
- For support and civilization of the Makahs, Washington, including pay of employees, two thousand dollars.
- For support and civilization of the Qui-nai-elts and Quileh-utes, including pay of employees, one thousand dollars.
- For support and civilization of Yakimas and other Indians at said agency, including pay of employees, five thousand dollars.
- For support and civilization of Indians at Colville and Puyallup agencies, Washington, and for pay of employees, twelve thousand dollars.
- For support of Spokanes in Washington: For pay of a blacksmith and carpenter, one thousand dollars each (article six of agreement with said Indians, dated March eighteenth, eighteen hundred and eighty-seven, ratified by act of July thirteenth, eighteen hundred and ninety-two), two thousand dollars.
- For purchase of agricultural implements, and support and civilization of Joseph's Band of Nez Perce Indians in Washington, one thousand dollars.
- For the extension of the irrigation system on lands allotted to Yakima Indians in Washington, fifteen thousand dollars, and for construction of drainage system, two hundred and fifty thousand dollars, of which sum of two hundred and fifty thousand dollars twenty-five thousand dollars shall be immediately available; in all, two hundred and sixty-five thousand dollars: *Provided*, That the amount hereby appropriated and all moneys heretofore or hereafter to be appropriated for these purposes, shall be repaid into the Treasury of the United States in accordance with the provisions of the act of December twenty-first, nineteen hundred and four.
- For the fourth of five installments to the Indians on the Colville Reservation, Washington, for the cession of land opened to settlement by the act of July first, eighteen hundred and ninety-two, "To provide for the opening of a part of the Colville Reservation in the State of Washington, and for other purposes." being a part of the full sum set aside and held in the Treasury of the United States in payment for said land under the terms of the act of June twenty-first, nineteen hundred and six, ratifying the agreement ceding said land to the United States under date of May ninth, eighteen hundred

and ninety-one, three hundred thousand dollars, to be expended for the benefit of said Indians in accordance with the provisions of the said act setting aside in the Treasury the money in payment for the land ceded: *Provided*, That the Secretary of the Interior shall report to Congress on the first Monday in December, nineteen hundred and ten, the amount of reimbursable expenditures made under the provisions of section seven of the act of July first, eighteen hundred and ninety-two, and to what extent the United States has been reimbursed in accordance with said provision of law.

Proviso.
Report of reimbursable expenditures.

27 Stat., 64, vol. 1, 442.

To enable the Secretary of the Interior to purchase the improvements of Young Doctor, a Makah Indian, on Waada Island, in township thirty-three north, range fifteen west, fifth principal meridian, Washington, one thousand two hundred dollars, or so much thereof as may be necessary.

Young Doctor.
Purchase of improvements.

36 Stat., 287.

Wisconsin.

WISCONSIN.

SEC. 26. For the support and education of two hundred and ten Indian pupils at the Indian school at Hayward, Wisconsin, and pay of superintendent, thirty-six thousand six hundred and seventy dollars; for general repairs and improvements, two thousand two hundred dollars; in all, thirty-eight thousand eight hundred and seventy dollars.

Hayward school.

For support and education of two hundred and fifty Indian pupils at the Indian school, Tomah, Wisconsin, and pay of superintendent, forty-three thousand four hundred and fifty dollars; for general repairs and improvements, three thousand dollars; in all, forty-six thousand four hundred and fifty dollars.

Tomah school.

For support and civilization of the Chippewas of Lake Superior, Wisconsin, to be expended for agricultural and educational purposes, pay of employees, including pay of physician, purchase of goods and provisions, and for such other purposes as may be deemed for the best interest of said Indians, seven thousand dollars.

Chippewas of Lake Superior.
Support, etc.

That the Court of Claims be, and it hereby is, authorized to appoint a commission to take the testimony in the cases against the Menominee tribe of Indians and individual members of said tribe, as authorized by act of Congress approved May twenty-ninth, nineteen hundred and eight (Thirty-fifth Statutes, page four hundred and forty-four), and act of Congress approved March third, nineteen hundred and nine (Thirty-fifth Statutes, page eight hundred and fourteen). The court shall determine the compensation of such commissioner, which, with the expenses of taking such testimony, shall be paid out of the funds of the Menominee Indian tribe. In event that judgment shall be rendered against individual members of the tribe, the expense incurred hereunder shall be paid out of the funds of the individuals against whom said judgments are rendered, and the Menominee tribal fund shall be reimbursed with the amounts so charged against individual members of the tribe. In the event that the plaintiffs in the suits shall fail to establish their claims the said plaintiffs shall bear the cost of employing such commissioner and the expense of taking such testimony and shall furnish bond therefor to said court prior to the issue of the commission.

Menominee Indians.
Commissioner of Court of Claims to take testimony in claims against.

35 Stat., 444, 814, post 550.

Payment from Indian funds.

That jurisdiction be, and hereby is, conferred upon the Court of Claims of the United States to hear, determine, and render final judgment for any balances found due, with interest and reasonable compensation for damages, with the right of appeal, as in other cases, upon the claims of those contractors who entered into agreements with the business committee of the Menominee tribe of Indians in Wisconsin under the provisions of the act approved June twenty-eighth, nineteen hundred and six (Thirty-fourth Statutes, page five hundred and forty-seven), and whose accounts have not been settled or adjusted

Jurisdiction of Court of Claims in claims by contractors.

34 Stat., 547, ante, 259.

Procedure. by the Secretary of the Interior or the Secretary of Agriculture. Any suits filed under this act shall be against the Menominee tribe of Indians, and said claims shall be presented to said court by verified petitions to be filed within one year from the date of the approval of this act. Copy of said petition shall be served upon the Attorney General of the United States and the Commissioner of Indian Affairs. The Attorney General shall appear and defend any suit brought hereunder. In the event that any judgment is rendered hereunder, it shall be paid out of the logging fund of the said Menominee tribe of Indians: *Provided*, That the Secretary of the Interior may settle any of the said claims and pay the same as herein authorized, provided that agreements of settlement can be reached between the said contractors and the Commissioner of Indian Affairs at any time previous to the filing of said suits or during the pendency thereof.

Payment. For the support, education, and civilization of the Pottawatomie Indians who reside in the State of Wisconsin, and to investigate their condition, twenty-five thousand dollars, to be immediately available.

Proviso. Settlement by Secretary of the Interior. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Henry W. Lee, of Snohomish, Washington, out of the funds of the Winnebago Indians of Wisconsin, the sum of two thousand dollars, being the amount found due said Lee by the Court of Claims in Congressional case Numbered Ten thousand two hundred and nineteen.

36 Stat., 288.
Pottawatomies.
Support, etc.

Henry W. Lee.
Payment from Winnebago funds.

Wyoming.

WYOMING.

Shoshone Indians. Support, etc. SEC. 27. For support and civilization of Shoshone Indians in Wyoming, twelve thousand dollars.

Shoshone Reservation. School. For support and education of one hundred and seventy-five Indian pupils at the Indian school, Shoshone Reservation, Wyoming, and pay of superintendent, thirty-one thousand and twenty-five dollars; for general repairs and improvements, three thousand dollars; in all, thirty-four thousand and twenty-five dollars.

Irrigation system. For continuing the work of constructing an irrigation system within the diminished Shoshone or Wind River Reservation, in Wyoming, seventy-five thousand dollars: *Provided*, That the amount hereby appropriated and all moneys heretofore or hereafter to be appropriated for this project, shall be repaid into the Treasury of the United States in accordance with the provisions of the act of March third, nineteen hundred and five.

Proviso. Repayment. For support of Shoshones in Wyoming: For pay of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith (article ten, treaty of July third, eighteen hundred and sixty-eight), five thousand dollars; for pay of second blacksmith, and such iron and steel and other materials as may required, as per article eight, same treaty, one thousand dollars; in all, six thousand dollars.

33 Stat., 1016, ante, 117. Shoshones. Fulfilling treaty. 15 Stat., 676, vol. 2, 1023. That the provisions of section four of "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-five, and for other purposes," approved August eighteenth, eighteen hundred and ninety-four, and the act amendatory thereof, approved June eleventh, eighteen hundred and ninety-six, respectively, be, and are hereby, extended over and shall apply to the desert lands included within the limits of the former Shoshone or Wind River Indian Reservation, in Wyoming, not included in any forest reservation: *Provided*, That before a patent shall issue for any of the lands aforesaid under the terms of the said act approved August eighteenth, eighteen hundred and ninety-four, and amendments thereto, the State of Wyoming shall pay into the Treasury of the United States the sum of one dollar and twenty-five cents per acre for the lands so patented and the

Shoshone Reservation. Carey Act provisions extended to lands of former. 23 Stat., 422. 29 Stat., 434.

Proviso. Payment by State.

Use of receipts.

money so paid shall be subject to the provision of "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes," approved May twenty-seventh, nineteen hundred and two.

33 Stat., 1018.
Ante, 117.

That no lands shall be included in any tract to be segregated under the provisions of this act on which the United States has valuable improvements or which have been reserved for Indian schools or farm uses or for other purposes.

Lands excluded.

SEC. 28. As soon after the close of the present fiscal year as may be practicable and not later than the first Monday in December, nineteen hundred and ten, the Secretary of the Interior shall transmit to the Speaker of the House of Representatives a statement of the fiscal affairs of all Indian tribes for whose benefit estimates of appropriations, except for the purpose of fulfilling treaty stipulations, to be paid from either public or tribal funds, will be made for the fiscal year nineteen hundred and twelve; and such statement shall show (1) the total amount of all moneys, except the unexpended balances of appropriations made for current and contingent expenses for Indian affairs for the fiscal year nineteen hundred and ten, from whatever source derived, standing to the credit of each such tribe of Indians in trust or otherwise, at the close of the present fiscal year; (2) an analysis of such credits, by funds, showing how and when they were created, whether by treaty stipulation, agreement, or otherwise; (3) the total amount of disbursements from public or trust funds made on account of each such tribe of Indians for the fiscal year nineteen hundred and ten; and (4) an analysis of such disbursements showing the amounts disbursed (a) for per capita payments in money to Indians, (b) for salaries or compensation of officers and employees, (c) for compensation of counsel and attorney's fees, and (d) for support and civilization.

Statement of fiscal affairs of all Indian tribes to be made.

33 Stat., 283.

Amounts to their credit.

Detailed analysis.

All disbursements.

Detailed analysis.

SEC. 29. The several agreements concluded with certain Indian tribes hereinafter mentioned, as evidenced by the original papers on file in the Office of Indian Affairs and the copies thereof transmitted to Congress by the President and contained in Senate Document Numbered Three hundred and fifty-eight, Sixty-first Congress, second session, for the commutation of their perpetual annuities under treaty stipulations, made in pursuance of a provision of the act of April thirtieth, nineteen hundred and eight, authorizing the Commissioner of Indian Affairs, subject to the approval of Congress, to negotiate with any Indian tribe for the commutation of perpetual annuities due under treaty stipulations, are hereby ratified and confirmed; to wit:

Agreements for commutation of annuities ratified.

35 Stat., 73, ante, 321.

The agreement with the Sac and Fox of the Mississippi Tribe of Oklahoma and Iowa dated February twenty-seventh, nineteen hundred and nine;

Sacs and Foxes of the Mississippi.

The agreement with the Pottawatomie Tribe of Kansas and Wisconsin dated March sixteenth, nineteen hundred and nine;

Pottawatomies.

And the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury to the credit of the said tribes, respectively, the sums hereinafter specified, said sums being a capitalization of the perpetual annuities of said tribes on the basis of five per centum, and the same having been accepted by said tribes in the agreements heretofore mentioned in lieu of and as a commutation of said perpetual annuities, to wit:

Amounts credited.

The Sac and Fox of the Mississippi Tribe of Oklahoma and Iowa, twenty thousand dollars;

Sacs and Foxes.
Ante, p. 410, 440.

Pottawatomies.

The Pottawatomie Tribe of Kansas and Wisconsin, one hundred and eighty thousand seven hundred and fifty-eight dollars;

Withdrawal.

And the Secretary of the Interior is authorized to withdraw said funds from the Treasury for payment to said Indians, or expenditure for their benefit, at such times and in such manner as he may deem proper and under such regulations as he may prescribe.

Interest allowed.

Payments.

The sums placed to the credit of the respective tribes less disbursements therefrom, as provided for herein, shall draw interest at the rate of five per centum per annum; and the interest accruing on said principal sums may, in the discretion of the Secretary of the Interior, be paid in cash to the Indians entitled thereto annually or semiannually, or expended for their benefit in such manner and under such regulations as he may prescribe.

Approved, April 4, 1910.

Apr. 8, 1910.
[H. R. 16920.]
[Public, No. 120.]
36 Stat., 292.

CHAP. 146.—An act authorizing the Secretary of the Interior to appraise certain lands in the State of Minnesota for the purpose of granting the same to the Minnesota and Manitoba Railroad Company for a ballast pit.

Red Lake Indian
Reservation, Minn.
Minnesota and Man-
itoba Railroad Com-
pany granted lands on.

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 cause to be appraised the south half of the southwest quarter of section four, township one hundred and sixty-one north, range thirty-four west of the fifth meridian of the Red Lake Indian Reservation, in the State of Minnesota, for the purpose of granting the same to the Minnesota and Manitoba Railroad Company for a ballast pit for ballasting its line of railway in the State of Minnesota, and upon appraising said land the Secretary of the Interior is authorized to convey the same to said railroad company upon such terms as he may deem advisable: *Provided,* That he shall not convey said land to said railroad company until Hans M. Carlson, who has heretofore made homestead entry thereon, shall relinquish such homestead entry and claim to the land herein described which relinquishment the said Hans M. Carlson is authorized to make without prejudice to his rights as homesteader, and upon the filing of such relinquishment said land shall be withheld from public entry for the space of six months within which to complete the negotiation for the same provided for by this act: *Provided,* That said railroad company shall pay, in addition to the appraised value of said land, the sum of three cents an acre, as drainage charges, as required by section eight of the act of May twentieth, nineteen hundred and eight (Thirty-fifth Statutes, page one hundred and sixty-nine).

Provisos.
Homestead entry to
be relinquished.

Payment for drain-
age.

35 Stat., 171.

Approved, April 8, 1910.

Apr. 12, 1910.
[S. 3933.]
[Public, No. 130.]
36 Stat., 296.

CHAP. 156.—An act to amend the act of April twenty-third, nineteen hundred and four (Thirty-third Statutes at Large, page three hundred and two), entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," and all amendments thereto.

Flathead Indian
Reservation, Mont.
Opening, to entry.
33 Stat., 302, amended.
34 Stat., 354.
35 Stat., 448.
Ante, 79.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act of April twenty-third, nineteen hundred and four (Thirty-third Statutes at Large, page three hundred and two), entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana," and all amendments thereto, be amended by adding thereto the following sections:

Flathead Lake.
Subdivision and sale
of land adjoining.

"SEC. 23. That the Secretary of the Interior be, and he is hereby, authorized to cause to be surveyed and subdivided into lots of not

less than two acres or more than five acres in area all of the unallotted lands fronting on Flathead Lake in the State of Montana, that are embraced within the limits of the Flathead Indian Reservation, whether classified as grazing, agricultural, or timber lands, and may sell same to the highest bidder at public sale subject to the right to reject any and all bids. The proceeds from the sale of said lands, after deducting the expense of the survey and sale thereof, shall be paid into the Treasury and expended as heretofore provided in section fourteen as amended by the act of May twenty-ninth, nineteen hundred and eight.

36 Stat., 297.

Proceeds.
33 Stat., 305.

35 Stat., 450, ante, 361.

Irrigable lands.
Sale of allotments on.

“SEC. 24. That where allotments of land have been made in severalty to said Indians from the lands embraced within the area of said Flathead Indian Reservation, which are or may be irrigable lands, the Secretary of the Interior may, upon application of the Indian allottee, sell and dispose of not to exceed sixty acres of such individual allotment of land under such terms and conditions of sale as the Secretary of the Interior may prescribe, one-half of the proceeds of the sale of said individual allotment to be paid to the Indian allottee and the remaining half of the proceeds of sale to be held in trust for the said Indian allottee, upon which he shall be paid annually not less than three per centum interest, the remaining principal sum to be paid to said allottee or his heirs when the full period of his trust patent for the remaining lands covered by his allotment shall have expired, or sooner, should the Secretary of the Interior, in his judgment, deem it best for said Indian allottee.

Proceeds.

“SEC. 25. That the Secretary of the Interior is hereby authorized to set aside and reserve so much of the surplus unallotted and otherwise unreserved lands of the Flathead Indian Reservation as may be necessary to provide an allotment to each Indian having an allotment on any of the lands set aside and reserved for power or reservoir sites, as authorized by section twenty-two of the act of March third, nineteen hundred and nine (Thirty-fifth Statutes at Large, page seven hundred and ninety-six), who may relinquish his allotment within such power or reservoir sites.

Reservations, to exchange for relinquished allotments on power, etc., sites.

35 Stat., 760, ante, 403.

“And in the event of the failure, neglect, or refusal of any such allottee to relinquish any allotment made to him on any land reserved or necessary for reservoir sites, as aforesaid, the Secretary of the Interior is authorized to bring action under the provision of the laws of the State of Montana to condemn and acquire title to any and all lands necessary or useful for said reservoir sites that have heretofore been allotted on said Flathead Indian Reservation lands.”

Condemnation of allotments on reservoir sites.

Approved, April 12, 1910.

CHAP. 187.—An act authorizing the Secretary of the Interior to ascertain the amount due Tay-cum-e-ge-shig, otherwise known as William G. Johnson, and pay the same to his heirs out of the fund known as “For the relief and civilization of the Chippewa Indians, in the State of Minnesota (reimbursable).”

Apr. 22, 1910.
[S. 4769.]

[Public, No. 149.]
36 Stat., 330.

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 is hereby authorized and directed to ascertain the value of the timber heretofore and during the years of eighteen hundred and ninety-six, eighteen hundred and ninety-seven, and eighteen hundred and ninety-eight cut upon the allotment of Tay-cum-e-ge-shig, otherwise known as William G. Johnson, an allottee of the White Earth Diminished Reservation, covering the south half of the southwest quarter of section five, township one hundred and forty-two, range thirty-nine, and, after deducting from the value of said timber the amount heretofore paid the said Tay-cum-e-ge-shig, otherwise known

Chippewa Indians,
Miami.
Payment to heirs of
Tay-cum-e-ge-shig from
funds of.

as William G. Johnson, to pay over to the heirs of the said Tay-cum-e-ge-shig, otherwise known as William G. Johnson, the balance of the value of said timber, said payment to be made from the funds carried on the books of the office of the Secretary of the Interior under the head "For the relief and civilization of the Chippewa Indians in the State of Minnesota," (reimbursable) created by the act of January fourteenth, eighteen hundred and eighty-nine.

Approved, April 22, 1910.

25 Stat., 645, vol. 1,
301.
May 6, 1910.
[S. 4490.]
[Public, No. 159.]
36 Stat., 348.
Nebraska.
Trust allotments to
Omahas in, subject to
taxation.

CHAP. 202.—An act providing for the taxation of the lands of the Omaha Indians in Nebraska.

Proviso.
Not to be sold for
default.

Payment by Secre-
tary from tribal funds.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all of the lands in the State of Nebraska belonging to the members of the tribe of Omaha Indians now held under trust patents of allotments issued prior to eighteen hundred and eighty-five be, and the same are hereby, made subject to appraisalment and assessment for the purposes of taxation and subject to taxation for local, school district, road district, county, and state purposes as provided by the laws of the State of Nebraska now in force or to be hereafter enacted: *Provided,* That such lands so long as held under a trust patent shall not be subject to levy and tax sale as provided under the laws of the State of Nebraska for the collection of such taxes, but if such tax shall not be paid within one year after the same shall become due and payable, as provided by the laws of the State of Nebraska, then the list of all such unpaid and delinquent taxes on such lands of the Omaha Indians may be certified by the county treasurer of the county in which such lands are situated to the Secretary of the Interior, who shall be authorized to pay the same from any funds belonging to the Indian allottees owning such lands so taxed and arising from the rentals thereof or under his control; and in the event no such funds shall be in the possession or under the control of the Secretary of the Interior, he shall certify that fact to the said county treasurer, which certificate shall operate as a release and discharge of the tax assessed against the land of the Indian so without funds.

Approved, May 6, 1910.

May 6, 1910.
[S. 5451.]
[Public, No. 160.]
36 Stat., 348.
Yakima Indian Res-
ervation, Wash.
Disposition of unal-
lotted lands.
33 Stat., 598, amended.
Ante, p. 110.
Town sites reserved.
R. S. 2381.

CHAP. 203.—An act to amend 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."

36 Stat., 349.
Allotments to chil-
dren of enrolled mem-
bers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That 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," be, and the same is hereby, amended by adding thereto the following: "SEC. 9. That before any of the lands are disposed of the Secretary of the Interior is authorized to reserve from said lands such tracts for town-site purposes as, in his opinion, may be required for future public interests, and he may cause the same to be surveyed into lots and blocks and disposed of under the provisions of section twenty-three hundred and eighty-one of the Revised Statutes of the United States.

"SEC. 10. That the Secretary of the Interior is hereby authorized to make an allotment under the general allotment laws of the United States to each child of Indian parentage on the Yakima Reservation whose father or mother is or was a duly enrolled member of the tribe

on that reservation, and who has not heretofore received an allotment; and there is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of thirty thousand dollars, or so much thereof as may be necessary, to enable the Secretary of the Interior to make the necessary surveys of such town sites and the sale of lots therein as may be established on the Yakima Reservation under the provisions of this act and the allotments to be made to the unallotted children there, as provided for herein; the cost of making these allotments to be reimbursed to the United States out of the proceeds derived from the sale of surplus lands within the reservation: *Provided*, That the Secretary of the Interior shall cause to be set apart and reserved for schools, park, and other public purposes not more than ten acres out of each body of lands which may be reserved for town-site purposes under the provisions of this act: *And provided further*, That after paying the expenses connected with the survey and sale of the lots within such town site as may be established, the Secretary of the Interior shall cause not more than twenty per centum of the net proceeds arising from the sale of lots within such town sites to be set apart and expended under his direction in the construction of schoolhouses or other public buildings or improvements in the town site in which such lots are located, and that the remainder of the proceeds from the sale of the lots shall be deposited in the Treasury of the United States and become a part of the fund belonging to the Yakima Indians arising from the disposal of the surplus lands on that reservation.

"SEC. 11. That the lands allotted, those retained or reserved, and the surplus lands sold or otherwise disposed of shall be subject for a period of twenty-five years to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country."

Approved, May 6, 1910.

Appropriation for surveys, etc. Ante, p. 110.

Reimbursement.

Provisos. Lands for public use.

Part of proceeds for buildings, etc.

Remainder to tribal fund.

Prohibition of intoxicants.

CHAP. 204.—An act granting lands for reservoirs, and so forth.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the act entitled "An act making appropriation for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June thirtieth, nineteen hundred and ten," approved March third, nineteen hundred and nine, which authorized the Secretary of the Interior to grant to railway companies lands in Indian reservations for reservoirs, material or ballast pits, or for the purpose of planting and growing trees to protect their lines of railway, be, and the same are hereby, extended and made applicable to any lands which have been allotted in severalty to any individual Indian under any law or treaty, but which have not been conveyed to the allottee with full power of alienation; that the damages and compensation to be paid to any Indian allottee shall be ascertained and fixed in such manner as the Secretary of the Interior may direct and shall be paid by the railway company to said Secretary; that the damages and compensation paid to the Secretary of the Interior by the railway company taking any such land shall be paid by said Secretary to the allottee sustaining such damages.

Approved, May 6, 1910.

May 6, 1910.
[S. 6808.]

[Public, No. 161.]
36 Stat., 349.
Lands in severalty to Indians.
Grant to railroads for reservoirs on allotments.
35 Stat., 781.
Ante, p. 389.

Compensation.

Payment to allottees.

May 13, 1910.
[S. 539.]

CHAP. 233.—An act to authorize the sale of certain lands belonging to the Indians on the Siletz Indian Reservation, in the State of Oregon.

[Public, No. 175.]
36 Stat., 367.
Siletz Indian Reservation.
Disposal of reserved lands on.
28 Stat., 325.
Vol. 1, 534.

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 to dispose of the lands reserved under the provisions of article four of the agreement concluded with the Indians of the Siletz Reservation on October thirty-first, eighteen hundred and ninety-two, and ratified by the act of Congress approved August fifteenth, eighteen hundred and ninety-four (Twenty-eighth Statutes at Large, page three hundred and twenty-five), at public auction, in such areas and on such terms and conditions as he may prescribe.

Sale, etc., of town lots.

SEC. 2. That he is also authorized to cause the lands reserved for administrative purposes in connection with the affairs of the Siletz Indians and those reserved for educational and missionary purposes to be surveyed, platted, appraised without considering any improvements located thereon, and sold for town lots or for such other purposes as he may deem advisable: *Provided*, That he shall reserve from sale any water-power sites that may be located on the lands so reserved: *Provided further*, That the lands contained in what is commonly known as the Government farm, except so much as may be needed for offices and an Indian day school, shall be subdivided into small tracts, not exceeding five acres for each said tract: *And provided further*, That the forty acres of said Government farm nearest the present Government buildings shall be laid out as a town site and be subdivided into town lots, and appraised or sold to highest bidder, without considering improvements located thereon, reserving to actual business men and actual residents the rights to buy the land upon which their respective buildings stand; and whenever any sale is made under this proviso, whereby the lands in this proviso described shall be sold to a purchaser other than the owner of the building or buildings now located thereon, the said owner shall have the right to sell said building or buildings to the said purchaser or to remove the same within three months from the date of said sale.

Provisos.
Water-power sites.

Tracts in Government farm.

Town sites on Government farm.

Preferences, etc., to settlers.

Sales, etc.

SEC. 3. That when such lands are surveyed and platted they shall be appraised and sold, except land reserved for water-power sites as provided in section two of this act, under the provisions of the Revised Statutes covering the sale of town sites located on the public domain. The proceeds derived from the sale of any lands as herein provided shall first be devoted to reimbursing the United States for the expenses incurred in carrying out the provisions of this act, and those derived from the sale of the lands reserved for administrative, educational, and missionary purposes, after making the deductions as herein provided, shall be used for the purpose of purchasing sites for day schools, erecting the necessary buildings, and equipping, supporting, and maintaining the same.

Disposal of proceeds.

36 Stat., 368.

Issue of patents in fee.

SEC. 4. That when the sales herein provided for have been made, patents shall issue from the United States to the purchasers of the tenor and legal effect of other patents for public lands disposed of under the public-land laws. And for the purpose of carrying out the provisions of this act there is hereby appropriated the sum of three thousand dollars, to be reimbursed as herein provided.

Appropriation.

Prohibition of intoxicants.

SEC. 5. That the lands heretofore or hereafter allotted, those retained, reserved, or otherwise disposed of are hereby made subject for a period of twenty-five years to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country.

Approved, May 13, 1910.

CHAP. 234.—An act to amend sections one, two, and three of chapter thirty-two hundred and ninety-eight, Thirty-fourth United States Statutes at Large, with reference to the drainage of certain Indian lands in Richardson County, Nebraska.

May 13, 1910.
[S. 2180.]

[Public, No. 176.]
36 Stat., 368.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections one, two, and three of chapter thirty-two hundred and ninety-eight, Thirty-fourth United States Statutes at Large, entitled "An act to enable the Indians allotted lands in severalty within the boundaries of drainage district numbered one, in Richardson County, Nebraska, to protect their lands from overflow, and for the segregation of such of said Indians from their tribal relations as may be expedient, and for other purposes," approved June fourteenth, nineteen hundred and six, be amended so as to read as follows:

Sac and Fox Indians.
Lands in Richardson
County, Nebr.
34 Stat., 262, amended.
Ante, p. 185

"That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, under such rules and regulations as he may prescribe, to pay per capita to the Indians of the Sac and Fox Tribe, of Missouri, allotted lands in severalty within the boundaries of drainage district numbered one, in Richardson County, Nebraska, the proportionate share of such Indians in the one hundred and fifty-seven thousand dollars 'paper principal' remaining to the credit of said tribe under the second article of the treaty of October twenty-first, eighteen hundred and thirty-seven: *Provided*, That sufficient of the amount due said Indians shall be retained and expended by the Secretary of the Interior, in paying the assessments that may be made by said drainage district on the allotments of said Indians for the purpose of protecting the lands embraced in the drainage district from overflow, not exceeding nine dollars and fifty cents per acre, and there is hereby appropriated the sum of fifty thousand dollars, or so much thereof as may be necessary, to enable the Secretary of the Interior to make the per capita payments herein provided. If any surplus remain, it shall be credited to the remainder of the tribe.

Payment to allot-
tees, in drainage dis-
trict.

7 Stat., 543, vol. 2, 495.

Proviso.
Drainage assessments
retained.

Amount increased.
Appropriation for per
capita.

"SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to pay the assessments that may be made on the Sac and Fox tribal lands by said drainage district, not exceeding nine dollars and fifty cents per acre, and there is hereby appropriated for this purpose nine thousand five hundred dollars, to be deducted from the 'paper principal' of one hundred and fifty-seven thousand dollars: *Provided*, That the amount disbursed under the provisions of this section shall be reimbursed from the proceeds derived from the sale of said tribal lands.

Appropriation for as-
sessment.

Proviso.
Reimbursement.

"SEC. 3. That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to pay the assessments on lands allotted to the Iowa Indians that may be made by said drainage district, not exceeding nine dollars and fifty cents per acre, and there is hereby appropriated for such purpose three thousand five hundred and twenty-nine dollars."

36 Stat., 369.
Appropriation for as-
sessments on lands of
Iowa.

Amount increased.

Approved, May 13, 1910.

CHAP. 257.—An act to authorize the sale and disposition of the surplus and unallotted lands in Bennett County, in the Pine Ridge Indian Reservation, in the State of South Dakota, and making appropriation to carry the same into effect.

May 27, 1910.
[S. 2341.]

[Public, No. 191.]
36 Stat., 440.

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, as hereinafter provided, to sell and dispose of all that portion of the Pine Ridge Indian Reservation, in the State of South Dakota, lying and being in Bennett County and described as follows: Beginning at a point on the eastern boundary line of the Pine Ridge Indian Reservation, in

Pine Ridge Indian
Reservation, S. Dak.
Sale of lands in.

Description.

South Dakota, where the same intersects the boundary line between the States of South Dakota and Nebraska; thence north along said eastern boundary line to the township line separating townships thirty-nine and forty; thence west along said township line to the fifth guide meridian; thence south along said fifth guide meridian to the boundary line between the said States of South Dakota and Nebraska; thence east along said State line to the place of beginning, except such portions thereof as have been or may be hereafter allotted to Indians or otherwise reserved, and except lands classified as timber lands: *Provided*, That any Indians to whom allotments have been made on the tract to be ceded may, in case they elect to do so before said lands are offered for sale, relinquish same and select allotments in lieu thereof on the diminished reservation: *And provided further*, That the Secretary of the Interior may reserve such lands as he may deem necessary for agency, school, and religious purposes, to remain reserved as long as needed, and as long as agency, school, or religious institutions are maintained thereon, for the benefit of said Indians: *And provided further*, That the Secretary of the Interior is hereby authorized and directed to issue a patent in fee simple to the duly authorized missionary board, or other authority, of any religious organization, heretofore engaged in mission or school work on said reservation for such lands thereon (not included in any town site hereinafter provided for) as have heretofore been set apart to such organization for mission or school purposes.

36 Stat., 441. Opened to settlement by proclamation.

Provisos. Allotments to be completed.

Rights of soldiers and sailors not affected. R. S., secs. 2304, 2305. 31 Stat., 847.

Town sites. Reservation for, before school selections by South Dakota.

Surveys, etc.

R. S., sec. 2331.

Payment, etc.

SEC. 2. That the lands shall be disposed of under the general provisions of the homestead and town-site laws of the United States, and shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the manner in which the lands may be settled upon, occupied, and entered by persons entitled to make entry thereof; and no person shall be permitted to settle upon, occupy, or enter any of said lands except as prescribed in such proclamation: *Provided*, That prior to said proclamation the allotments within the portion of the said Pine Ridge Reservation to be disposed of as described herein shall have been completed: *Provided further*, That the rights of honorably discharged Union soldiers and sailors of the late civil and Spanish wars or Philippine insurrection, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes, as amended by the act of March first, nineteen hundred and one, shall not be abridged.

SEC. 3. That before any of the land is disposed of, as hereinafter provided, and before the State of South Dakota shall be permitted to select or locate any lands to which it may be entitled by reason of the loss of sections sixteen or thirty-six, or any portions thereof, by reasons of allotments thereof to an Indian or Indians, the Secretary of the Interior is authorized to reserve from said lands such tracts for town-site purposes as in his opinion may be required for the future public interests, and he may cause same to be surveyed into lots and blocks and disposed of under such regulations as he may prescribe, in accordance with section twenty-three hundred and eighty-one of the Revised Statutes of the United States; and he is hereby authorized to set apart and reserve for school, park, and other public purposes not more than ten acres in any town site, and patents shall be issued for the lands so set apart and reserved for school, park, and other public purposes to the municipality legally charged with the care and custody of lands donated for such purposes. The purchase price of all town lots sold in town sites, as hereinafter provided, shall be paid at such time and in such installments as the Secretary of the Interior may direct, and he shall cause not more than twenty per centum of the net proceeds arising from such sales to be set apart and

expended under his direction in aiding the construction of schoolhouses or other public buildings or in improvements within the town sites in which such lots are located. The net proceeds derived from the sale of such lots and lands within the town sites as aforesaid, less the amount set aside to aid in the construction of schoolhouses or other public buildings or improvements, shall be credited to the Indians as hereinafter provided.

SEC. 4. That the price of said lands entered as homesteads under the provisions of this act shall be fixed by appraisement as herein provided. The president shall appoint a commission to consist of three persons to classify, appraise, and value all of said lands that shall not have been allotted in severalty to said Indians, or reserved by the Secretary of the Interior, or otherwise disposed of, and excepting sections sixteen and thirty-six or other lands which may be selected in lieu thereof by the State of South Dakota, in each of said townships, said commission to be constituted as follows: One resident citizen of the State of South Dakota, one representative of the Interior Department, and one person holding tribal relations with said tribe of Indians. That within twenty days after their appointment the said commissioners shall meet and organize by the election of one of their number as chairman. The said commissioners shall then proceed to personally inspect, classify, and appraise, in one hundred and sixty acre tracts each, all of the remaining unallotted lands embraced within that portion of the reservation described in section one of this act. In making such classification and appraisement said lands shall be divided into the following classes: First, agricultural land of the first class; second, agricultural land of the second class; third, grazing land; fourth, timber land; fifth, mineral land, if any, but the mineral and timber lands shall not be appraised: *Provided*, That timber lands shall be classified without regard to acreage: *And provided further*, That all lands classified as timber lands shall be reserved for the use of the Pine Ridge Indians. That said commissioners shall be paid a salary of not to exceed ten dollars per day each while actually employed in the inspection, classification and appraisement of said lands, and necessary expenses exclusive of subsistence to be approved by the Secretary of the Interior, such inspection, classification and appraisement to be completed within six months from the date of organization of said commission.

SEC. 5. That said commission shall be governed by regulations prescribed by the Secretary of the Interior, and after the completion of the classification and appraisement of all of said land the same shall be subject to the approval of the Secretary of the Interior.

SEC. 6. That the price of said lands disposed of under the homestead laws shall be paid in accordance with rules and regulations to be prescribed by the Secretary of the Interior upon the following terms: One-fifth of the purchase price to be paid in cash at the time of entry, and the balance in five equal annual installments, to be paid in two, three, four, five, and six years, respectively, from and after the date of entry. In case any entryman fails to make the annual payments, or any of them, when due, all rights in and to the land covered by his entry shall cease, and any payments theretofore made shall be forfeited and the entry canceled, and the lands shall be again subject to entry under the provisions of the homestead law at the appraised price thereof: *Provided*, That nothing in this act shall prevent homestead settlers from commuting their entries under section twenty-three hundred and one, Revised Statutes, by paying for the land entered the appraised price, receiving credit for payments previously made. In addition to the price to be paid for the land, the entryman shall pay the same fees and commissions at the time of commutation or final entry as now provided by law where the price of land

Use of net proceeds.

Homesteads.
Price fixed by appraisal.
Commission created.Organization.
Classification, appraisal, etc. a p-

36 Stat., 442.

Division of lands.
Provisos.
Timber lands.
Reserved for Indians.
Compensation, etc. of commissioner.

Regulations.

Payment of purchase price.

Forfeiture.

Provisos.
Commutation.
R. S., sec. 2301.

Fees and commissions.

- is one dollar and twenty-five cents per acre, and when the entryman shall have complied with all the requirements and terms of the homestead laws as to settlement and residence and shall have made all the required payments aforesaid he shall be entitled to a patent for the lands entered: *And provided further*, That all lands remaining undisposed of at the expiration of four years from the opening of said lands to entry may, in the discretion of the Secretary of the Interior, be reappraised in the manner provided for in this act.
- Reappraisal of undisposed of lands.
- Deposit of proceeds to credit of Indians.
- SEC. 7. That from the proceeds arising from the sale and disposition of the lands aforesaid, exclusive of the customary fees and commissions, there shall be deposited in the Treasury of the United States, to the credit of the Indians belonging and having tribal rights on the said reservation, the sums to which the said tribe may be entitled, which shall draw interest at three per centum per annum; that the moneys derived from the sale of said lands and deposited in the Treasury of the United States to the credit of the said Indians shall be at all times subject to appropriation by Congress for their education, support, and civilization.
- Use of proceeds.
- Purchase of school lands for South Dakota.
- SEC. 8. That sections sixteen and thirty-six of the land in each township within the tract described in section one of this act shall not be subject to entry, but shall be reserved for the use of the common schools, and paid for by the United States at two dollars and fifty cents per acre, and the same are hereby granted to the State of South Dakota for such purpose, and in case any of said sections, or parts thereof, are lost to said State by reason of allotments thereof to any Indian or Indians, or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized, within the area described in section one of this act, to locate other lands not otherwise appropriated, which shall be paid for by the United States as herein provided, in quantity equal to the loss, and such selections shall be made prior to the opening of such lands to settlement: *Provided*, That in any event not more than two sections shall be granted to the State in any one township, and lands must be selected in lieu of sections sixteen or thirty-six, or both, or any part thereof, within the townships in which the loss occurs, except in any townships where there may not be two sections of unallotted lands, in which event whatever is required to make two sections may be selected in any adjoining township.
- Price per acre.
- Lieu lands.
- 36 Stat., 443 amended, post, 501.
- Proviso. Restriction of selection.
- SEC. 9. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of not more than one hundred and twenty-five thousand dollars, or so much thereof as may be necessary, to pay for the lands granted to the State of South Dakota, as provided in section eight of this act. And there is hereby appropriated the further sum of thirty-five thousand dollars, or so much thereof as may be necessary, for the purpose of making the appraisement, classification, and allotment provided for herein: *Provided*, That the latter appropriation, or any further appropriation hereafter made for the purpose of carrying out the provisions of this act, shall be reimbursed to the United States from the proceeds from the sale of the lands described herein or from any money in the Treasury belonging to said Indian tribe.
- Appropriation to pay for lands granted South Dakota.
- Appropriation for classification, etc.
- Proviso. Reimbursement.
- SEC. 10. That the lands allotted, those retained or reserved, and the surplus land sold, set aside for town-site purposes, granted to the State of South Dakota, or otherwise disposed of, shall be subject for a period of twenty-five years to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country.
- Prohibition of intoxicants.
- SEC. 11. That nothing in this act contained shall in any manner bind the United States to purchase any portion of the land herein described, except sections sixteen and thirty-six, or the equivalent in each township, or to dispose of said land except as provided herein, or
- Nonresponsibility of United States.

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 the said lands, and to expend and pay over the proceeds received from the sale thereof only as received and as herein provided: *Provided*, That nothing in this act shall be construed to deprive the said Indians of the Pine Ridge Indian Reservation of any benefits to which they are entitled under existing treaties or agreements not inconsistent with the provisions of this act.

Approved, May 27, 1910.

Proviso.
Treaty rights not affected.

CHAP. 260.—An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in Mellette and Washabaugh Counties in the Rosebud Indian Reservation in the State of South Dakota, and making appropriation and provision to carry the same into effect.

May 30, 1910.
[S. 183.]

[Public, No. 194.]
36 Stat., 448.

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, as hereinafter provided, to sell and dispose of all that portion of the Rosebud Indian Reservation, in the State of South Dakota, lying and being within the counties of Mellette and Washabaugh, south of the White River, and being described and bounded as follows: Beginning at a point on the third guide meridian west where the township line between townships thirty-nine and forty intersects the same, thence north along said guide meridian to the middle of the channel of White River, thence west along the middle of the main channel of White River to the point of intersection with the line dividing the Rosebud and the Pine Ridge Indian Reservations, thence south along the boundary line between said reservations to the township line separating townships thirty-nine and forty, thence east along said township line to the place of beginning, except such portions thereof as have been or may be hereafter allotted to Indians or otherwise reserved, and except lands classified as timber lands: *Provided*, That any Indians to whom allotments have been made on the tract to be ceded may, in case they elect to do so before said lands are offered for sale, relinquish same and select allotments in lieu thereof on the diminished reservation: *And provided further*, That the Secretary of the Interior may reserve such lands as he may deem necessary for agency, school, and religious purposes, to remain reserved as long as needed and as long as agency, school, or religious institutions are maintained thereon for the benefit of said Indians: *And provided further*, That the Secretary of the Interior is hereby authorized and directed to issue a patent in fee simple to the duly authorized missionary board, or other authority, of any religious organization heretofore engaged in mission or school work on said reservation for such lands thereon (not included in any town site hereinafter provided for) as have heretofore been set apart to such organization for mission or school purposes.

Rosebud Indian Reservation, S. Dak.
Sale of lands in.

Description.

36 Stat., 449.

Timber lands excepted.

Provisos.
Relinquishment of allotments.

Lands reserved for agency, etc.

Patents to religious organizations.

Opened to settlement by proclamation.

Provisos.
Allotments to be completed.

Rights of soldiers and sailors not affected.
R. S., secs. 2304, 2305.
31 Stat., 847.

SEC. 2. That the lands shall be disposed of under the general provisions of the homestead and town-site laws of the United States, and shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the manner in which the lands may be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, or enter any of said lands except as prescribed in such proclamation: *Provided*, That prior to said proclamation the allotments within the portion of the said Rosebud Reservation to be disposed of as prescribed herein shall have been completed: *Provided further*, That the rights of honorably discharged Union soldiers and sailors of the late civil and Spanish wars or Philippine insurrection as defined and described in sections twenty-three hundred and

four and twenty-three hundred and five of the Revised Statutes as amended by the act of March first, nineteen hundred and one, shall not be abridged.

Town sites.
Reservation for, before school selections by South Dakota.

SEC. 3. That before any of the land is disposed of, as hereinafter provided, and before the State of South Dakota shall be permitted to select or locate any lands to which it may be entitled by reason of the loss of sections sixteen or thirty-six, or any portions thereof, by reason of allotments thereof to any Indian or Indians, the Secretary of the Interior is authorized to reserve from said lands such tracts for town-site purposes as in his opinion may be required for the future public interests, and he may cause same to be surveyed into lots and blocks and disposed of under such regulations as he may prescribe; and he is hereby authorized to set apart and reserve for school, park, and other public purposes not more than ten acres in any town site, and patents shall be issued for the lands so set apart and reserved for school, park, and other public purposes to the municipality legally charged with the care and custody of lands donated for such purposes. The purchase price of all town lots sold in town sites, as hereinafter provided, shall be paid at such time and in such installments as the Secretary of the Interior may direct, and he shall cause not more than twenty per centum of the net proceeds arising from such sales to be set apart and expended under his direction in the construction of schoolhouses or other public buildings or in improvements within the town sites in which such lots are located. The net proceeds derived from the sale of such lots and lands within the town sites as aforesaid, less the amount set aside to aid in the construction of schoolhouses or other public buildings or improvements, shall be credited to the Indians, as hereinafter provided.

Surveys, etc.

Payments, etc.

Use of net proceeds.
36 Stat., 450.

Homesteads.
Price fixed by appraisal.
Commission created.

SEC. 4. That the price of said lands entered as homesteads under the provisions of this act shall be fixed by appraisal, as herein provided. The President shall appoint a commission to consist of three persons to classify, appraise, and value all of said lands that shall not have been allotted in severalty to said Indians, or reserved by the Secretary of the Interior or otherwise disposed of, and excepting sections sixteen and thirty-six or other lands which may be selected in lieu thereof by the State of South Dakota, in each of said townships, said commission to be constituted as follows: One resident citizen of the State of South Dakota, one representative of the Interior Department, and one person holding tribal relations with said tribe of Indians. That within twenty days after their appointment the said commissioners shall meet and organize by the election of one of their number as chairman. The said commissioners shall then proceed to personally inspect, classify, and appraise, in one hundred and sixty acre tracts each, all of the remaining unallotted lands embraced within that portion of the reservation described in section one of this act. In making such classification and appraisal said lands shall be divided into the following classes: First, agricultural land of the first class; second, agricultural land of the second class; third, grazing land; fourth, timber land; fifth, mineral land, if any, but the mineral and timber lands shall not be appraised: *Provided*, That timber lands may be classified without regard to acreage: *And provided further*, That all lands classified as timber lands shall be reserved for the use of the Rosebud Indians. That said commissioners shall be paid a salary of not to exceed ten dollars per day each while actually employed in the inspection, classification and appraisal of said lands, and necessary expenses exclusive of subsistence to be approved by the Secretary of the Interior, such inspection, classification and appraisal to be completed within six months from the date of organization of said commission.

Organization.

Classification, appraisal, etc. a p

Division of lands.

Provisos.
Timber lands.
Reserved for Indians.
Compensation, etc., of commissioners.

Regulations.

SEC. 5. That said commission shall be governed by regulations prescribed by the Secretary of the Interior; and after the completion

of the classification and appraisement of all of said lands the same shall be subject to the approval of the Secretary of the Interior.

SEC. 6. That the price of said lands disposed of under the homestead laws shall be paid in accordance with rules and regulations to be prescribed by the Secretary of the Interior upon the following terms: One-fifth of the purchase price to be paid in cash at the time of entry and the balance in five equal annual installments, to be paid in two, three, four, five, and six years, respectively, from and after the date of entry. In case any entryman fails to make the annual payments, or any of them, when due, all rights in and to the land covered by his entry shall cease, and any payments theretofore made shall be forfeited and the entry canceled, and the lands shall be again subject to entry under the provisions of the homestead law at the appraised price thereof: *And provided*, That nothing in this act shall prevent homestead settlers from commuting their entries under section twenty-three hundred and one, Revised Statutes, by paying for the land entered the appraised price, receiving credit for payments previously made. In addition to the price to be paid for the land, the entryman shall pay the same fees and commissions at the time of commutation or final entry as now provided by law where the price of land is one dollar and twenty-five cents per acre, and when the entryman shall have complied with all the requirements and terms of the homestead laws as to settlement and residence and shall have made all the required payments aforesaid he shall be entitled to a patent for the lands entered: *And provided further*, That all lands remaining undisposed of at the expiration of four years from the opening of said lands to entry may, in the discretion of the Secretary of the Interior, be reappraised in the manner provided for in this act.

SEC. 7. That from the proceeds arising from the sale and disposition of the lands aforesaid, exclusive of the customary fees and commissions, there shall be deposited in the Treasury of the United States, to the credit of the Indians belonging and having tribal rights on the said reservation, the sums to which the said tribe may be entitled, which shall draw interest at three per centum per annum; that the moneys derived from the sale of said lands and deposited in the Treasury of the United States to the credit of said Indians shall be at all times subject to appropriation by Congress for their education, support, and civilization.

SEC. 8. That sections sixteen and thirty-six of the land in each township within the tract described in section one of this act shall not be subject to entry, but shall be reserved for the use of the common schools and paid for by the United States at two dollars and fifty cents per acre, and the same are hereby granted to the State of South Dakota for such purpose, and in case any of said sections, or parts thereof, are lost to said State by reason of allotments thereof to any Indian or Indians, or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized, within the area described in section one of this act, to locate other lands not otherwise appropriated, which shall be paid for by the United States as herein provided, in quantity equal to the loss, and such selections shall be made prior to the opening of such lands to settlement: *Provided*, That in any event not more than two sections shall be granted to the State in any one township, and lands must be selected in lieu of sections sixteen or thirty-six, or both, or any part thereof, within the township in which the loss occurs, except in any township where there may not be two sections of unallotted lands, in which event whatever is required to make two sections may be selected in any adjoining township.

Payment of purchase price.

Forfeiture.

Provisos. Commutation. R. S., sec. 2301.

Fees and commissions.

36 Stat., 451. Reappraisal of undisposed-of lands.

Deposit of proceeds to credit of Indians.

Use of proceeds.

Purchase of school lands for South Dakota.

Price per acre.

Lieu lands.

Amended, post, 502.

Proviso. Restriction of selection.

Appropriation to pay for lands granted South Dakota.

Appropriation for classification, etc.

Proviso. Reimbursement.

Prohibition of intoxicants.

Nonresponsibility of United States.

36 Stat., 452.

Proviso. Treaty rights not affected.

SEC. 9. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of not more than one hundred and twenty-five thousand dollars, or so much thereof as may be necessary, to pay for the lands granted to the State of South Dakota, as provided in section eight of this act. And there is hereby appropriated the further sum of thirty-five thousand dollars, or so much thereof as may be necessary, for the purpose of making the appraisal and classification provided for herein: *Provided*, That the latter appropriation, or any further appropriation hereafter made for the purpose of carrying out the provisions of this act, shall be reimbursed to the United States from the proceeds received from the sale of the lands described herein or from any money in the Treasury belonging to said Indian tribe.

SEC. 10. That the lands allotted, those retained or reserved, and the surplus land sold, set aside for town-site purposes, granted to the State of South Dakota, or otherwise disposed of, shall be subject for a period of twenty-five years to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country.

SEC. 11. That nothing in this act contained shall in any manner bind the United States to purchase any portion of the land herein described, except sections sixteen and thirty-six, or the equivalent in each township, 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 the said lands, and to expend and pay over the proceeds received from the sale thereof only as received and as herein provided: *Provided*, That nothing in this act shall be construed to deprive the said Indians of the Rosebud Indian Reservation of any benefits to which they are entitled under existing treaties or agreements not inconsistent with the provisions of this act.

Approved, May 30, 1910.

June 1, 1910.
[H. R. 21904.]
[Public, No. 197.]
36 Stat., 455.

CHAP. 264.—An act to authorize the survey and allotment of lands embraced within the limits of the Fort Berthold Indian Reservation, in the State of North Dakota, and the sale and disposition of a portion of the surplus lands after allotment, and making appropriation and provision to carry the same into effect.

Fort Berthold Indian Reservation, N. Dak.
Sale of portion of unallotted lands in.

Mineral lands reserved.

Proviso. Relinquishment of allotments.

Additional allotments to Indians.

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 cause the unsurveyed part of the Fort Berthold Indian Reservation, in the State of North Dakota, to be surveyed, and to sell and dispose of, as hereinafter provided, all the surplus unallotted and unreserved lands within that portion of said reservation lying and being east and north of the Missouri River, and he shall cause an examination to be made of said lands by the Geological Survey; and if there be found any lands bearing coal or other mineral, the Secretary of the Interior is hereby authorized to reserve them from allotment or other disposition until Congress shall provide for their disposal: *Provided*, That any Indians to whom allotments may have been made within the area described herein may, in case they elect to do so before said lands are offered for sale, relinquish the same and select allotments in lieu thereof within the area in which the additional allotments hereinafter provided for are to be made.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized to cause an allotment of one hundred and sixty acres of agricultural land or three hundred and twenty acres of grazing land to be made from the lands of the Fort Berthold Indian Reservation

to each member of the several tribes belonging to and occupying said reservation now living, such allotment to be in addition to any allotments heretofore made or which may be made under existing law: *Provided*, That all allotments made under this act shall be made on that part of the reservation lying west and south of the Missouri River, or in townships one hundred and fifty north, of ranges ninety, ninety-one, ninety-two, and ninety-three west; townships one hundred and forty-nine north, of ranges ninety and ninety-one west; townships one hundred and forty-eight north, of ranges eighty-eight, eighty-nine, ninety, and ninety-one west; and townships one hundred and forty-seven north, of ranges eighty-seven, eighty-eight, eighty-nine, and ninety west, lying east and north of the Missouri River: *Provided further*, That all allotments of land in the townships specifically described and lying north and east of the Missouri River shall be made prior to a date to be fixed by the Secretary of the Interior, which date shall be not less than six months from and after the date of approval of this act.

Provisos.
Location.

Time for allotting.

SEC. 3. That the Secretary of the Interior may reserve such lands as he may deem necessary for agency, school, and religious purposes, to remain reserved as long as needed and as long as agency, school, or religious institutions shall be maintained thereon for the benefit of said Indians; and he is hereby authorized to set aside and reserve such tracts in sections thirty and thirty-one, in township one hundred and forty-seven north, range eighty-seven west, and section thirty-six, in township one hundred and forty-seven north, range eighty-eight west of the fifth principal meridian as he may deem necessary to preserve the ruins of the old Fort Berthold Indian village and the Indian burial grounds adjacent thereto.

Lands reserved for agency, etc.

36 Stat., 456.

Old Indian village and burying ground.

SEC. 4. That the Secretary of the Interior is hereby authorized to set aside and reserve such tracts as may be deemed necessary, not to exceed six hundred and forty acres in the aggregate, for the purpose of establishing and maintaining a farm for the benefit of the members of the several tribes of Indians on the Fort Berthold Indian Reservation; and there is hereby appropriated, out of any money in the Treasury to the credit of the said Fort Berthold Indians, or which shall be placed to their credit from the proceeds of the sale of the lands disposed of as provided herein, not otherwise appropriated, the sum of twenty-five thousand dollars, or so much thereof as may be necessary to pay for the construction of the necessary buildings on said lands and for the purchase of necessary live stock, machinery and equipment, and also to defray the expenses of operating said farm. The management and control of said farm shall be under the supervision of the Commissioner of Indian Affairs.

Tribal farm authorized.

Operation, etc.

SEC. 5. That the Secretary of the Interior is hereby authorized to set aside and reserve from location, entry, sale, allotment, or other appropriation such tracts as are found to be chiefly valuable for power sites or reservoir sites: *Provided*, That the Secretary of the Interior is hereby authorized to cancel, after notice and a hearing, all trust patents issued to Indian allottees for allotments within any such power or reservoir site: *Provided further*, That the Secretary of the Interior shall report to Congress all lands so withdrawn for power or reservoir sites.

Power and reservoir sites reserved.

Provisos.
Allotments in, to be canceled.

Report of withdrawals.

SEC. 6. That before any of the land is disposed of, as hereinafter provided, and before the State of North Dakota shall be permitted to select or locate any lands to which it may be entitled by reason of the loss of sections sixteen and thirty-six, or any portions thereof, by reason of allotment thereof to any Indian or Indians, the Secretary of the Interior is authorized to set aside and reserve from said lands such tracts for town-site purposes as in his opinion may be required

Townsites.
Reservation for, before school selections by North Dakota.

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| Surveys, etc. | for the future public interests, and he may cause the same to be surveyed into lots and blocks and disposed of under such regulations as he may prescribe; and he is hereby authorized to set apart and reserve for school, park, and other public purposes not more than ten acres in any town site; and patents shall be issued for the lands so set apart and reserved for school, park, and other public purposes, to the municipality legally charged with the care and custody of |
| Payment, etc. | lands donated for such purposes. The purchase price of all town lots sold in town sites, as hereinafter provided, shall be paid at such time and in such installments as the Secretary of the Interior may direct; and he shall cause not more than twenty per centum of the net proceeds arising from such sales to be set apart and expended under his direction in the construction of school houses or other public buildings or improvements in the town sites in which such lots are located. The net proceeds derived from the sale of such lots, less the amounts expended in the construction of schoolhouses or other public buildings or improvements, as hereinbefore provided, within the town sites aforesaid, shall be credited to the Indians as hereinafter provided. |
| Use of net proceeds. | |
| Commission to appraise, etc., lands. | SEC. 7. That the President of the United States shall appoint a commission, consisting of three persons, to inspect, classify, appraise, and value all of the lands described in section one of this act that shall not have been allotted in severalty to said Indians or granted or reserved by the terms of this act, said commission to be constituted as follows: One of the commissioners shall be a person holding tribal relations with said Indians, one a representative of the Interior Department, and one a resident citizen of the State of North Dakota. |
| 36 Stat., 457. | That within twenty days after their appointment said commissioners shall meet and organize by the election of one of their number as chairman. The said commissioners shall then proceed to personally inspect and classify and appraise, in one hundred and sixty acre tracts, all of the remaining lands described in section one of this act, except |
| Organization, etc. | sections sixteen and sections thirty-six. In making such classification and appraisalment said lands shall be divided into the following classes: First, agricultural land of the first class; second, agricultural land of the second class; third, grazing land; fourth, timber land; fifth, mineral land, if any, but the mineral and timber lands shall not be appraised. That said commissioners shall be paid a salary of not to exceed ten dollars per day each while actually employed in the inspection and classification of said lands and necessary expenses, exclusive of subsistence, to be approved by the Secretary of the Interior; such inspection and classification to be completed within six months from the date of the organization of said commission. |
| Classification, appraisalment, etc. | |
| Amended, post, 551. Compensation, etc. | |
| Sale of lands. | SEC. 8. That when said commissioners shall have completed the classification and appraisalment of all of said lands, and the same shall have been approved by the Secretary of the Interior, the lands shall be disposed of under the provisions of the homestead, mineral, and |
| Sections 16 and 36 to North Dakota. | town-site laws of the United States, except as hereinafter otherwise provided and excepting sections sixteen and thirty-six of each township, which sections are hereby granted to the State of North Dakota for school purposes; and in case either of said sections or parts thereof should be lost to the State by reason of the allotment thereof to any Indian or Indians, or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized, within the area described in section one of this act, to select other unoccupied unreserved, nonmineral lands, which selections must be made at least thirty days prior to the date fixed by the President's proclamation opening the surplus lands to settlement: <i>Provided</i> , That in any event not more than two sections shall be granted to the State in any one township, and lands must be selected in lieu of sections sixteen and thirty-six, or any part thereof, within the township in which the loss |
| Lieu selections. | |
| Provisos. Restriction. | |

occurs, except in any township where there may not be two sections of unallotted lands, in which event whatever is required to make two sections may be selected in any adjoining township: *Provided further*, That the United States shall pay to the said Indians for the lands in said sections sixteen and thirty-six, so granted, or the lands within said reservation selected in lieu thereof, the sum of two dollars and fifty cents per acre.

SEC. 9. That said lands shall be disposed of by proclamation under the general provisions of the homestead and town-site laws of the United States and shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the time when and the manner in which the lands may be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, or enter any of said lands, except as prescribed in said proclamation: *Provided*, That the rights of honorably discharged Union soldiers and sailors of the late Civil and Spanish Wars and Philippine insurrection, as defined and prescribed in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes, as amended by the act of March first, nineteen hundred and one, shall not be abridged: *Provided further*, That the price of said agricultural lands shall be the appraised value thereof as approved by the Secretary of the Interior, and the agricultural lands shall be disposed of under the homestead law and shall be paid for in accordance with the rules and regulations to be prescribed by the Secretary of the Interior upon the following terms: One-fifth of the purchase price to be paid in cash at the time of entry and the balance in five equal installments, to be paid in two, three, four, five, and six years, respectively, from and after the date of entry. In case any entryman fails to make the annual payments, or any of them, when due, all rights in and to the land covered by his entry shall cease, and any payments theretofore made shall be forfeited and the entry canceled, and the lands shall be again subject to entry under the provisions of the homestead law at the appraised price thereof: *Provided*, That nothing in this act shall prevent homestead settlers from commuting their entries under section twenty-three hundred and one, Revised Statutes, by paying for the land entered the appraised price, receiving credit for payments previously made. In addition to the price to be paid for the land, the entryman shall pay the same fees and commissions at the time of commutation or final entry as now provided by law where the price of land is one dollar and twenty-five cents per acre, and when the entryman shall have complied with all the requirements and terms of the homestead laws as to settlement and residence and shall have made all the required payments aforesaid he shall be entitled to a patent for the lands entered: *And provided further*, That all lands remaining undisposed of at the expiration of four years from the opening of said lands to entry may, in the discretion of the Secretary of the Interior, be reappraised in the manner provided for in this act.

SEC. 10. That the Secretary of the Interior is hereby authorized to set aside and reserve as a tribal forest reserve all timber lands, to be used by said Indians under the direction of the Commissioner of Indian Affairs.

SEC. 11. That the net proceeds derived from the sale of said lands in conformity with this act shall be paid into the Treasury of the United States to the credit of the Indians belonging to and having tribal rights on said reservation, which shall draw interest at the rate of three per centum per annum; that all the moneys derived from the sale of said lands and deposited in the Treasury of the United States to the credit of said Indians shall be subject to appropriation by Congress for their education, support, and civilization.

Price.

Opened to settlement by proclamation.

Provisos. Rights of soldiers and sailors not affected. R. S., secs. 2304, 2305. 31 Stat., 847.

Price of agricultural lands. 36 Stat., 458.

Payment, etc.

Forfeiture.

Provisos. Commutation. R. S., sec. 2301.

Fees and commissions.

Reappraisal of undisposed-of lands.

Timber lands reserved to Indians.

Deposit of proceeds to credit of Indians.

Use of proceeds.

Appropriations for school lands for North Dakota.

Appropriation for surveys, etc.

Proviso. Reimbursement.

Prohibition of intoxicants.

Nonresponsibility of United States.

36 Stat., 459.

Proviso. Treaty rights not affected.

SEC. 12. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of one hundred thousand dollars, or so much thereof as may be necessary, to pay for the lands granted to the State of North Dakota, and there is hereby appropriated the further sum of one hundred thousand dollars, or so much thereof as may be necessary, for the purpose of making surveys, appraisements, allotments, and classification provided for herein: *Provided*, That the latter appropriation, or any further appropriations hereafter made for the purpose of carrying out the provisions of this act, shall be reimbursed to the United States from the proceeds received from the sale of the lands described herein or from any money in the Treasury belonging to said Indian tribes.

SEC. 13. That the lands allotted, those retained or reserved, and the surplus lands sold, set aside for town-site purposes, granted to the State, or otherwise disposed of shall be subject to all laws of the United States prohibiting the introduction of intoxicants into the Indian country until Congress shall otherwise provide.

SEC. 14. That nothing in this act contained shall in any manner bind the United States to purchase any of the land herein described, except sections sixteen and thirty-six, or the equivalent in each township, or to dispose of said lands 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 and as herein provided: *Provided*, That nothing in this act shall be construed to deprive said Indians of Fort Berthold Indian Reservation of any benefits to which they are entitled under existing treaties or agreement not inconsistent with the provisions of this act.

Approved, June 1, 1910.

June 17, 1910.
[H. R. 8914.]

[Public, No. 215.]
36 Stat., 533.

CHAP. 299.—An act to open to settlement and entry under the general provisions of the homestead laws of the United States certain lands in the State of Oklahoma, and for other purposes.

Public lands. Sale of agency, etc. lands, Cheyenne and Arapahoe Reservations, Okla.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following-described tracts of land situated within the State of Oklahoma, to wit: Sections two, three, four, nine, ten, and eleven; the southeast quarter and the east half of the southwest quarter of section thirteen, the northeast quarter, the northwest quarter, the southwest quarter, and the south half of the southeast quarter of section fourteen, sections fifteen, sixteen, twenty-one, and twenty-two; the northeast quarter, the northwest quarter, and the southwest quarter of section twenty-three, the northeast quarter, the northwest quarter, and the southeast quarter of section twenty-four, lots one, nine, ten, eleven, and the east half of the northwest quarter of section twenty-six; lots three, four, five, six, and the south half of the northeast quarter, the northeast quarter of the northeast quarter, and the east half of the northwest quarter of the northeast quarter of section twenty-five, and lot five of section twenty-seven, all the foregoing being in township thirteen north, range eight west of the Indian meridian, and also the south half of sections seventeen and eighteen and all of sections nineteen, twenty, and thirty, in township thirteen north, range seven west of the Indian meridian, and also any other tract or tracts of land within what was formerly Cheyenne and Arapahoe Indian Reservation which heretofore may have been reserved for agency or school purposes, which in the judgment of the Secretary of the Interior are no longer needed or necessary for the purpose for which said tract or tracts were originally reserved, shall be opened to entry by proclamation of the President of

the United States within six months from the passage of this act and be disposed of upon sealed bids or at public auction, at the discretion of the Secretary of the Interior, to the highest bidder under the general provisions of the homestead laws of the United States and under the rules and regulations adopted by the Secretary of the Interior, and such purchaser must be duly qualified to make entry under the general homestead laws: *Provided*, That the money arising from the sale of said lands shall be paid into the Treasury of the United States and placed to the credit of the Cheyenne and Arapahoe Tribes of Indians, and said deposit of money shall draw three per centum interest per annum; and the principal and interest of said deposit shall be expended for the benefit of said Indians in such manner as Congress may direct: *Provided further*, That the Secretary of the Interior may in his discretion prescribe that said lands shall be entered in less than one hundred and sixty acre tracts, notwithstanding the provision of the homestead law permitting entries thereunder of one hundred and sixty acres or less.

Provisos.
Proceeds to credit of
Indians.

Area of entries.

SEC. 2. That said lands shall be sold for not less than five dollars per acre, and shall be sold upon the following terms: One-fifth of the price bid therefor to be paid at the time the bid is made and the balance of the purchase price of said land to be paid in six equal annual installments; and in case any purchaser fails to make such annual payment when due all rights in and to the land covered by his or her purchase shall at once cease and any payments theretofore made shall be forfeited and his or her entry shall be canceled. And no title to said land shall inure to the purchaser, nor any patent of the United States issue to the purchasers, until the purchaser shall have in all respects complied with the terms and general provisions of the homestead laws of the United States.

Minimum price.
Payments.

Issue of patents

SEC. 3. That the Secretary of the Interior is hereby vested with full power and authority to make such rules and regulations as to the time of notice, manner of sale, and other matters incident to the carrying out of the provisions of this act as he may deem necessary: *Provided*, That the Secretary of the Interior is hereby authorized and directed to issue a patent in fee for northwest quarter of section thirty, township two north, range eleven west Indian meridian, Comanche County, Oklahoma, to James F. Rowell a full member of the Kiowa, Comanche and Apache Tribes of Indians of Oklahoma, who has heretofore received no allotment of land from any source; this to be in lieu of all claims to any allotment of land or money settlement in lieu of an allotment.

Regulations.

36 Stat., 534.

Proviso.
Patent in fee to James
F. Rowell, post, 468.

Approved, June 17, 1910.

CHAP. 310.—An act to enable the people of New Mexico to form a constitution and state government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and state government and be admitted into the Union on an equal footing with the original States.

June 20, 1910.
[H. R. 18166.]

[Public, No. 219.]
36 Stat., 557.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the qualified electors of the Territory of New Mexico are hereby authorized to vote for and choose delegates to form a constitutional convention for said Territory for the purpose of framing a constitution for the proposed State of New Mexico.

Admission of new
States.
New Mexico.
Constitutional con-
vention.

* * * * *

And said convention shall provide, by an ordinance irrevocable without the consent of the United States and the people of said State—

36 Stat., 558.

First. That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person

Religious freedom.

Polygamy and giving liquor to Indians prohibited. **or property on account of his or her mode of religious worship; and that polygamous or plural marriages, or polygamous cohabitation, and the sale, barter, or giving of intoxicating liquors to Indians and the introduction of liquors into Indian country, which term shall also include all lands now owned or occupied by the Pueblo Indians of New Mexico, are forever prohibited.¹**

Disclaimer of right to public or Indian lands. **Second. That the people inhabiting said proposed State do agree and declare that they forever disclaim all right and title to the unappropriated and ungranted public lands lying within the boundaries thereof and to all lands lying within said boundaries owned or held by any Indian or Indian tribes the right or title to which shall have been acquired through or from the United States or any prior sovereignty, and that until the title of such Indian or Indian tribes shall have been extinguished the same shall be and remain subject to the disposition and under the absolute jurisdiction and control of the**

36 Stat., 559.

Equality of taxation. **Congress of the United States; that the lands and other property belonging to citizens of the United States residing without the said State shall never be taxed at a higher rate than the lands and other property belonging to residents thereof; that no taxes shall be imposed by the State upon lands or property therein belonging to or which may hereafter be acquired by the United States or reserved for its use; but nothing herein, or in the ordinance herein provided for, shall preclude the said State from taxing, as other lands and other property are taxed, any lands and other property outside of an Indian reservation owned or held by any Indian, save and except such lands as have been granted or acquired as aforesaid or as may be granted or confirmed to any Indian or Indians under any act of Congress, but said ordinance shall provide that all such lands shall be exempt from taxation by said State so long and to such extent as Congress has prescribed or may hereafter prescribe.**

Taxing lands of Indians not in reservations.

* * * * *

36 Stat., 560. **Eighth. That whenever hereafter any of the lands contained within Indian reservations or allotments in said proposed State shall be alloted, sold, reserved, or otherwise disposed of, they shall be subject for a period of twenty-five years after such allotment, sale, reservation, or other disposal to all the laws of the United States prohibiting the introduction of liquor into the Indian country; and the terms "Indian" and "Indian country" shall include the Pueblo Indians of New Mexico and the lands now owned or occupied by them.**

Consent to conditions of lands granted to State.

Ninth. That the State and its people consent to all and singular the provisions of this act concerning the lands hereby granted or confirmed to the State, the terms and conditions upon which said grants and confirmations are made, and the means and manner of enforcing such terms and conditions, all in every respect and particular as in this act provided.

Changes of foregoing forbidden.

All of which ordinance described in this section shall, by proper reference, be made a part of any constitution that shall be formed hereunder, in such terms as shall positively preclude the making by any future constitutional amendment of any change or abrogation of the said ordinance in whole or in part without the consent of Congress.

* * * * *

36 Stat., 568. Arizona. Constitutional convention. Election of delegates. Apportionment.

SEC. 19. That the qualified electors of the Territory of Arizona are hereby authorized to vote for and choose delegates to form a constitutional convention for said Territory for the purpose of framing a constitution for the proposed State of Arizona.

* * * * *

¹ U. S. v. Sandoval, 231 U. S., 28; Perrin v. U. S., 232 U. S., 478; U. S. v. Pellican, 232 U. S., 442.

And said convention shall provide, by an ordinance irrevocable without the consent of the United States and the people of said State—

First. That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship; and that polygamous or plural marriages, or polygamous cohabitation, and the sale, barter, or giving of intoxicating liquors to Indians, and the introduction of liquors into Indian country are forever prohibited.

36 Stat., 569.

Religious freedom.

Polygamy and giving liquor to Indians prohibited.

Second. That the people inhabiting said proposed State do agree and declare that they forever disclaim all right and title to the unappropriated and ungranted public lands lying within the boundaries thereof and to all lands lying within said boundaries owned or held by any Indian or Indian tribes, the right or title to which shall have been acquired through or from the United States or any prior sovereignty, and that until the title of such Indian or Indian tribes shall have been extinguished the same shall be and remain subject to the disposition and under the absolute jurisdiction and control of the Congress of the United States; that the lands and other property belonging to citizens of the United States residing without the said State shall never be taxed at a higher rate than the lands and other property belonging to residents thereof; that no taxes shall be imposed by the State upon lands or property therein belonging to or which may hereafter be acquired by the United States or reserved for its use; but nothing herein, or in the ordinance herein provided for, shall preclude the said State from taxing as other lands and other property are taxed any lands and other property outside of an Indian reservation owned or held by any Indian, save and except such lands as have been granted or acquired as aforesaid or as may be granted or confirmed to any Indian or Indians under any act of Congress, but said ordinance shall provide that all such lands shall be exempt from taxation by said State so long and to such extent as Congress has prescribed or may hereafter prescribe.

Disclaimer of right to public or Indian lands.

Equality of taxation.

36 Stat., 570.

Taxing lands of Indians not in reservations.

* * * * *

Eighth. That whenever hereafter any of the lands contained within Indian reservations or allotments in said proposed State shall be allotted, sold, reserved, or otherwise disposed of, they shall be subject, for a period of twenty-five years after such allotment, sale, reservation, or other disposal, to all the laws of the United States prohibiting the introduction of liquor into the Indian country.

Liquor to be prohibited on opened Indian reservations.

Ninth. That the State and its people consent to all and singular the provisions of this act concerning the lands hereby granted or confirmed to the State, the terms and conditions upon which said grants and confirmations are made, and the means and manner of enforcing such terms and conditions, all in every respect and particular as in this act provided.

Consent to conditions of land grants to State.

36 Stat., 571.

All of which ordinance described in this section shall, by proper reference, be made a part of any constitution that shall be formed hereunder, in such terms as shall positively preclude the making by any future constitutional amendment of any change or abrogation of the said ordinance in whole or in part without the consent of Congress.

Changes of foregoing forbidden.

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Approved, June 20, 1910.

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| <p>June 22, 1910. [S. 4179.]</p> <p>[Public, No. 222.] 36 Stat., 580.</p> <p>Omaha Indians. Court of Claims to determine claims of. 10 Stat., 1043, vol. 2, 611.</p> | <p>CHAP. 313.—An act authorizing the Omaha tribe of Indians to submit claims to the Court of Claims.</p> | <p><i>Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,</i> That all claims of whatsoever nature which the Omaha tribe of Indians may have or claim to have against the United States may be submitted to the Court of Claims with the right of appeal to the Supreme Court of the United States by either party for determination of the amount, if any, due said tribe from the United States under the treaty between the United States and the said tribe of Indians, ratified and affirmed March sixteenth, eighteen hundred and fifty-four, or under any other treaties or laws, or for the misappropriation of any funds of said tribe for purposes not for its material benefit, or for failure of the United States to pay said tribe any money due; and jurisdiction is hereby conferred upon the Court of Claims to hear and determine all legal and equitable claims, if any, of said Omaha tribe of Indians against the United States, and also any legal or equitable defense, set-off, or counterclaim which the United States may have against said tribe, and to enter judgment thereon. The Court of Claims shall advance said cause upon the docket and shall have authority to settle the rights, both legal and equitable, of both the Omaha tribe of Indians and the United States, notwithstanding lapse of time or statutes of limitation, and the final judgment and satisfaction thereof shall be a full settlement of all claims of said Omaha Indians against the United States. That jurisdiction is hereby conferred upon said Court of Claims to hear and determine all claims of the Otoe and Missouri Indians of whatsoever nature which either or both of said tribes of Indians may have or claim to have against the United States, with the right of appeal to the Supreme Court of the United States by either party, for the determination of the amount, if any, due either of said tribes from the United States under any treaties or laws of Congress or the unexecuted stipulations of any treaties or for the misappropriation of any of the funds of either of said tribes for purposes not for their material benefit or for the failure of the United States to pay either of said tribes any money due. Such cause shall be commenced in the Court of Claims within one year after the passage of this act; and in such cause the Omaha tribe of Indians shall be party plaintiff and the United States party defendant; and the petition shall be verified by the attorney employed by the said Omaha Indians, to prosecute their claims under this act, under contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior, as provided by law, upon information and belief as to the existence of such facts, and no other statements or verification shall be necessary. Upon the final determination of the cause the Court of Claims shall decree such fees as the court shall find to be reasonable to be paid to the attorney or attorneys employed by the said tribe of Indians, and the same shall be paid out of any sum or sums found due said Omaha tribe of Indians: <i>Provided</i>, That in no case shall the fees decreed by said court be in excess of the amount stipulated in the approved contract nor amount to more than ten per centum of the amount of the judgment recovered in such cause.¹</p> |
| <p>Jurisdiction, etc.</p> | | |
| <p>Settlement of all rights.</p> | | |
| <p>Otoe and Missouri Indians. Court of Claims to determine claims.</p> <p>36 Stat., 581.</p> | | |
| <p>Time for commencement, etc.</p> | | |
| <p>Fees to attorneys.</p> | | |
| <p>Proviso. Limit of fees.</p> | | |

Approved, June 22, 1910

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| <p>June 22, 1910. [S. 7285.]</p> <p>[Public, No. 224.] 36 Stat., 582.</p> <p>Bois Fort Chippewa Indians, Minn. Appropriation for burial expenses of two members.</p> | <p>CHAP. 315.—An act to pay funeral and transportation expenses of certain Bois Fort Indians.</p> | <p><i>Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,</i> That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, three hundred dollars, or so much thereof as may be necessary, to be</p> |
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¹ The Omaha Tribe of Indians v. United States, No. 31002, Court of Claims docket.

immediately available, to enable the Commissioner of Indian Affairs to pay the expenses heretofore or hereafter incurred in connection with the death of A-ne-way-way-aush and Pay-baum-we-che-waish-kung, Chippewa Indians, belonging to the Bois Fort Reservation, in the State of Minnesota, funeral and transportation expenses from the city of Washington, District of Columbia, to their homes on said reservation, together with the transportation and expenses of Frank Pequette, Day-bway-wain-dung, and Mah-jish-kung, members of delegation, from Washington, District of Columbia, to their homes on said reservation.

Approved, June 22, 1910.

CHAP. 316.—An act granting to the Siletz Power and Manufacturing Company a right of way for a water ditch or canal through the Siletz Indian Reservation, in Oregon.

June 22, 1910.
[H. R. 48.]

[Public, No. 225.]
36 Stat., 582.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right of way is hereby granted, as hereinafter set forth, to the Siletz Power and Manufacturing Company, a corporation organized and existing under the laws of the State of Oregon, and its successors and assigns, for the construction, operation, and maintenance of a water ditch or canal through the lands of the United States in the Siletz Indian Reservation, in Oregon, beginning at a point on the right bank of the Siletz River, in lot thirteen of section nine, township ten south, range ten west of Willamette meridian; running thence in a northeasterly direction through said section and terminating at a point on the right bank of the Siletz River, in lot thirty of section four, township ten south, range ten west of Willamette meridian: *Provided*, That no rights hereunder shall attach until the Secretary of the Interior shall have determined to his satisfaction that the interests of the Indians and the public will be promoted thereby.

Siletz Indian Reservation, Oreg.
Siletz Power and Manufacturing Company granted right of way through.

Proviso.
Condition.

SEC. 2. That the right of way hereby granted shall be fifty feet in width on each side of the central line of such water ditch or canal.

Width.

SEC. 3. That before the grant of such right of way shall become effective a map showing the definite location of such water ditch or canal must be filed with and approved by the Secretary of the Interior, and the company shall make payment to the Secretary of the Interior for the benefit of the allottees of full compensation for such right of way through their allotments, including all damage to their improvements and lands, and for damage to lands reserved for agency purposes, which compensation shall be determined and paid under the direction of the Secretary of the Interior in such manner as he may prescribe: *Provided further*, That the Siletz Power and Manufacturing Company, its successors or assigns, where not otherwise provided, shall, at its own expense, construct and maintain sufficient and suitable bridges across the water ditch or canal the right of way for which is hereby granted at the crossing of public roads, and be designated by the county court of the county in which they may be, failing in which the rights herein granted shall be forfeited.

Secretary of the Interior to approve location.

Payment for damages.

36 Stat., 583.

Proviso.
Bridges required.

SEC. 4. That the rights herein granted shall be forfeited by said corporation unless the water ditch or canal shall be constructed through the said lands within three years from the passage of this act.

Time of construction.

SEC. 5. That it is hereby expressly provided that Congress may at any time alter, amend, or repeal this act or any part thereof.

Amendment.

Approved, June 22, 1910.

June 22, 1910.
[H. R. 24939.]
[Public, No. 236.]
36 Stat., 588.

CHAP. 327.—An act to authorize the Lawton and Fort Sill Electric Railway Company to construct and operate a railway through the public lands reserved for Indian school purposes, of township two north, range eleven west, Indian meridian, Comanche County, Oklahoma, and for other purposes.

Comanche Indian school, Oklahoma. Lawton and Fort Sill Electric Railway Company granted right of way across lands of.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Lawton and Fort Sill Electric Railway Company, a corporation created under and by virtue of the laws of the State of Oklahoma, be, and the same is hereby, empowered to survey, locate, construct, maintain, and operate a railway, telegraph, telephone, and trolley lines through the public lands of township two north, range eleven west, Indian meridian, in Comanche County, State of Oklahoma, upon such line or lines as may be determined and approved by the Secretary of the Interior.

Width, etc.

SEC. 2. That said corporation is authorized to occupy and use for all purposes of railway, telegraph, telephone, and trolley lines, and for no other purpose, a right of way fifty feet in width through said public lands, reserved for Indian school purposes, with the right to use such additional ground where cuts and fills may be necessary for the construction and maintenance of the roadbed, not exceeding one hundred feet in width, or as much thereof as may be included in said cut or fill: *Provided*, That no part of the land herein authorized to be occupied shall be used except in such manner and for such purposes as shall be necessary for the construction and convenient operation of said railway, telegraph, telephone, and trolley lines; and when any portion thereof shall cease to be so used such portion shall revert to the

36 Stat., 589.
Provisos.
Reversion.

Approval of route.

United States: *Provided further*, That before the said railway company shall be permitted to enter upon any part of said public lands a description by metes and bounds of the land herein authorized to be occupied or used shall be approved by the Secretary of the Interior: *Provided further*, That the said railway company shall comply with such other regulations and conditions in the maintenance and operation of said road as may from time to time be prescribed by the Secretary of the Interior.

Maintenance, etc.

Amendment, etc.

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

Approved, June 22, 1910.

June 23, 1910.
[H. R. 22642.]
[Public, No. 255.]
36 Stat., 602.

CHAP. 369.—An act to authorize the Secretary of the Interior to sell a portion of the unallotted lands in the Cheyenne Indian Reservation, in South Dakota, to the Milwaukee Land Company for town-site purposes.

Cheyenne River Indian Reservation, S. Dak. Sale of lands on, to Milwaukee Land Company, for town site.

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, under such rules, regulations, and conditions as he may prescribe, to sell to the Milwaukee Land Company, a corporation organized and existing under and by virtue of the laws of the State of Iowa and doing business in the State of South Dakota, the northeast quarter and north half of the southeast quarter of section thirty-two; the northwest quarter and north half of the southwest quarter of section thirty-three, all in township seventeen, north of range twenty-two east, containing four hundred and eighty acres, and lots one and two, and the south half of the northeast quarter and south half of the northwest quarter and north half of the southwest quarter, all in section two, township twelve, north of range eighteen east, containing three hundred and twenty-three and two one-hundredths acres of the surplus and unallotted lands in the Cheyenne River Indian Reservation, in the State of South Dakota, for town-site purposes. The price of the lands shall be fixed by appraisalment, to be made under the direction of the Secretary of the Interior, which price shall not be less than

Payment.

twenty-five dollars per acre; that upon payment of the price fixed as herein provided patent shall issue to the said Milwaukee Land Company for the lands purchased; the proceeds thereof except as hereinafter provided shall be credited to the Indians in the manner and form prescribed in section six of the act of May twenty-ninth, nineteen hundred and eight: *Provided*, That the Secretary of the Interior is hereby authorized to set apart and reserve for school, park, and other public purposes not more than ten acres in each town site herein sold and conveyed, and patents shall be issued for the lands so set apart and reserved for school, park, and other purposes to the municipality legally charged with the care and custody of lands donated for such purposes; and he shall cause at least twenty per centum of the net proceeds arising from the sale of the lands herein provided for to be set apart and expended under his direction in the construction of school houses or other public buildings or in improvements in the respective town sites.

Proceeds to Indians.

35 Stat., 463, ante, 373.

Proviso.
Reservation for public purposes.

Construction of buildings, etc.

Approved, June 23, 1910.

CHAP. 384.—An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and eleven, and for other purposes.

June 25, 1910.
[H. R. 25552.]

[Public, No. 266.]
36 Stat., 703.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, for the objects hereinafter expressed, for the fiscal year ending June thirtieth, nineteen hundred and eleven, namely:

Sundry civil expenses, appropriation.

* * * * *

Opening Indian reservations (reimbursable): The appropriation of twenty-five thousand dollars to meet the expenses of opening to entry and settlement ceded lands within Indian reservations is hereby continued and made available to meet the expenses pertaining to the opening to entry and settlement of such Indian reservation lands as may be opened during the fiscal year nineteen hundred and eleven: *Provided*, That the expenses pertaining to the opening of each of said reservations and paid for out of said appropriation shall be reimbursed to the United States from the money received from the sale of the lands embraced in said reservations, respectively.

36 Stat., 740.
Opening Indian reservations to entry.
Expenses.

Proviso.
Reimbursement.

For completing the surveys within the Flathead Indian Reservation, Montana, embracing town sites and the subdivision of unallotted lands fronting on Flathead Lake (reimbursable), ten thousand dollars.

Flathead Indian Reservation, Mont.
Surveys, etc.

* * * * *

INDIAN AFFAIRS.

36 Stat., 741.

That twenty-five thousand dollars of the amount heretofore appropriated for continuing the work of constructing an irrigation system for the irrigation of lands on the Fort Hall Reservation, in Idaho, and lands ceded by the Indians of said reservation, as provided in the act approved April fourth, nineteen hundred and ten, be, and the same is hereby, made immediately available for the purposes therein mentioned.

Fort Hall Reservation.
Irrigating work, immediately available.
36 Stat., 274, ante, pp. 275, 434.

For the payment of all and any necessary expense incurred incident to any suits brought at the request of the Secretary of the Interior, including the salary of an attorney specially employed, to set aside illegal conveyances of title or protecting the possession of Seminole allottees to their allotted lands in the Seminole Nation, to be expended under the direction of the Attorney General, six thousand dollars.

Seminole Indians.
Protecting title of allottees.

* * * * *

36 Stat., 748.
Mexican Kickapoo Indians.
Prosecutions for fraudulent conveyances, etc.

R. S., sec. 3648.

Conveyances of allotted lands.
Expenses of suits to set aside.

36 Stat., 749.
Proviso.
Oklahoma western judicial district.

Appeals to Supreme Court.

For the payment of any and all expenses, incurred or to be incurred, in or about the prosecutions for crimes committed in the United States or the Republic of Mexico in connection with the false making or unlawful procurement of conveyances purporting to affect title to lands in Oklahoma allotted to Kickapoo Indians, twenty thousand dollars, to be available until expended, at the discretion of the Attorney General, the provision of section thirty-six hundred and forty-eight of the Revised Statutes to the contrary notwithstanding.

* * * * *

Suits to set aside conveyances of allotted lands, Five Civilized Tribes: For the payment of necessary expenses incident to any suits brought at the request of the Secretary of the Interior in the eastern judicial district of Oklahoma, to be expended under the direction of the Attorney General, fifty thousand dollars: *Provided*, That the sum of ten thousand dollars of the above amount, or so much thereof as may be necessary, may be expended in the prosecution of cases in the western judicial district of Oklahoma, and not to exceed ten thousand dollars of said sum shall be available for the expenses of the United States on appeals to the Supreme Court of the United States.¹

* * * * *

Approved, June 23, 1910.

June 25, 1910.
[H. R. 26730.]

[Public, No. 267.]
36 Stat., 774.
36 Stat., 807.
Choctaw and Chickasaw nations and Chickasaw freedmen.

Proviso.
Contracts with Indians.
Consent of Congress required before approval.

CHAP. 385.—An act making appropriations to supply deficiencies in appropriations for the fiscal year nineteen hundred and ten, and for other purposes.

* * * * *

To pay the judgment of the Court of Claims in cause numbered twenty-three thousand one hundred and fifteen. The United States, complainant, against The Choctaw Nation and the Chickasaw Nation and the Chickasaw freedmen, defendants, certified to Congress in House Document Numbered Nine hundred and twenty of this session, after deductions not exceeding thirteen thousand dollars are made therein, as provided for by the terms thereof, six hundred and six thousand nine hundred and thirty-six dollars and eight cents, or so much thereof as may be necessary: *Provided*, That no contract or contracts heretofore or hereafter made affecting the tribal money and property of the said Indian tribes or nations shall be approved until further action by Congress.²

June 25, 1910.
[H. R. 16032.]

[Public, No. 282.]
36 Stat., 829.

Chippewa Indians, Mich.
Claims of Saginaw, Swan Creek, and Black River Bands referred to Court of Claims.

Advancement on docket.

Attorneys' fees.

CHAP. 400.—An act for the relief of the Saginaw, Swan Creek, and Black River Bands of Chippewa Indians in the State of Michigan, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. That jurisdiction is hereby conferred upon the Court of Claims, with the right of appeal to the Supreme Court of the United States, to consider and adjudicate any claim, arising under treaty stipulations or otherwise, which the Saginaw, Swan Creek, and Black River Band of Chippewa Indians, of the State of Michigan, have against the United States; and such suit or suits as may be instituted hereunder shall, upon notice, be advanced upon the docket of either of said courts for trial, and be determined at the earliest practicable time.

SEC. 2. That upon the final determination of such suit or suits the Court of Claims shall decree such fees as the court shall find to be reasonable upon a quantum meruit for services performed, to be paid to the attorney or attorneys employed by the said band of Indians, and the same shall be paid out of the sum found to be due said band of Indians when an appropriation therefor shall have been made by

¹ Heckman v. U. S., 224 U. S., 213.

² 28 Opp. Atty. Genl., 568.

Congress: *Provided*, That in no case shall the fees decreed by the court amount in the aggregate to more than ten per centum of the amount of the judgment recovered, and in no event shall the aggregate exceed ten thousand dollars.

Proviso.
Limit.

SEC. 3. That the Secretary of the Interior be, and he hereby is authorized to permit any religious or missionary organization having lands reserved for mission and school purposes on the Yuma Reservation in California, to select irrigable lands on said reservation equal in area to, and in lieu of, lands so reserved, and to issue a patent in fee therefor.

Yuma Reservation,
Cal.
Religious organiza-
tions may select irri-
gable lands on.

Approved, June 25, 1910.

CHAP. 403.—An act granting to Savanna Coal Company right to acquire additional acreage to its existing coal lease in the Choctaw Nation, Pittsburg County, Oklahoma, and for other purposes.

June 25, 1910.
[H. R. 17560.]

[Public, No. 285.]
36 Stat., 832.

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, under rules and regulations to be prescribed by him, shall grant to the Savanna Coal Company the right to add to its existing coal lease, within the area of the segregated coal and asphalt lands, an additional acreage of two hundred acres of land adjoining said lease and described as follows: North half of the northwest quarter of section sixteen; north half of the southeast quarter of the northwest quarter of section sixteen; north half of the northwest quarter of the southwest quarter of section sixteen; west half of the southeast quarter of section seventeen; all in township four north, range fourteen east of the Indian base and meridian.

Choctaw coal lands,
Okla.
Savanna Coal Com-
pany may lease addi-
tional lands.

SEC. 2. That the Secretary of the Interior, be, and he is hereby, authorized to permit the Denison Coal Company to relinquish certain lands embraced in its existing Choctaw and Chickasaw coal lease which have been demonstrated to be not valuable for coal, as follows: The south half of the north half of section thirty-six, township one north, range nine east; and north half of section one, township one south, range nine east; and northwest quarter of section six, township one south, range ten east, seven hundred and twenty acres, more or less, and to include within the lease in lieu thereof the following-described land, which is within the segregated coal area and unleased. The south half of the north half, and south half of section thirty-six, township one north, range nine east, and northeast quarter and north half of the southeast quarter and east half of the west half, and lots numbered two, three, and four of section thirty-one, township one north, range ten east, nine hundred and sixty acres, more or less.

Denison Coal Com-
pany.
May relinquish part
of Choctaw and Chick-
asaw coal lease.

Additional lands in
lieu.

Approved, June 25, 1910.

CHAP. 405.—An act to authorize the cancellation of trust patents in certain cases.

June 25, 1910.
[H. R. 18013.]

[Public, No. 287.]
36 Stat., 833.

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 is hereby authorized, if satisfied that the allotments made to Louiza Phelix and Mary Lorena Rolfe, numbered forty-five and forty-four, respectively, Ashland, Wisconsin, series, for the north half of southwest quarter, and southwest quarter of southwest quarter of section twenty-one, township forty-seven north, range ten west, are illegal, to cancel the trust patents issued thereon June twenty-ninth, eighteen hundred and ninety-four, and to reinstate cash entry numbered sixty-five hundred and ninety-five.

Lands in severalty to
Indians.
Trust patents to Lou-
iza Phelix and Mary
Lorena Rolfe, allottees,
canceled.

Lands reinstated to
cash entry.

Approved, June 25, 1910.

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| <p>June 25, 1910. [H. R. 18978.]</p> <p>[Public, No. 290.] 36 Stat., 837. Oklahoma eastern district. Appeals to court of appeals in allotment cases.</p> | <p>CHAP. 408.—An act to authorize the Secretary of the Interior to issue a patent to the city of Anadarko, State of Oklahoma, for a tract of land, and for other purposes.</p> | <p>SEC. 3. That an appeal to the Supreme Court of the United States in all suits affecting the allotted lands within the eastern district of Oklahoma or on demurrers in such suits appealed to the United States circuit court of appeals, eighth circuit, is hereby authorized to be made by any of the parties thereto, including appeals from orders reversing judgments of the trial court.¹</p> |
| Approved, June 25, 1910. | | |
| <p>June 25, 1910. [H. R. 24992.]</p> <p>[Public, No. 313.] 36 Stat., 855.</p> <p>Indian trust allotments. Disposal to heirs of intestate Indians.</p> <p>Discretion of Secretary of Interior. 36 Stat., 856.</p> <p>Provisos. Partition.</p> <p>Rules for sales, etc.</p> <p>Issue of patents in fee.</p> <p>Distribution of proceeds.</p> <p>Competency certificates.</p> <p>Deposit of Indian funds in banks.</p> | <p>CHAP. 431.—An act to provide for determining the heirs of deceased Indians, for the disposition and sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes.</p> | <p><i>Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,</i> That when any Indian to whom an allotment of land has been made, or may hereafter be made, dies before the expiration of the trust period and before the issuance of a fee simple patent, without having made a will disposing of said allotment as hereinafter provided, the Secretary of the Interior, upon notice and hearing, under such rules as he may prescribe, shall ascertain the legal heirs of such decedent, and his decision thereon shall be final and conclusive.² If the Secretary of the Interior decides the heir or heirs of such decedent competent to manage their own affairs, he shall issue to such heir or heirs a patent in fee for the allotment of such decedent; if he shall decide one or more of the heirs to be incompetent, he may, in his discretion, cause such lands to be sold: <i>Provided</i>, That if the Secretary of the Interior shall find that the lands of the decedent are capable of partition to the advantage of the heirs, he may cause the shares of such as are competent, upon their petition, to be set aside and patents in fee to be issued to them therefor. All sales of lands allotted to Indians authorized by this or any other act shall be made under such rules and regulations and upon such terms as the Secretary of the Interior may prescribe, and he shall require a deposit of ten per centum of the purchase price at the time of the sale. Should the purchaser fail to comply with the terms of sale prescribed by the Secretary of the Interior, the amount so paid shall be forfeited; in case the balance of the purchase price is to be paid in deferred payments, a further amount, not exceeding fifteen per centum of the purchase price, may be so forfeited for failure to comply with the terms of the sale. All forfeitures shall inure to the benefit of the heirs. Upon payment of the purchase price in full, the Secretary of the Interior shall cause to be issued to the purchaser patent in fee for such land: <i>Provided</i>, That the proceeds of the sale of inherited lands shall be paid to such heir or heirs as may be competent and held in trust subject to use and expenditure during the trust period for such heir or heirs as may be incompetent, as their respective interests shall appear: <i>Provided further</i>, That the Secretary of the Interior is hereby authorized in his discretion to issue a certificate of competency, upon application therefor, to any Indian, or in case of his death, to his heirs, to whom a patent in fee containing restrictions on alienation has been or may hereafter be issued, and such certificate shall have the effect of removing the restrictions on alienation contained in such patent: <i>Provided further</i>, That hereafter any United States Indian agent, superintendent, or other disbursing agent of the Indian Service may deposit Indian moneys, individual or tribal, coming into his hands as custodian, in such bank or banks as he may</p> |

¹ Mullen v. U. S., 224 U. S. 448; Deming Investment Co. v. U. S., 224 U. S., 471.

² Parr v. Colfax, 197 Fed. 302; Pel-ato-yakot v. U. S., 188 Fed. 387; Bond v. U. S., 181 Fed. 613. Heirs of Grace Cox, decision of Secretary of the Interior Sept. 16, 1913, 42 L. D., 493; Little Chief, 40 L. D., 102; Crow Eagle, 40 L. D., 120; Moses Agreement, 40 L. D., 212.

select: *Provided*, That the bank or banks so selected by him shall first execute to the said disbursing agent a bond, with approved surety, in such amount as will properly safeguard the funds to be deposited. Such bonds shall be subject to the approval of the Secretary of the Interior.

SEC. 2. That any Indian of the age of twenty-one years, or over, to whom an allotment of land has been or may hereafter be made, shall have the right, prior to the expiration of the trust period and before the issue of a fee simple patent, to dispose of such allotment by will, in accordance with rules and regulations to be prescribed by the Secretary of the Interior: *Provided, however*, That no will so executed shall be valid or have any force or effect unless and until it shall have been approved by the Commissioner of Indian Affairs and the Secretary of the Interior: *Provided further*, That sections one and two of this act shall not apply to the State of Oklahoma.¹

SEC. 3. That in any case where an Indian has an allotment of land, or any right, title, or interest in such an allotment, the Secretary of the Interior, in his discretion, may permit such Indian to surrender such allotment, or any right, title, or interest therein, by such formal relinquishment as may be prescribed by the Secretary of the Interior, for the benefit of any of his or her children to whom no allotment of land shall have been made; and thereupon the Secretary of the Interior shall cause the estate so relinquished to be allotted to such child or children subject to all conditions which attached to it before such relinquishment.

SEC. 4. That any Indian allotment held under a trust patent may be leased by the allottee for a period not to exceed five years, subject to and in conformity with such rules and regulations as the Secretary of the Interior may prescribe, as to the proceeds of any such lease shall be paid to the allottee or his heirs, or expended for his or their benefit, in the discretion of the Secretary of the Interior.

SEC. 5. That it shall be unlawful for any person to induce any Indian to execute any contract, deed, mortgage, or other instrument purporting to convey any land or any interest therein held by the United States in trust for such Indian, or to offer any such contract, deed, mortgage, or other instrument for record in the office of any recorder of deeds. Any person violating this provision shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding five hundred dollars for the first offense, and if convicted for a second offense may be punished by a fine not exceeding five hundred dollars or imprisonment not exceeding one year, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That this section shall not apply to any lease or other contract authorized by law to be made.

SEC. 6. That section fifty of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March fourth, nineteen hundred and nine (Thirty-fifth United States Statutes at Large, page one thousand and ninety-eight), is hereby amended so as to read:

"SEC. 50. Whoever shall unlawfully cut, or aid in unlawfully cutting, or shall wantonly injure or destroy, or procure to be wantonly injured or destroyed, any tree, growing, standing, or being upon any land of the United States which, in pursuance of law, has been reserved or purchased by the United States for any public use, or upon any Indian reservation, or lands belonging to or occupied by any tribe of Indians under the authority of the United States, or any Indian allotment while the title to the same shall be held in trust by the Government, or while the same shall remain inalienable by the allottee without the consent of the United States, shall be fined not more than five hundred dollars, or imprisoned not more than one year, or both."

Indemnity bond.

Disposal of trust allotments by will; amended, post, 558.

Proviso.
Approval required.

Not applicable to Oklahoma.

Surrender of trust allotments to children.

Conditions.

Leases of trust allotments.

36 Stat., 857.

Inducing conveyances by Indians of trust interests unlawful.

Punishment for.

Proviso.
Exception.

Timber depredations, 35 Stat., 1098, amended.

Ante, p. 423.

Punishment for depredations on reservation or Indian lands.

Trust allotments included.

- Punishment for not extinguishing fires on reservations or Indian lands.
35 Stat., 1098, amended.
Trust allotments included.
- That section fifty-three of said act is hereby amended so as to read:
"SEC. 53. Whoever shall build a fire in or near any forest, timber, or other inflammable material upon the public domain, or upon any Indian reservation, or lands belonging to or occupied by any tribe of Indians under the authority of the United States, or upon any Indian allotment, while the title to the same shall be held in trust by the Government, or while the same shall remain inalienable by the allottee without the consent of the United States, shall, before leaving said fire, totally extinguish the same; and whoever shall fail to do so shall be fined not more than one thousand dollars, or imprisoned not more than one year, or both."
- Indian reservations.
Sales of timber on unallotted lands in.
- Proviso:
Exception
- Sales of timber on trust allotments.
- SEC. 7. That the mature living and dead and down timber on unallotted lands of any Indian reservation may be sold under regulations to be prescribed by the Secretary of the Interior, and the proceeds from such sales shall be used for the benefit of the Indians of the reservation in such manner as he may direct: *Provided*, That this section shall not apply to the States of Minnesota and Wisconsin.¹
- SEC. 8. That the timber on any Indian allotment held under a trust or other patent containing restrictions on alienations may be sold by the allottee with the consent of the Secretary of the Interior and the proceeds thereof shall be paid to the allottee or disposed of for his benefit under regulations to be prescribed by the Secretary of the Interior.
- Lands in severalty to Indians.
24 Stat., 389, amended, vol. 1, p. 33.
- 36 Stat., 858.
- SEC. 9. That section three of the act entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," approved February eighth, eighteen hundred and eighty-seven (Twenty-fourth Statutes at Large, page three hundred and eighty-eight), be, and the same hereby is, amended to read as follows:
- Allotments to be made by special agents and reservation agent.
- By reservation agent alone.
- Certificates.
- SEC. 3. That the allotments provided for in this act shall be made by special agents appointed by the President for such purpose, and the superintendents or agents in charge of the respective reservations on which the allotments are directed to be made, or, in the discretion of the Secretary of the Interior, such allotments may be made by the superintendent or agent in charge of such reservation, under such rules and regulations as the Secretary of the Interior may from time to time prescribe, and shall be certified by such special allotting agents, superintendents, or agents to the Commissioner of Indian Affairs, in duplicate, one copy to be retained in the Indian Office and the other to be transmitted to the Secretary of the Interior for his action, and to be deposited in the General Land Office."
- Washington.
Inalienable patents to lots in Indian villages.
- SEC. 10. That the Secretary of the Interior be, and he is hereby, authorized, whenever in his opinion it shall be conducive to the best welfare and interest of the Indians living within any Indian village on any of the Indian reservations in the State of Washington, to issue a patent to each of said Indians for the village or town lot occupied by him, which patent shall contain restrictions against the alienation of the lot described therein to persons other than members of the tribe, except on approval of the Secretary of the Interior; and if any such Indian shall die subsequent to the approval of this act, and before receiving patent to the lot occupied by him, the lot to which such Indian would have been entitled if living shall be patented in his name and shall be disposed of as provided for in section one of this act.
- Camp Mojave abandoned military reservation.
Approval of allotments in.
- SEC. 11. That the Secretary of the Interior be, and he hereby is, authorized to approve allotments made within the limits of the abandoned Camp Mojave military and hay and wood reservations, as defined by the proclamation of the President dated March thirtieth,

eighteen hundred and seventy, to those Indian allottees who shall be found to be entitled to allotment, and patents shall issue to such allottees, as provided in the general allotment act of February eighth, eighteen hundred and eighty-seven, and the acts amendatory thereof.

SEC. 12. That the Secretary of the Interior be, and he is hereby, authorized and directed to investigate the allotments in the names of Sooc-oog (Red Foot), or Bill Billy, allottee numbered nine, and Mo-zo-to-be (Hair Forehead) Brown, allottee numbered eight, deceased Pahute Indians, on the public domain in the Carson (Nevada) land district, and if it be shown to his satisfaction that the allottees died without heirs he is hereby authorized and directed to cancel the said patents: *Provided*, That hereafter the Secretary of the Interior be, and he is hereby, authorized to investigate the allotment in the name of any deceased Indian and if it be shown to his satisfaction that the allottee died without heirs he shall report the facts to Congress with a recommendation for the cancellation of the patent issued in the name of such Indian.

SEC. 13. That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to reserve from location, entry, sale, allotment, or other appropriation any lands within any Indian reservation valuable for power or reservoir sites, or which may be necessary for use in connection with any irrigation project heretofore or hereafter to be authorized by Congress: *Provided*, That if no irrigation project shall be authorized prior to the opening of any Indian reservation containing such power or reservoir sites the Secretary of the Interior may, in his discretion, reserve such sites pending future legislation by Congress for their disposition, and he shall report to Congress all reservations made in conformity with this act.

SEC. 14. That the Secretary of the Interior, after notice and hearing, is hereby authorized to cancel trust patents issued to Indian allottees for allotments within any power or reservoir site and for allotments or such portions of allotments as are located upon or include lands set aside, reserved, or required within any Indian reservation for irrigation purposes under authority of Congress: *Provided*, That any Indian allottee whose allotment shall be so canceled shall be reimbursed for all improvements on his canceled allotment, out of any moneys available for the construction of the irrigation project for which the said power or reservoir site may be set aside: *Provided further*, That any Indian allottee whose allotment, or part thereof, is so canceled shall be allotted land of equal value within the area subject to irrigation by any such project.

SEC. 15. That the Secretary of the Interior be, and he is hereby, authorized to convey by a patent in fee simple the tract of land described as the northwest quarter of the southeast quarter of section ten, township twenty-three north, range two east of the Indian meridian, containing forty acres, more or less, reserved for and occupied by the Associated Executive Committee of Friends on Indian Affairs, in the former Otoe and Missouri Reservation, in Oklahoma, for religious, mission, or school purposes, to such board of trustees as the proper officers of said society shall designate: *Provided, however*, That no conveyance shall be made without the consent of the Indians and the payment by said society of a just compensation for the lands to be conveyed, the price to be fixed by the Secretary of the Interior: *And provided further*, That the moneys derived from such source shall be deposited in the Treasury of the United States to the credit of the Otoe and Missouri Indians, to be expended for their benefit in the discretion of the Secretary of the Interior under such regulations as he may prescribe.

SEC. 16. That section one of the act entitled "An act to provide for the acquiring of rights of way by railroad companies through Indian reservations, Indian lands, and Indian allotments, and for

Trust patents for.
24 Stat., 388, vol. 1, p.
33.

Pahute Indians, Nevada.
Canceling allotments of two, dying without heirs.

Proviso.
Allotments to Indians dying without heirs.

Report to be made.

Indian reservations.
Power, etc., sites in, may be reserved; post,
530.

Proviso.
Where no project authorized.

36 Stat., 859.

Trust allotments.
Canceling patents in power sites, etc.

Provisos.
Reimbursing Indians.

Lieu allotments.

Otoe and Missouri Reservation, Okla.
Conveyance of tract in former, for religious, etc., purposes.

Provisos.
Consent of Indians, etc.

Use of proceeds.

Rights of way through Indian lands.
30 Stat., 990, amended.
Vol. 1, p. 102.

other purposes," approved March second, eighteen hundred and ninety-nine, be, and the same hereby is, amended by adding thereto the following:

Stations required on town sites.

"*Provided also*, That as a condition precedent to each and every grant of a right of way under authority of this act, each and every railway company applying for such grant shall stipulate that it will construct and permanently maintain suitable passenger and freight stations for the convenience of each and every town site established by the Government along said right of way."

Issue of allotments to Indians having none, repealed.
35 Stat., 782, ante, p. 389.

SEC. 17. That so much of the Indian appropriation act for the fiscal year nineteen hundred and ten, approved March third, nineteen hundred and nine, as reads as follows, to wit: "That the Secretary of the Interior be, and he hereby is, authorized, under the direction of the President, to allot any Indian on the public domain who has not heretofore received an allotment, in such areas as he may deem proper, not to exceed, however, eighty acres of agricultural or one hundred and sixty acres of grazing land to any one Indian, such allotment to be made and patent therefor issued in accordance with the provisions of the act of February eighth, eighteen hundred and eighty-seven," be, and the same is hereby, repealed,¹ and sections one and four of the act of February twenty-eighth, eighteen hundred and ninety-one (Twenty-sixth Statutes, page seven hundred ninety-four), be, and the same are hereby, amended to read as follows:

Lands in severalty.
26 Stat., 794, 795.
Vol. 1, p. 33, 56.

Allotments on reservations.

"SEC. 1. That in all cases where any tribe or band of Indians has been or shall hereafter be located upon any reservation created for their use by treaty stipulation, act of Congress, or Executive order, the President shall be authorized to cause the same or any part thereof to be surveyed or resurveyed whenever in his opinion such reservation or any part thereof may be advantageously utilized for agricultural or grazing purposes by such Indians, and to cause allotment to each Indian located thereon to be made in such areas as in his opinion may be for their best interest not to exceed eighty acres of agricultural or one hundred and sixty acres of grazing land to any one Indian. And whenever it shall appear to the President that lands on any Indian reservation subject to allotment by authority of law have been or may be brought within any irrigation project, he may cause allotments of such irrigable lands to be made to the Indians entitled thereto in such areas as may be for their best interest not to exceed, however, forty acres to any one Indian, and such irrigable land shall be held to be equal in quantity to twice the number of acres of non-irrigable agricultural land and four times the number of acres of non-irrigable grazing land: *Provided*, That the remaining area to which any Indian may be entitled under existing law after he shall have received his proportion of irrigable land on the basis of equalization herein established may be allotted to him from nonirrigable agricultural or grazing lands: *Provided further*, That where a treaty or act of Congress setting apart such reservation provides for allotments in severalty in quantity greater or less than that herein authorized, the President shall cause allotments on such reservations to be made in quantity as specified in such treaty or act subject, however, to the basis of equalization between irrigable and nonirrigable lands established herein, but in such cases allotments may be made in quantity as specified in this act, with the consent of the Indians expressed in such manner as the President in his discretion may require."

36 Stat., 830.
Area increased.

In irrigation projects.

Provisos.
Remainder on non-irrigable lands.

Treaty allotments.

Allotments not in reservations.
26 Stat., 795, amended.
Vol. 1, p. 56.

"SEC. 4. That where any Indian entitled to allotment under existing laws shall make settlement upon any surveyed or unsurveyed lands of the United States not otherwise appropriated, he or she shall be entitled, upon application to the local land office, for the district in which the lands are located, to have the same allotted to him or her and to his or her children in manner as provided by law for allotments

to Indians residing upon reservations, and such allotments to Indians on the public domain as herein provided shall be made in such areas as the President may deem proper, not to exceed, however, forty acres of irrigable land or eighty acres of nonirrigable agricultural land or one hundred sixty acres of nonirrigable grazing land to any one Indian; and when such settlement is made upon unsurveyed lands the grant to such Indians shall be adjusted upon the survey of the lands so as to conform thereto, and patent shall be issued to them for such lands in the manner and with the restrictions provided in the act of which this is amendatory. And the fees to which the officers of such local land office would have been entitled had such lands been entered under the general laws for the disposition of the public lands shall be paid to them from any moneys in the Treasury of the United States not otherwise appropriated, upon a statement of an account in their behalf for such fees by the Commissioner of the General Land Office, and a certification of such account to the Secretary of the Treasury by the Secretary of the Interior."

SEC. 18. That the last clause of the fifth paragraph of section twenty-seven of the Indian appropriation act of April fourth, nineteen hundred and ten, be, and it is hereby, amended so as to read as follows: "and the money so paid shall be subject to the provisions of the act entitled 'An act to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation in the State of Wyoming, and to make appropriations for carrying the same into effect,' approved March third, nineteen hundred and five."

SEC. 19. That sections four hundred and sixty-eight, four hundred and sixty-nine, and two thousand and ninety-one of the Revised Statutes of the United States be, and they are hereby, repealed.

SEC. 20. That the following sections in the following acts making appropriations for the current and contingent expenses of the Indians service, to wit: Section eight of the act of March third, eighteen hundred and seventy-five; section eight of the act of March second, eighteen hundred and ninety-five; section eight of the act of March third, nineteen hundred and one; and section six of the act of May twenty-seventh, nineteen hundred and two, be, and they are hereby, repealed.

SEC. 21. That the Secretary of the Interior is hereby authorized to expend for their benefit or pay to the Indians of the Sisseton and Wahpeton tribe, per capita in cash, the balance of the funds in the Treasury arising from the proceeds of sale of Sioux Indian lands in Minnesota and Dakota, the use of which is controlled by section four of the act of March third, eighteen hundred and sixty-three, said sum being ten thousand and fifty-five dollars and forty-nine cents.

SEC. 22. That section six of the Indian appropriation act of July first, eighteen hundred and ninety-eight, be, and it is hereby, amended so as read as follows:

"SEC. 6. That whenever there is on hand at any of the Indian reservations Government property not required for the use and benefit of the Indians on such reservations, the Secretary of the Interior is authorized to cause any such property to be transferred to any other Indian reservation where it may be used advantageously, or to cause it to be sold and the proceeds thereof deposited and covered into the Treasury in conformity with section thirty-six hundred and eighteen of the Revised Statutes of the United States."

SEC. 23. That hereafter the purchase of Indian supplies shall be made in conformity with the requirements of section thirty-seven hundred and nine of the Revised Statutes of the United States: *Provided*, That so far as may be practicable Indian labor shall be employed, and purchases of the products of Indian industry may be made in open market in the discretion of the Secretary of the Interior.

Amount allowed.

Trust patents to issue.

Payment of fees from the Treasury.

Shoshone Reservation, Wyo.
Use of proceeds from lands corrected.
36 Stat., 288, amended, ante, p. 448.
33 Stat., 1020.
Ante, p. 117.

Reports abolished.
R. S. secs. 468, 469, 2091 repealed.

36 Stat., 861.
Additional.

18 Stat., 450, vol. 1, p. 25.

28 Stat., 908, vol. 1, 567.

31 Stat., 1085, vol. 1, 743.

32 Stat., 274.

Sisseton and Wahpeton Sioux.
Balance of funds per capita.

12 Stat., 819.

Surplus property on reservations.
30 Stat., 596, amended, vol. 1, p. 101.
Transfers authorized.

Proceeds from sales to be covered in.

R. S., sec. 3618.

Indian supplies.
Purchases under regular contracts.
R. S., sec. 3709.

Proviso.
Indian labor and products.

All acts and parts of acts in conflict with the provisions of this section are hereby repealed.

Red Lake Indian reservation, Minn.
Grant of lands to Minneapolis, Red Lake and Manitoba Railway Company.

SEC. 24. That the act entitled "An act to allow the Minneapolis, Red Lake and Manitoba Railway Company to acquire certain lands in the Red Lake Indian Reservation, Minnesota," approved February eighth, nineteen hundred and five, be, and the same is hereby, amended by adding at the end thereof a section reading as follows:

Patent for selected lands.
33 Stat., 709, ante, p. 114.

"SEC. 7. After said company shall have filed maps of definite location and the same shall have been approved by the Secretary of the Interior, as provided in section three, and compensation shall have been made to the tribes of Indians and occupants, as provided in section two, the Secretary of the Interior shall cause a patent for the land selected and taken to be issued to said company, the same to be in proper form to show the title vested in the company to the land selected by the terms of the grant in this act contained."

Kiowa, etc., pasture lands, Okla.
35 Stat., 456, ante, p. 369.

SEC. 25. That section twenty-four of the act of May twenty-ninth, nineteen hundred and eight (Thirty-fifth Statutes at Large, page four hundred and forty-four), be amended to read as follows:

Allotment to children of enrolled members, born since June 5, 1906.

"SEC. 24. That the Secretary of the Interior shall cause an allotment of one hundred and sixty acres to be made under the provisions of the act of June fifth, nineteen hundred and six, to each child of Indian parentage born since that date who has not heretofore received an allotment, and whose father or mother was a duly enrolled member of either the Kiowa, Comanche, or Apache tribe of Indians in Oklahoma and entitled to allotment under the provisions of the act of June sixth, nineteen hundred; said allotments to be made from the tracts of land remaining unsold in the 'pasture reserves' in the former Kiowa, Comanche, and Apache Reservation: *Provided*, That if there is not sufficient land remaining unsold in said tracts to give an allotment of one hundred and sixty acres to each child entitled, said allotment shall be made in such areas as the existing acreage will permit, each child entitled to be given his proportionate share, as nearly as practicable."

Proviso.
Proportionate share if area insufficient.
36 Stat., 862.

Mildred McIntosh Creek Indian.
Sales by guardian confirmed.

SEC. 26. That all sales and conveyances made by Bunnie McIntosh, legal guardian of Mildred McIntosh, a minor, mixed-blood Creek Indian, under decree of the United States court of the western district of the Indian Territory, sitting at Wewoka, rendered on the ninth day of July, nineteen hundred and seven, and sold on the twenty-seventh and twenty-eighth days of September, nineteen hundred and seven, and conveying various portions of the north half of the southeast quarter of section thirteen, township eleven north, range nine east of said lands, adjoining the town of Okemah, be, and the same are hereby, validated, and all restrictions upon said lands heretofore placed by act of Congress are removed.

Chippewa Indian reservations, Minn.
Sales of timber on pine lands.
25 Stat., 644, vol. 1, 304.

SEC. 27. That where the Secretary of the Interior has offered for sale the pine timber on lands classified as "pine lands" in the ceded Chippewa Indian reservations in the State of Minnesota, either under the provisions of section five of the act of Congress approved January fourteenth, eighteen hundred and eighty-nine, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota" (Twenty-fifth Statutes at Large, page six hundred and forty-two), or under the provisions of the act of Congress amendatory thereof approved June twenty-seventh, nineteen hundred and two, entitled "An act to amend an act entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' approved January fourteenth, eighteen hundred and eighty-nine" (Thirty-second Statutes at Large, page four hundred), or shall hereafter offer for sale the timber on any such "pine lands" under the act last described, and the same remains unsold, he shall be authorized to sell the timber unsold at any such offering, after insert-

32 Stat., 401, vol. 1, 757.

Disposal of unsold timber.

ing notice of the proposed offering once each week for four consecutive weeks in not less than six newspapers or trade journals of general circulation, the first publication of said notice to be at least three calendar months prior to the sale: *Provided*, That this provision shall supersede any other provision of law with reference to the advertising of Chippewa Indian pine-timber lands for sale: *Provided also*, That printed copies of the rules and regulations and a schedule of the lands and timber shall be furnished applicants therefor at least thirty days prior to the sale: *And provided further*, That except as herein modified the sale shall be conducted in accordance with the provisions of the said act of June twenty-seventh, nineteen hundred and two. That should there be unsold pine timber on lands classified as "pine lands" after a reoffering under this act, the Secretary of the Interior is hereby authorized, if he deems it advisable, to open the lands on which such timber is located to homestead settlement, in accordance with the provisions of section six of said act of January fourteenth, eighteen hundred and eighty-nine, with the condition that the settler shall, at the time of making his original homestead entry, pay for the timber at a rate per thousand feet to be fixed by the Secretary of the Interior, which shall not be less than the minimum price provided by existing law, such payment to be in addition to the price required by law to be paid for the land, the amount of timber to be determined in accordance with existing Government estimates, or to be reestimated, if deemed advisable by the Secretary of the Interior, in such manner as he may prescribe and by such agents as he may designate under the authority of the said act of June twenty-seventh, nineteen hundred and two: *Provided, however*, That nothing herein shall be held to authorize the opening to settlement or entry of any land included in the National Forest created by the act approved May twenty-third, nineteen hundred and eight, entitled "An act amending the act of January fourteenth, eighteen hundred and eighty-nine, and acts amendatory thereof, and for other purposes."

SEC. 28. That the Secretary of the Interior be, and he hereby is, authorized and directed to withdraw from entry and settlement the northeast quarter and the northeast quarter of the northwest quarter and lots numbered one and two, in section sixteen, township one hundred and forty-seven north, range twenty-six west, in the State of Minnesota, and to reserve said land as a permanent village site for the Winnibigoshish band of Chippewa Indians of Minnesota.

SEC. 29. That the Secretary of the Interior be, and he is hereby, authorized to classify and appraise, under such rules and regulations as he may prescribe, all of the vacant, unallotted, and unreserved lands of the Flathead Indian Reservation, in the State of Montana, which have not been classified and appraised as provided for by the act of Congress approved April twenty-third, nineteen hundred and four, entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," and the classification and appraisal made hereunder shall be of the same effect as provided for in said act; and the said Secretary is hereby authorized to dispose of all lands classified as "barren," "burned over," and "containing small timber," under such rules and regulations as he may prescribe, at not less than their appraised value.

SEC. 30. That section two of the act of March twenty-second, nineteen hundred and six, authorizing allotments on the Colville Indian Reservation, be, and the same hereby is, amended so as to authorize allotments to be made to Indians on the diminished Colville Reservation, in the State of Washington, entitled to allotments under existing laws in conformity with the general allotment laws as amended by section seventeen of this act.

Advertisements.

Provisos.
Other provisions superseded.

Schedules, etc., to applicants.

Conduct of sales.

Opening to homestead entry.

25 Stat., 644, vol. 1, 304.

Additional payment for timber.

32 Stat., 400, vol. 1, 756.
Lands in National Forest excluded.

35 Stat., 268, ante, p. 346.

36 Stat., 803.

Winnibigoshish band of Chippewas, Minn.
Village site reserved for.Flathead Reservation, Mont.
Classification, etc., of vacant, etc., lands.

33 Stat., 302, ante, p. 79.

Disposal of.

Colville Reservation, Wash.
34 Stat., 80, ante, 163.
Allotments to Indians of diminished reservation.

36 Stat., 859, ante, p. 479.

National forests.
Allotments to Indians living in.

SEC. 31. That the Secretary of the Interior is hereby authorized, in his discretion, to make allotments within the national forests in conformity with the general allotment laws as amended by section of this act, to any Indian occupying, living on, or having improvements on land included within any such national forest who is not entitled to an allotment on any existing Indian reservation, or for whose tribe no reservation has been provided, or whose reservation was not sufficient to afford an allotment to each member thereof.

Applications, etc.

All applications for allotments under the provisions of this section shall be submitted to the Secretary of Agriculture, who shall determine whether the lands applied for are more valuable for agricultural or grazing purposes than for the timber found thereon; and if it be found that the lands applied for are more valuable for agricultural or grazing purposes, then the Secretary of the Interior shall cause allotment to be made as herein provided.

Five Civilized Tribes.
Title to lands deeded to deceased Indians.

SEC. 32. Where deeds to tribal lands in the Five Civilized Tribes have been or may be issued, in pursuance of any tribal agreement or act of Congress, to a person who had died, or who hereafter dies before the approval of such deed, the title to the land designated therein shall inure to and become vested in the heirs, devisees, or assigns of such deceased grantee as if the deed had issued to the deceased grantee during life.

Provisions not affecting Osages, etc.

SEC. 33. That the provisions of this act shall not apply to the Osage Indians, nor to the Five Civilized Tribes, in Oklahoma, except as provided in section thirty-two.

Approved, June 25, 1910.

JOINT RESOLUTIONS OF THE SIXTY-FIRST CONGRESS, SECOND SESSION, 1910.

Jan. 19, 1910.
[H. J. Res. 103.]

[Pub. Res., No. 9.]
36 Stat., 871.

[No. 3.] Joint resolution authorizing an investigation of the Department of the Interior and its several bureaus, officers, and employees, and of the Bureau of Forestry, in the Department of Agriculture, and its officers and employees.

Interior Department and Forest Service.
Joint Congressional Committee created to investigate disposal of public lands, etc.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That a joint committee of both Houses of Congress is hereby created, to be composed of six Members of the Senate, to be appointed by the President thereof, and six Members of the House of Representatives, to be elected by that body. Any vacancy occurring on the committee shall be filled in the same manner as the original appointment. The said committee is hereby empowered and directed to make a thorough and complete investigation of the administration, action, and conduct of the Department of the Interior and its several bureaus, officers, and employees, and of the Bureau of Forestry, in the Department of Agriculture, and its officers and employees, touching, relating to, or bearing upon the reclamation, conservation, management, and disposal of the lands of the United States, or any lands held in trust by the United States for any purpose, including all the resources and appurtenances of such lands, and said committee is authorized and empowered to make any further investigation touching said Interior Department, its bureaus, officers, and employees, and of said Bureau of Forestry, its officers, and employees as it may deem desirable. Said committee or any subcommittee thereof is hereby empowered to sit and act during the session or recess of Congress, or of either House thereof; to require by subpoena, or otherwise, the attendance of witnesses and the production of books, documents, and papers; to take the testimony of witnesses under oath; to obtain documents, papers, and other information from the several departments of the Government, or any bureau thereof; to employ stenographers to take and make a record of all evidence taken and received by the committee, and to keep a record of

36 Stat., 872.

Powers.

its proceedings; to have such evidence, record, and other matter required by the committee printed and suitably bound; and to employ such assistance as may be deemed necessary. The chairman of the committee, or any member thereof, may administer oaths to witnesses. Subpœnas for witnesses shall be issued under the signature of the chairman of the committee or the chairman of any subcommittee thereof. And in case of disobedience to a subpœna this committee may invoke the aid of any court of the United States or of any of the Territories thereof or of the District of Columbia or the district of Alaska, within the jurisdiction of which any inquiry may be carried on by said committee in requiring the attendance and testimony of witnesses and the production of books, papers, and documents under the provisions of this resolution. And any such court within the jurisdiction of which the inquiry under this resolution is being carried on may, in case of contumacy or refusal to obey a subpœna issued to any person under authority of this resolution issue an order requiring such person to appear before said committee and produce books and papers if so ordered and give evidence touching the matter in question, and any failure to obey such order of the court may be punished by such court as a contempt thereof. The claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness from testifying, but such evidence or testimony shall not be used against such person on the trial of any criminal proceeding except in prosecution for perjury committed in giving such testimony. In addition to being subject to punishment for contempt, as hereinbefore provided, every person who, having been summoned as a witness by authority of said committee, or any subcommittee thereof, willfully makes default, or who, having appeared, refuses to answer any questions pertinent to the investigation herein authorized, shall be deemed guilty of a misdemeanor and, upon conviction thereof, be punished by a fine of not more than one thousand dollars nor less than one hundred dollars, and imprisonment in a common jail for not more than one year nor less than one month.

Any official, or ex-official, of the Department of the Interior, or of the Bureau of Forestry, in the Department of Agriculture, whose official conduct is in question, may appear and be heard before the said joint committee, or any subcommittee thereof, in person or by counsel.

All hearings by and before said joint committee or any subcommittee thereof shall be open to the public. The said joint committee shall conclude its investigation and report to this Congress all the evidence taken and received and their findings and conclusions thereon. The sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the necessary expenses of said joint committee, the said sum to be disbursed by the Secretary of the Senate upon vouchers to be approved by the chairman of the committee.

Approved, January 19, 1910.

Oaths.

Attendance of witnesses.

Criminating testimony.

Punishment for refusing to testify, etc.

Counsel allowed officials.

Hearings, etc.

Appropriation.

[No. 5.] Joint resolution authorizing the Secretary of the Interior to pay to the Winnebago Tribe of Indians interest accrued since June thirtieth, nineteen hundred and nine.

Jan. 20, 1910.
[S. J. Res. 58.]

[Pub. Res., No. 11.]
36 Stat., 873.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to advance from any moneys in the Treasury not otherwise appropriated a sufficient sum to pay to the members of the Winnebago Tribe of Indians in Nebraska and Wisconsin, as hereinafter provided, their shares of the interest which has accrued since June thirtieth, nineteen hundred and nine,

Winnebago Indians,
Nebr. and Wis.
Appropriation for accrued interest to enrolled members.

and which will accrue up to and including June thirtieth, nineteen hundred and ten, on the capitalized fund of eight hundred and eighty-three thousand two hundred and forty-nine dollars and fifty-three cents placed to the credit of the tribe by a provision in the Indian appropriation act approved March third, nineteen hundred and nine (Thirty-fifth Statutes at Large, page seven hundred and eighty-one), and the Secretary of the Interior is hereby directed to pay immediately said shares of interest to the members of the tribe whose names appear on the latest annuity pay rolls in the Office of Indian Affairs, with such changes as may have been caused by subsequent births and deaths.

35 Stat., 798, ante, p. 405.

New enrollment to be basis of future payments.

That after June thirtieth, nineteen hundred and ten, any interest payments that may be made on the capitalized fund of the Winnebago Tribe shall be made on the basis of the new enrollment provided for in the said act of March third, nineteen hundred and nine.

Approved, January 20, 1910.

Apr. 12, 1910.
[S. J. Res. 91.]

[Pub. Res., No. 26.]
36 Stat., 877.

[No. 20.] Joint resolution amending a "Joint resolution authorizing the Secretary of the Interior to pay to the Winnebago Tribe of Indians interest accrued since June thirtieth, nineteen hundred and nine," approved January twentieth, nineteen hundred and ten (Senate joint resolution numbered fifty-eight).

Winnebago Indians, Nebr.
Payment of Omaha and Winnebago Agency from interest on.
36 Stat., 873, amended; ante, p. 485.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the "Joint resolution numbered fifty-eight, approved January twentieth, nineteen hundred and ten, authorizing the Secretary of the Interior to pay to the Winnebago tribe of Indians interest accrued since June thirtieth, nineteen hundred and nine," be, and the same is hereby, amended by adding after the last word thereof the following: But the Secretary of the Interior is hereby authorized to reserve from the interest of the Winnebagoes in Nebraska a sufficient amount to pay their proportion of the necessary expenses of the Omaha and Winnebago Agency, and to expend the same therefor.

Approved, April 12, 1910.

PRIVATE ACTS OF THE SIXTY-FIRST CONGRESS, SECOND SESSION, 1910.

Apr. 22, 1910.
[S. 5787.]

[Private, No. 51.]
36 Stat., part 2, p. 238.

Frank H. Pequette.
Allotted lands in Fort Bois Indian Reservation, Minn.

CHAP. 190.—An act authorizing the Secretary of the Interior to make allotment to Frank H. Pequette.

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 to allot to Frank H. Pequette, an Indian, not to exceed eighty acres of vacant unallotted land within the Bois Fort Indian Reservation, in the State of Minnesota, and to issue to said Frank H. Pequette a patent in fee for such lands as may be allotted to him.

Approved, April 22, 1910.

PUBLIC ACTS OF THE SIXTY-FIRST CONGRESS, THIRD SESSION, 1910-1911.

Dec. 19, 1910.
[H. R. 27400.]

[Public, No. 324.]
36 Stat., 887.

James F. Rowell.
Issue of land patent to, revoked.
36 Stat., 534, ante, p. 467.

CHAP. 3.—An act to repeal an act authorizing the issuance of a patent to James F. Rowell.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the proviso to section three of the act approved June seventeenth, nineteen hundred and ten, entitled "An act to open to settlement and entry under the general provisions of the homestead laws of the United States cer-

tain lands in the State of Oklahoma, and for other purposes," which proviso reads as follows: "That the Secretary of the Interior is hereby authorized and directed to issue a patent in fee for northwest quarter of section thirty, township two north, range eleven, West Indian meridian, Comanche County, Oklahoma, to James F. Rowell, a full member of the Kiowa, Comanche, and Apache tribes of Indians of Oklahoma, who has heretofore received no allotment of land from any source; this to be in lieu of all claims to any allotment of land or money settlement in lieu of an allotment." be, and the same is hereby, repealed.

Approved, December 19, 1910.

CHAP. 91.—An act authorizing homestead entries on certain lands formerly a part of the Red Lake Indian Reservation, in the State of Minnesota.

Feb. 16, 1911.
[H. R. 3222.]

[Public, No. 382.]
36 Stat., 913.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter all lands ceded under the act entitled "An act to authorize the sale of what is known as the Red Lake Indian Reservation, in Minnesota," approved February twentieth, nineteen hundred and four, and undisposed of, shall be subject to homestead entry at the price of four dollars per acre, payable as provided in section three of said act, for all lands not heretofore entered; and for all lands embraced in canceled entries the price shall be the same as that at which they were originally entered: *Provided,* That where such entries have been or shall hereafter be canceled pursuant to contests, the contestant shall have a preference right to enter the land embraced in such canceled entry, as prescribed in the act of July twenty-sixth, eighteen hundred and ninety-two: *Provided further,* That all lands entered under this act shall, in addition to the payments herein provided for, be subject to drainage charges, if any, authorized under the act entitled "An act to authorize the drainage of certain lands in the State of Minnesota," approved May twentieth, nineteen hundred and eight. (Twenty-seventh Statutes, page two hundred and seventy.)¹

Public Lands.
Homestead entries
on ceded Red Lake
Indian Reservation,
Minn.
33 Stat., 46, ante p.
28.

Provisos.
Preference rights to
contestants.
27 Stat., 270.

Drainage charges.
35 Stat., 169.

Approved, February 16, 1911.

CHAP. 143.—An act to ratify a certain lease with the Seneca Nation of Indians.

Feb. 21, 1911.
[H. R. 31056.]

[Public, No. 408.]
36 Stat., 927.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a lease bearing date August tenth, nineteen hundred and ten, between the Seneca Nation of Indians on the Cattaraugus and Allegany Reservations, in the State of New York, and Edward Bolard, of Cattaraugus County, New York, is hereby ratified and confirmed: *Providea,* That the lessee or his assigns shall file a bond for the benefit of the lessor in the sum of twenty-five thousand dollars for the faithful performance of the terms of said lease, to be approved by the Secretary of the Interior.

Seneca Indians, N. Y.
Lease with Edward
Bolard ratified.

Proviso.
Bond required.

Approved, February 21, 1911.

CHAP. 210.—An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June thirtieth, nineteen hundred and twelve.

Mar. 3, 1911.
[H. R. 28406.]

[Public, No. 454.]
36 Stat., 1058.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated out of any money in the Treasury not otherwise appropriated for the purpose of paying the current and

Indian Department
appropriations.

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|--|---|
| 36 Stat., 1059. | contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and in full compensation for all offices the salaries for which are provided for herein for the service of the fiscal year ending June thirtieth, nineteen hundred and twelve, namely: |
| Surveys, etc., for allotments in severalty. 24 Stat., 388, vol. 1, p. 33. | For the survey, resurvey, and classification of lands to be allotted in severalty under the provisions of the act of February eighth, eighteen hundred and eighty-seven, entitled "An act to provide for the allotment of lands in severalty to Indians," and under any other act or acts providing for the survey and allotment of lands in severalty to Indians, including the necessary clerical work incident thereto and to the issuance of all patents in the field and in the Office of Indian Affairs, and to the delivery of trust patents for allotments under said act or any such act or acts; and for the survey and subdivision of Indian reservations and lands to be allotted to Indians under authority of law, two hundred and fifteen thousand dollars, to be repaid proportionately out of any Indian moneys held in trust or otherwise by the United States and available by law for such reimbursable purpose and to remain available until expended. |
| Surveying reservations, etc., for allotments. Repayments. | For the construction, repair, and maintenance of ditches, reservoirs, and dams, purchase and use of irrigation tools and appliances, water rights, ditches, lands necessary for canals, pipe lines and reservoirs for Indian reservations and allotments, and for drainage and protection of irrigable lands from damage by floods, three hundred and fourteen thousand three hundred dollars, to remain available until expended: <i>Provided</i> , That no part of this appropriation shall be expended on any irrigation system or reclamation project for which specific appropriation is made in this act or for which public funds are or may be available under any other act of Congress: <i>Provided further</i> , That nothing herein contained shall be construed to prohibit reasonable expenditures from this appropriation for preliminary surveys and investigations to determine the feasibility and estimated cost of new projects, for investigations and surveys for power and reservoir sites on Indian reservations in accordance with the provisions of section thirteen of the act of June twenty-fifth, nineteen hundred and ten, or to prevent the Bureau of Indian Affairs from having the benefit of consultation with engineers in other branches of the public service or carrying out existing agreements with the Reclamation Service; for pay of one chief inspector of irrigation, who shall be a skilled irrigation engineer, four thousand dollars; one assistant inspector of irrigation, who shall be a skilled irrigation engineer, two thousand five hundred dollars; for traveling expenses of two inspectors of irrigation, at three dollars per diem when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses authorized by law, and for incidental expenses of negotiation, inspection, and investigation, including telegraphing and expense of going to and from the seat of government and while remaining there under orders, four thousand two hundred dollars; in all, three hundred and twenty-five thousand dollars: <i>Provided also</i> , That not to exceed seven superintendents of irrigation, who shall be skilled irrigation engineers, may be employed. |
| Irrigation. | |
| Available till expended. Provisos. Use restricted. | |
| Preliminary surveys, etc. | |
| Power and reservoir sites. 36 Stat., 858; ante, p. 478. | |
| Consultation with other bureaus. | |
| Irrigation inspectors. | |
| Superintendents of irrigation. | |
| Suppressing liquor traffic. | For the suppression of the traffic in intoxicating liquors among Indians, seventy-five thousand dollars. |
| Relief of distress, preventing diseases, etc. | To relieve distress among Indians and to provide for their care and for the prevention and treatment of tuberculosis, trachoma, small-pox, and other contagious and infectious diseases, including the purchase of vaccine and expense of vaccination, sixty thousand dollars. |
| Support of schools. | For support of Indian day and industrial schools, not otherwise provided for, and for other educational and industrial purposes in connection therewith, one million four hundred and twenty thousand dollars. |

For construction, lease, purchase, repairs, and improvements of school and agency buildings, and for sewerage, water supply, and lighting plants, and for purchase of school sites, four hundred and twenty-five thousand dollars: *Provided*, That the Secretary of the Interior shall report annually to Congress the amount expended at each school and agency for the purposes herein authorized: *Provided further*, That on the first Monday in December, nineteen hundred and eleven, the Secretary of the Interior shall transmit to Congress a report in respect to all school and agency properties entitled to share in appropriations, general or specific, made in this act and such report shall show specifically the cost investment in such properties as of July first, nineteen hundred and eleven, including appropriations made available by this act, (1) for the purchase, construction, or lease of buildings, including water supply, sewerage, and heating and lighting plants; the purchase or lease of lands; the purchase or construction of irrigation systems for the irrigation of such school or agency lands; and for the equipment of all such plants for the promotion of industrial education, including agricultural implements, live stock, and the equipment for shops, laundries, and domestic science; (2) the physical condition of such plants and their equipment; (3) an estimate of expenditures necessary for (a) new buildings, (b) improvements, equipment and repairs necessary for the upkeep of such plants; and (4) a statement of the quantity and market value of the products derived from the operation of such plants for the fiscal year nineteen hundred and eleven and the disposition of the same. The Secretary of the Interior shall accompany such report with a recommendation supported by a statement of his reasons therefor as to the necessity or advisability of continuing or discontinuing each such school or agency plant.

For collection and transportation of pupils to and from Indian schools, and for the transportation of Indian pupils from any and all Indian schools and placing them, with the consent of their parents, under the care and control of white families qualified to give such pupils moral, industrial, and educational training, eighty-two thousand dollars: *Provided*, That not to exceed five thousand dollars of this amount may be used in the transportation and placing of Indian pupils in positions where remunerative employment may be found for them in industrial pursuits. The provisions of this section shall also apply to native pupils of school age under twenty-one years of age brought from Alaska.

All moneys appropriated herein for school purposes among the Indians may be expended, without restriction as to per capita expenditure, for the annual support and education of any one pupil in any school.

To conduct experiments on Indian school or agency farms designed to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, and fruits, for the purposes of preserving living and growing timber on Indian reservations and allotments, and to advise the Indians as to the proper care of forests: *Provided*, That this shall not, as to timber, apply to the Menominee Indian Reservation in Wisconsin or the Red Lake Indian Reservation in Minnesota; for the employment of suitable persons as matrons, to teach Indian women housekeeping and other household duties, and for furnishing necessary equipments and renting quarters for them where necessary; for the employment of practical farmers and stockmen, in addition to the agency and school farmers now employed; and to superintend and direct farming and stock raising among Indians, four hundred thousand dollars: *Provided further*, That not to exceed five thousand dollars of the amount herein appropriated shall be used to conduct experiments on Indian school or agency farms to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, and

36 Stat., 1060.
Constructing school
and agency buildings.

Provisos.
Report of expenditures.

Report to be submitted
on all school and
agency properties.

Details.

Recommendation on
continuance, etc.

Transporting, etc.,
pupils.

Proviso.
Positions for pupils.

No per capita restriction.

Agricultural experiments.

Care of forests.

Provisos.
Restriction.

Matrons.

Farmers and stockmen.

Testing soils, etc.

- 36 Stat., 1061.
Amounts to matrons,
etc.
30 Stat., 90, vol. 1, 89.
Annual cost account.
- fruits: *Provided, also*, That the amounts paid to matrons, farmers, and stockmen herein provided for shall not be included within the limitation on salaries and compensation of employees contained in the act of June seventh, eighteen hundred and ninety-seven: *Provided still further*, That hereafter the Secretary of the Interior shall transmit to Congress annually on the first Monday in December a cost account for the preceding fiscal year relating to the use of appropriations made for the purposes herein provided for.
- Supplies.
All expenses of purchase, etc.
- For the purchase of goods and supplies for the Indian service, including inspection, pay of necessary employees, and all other expenses connected therewith, including advertising, storage, and transportation of Indian goods and supplies, two hundred and eighty-five thousand dollars.
- Telegraphing, etc.
Proviso.
Use for general telegraphing, etc., for current year.
36 Stat., 272, ante, p. 431.
- For general expenses for telegraphing and telephoning in the Indian service, fourteen thousand dollars: *Provided*, That the amount appropriated in the Indian appropriation act approved April fourth, nineteen hundred and ten, for telegraphing and telephoning in connection with the purchase of goods and supplies for the Indian service, is hereby made available to cover all general expenses for telegraphing and telephoning in the Indian service that have been or may be incurred during the fiscal year nineteen hundred and eleven.
- Legal expenses in suits involving allotted lands, etc.
Proviso.
No attorney fees.
- For witness fees and other legal expenses incurred in suits instituted in behalf of or against Indians involving the question of title to lands allotted to them, or the right of possession of personal property held by them, two thousand five hundred dollars: *Provided*, That no part of this appropriation shall be used in the payment of attorney fees.
- Citizen commission.
- For expenses of the Board of Indian Commissioners, four thousand dollars, including not to exceed three hundred dollars for office rent.
- Interpreters.
Indian police.
- For payment of necessary interpreters, eight thousand dollars.
For payment of Indian police, including chiefs of police at not to exceed fifty dollars per month each, and privates at not to exceed thirty dollars per month each, to be employed in maintaining order, and for the purchase of equipments and rations for policemen at nonration agencies, two hundred thousand dollars.
- Judges, Indian courts.
- For compensation of judges of Indian courts, twelve thousand dollars.
- Contingencies.
- For contingencies of the Indian service; for traveling and incidental expenses of the Commissioner of Indian Affairs and other officers and employees in the Indian service, including clerks detailed from the Bureau of Indian Affairs for special service in the field; for traveling and incidental expenses of special agents, at three dollars per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses, including expenses of going to and from the seat of government and while remaining there under orders; for pay of employees not otherwise provided for; and for pay of special agents, at two thousand dollars per annum each, one hundred and fifteen thousand dollars.
- Encouraging farming industry among Indians.
- There is hereby appropriated the sum of thirty thousand dollars, or so much thereof as may be necessary, to be immediately available, for the purpose of encouraging industry among Indians, and to aid them to engage in the culture of fruits, grains, and other crops. The said sum may be used for the purchase of animals, machinery, tools, implements, and other agricultural equipment: *Provided*, That the sum hereby appropriated shall be expended subject to the conditions to be prescribed by the Secretary of the Interior for its repayment to the United States, on or before June thirtieth, nineteen hundred and eighteen, and all repayments to this fund made on or before June thirtieth, nineteen hundred and seventeen, are hereby appropriated for the same purpose as the original fund, and the
- Provisos.
Repayment.
- Reuse of fund.

entire fund, including such repayments, shall remain available until June thirtieth, nineteen hundred and seventeen, and all repayments to the fund hereby created which shall be made subsequent to June thirtieth, nineteen hundred and seventeen, shall be covered into the Treasury and shall not be withdrawn or applied except in consequence of a subsequent appropriation made by law: *Provided further*, That the Secretary of the Interior shall submit to Congress annually on the first Monday in December a detailed report of the use of this fund: *Provided still further*, That the Secretary of the Interior shall close the account known as the civilization fund created by article one of the treaty with the Osage Indians, dated September twenty-ninth, eighteen hundred and sixty-five (Fourteenth Statutes at Large, page six hundred and eighty-seven), and cause the balance of any unexpended moneys in that fund to be covered into the Treasury, and thereafter it shall not be withdrawn or applied except in consequence of a subsequent appropriation by law; and that section eleven of the Indian appropriation act for the fiscal year eighteen hundred and ninety-eight, approved June seventh, eighteen hundred and ninety-seven (Thirtieth Statutes at Large, page ninety-three), is hereby repealed.

36 Stat., 1062.

Detailed report.

Osage civilization fund covered into the Treasury.
14 Stat., 687, vol. 2, 878.Supplying insufficient funds repealed.
30 Stat., 93, vol. 1, p. 80.

ARIZONA AND NEW MEXICO.

SEC. 2. For support and civilization of Indians on reservations in Arizona and New Mexico, three hundred and thirty thousand dollars.

For continuing the work of constructing an irrigation system for the irrigation of the lands of the Pima Indians in the vicinity of Sacaton, in the Gila River Indian Reservation, one hundred and twenty-five thousand dollars.

For support and education of two hundred Indian pupils at the Indian school at Fort Mojave, and for pay of superintendent, thirty-five thousand one hundred dollars; for general repairs and improvements, four thousand dollars; in all, thirty-nine thousand one hundred dollars.

For support and education of seven hundred Indian pupils at the Indian school at Phoenix, Arizona, and for pay of superintendent, one hundred nineteen thousand four hundred dollars; for general repairs and improvements, eight thousand dollars; in all, one hundred twenty-seven thousand four hundred dollars.

For support and education of one hundred pupils at the Indian school at Truxton Canyon, Arizona, and for pay of superintendent, eighteen thousand two hundred dollars; for general repairs and improvements, three thousand dollars; in all, twenty-one thousand two hundred dollars.

For constructing a bridge across the Little Colorado River on the Navajo Reservation, at or near Tanner's Crossing, Arizona, ninety thousand dollars.

For constructing two bridges across the Rio Grande River, one at or near the Isleta Indian pueblo, New Mexico, and the other at or near San Felipe Indian pueblo, New Mexico, fifty-five thousand dollars: *Provided*, That Indian labor shall be employed as far as practicable in the building of said bridges, and that the limit of cost herein fixed in no event shall be exceeded.

Arizona.

Support, etc., of Indians on reservations.

Gila River Reservation.
Irrigation system.

Fort Mojave school.

Phoenix school.

Truxton Canyon school.

Navajo Reservation.
Bridge, Tanner's Crossing.Rio Grande.
Bridges at Indian pueblos.Proviso.
Indian labor.

CALIFORNIA.

California.

SEC. 3. For support and civilization of Indians in California, including pay of employees, and for the purchase of small tracts of land situated adjacent to lands heretofore purchased, and for improvements on lands for the use and occupancy of Indians in California, fifty-seven thousand dollars.

Support, etc., of Indians.

- 36 Stat., 1063.
Sherman Institute. For support and education of five hundred and fifty Indian pupils at the Sherman Institute, Riverside, California, and for pay of superintendent, ninety-four thousand three hundred and fifty dollars; for new shop building and equipment, ten thousand dollars; for general repairs and improvements, ten thousand dollars; in all, one hundred fourteen thousand three hundred and fifty dollars.
- Yuma and Colorado River Reservations. 33 Stat., 224. Ante, p. 70. The first proviso in section twenty-five of the Indian appropriation act, approved April twenty-first, nineteen hundred and four (Thirty-third Statutes, page two hundred and twenty-four), is hereby amended so that the first sentence in said proviso shall read as follows: "*Provided*, That there shall be reserved for and allotted to each of the Indians belonging on the said reservations ten acres of the irrigable lands;" and there is hereby appropriated the sum of eighteen thousand dollars, or so much thereof as may be necessary, to defray the cost of the irrigation of the increased allotments, for the fiscal year nineteen hundred and twelve: *Provided*, That the entire cost of irrigation of the allotted lands shall be reimbursed to the United States from any funds received from the sale of the surplus lands of the reservations or from any other funds that may become available for such purpose: *Provided further*, That in the event any allottee shall receive a patent in fee to an allotment of land irrigated under this project, before the United States shall have been wholly reimbursed as herein provided, then the proportionate cost of the project to be apportioned equitably by the Secretary of the Interior, shall become a first lien on such allotment, and the fact that such lien shall be recited on the face of each patent in fee issued and the amount of the lien set forth thereon, which said lien, however, shall not be enforced so long as the original allottee, or his heirs, shall actually occupy the allotment as a homestead, and the receipt of the Secretary of the Interior or of the officer, agent, or employee duly authorized by him for that purpose, for the payment of the amount assessed against any allotment as herein provided shall, when duly recorded by the recorder of deeds in the county wherein the land is located, operate as a satisfaction of such lien.
- Provisos. Allotment of irrigable lands increased.
- Cost advanced.
- Reimbursement.
- Advances a lien on allotment.
- Satisfaction.

Florida.

FLORIDA.

- Relief, etc., of Seminoles. SEC. 4. For relief of distress among the Seminole Indians in Florida, and for purposes of their civilization, ten thousand dollars.

Idaho.

IDAHO.

- Fort Hall Reservation. Support, etc., of Indians. Irrigating system. SEC. 5. For support and civilization of the Shoshones, Bannocks Sheepeaters, and other Indians on the Fort Hall Reservation in Idaho, including pay of employees, thirty thousand dollars.
- To complete the work of constructing an irrigating system for the irrigation of lands on the Fort Hall Reservation, Idaho, and lands ceded by the Indians of said reservation, eighty-five thousand dollars, including ten thousand dollars for maintenance, to be immediately available.
- Bannocks. Fulfilling treaty. 15 Stat., 676, vol. 2, 1023. For fulfilling treaty stipulations with the Bannocks in Idaho: For pay of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith (article ten, treaty of July third, eighteen hundred and sixty-eight), five thousand dollars.
- Coeur d'Alenes. Fulfilling treaty. 26 Stat., 1029, vol. 1, 421. For the Coeur d'Alenes, in Idaho: For pay of blacksmith, carpenter, and physician, and purchase of medicines (article eleven, agreement ratified March third, eighteen hundred and ninety-one), three thousand dollars.
- Fort Hall Reservation. The Secretary of the Interior is hereby authorized to cause allotments to be made of the lands on the Fort Hall Indian Reservation in Idaho in areas as follows: To each head of a family whose consort

is dead, forty acres of irrigable land and three hundred and twenty acres of grazing land, and to each other Indian belonging on the reservation or having rights thereon, twenty acres of irrigable land and one hundred and sixty acres of grazing land.

36 Stat., 1064.
Allotment of irrigable and grazing lands.

That the Secretary of the Interior is hereby authorized to set aside and reserve so much of the timber land of the Fort Hall Reservation as he may deem necessary to provide timber for the domestic use of the Indians, not exceeding in aggregate two townships of land; and the said Secretary is hereby authorized to set aside and reserve such lands as may be necessary for agency, school, and religious purposes, not exceeding in aggregate one thousand two hundred and eighty acres of land for agency and school purposes and one hundred and sixty acres for any one religious society, to remain reserved so long as agency, school, or religious institutions are maintained thereon; and the said Secretary is hereby authorized so set aside and reserve certain lands chiefly valuable for the stone quarries situated thereon, not to exceed in aggregate three hundred and twenty acres of land; and authority is hereby granted the said Secretary to lease said stone quarries, or, in his discretion, to operate said quarries for the benefit of the Indians of the Fort Hall Reservation and to sell the stone quarried therefrom, the net proceeds derived from said quarries to be deposited in the Treasury of the United States to the credit of said Indians and expended for their benefit in such manner as the said Secretary may prescribe.

Timber for domestic use of Indians.

Lands for agency, school, etc., purposes.

Stone quarries.

Leases authorized. Operating for benefit of Indians.

That the Secretary of the Interior is hereby authorized in his discretion to make allotments as herein provided within the "Fort Hall Bottoms" grazing reserve to those Indians who have occupied and erected valuable improvements on tracts therein.

Allotments in grazing reserve.

That so much of the act of February twenty-third, eighteen hundred and eighty-nine, entitled "An act to accept and ratify the agreement submitted by the Shoshones, Bannocks, and Sheepeaters, of the Fort Hall and Lemhi Reservations, in Idaho, May fourteenth, eighteen hundred and eighty, and for other purposes," and the provision in section seven of the Indian appropriation act approved April fourth, nineteen hundred and ten, as conflict with the provisions herein are hereby repealed.

Former restrictions repealed.
25 Stat., 688, vol. 1, p. 314.

26 Stat., 275, ante, p. 434.

KANSAS.

Kansas.

SEC. 6. For support and education of seven hundred and fifty Indian pupils at the Indian school, Haskell Institute, Lawrence, Kansas, and for pay of superintendent, one hundred twenty-seven thousand seven hundred and fifty dollars; for general repairs and improvements, ten thousand dollars; in all, one hundred thirty-seven thousand seven hundred and fifty dollars.

Haskell Institute.

For support and education of eighty Indian pupils at the Indian school, Kickapoo Reservation, Kansas, and for pay of superintendent, fourteen thousand eight hundred and sixty dollars; for general repairs and improvements, three thousand dollars; in all, seventeen thousand eight hundred and sixty dollars.

Kickapoo Reservation school.

For fulfilling treaties with the Sacs and Foxes of the Missouri: For support of a school (article five, treaty of March sixth, eighteen hundred and sixty-one), two hundred dollars.

Sacs and Foxes of the Missouri School.
12 Stat., 1172, vol. 2, 812.

MICHIGAN.

Michigan.

SEC. 7. For support and education of three hundred Indian pupils at the Indian school, Mount Pleasant, Michigan, and for pay of superintendent, fifty-one thousand eight hundred dollars; for new lavatories, four thousand dollars; for new dormitory, fifteen thousand dollars; for general repairs and improvements, five thousand dollars; in all, seventy-five thousand eight hundred dollars.

Mount Pleasant school.

Minnesota.

MINNESOTA.

36 Stat., 1065.
Pipestone school.

SEC. 8. For support and education of two hundred and twenty-five Indian pupils at the Indian school, Pipestone, Minnesota, and for pay of superintendent, thirty-nine thousand one hundred and seventy-five dollars; for general repairs and improvements, two thousand five hundred dollars; in all, forty-one thousand six hundred and seventy-five dollars.

Chippewas of the Mis-
sissippi.
Schools.
16 Stat., 720, vol. 2,
295.

For support of a school or schools for the Chippewas of the Mississippi in Minnesota (article three, treaty of March nineteenth, eighteen hundred and sixty-seven), four thousand dollars.

Chippewas of Min-
nesota.
Civilization, etc.
25 Stat., 645, vol. 1,
305.

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of one hundred and sixty-five thousand dollars, or so much thereof as may be necessary, of the principal sum on deposit to the credit of the Chippewa Indians in the State of Minnesota, arising under section seven of the act of January fourteenth, eighteen hundred and eighty-nine, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," and to use the same for the purpose of promoting civilization and self-support among the said Indians in manner and for purposes provided for in said act.

White Earth Band.
Fund for annual cele-
bration.

The Secretary of the Interior is hereby authorized to advance to the executive committee of the White Earth band of Chippewa Indians in Minnesota the sum of one thousand dollars, or so much thereof as may be necessary, to be expended in the annual celebration of said band to be held June fourteenth, nineteen hundred and eleven, out of the funds belonging to said band.

Yankton Sioux, S.
Dak.

Costs of suit for
lands in Minnesota.
36 Stat., 284, ante, p.
443.

There is hereby appropriated the sum of five thousand dollars, or so much thereof as may be necessary, to be immediately available, for the purpose of defraying the cost and expenses, including the compensation of counsel, in the proceedings authorized to be brought in the Court of Claims by provisions in section twenty-two of the Indian appropriation act for the fiscal year nineteen hundred and eleven, approved April fourth, nineteen hundred and ten, between the United States and the Yankton tribe of Indians of South Dakota, to determine the interest, title, ownership, and right of possession of said tribe of Indians in and to certain lands and premises therein described.

That the last clause of section ten of the Indian appropriation act approved April fourth, nineteen hundred and ten, be amended so as to read as follows:

36 Stat., 276; ante, p.
436.
Clearwater River.
Bridge on old Red
Lake Agency Road.
Site changed.

"To enable the Secretary of the Interior to construct a bridge on the old Red Lake Agency Road across Clearwater River in township one hundred and fifty north, of range thirty-seven west, of the fifth principal meridian, one thousand dollars, to be available until expended."

White Earth Band.
Expenses of mem-
bers sent to Washing-
ton.

25 Stat., 645, vol. 1, p.
305.

The Secretary of the Interior is hereby directed to withdraw from the Treasury of the United States the sum of two thousand five hundred dollars, or so much thereof as may be necessary of the principal sum on deposit to the credit of the Chippewa Indians in the State of Minnesota, arising under section seven of the act of January fourteenth, eighteen hundred and eighty-nine, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," to pay the actual and necessary expenses of the members of the White Earth Band of Indians sent by a council of said Indians held December tenth, nineteen hundred and ten, to represent said band in Washington during the third session of the Sixty-first Congress, which expense shall be itemized and verified under oath by Chief Wain-che-mah-dub, of said delegation.

MONTANA.

SEC. 9. For support and civilization of the Indians at Fort Belknap Agency, Montana, including pay of employees, fifteen thousand dollars.

36 Stat., 1066.

Fort Belknap Agency.
Support, etc., of Indians.

For support and civilization of Indians at Flathead Agency, Montana, including pay of employees, nine thousand dollars.

Flathead Agency.
Support, etc., of Indians.

For support and civilization of the Indians at Fort Peck Agency, Montana, including pay of employees, thirty-five thousand dollars.

Fort Peck Agency.
Support, etc., of Indians.

For the Milk River irrigation system on the Fort Belknap Reservation, in Montana, fifteen thousand dollars: *Provided*, That the portion of the cost of this project paid from public funds shall be repaid into the Treasury of the United States as and when funds may be available therefor: *Provided further*, That in the event any allottee shall receive a patent in fee to an allotment of land irrigated under this project, before the United States shall have been wholly reimbursed as herein provided, then the proportionate cost of the project to be apportioned equitably by the Secretary of the Interior, shall become a first lien on such allotment, and the fact of such lien shall be recited on the face of each patent in fee issued and the amount of the lien set forth thereon, which said lien, however, shall not be enforced so long as the original allottee or his heirs shall actually occupy the allotment as a homestead, and the receipt of the Secretary of the Interior, or of the officer, agent, or employee duly authorized by him for that purpose, for the payment of the amount assessed against any allotment as herein provided shall, when duly recorded by the recorder of deeds in the county wherein the land is located, operate as a satisfaction of such lien.

Fort Belknap Reservation.
Irrigation.
Provisos.
Repayment.

Advances a lien on allotments.

Satisfaction.

For the construction of irrigation systems to irrigate the allotted lands of the Indians of the Flathead Reservation, in Montana, and the unallotted irrigable lands to be disposed of under authority of law, including the necessary surveys, plans, and estimates, four hundred thousand dollars.

Flathead Reservation.
Irrigation.

For continuing construction of first unit of irrigation system to irrigate the allotted lands of the Indians of the Blackfeet Indian Reservation in Montana and the unallotted irrigable lands to be disposed of under authority of law, including the necessary surveys, plans, and estimates, one hundred and fifty thousand dollars.

Blackfeet Reservation.
Irrigation system.
Constructing first unit.

For fulfilling treaties with Crows, Montana: For pay of physician, one thousand two hundred dollars, and for pay of carpenter, miller, engineer, farmer, and blacksmith (article ten, treaty of May seventh, eighteen hundred and sixty-eight), three thousand six hundred dollars; for pay of second blacksmith (article eight, same treaty), one thousand two hundred dollars; in all, six thousand dollars.

Crows.
Fulfilling treaty.

15 Stat., 652, vol. 2, 1011.

For subsistence and civilization (agreement with the Sioux Indians, approved February twenty-eighth, eighteen hundred and seventy-seven), including subsistence and civilization of Northern Cheyennes removed from Pine Ridge Agency to Tongue River, Montana, ninety thousand dollars; for pay of physician, two teachers, two carpenters, one miller, two farmers, a blacksmith, and engineer (article seven, treaty of May tenth, eighteen hundred and sixty-eight), nine thousand dollars; in all, ninety-nine thousand dollars.

Northern Cheyennes.
Subsistence, etc.
19 Stat., 256; vol. 1, 170.Physician, etc.
15 Stat., 658, vol. 2, 1014.

For the employment of "line riders" along the southern and eastern boundaries of the Northern Cheyenne Indian Reservation in the State of Montana, one thousand five hundred dollars.

Employing "line riders."

In the issuance of patents for all tracts of land bordering upon Flathead Lake, Montana, it shall be incorporated in the patent that "this conveyance is subject to an easement of one hundred linear feet back from a contour of elevation nine feet above the high-water mark of the year nineteen hundred and nine of Flathead Lake, to remain in the Government for purposes connected with the development of water power."

Flathead Lake.
Easement reserved for water power; amended, post 538.

36 Stat., 1067.

NEBRASKA.

Genoa school.

SEC. 10. For support and education of three hundred Indian pupils at the Indian school at Genoa, Nebraska, and for pay of superintendent, fifty-two thousand one hundred dollars; for repairs to present heating plant, five thousand dollars, to be immediately available; for two new dormitories, thirty-five thousand dollars; for general repairs and improvements, three thousand dollars; in all, ninety-five thousand one hundred dollars.

Nevada.

NEVADA.

Western Shoshone Agency.
Support, etc., of Indians.

SEC. 11. For support and civilization of the Indians of the Western Shoshone Agency, Nevada, including pay of employees, eight thousand dollars.

Carson school.

For support and education of three hundred Indian pupils at the Indian school at Carson City, Nevada, and for pay of superintendent, fifty thousand one hundred dollars; for general repairs and improvements, six thousand dollars; in all, fifty-six thousand one hundred dollars.

Support, etc., of other Indians.

For support and civilization of other Indians, in the State of Nevada, six thousand five hundred dollars; for pay of employees, including physician, at the Walker River Reservation, four thousand dollars; in all, ten thousand five hundred dollars.

New Mexico.

NEW MEXICO.

Albuquerque school.

SEC. 12. For support and education of three hundred Indian pupils at the Indian school at Albuquerque, New Mexico, and for pay of superintendent, fifty-one thousand nine hundred dollars; for general repairs and improvements, nine thousand dollars; for new dormitory for boys, twenty-five thousand dollars; in all, eighty-five thousand nine hundred dollars.

Santa Fe school.

For support and education of three hundred Indian pupils at the Indian school at Santa Fe, New Mexico, and for pay of superintendent, fifty-one thousand nine hundred dollars; for general repairs and improvements, five thousand dollars; for water supply, one thousand six hundred dollars; in all, fifty-eight thousand five hundred dollars.

Pueblo Indians, attorney.

For pay of one special attorney for the Pueblo Indians of New Mexico, one thousand five hundred dollars; for necessary traveling and incidental expenses of said attorney, five hundred dollars; in all, two thousand dollars.

New York.

NEW YORK.

Senecas.
Annuity.
4 Stat., 442.

SEC. 13. For fulfilling treaties with Senecas of New York: For permanent annuity in lieu of interest on stock (act of February nineteenth, eighteen hundred and thirty-one), six thousand dollars.

Six Nations.
Annuity.
4 Stat., 46, vol. 2, 36.

For fulfilling treaties with Six Nations of New York: For permanent annuity, in clothing and other useful articles (article six, treaty of November eleventh, seventeen hundred and ninety-four), four thousand five hundred dollars.

North Carolina.

NORTH CAROLINA.

Cherokee school.

SEC. 14. For support and education of one hundred and eighty Indian pupils at the Indian school at Cherokee, North Carolina, and for pay of superintendent, twenty-six thousand six hundred and fifty dollars; for general repairs and improvements, two thousand dollars; in all, twenty-eight thousand six hundred and fifty dollars.

NORTH DAKOTA.

36 Stat. 1068.

SEC. 15. For support and civilization of the Sioux of Devils Lake, North Dakota, five thousand dollars.

Devils Lake Sioux.
Support, etc.

For support and civilization of Indians at Fort Berthold Agency, in North Dakota, including pay of employees, fifteen thousand dollars.

Fort Berthold
Agency.
Support, etc., of In-
dians.

For support and civilization of Turtle Mountain Band of Chippewas, North Dakota, thirteen thousand dollars.

Turtle Mountain
Chippewas.
Support, etc.

For support and education of four hundred Indian pupils at Fort Totten Indian School, Fort Totten, North Dakota, and for pay of superintendent, sixty-eight thousand five hundred dollars; for hospital, five thousand dollars; for dairy barn, silo, and equipment, three thousand five hundred dollars; for general repairs and improvements, five thousand dollars; in all, eighty-two thousand dollars.

Fort Totten School.

For support and education of one hundred Indian pupils at the Indian school, Wahpeton, North Dakota, and pay of superintendent, eighteen thousand two hundred dollars; for general repairs and improvements, two thousand dollars; additions to dormitories, thirty thousand dollars; in all, fifty thousand two hundred dollars.

Wahpeton School.

For support and education of one hundred Indian pupils at the Indian school, Bismarck, North Dakota, and for pay of superintendent, eighteen thousand two hundred dollars; for general repairs and improvements, two thousand dollars; in all, twenty thousand two hundred dollars.

Bismarck School.

For the purchase of water and irrigation for the growing of trees, shrubs, and garden truck, two thousand five hundred dollars.

Purchase of water.

Any licensed trader on the Standing Rock Indian Reservation in North Dakota, who has any claim against any Indian of said reservation for goods sold to such Indian, may file an itemized statement of said claim with the Indian superintendent. Said superintendent shall forthwith notify said Indian in writing of the filing of said claim and request him to appear within a reasonable time, to be fixed in said notice, and present any objections he may have to the payment thereof, or any offset or any counterclaim thereto.

Standing Rock Res-
ervation.
Claims of licensed
traders against Indians
on, to be filed with su-
perintendent.

If said Indian appears and contests said claim, or any item therein, the said superintendent shall notify the said trader and fix a time for a meeting of the parties thereto, and shall on a hearing thereof use his efforts to secure an agreement as to the amount due between the said parties. If the said Indian shall not appear within the time specified in the notice, the superintendent shall call in the said trader and carefully investigate every item of said account and ascertain the amount due thereon. Any account so ascertained by the superintendent or any account admitted by the Indian shall be and remain an account stated between the parties thereto.

Hearings.

That any moneys which shall thereafter become due to said Indian, by reason of any annuity or other indebtedness from the Government of the United States, or for property sold by or on account of such Indian, and which shall be under the control of the Secretary of the Interior, or any agent or superintendent, shall be paid such Indian only at the agency headquarters. And it shall be the duty of such agent or superintendent to use his influence, advice, and good offices, to the end that such Indian shall as rapidly as his means shall permit, pay the said account stated.

Moneys for Indians to
be paid at agency.

Agent to use good
offices to have account
settled.

Statement of account.

36 Stat., 1069.

OKLAHOMA.

Wichitas, etc.
Support, etc.

SEC. 16. For support and civilization of the Wichitas and affiliated bands who have been collected on the reservations set apart for their use and occupation in Oklahoma, five thousand dollars.

Kiowas, Comanches,
and Apaches.
Payment for agency,
etc.

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of twenty-five thousand dollars, or so much thereof as may be necessary, of the funds on deposit to the credit of the Kiowa, Comanche, and Apache Tribes of Indians in Oklahoma, for the support of the agency and pay of employees maintained for their benefit.

Sale of unallotted,
etc., lands.

That the Secretary of the Interior, in his discretion, is authorized to sell, upon such terms and under such rules and regulations as he may prescribe, the unused, unallotted, and unreserved lands of the United States in the Kiowa, Comanche, and Apache Reservations.

Support, etc.
Arapahoes and Chey-
ennes.

For support and civilization of the Arapahoes and Cheyennes who have been collected on the reservation set apart for their use and occupation in Oklahoma, thirty-five thousand dollars.

Kansas Indians.

For support and civilization of the Kansas Indians, Oklahoma, including agricultural assistance and pay of employees, one thousand five hundred dollars.

Kickapoos.

For support and civilization of the Kickapoo Indians in Oklahoma, two thousand dollars.

Poncas.

For support and civilization of the Ponca Indians in Oklahoma, including pay of employees, eight thousand dollars.

Chilocco School.

For support and education of five hundred Indian pupils at the Indian school at Chilocco, Oklahoma, and for pay of superintendent, eighty-three thousand five hundred dollars; for general repairs and improvements, six thousand five hundred dollars; in all, ninety thousand dollars.

Pawnees.
Annuity.
27 Stat., 644, vol. 1,
496.

For fulfilling treaties with Pawnees, Oklahoma: For perpetual annuity, to be paid in cash to the Pawnees (article three, agreement of November twenty-third, eighteen hundred and ninety-two), thirty thousand dollars; for support of two manual-labor schools (article three, treaty of September twenty-fourth, eighteen hundred and fifty-seven), ten thousand dollars; for pay of one farmer, two blacksmiths, one miller, one engineer and apprentices, and two teachers (article four, same treaty), five thousand four hundred dollars; for purchase of iron and steel and other necessaries for the shops (article four, same treaty), five hundred dollars; for pay of physician and purchase of medicines, one thousand two hundred dollars; in all, forty-seven thousand one hundred dollars.

Schools.
11 Stat., 730, vol. 2,
764.Farmer, black-
smiths, etc.
11 Stat., 730, vol. 2,
765.Iron and steel.
Physician, etc.Quapaws.
Education.
7 Stat., 425, vol. 2, 396.
Blacksmith, etc.

For support of Quapaws, Oklahoma: For education (article three, treaty of May thirteenth, eighteen hundred and thirty-three), one thousand dollars; for blacksmith and assistants, and tools, iron and steel for blacksmith shop (same article and treaty), five hundred dollars; in all, one thousand five hundred dollars: *Provided*, That the President of the United States shall certify the same to be for the best interests of the Indians.

Proviso.
Certificate of Presi-
dent.

Five Civilized Tribes.

FIVE CIVILIZED TRIBES.

Administration ex-
penses.

SEC. 17. For expense of administration of the affairs of the Five Civilized Tribes, Oklahoma, including the salary of superintendent at not to exceed four thousand five hundred dollars per annum, and the compensation of all employees, one hundred and seventy-five thousand dollars.

Employee to sign ap-
proval of Secretary of
Interior to tribal deeds,
etc.

That the Secretary of the Interior be, and he is hereby, authorized to designate an employee or employees of the Department of the Interior to sign, under the direction of the Secretary, in his name and

for him, his approval of tribal deeds to allottees, to purchasers of town lots, to purchasers of unallotted lands, to persons, corporations, or organizations for lands reserved to them under the law for their use and benefit, and to any tribal deeds made and executed according to law for any of the Five Civilized Tribes of Indians in Oklahoma.

For salaries and expenses of district agents for the Five Civilized Tribes in Oklahoma and other employees connected with the work of such agents, one hundred thousand dollars.

For fulfilling treaties with Choctaws, Oklahoma: For permanent annuity (article two, treaty of November sixteenth, eighteen hundred and five, and article thirteen, treaty of June twenty-second, eighteen hundred and fifty-five), three thousand dollars; for permanent annuity for support of light horsemen (article thirteen, treaty of October eighteenth, eighteen hundred and twenty, and article thirteen, treaty of June twenty-second, eighteen hundred and fifty-five), six hundred dollars; for permanent annuity for support of blacksmith (article six, treaty of October eighteenth, eighteen hundred and twenty, and article nine, treaty of January twentieth, eighteen hundred and twenty-five, and article thirteen, treaty of June twenty-second, eighteen hundred and fifty-five), six hundred dollars; for permanent annuity for education (article two, treaty of January twentieth, eighteen hundred and twenty-five, and article thirteen, treaty of June twenty-second, eighteen hundred and fifty-five), six thousand dollars; for permanent annuity for iron and steel (article nine, treaty of January twentieth, eighteen hundred and twenty-five, and article thirteen, treaty of June twenty-second, eighteen hundred and fifty-five), three hundred and twenty dollars; in all, ten thousand five hundred and twenty dollars.

That tribal contracts which are necessary to the administration of the affairs of the Choctaw and Chickasaw Tribes of Indians may be made by the Secretary of the Interior: *Provided*, That contracts for professional legal services of attorneys may be made by the tribes for a stipulated amount and period, in no case exceeding one year in duration and five thousand dollars per annum in amount, with reasonable and necessary expenses to be approved and paid under the direction of the Secretary of the Interior, but such contracts for legal services shall not be of any validity until approved by the President.

The net receipts from the sales of surplus and unallotted lands and other tribal property belonging to any of the Five Civilized Tribes, after deducting the necessary expense of advertising and sale, may be deposited in national or State banks in the State of Oklahoma in the discretion of the Secretary of the Interior, such depositories to be designated by him under such rules and regulations governing the rate of interest thereon, the time of deposit and withdrawal thereof, and the security therefor, as he may prescribe. The interest accruing on such funds may be used to defray the expense of the per capita payments of such funds.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to remit the claim of the United States against J. Blair Schoenfelt, late United States Indian agent, Union Agency, Oklahoma, and the Secretary of the Treasury is further authorized and directed to pay to J. Blair Schoenfelt the sum of three thousand five hundred and seventy-eight dollars and sixty-three cents, being the amount he has paid to the United States, and the Secretary of the Treasury is further authorized and directed to place to the credit of the proper Indian funds the sum of three thousand seven hundred and two dollars and seventy-four cents.

36 Stat., 1070.

District agents, etc.

Choctaws.
Fulfilling treaties.
Annuities.
7 Stat., 99, vol. 2, 87.
11 Stat., 614, vol. 2,
709.Light horsemen.
7 Stat., 213, vol. 2, 193.
11 Stat., 614, vol. 2,
709.Blacksmith.
7 Stat., 235, 236, vol. 2,
192, 213.
11 Stat., 614, vol. 2,
709.Education.
7 Stat., 235, vol. 2, 212.11 Stat., 614, vol. 2,
709.
Iron and steel.
7 Stat., 236, vol. 2, 213.
11 Stat., 614, vol. 2,
709.Choctaws and Chick-
asaws.
Tribal contracts.
Proviso.
For legal services.
Limit.Approved by Presi-
dent.Deposit of tribal
funds.Designation of
banks, etc.

Use of interest.

J. Blair Schoenfelt.
Claim against, remit-
ted.

Repayment.

36 Stat., 1071.

OREGON.

Klamath Agency.
Support, etc., of Indians.

SEC. 18. For support and civilization of the Klamath, Modocs, and other Indians of the Klamath Agency, Oregon, including pay of employees, six thousand dollars.

Warm Springs
Agency.
Support, etc., of Indians.

For support and civilization of the confederated tribes and bands under Warm Springs Agency, and for pay of employees, four thousand dollars.

Wallawallas, etc.
Support, etc.

For support and civilization of the Wallawalla, Cayuse, and Umatilla Tribes, Oregon, including pay of employees, three thousand dollars.

Salem school.

For support and education of six hundred Indian pupils, including native pupils brought from Alaska, at the Indian school, Salem, Oregon, and for pay of superintendent, one hundred two thousand two hundred dollars; for general repairs and improvements, ten thousand dollars; for extension of wing of present brick school building, fifteen thousand dollars; in all, one hundred twenty-seven thousand two hundred dollars.

Grande Ronde and
Siletz Agencies.
Support, etc., of Indians.

For support and civilization of Indians of Grande Ronde and Siletz Agencies, Oregon, including pay of employees, four thousand dollars.

Modoc irrigation system.
Continuing through
Klamath Reservation.

For continuing the construction of the Modoc Point irrigation project, including drainage and canal systems, within the Klamath Indian Reservation, in the State of Oregon, in accordance with the plans and specifications submitted by the chief engineer in the Indian Service and approved by the Commissioner of Indian Affairs and the Secretary of the Interior in conformity with a provision in section one of the Indian appropriation act for the fiscal year nineteen hundred and eleven, fifty thousand dollars: *Provided*, That the total cost of this project shall not exceed one hundred and fifty-five thousand dollars, including the sum of thirty-five thousand one hundred and forty-one dollars and fifty-nine cents expended on this project to June thirtieth, nineteen hundred and ten, and that the entire cost of the project shall be repaid into the Treasury of the United States from the proceeds from the sale of timber or lands on the Klamath Indian Reservation.

36 Stat., 270, ante, p.
429.
Amended, post, 545.
Proviso.
Cost.

Repayment.

Pennsylvania.

PENNSYLVANIA.

Carlisle school.

SEC. 19. For support and education of Indian pupils at the Indian school at Carlisle, Pennsylvania, and for pay of superintendent, one hundred forty-two thousand dollars; for general repairs and improvements, five thousand dollars; in all, one hundred forty-seven thousand dollars.

South Dakota.

SOUTH DAKOTA.

Flandreau school.

SEC. 20. For support and education of three hundred and seventy-five Indian pupils at the Indian school at Flandreau, South Dakota, and for pay of superintendent, sixty-four thousand four hundred and twenty-five dollars; for general repairs and improvements, five thousand dollars; in all, sixty-nine thousand four hundred and twenty-five dollars.

Pierre school.

For support and education of one hundred and seventy-five Indian pupils at the Indian school at Pierre, South Dakota, and for pay of superintendent, thirty-two thousand dollars; to complete irrigation plant, seventeen thousand dollars; to complete new building, ten thousand dollars; for general repairs and improvements, five thousand dollars; in all, sixty-four thousand dollars.

For support and education of Indian pupils at the Indian school at Pierre, South Dakota, and for general repairs and improvements, to be immediately available, six thousand dollars.

For support and education of three hundred Indian pupils at the Indian school, Rapid City, South Dakota, and for pay of superintendent, fifty-one thousand nine hundred dollars, two thousand dollars of which shall be immediately available; for new dormitory for girls, twenty thousand dollars; for installation of a central heating plant, ten thousand dollars; for general repairs and improvements, eight thousand dollars; in all, eighty-nine thousand nine hundred dollars.

36 Stat., 1072.

Rapid City school.

For support of Sioux of different tribes, including Santee Sioux of Nebraska, North Dakota, and South Dakota: For pay of five teachers, one physician, one carpenter, one miller, one engineer, two farmers, and one blacksmith (article thirteen, treaty of April twenty-ninth, eighteen hundred and sixty-eight), ten thousand four hundred dollars; for pay of second blacksmith, and furnishing iron, steel, and other material (article eight of same treaty), one thousand six hundred dollars; for pay of additional employees at the several agencies for the Sioux in Nebraska, North Dakota, and South Dakota, eighty-eight thousand dollars; for subsistence of the Sioux, and for purposes of their civilization (act of February twenty-eighth, eighteen hundred and seventy-seven), three hundred and fifty thousand dollars: *Provided*, That this sum shall include transportation of supplies from the termination of railroad or steamboat transportation, and in this service Indians shall be employed whenever practicable; and additional to the appropriation of three hundred and fifty thousand dollars herein made for the purposes of civilization, and supplemental thereto, there is hereby appropriated the sum of one hundred and fifty thousand dollars, to be paid from tribal funds held in trust for the Indians on the Cheyenne River and Standing Rock Reservations, in South Dakota and North Dakota, to be expended for their benefit, as provided for in section six of the act of May twenty-ninth, nineteen hundred and eight; in all, six hundred thousand dollars.

Sioux of different tribes.

Teachers, etc.

15 Stat., 640, vol. 2,

1002.

Employees.

Subsistence, etc.

19 Stat., 256, vol. 1,

170.

Proviso.

Transportation.

Payment from tribal funds to Indians on.

Cheyenne River and

Standing Rock Reser-

vations.

35 Stat., 464.

Ante, p. 376.

Schools.

15 Stat., 637, vol. 2, 998.

25 Stat., 894, vol. 1,

335.

For support and maintenance of day and industrial schools among the Sioux Indians in South Dakota, including the erection and repairs of school buildings, two hundred thousand dollars, to be expended under the agreement with said Indians in section seventeen of the act of March second, eighteen hundred and eighty-nine, which agreement is hereby extended to and including June thirtieth, nineteen hundred and twelve.

Yankton Sioux, sub-

sistence, etc.

For subsistence and civilization of the Yankton Sioux, South Dakota, fifteen thousand dollars.

For the equipment and maintenance of the asylum for insane Indians at Canton, South Dakota, for incidental and all other expenses necessary for its proper conduct and management, including pay of employees, and for necessary expense of transporting insane Indians to and from said asylum, thirty thousand dollars.

Canton.

Expenses of insane

asylum.

That section eight of an act entitled "An act to authorize the sale and disposition of the surplus and unallotted lands in Bennett County, in the Pine Ridge Indian Reservation, in the State of South Dakota, and making appropriation to carry the same into effect," approved May twenty-seventh, nineteen hundred and ten, is hereby amended so as to read as follows:

Pine Ridge Reserva-

tion, Bennett County.

Sale of surplus lands.

36 Stat., 443, ante, p.

458.

"SEC. 8. That sections sixteen and thirty-six of the land in each township within the tract described in section one of this act shall not be subject to entry, but shall be reserved for the use of the common schools and paid for by the United States at two dollars and fifty cents per acre, and the same are hereby granted to the State of South Dakota for such purpose, and in case any of said sections, or parts thereof, are lost to said State by reason of allotments thereof to any Indian or Indians, or otherwise, the governor of said State,

Purchase of school

lands for South Dakota.

Price per acre.

Lieu lands.

- 36 Stat., 1073. with the approval of the Secretary of the Interior, is hereby authorized, within the area described in section one of this act or within the said Pine Ridge Indian Reservation, to locate other lands not otherwise appropriated, not exceeding two sections in any one township, which shall be paid for by the United States as herein provided, in quantity equal to the loss, and such selections shall be made prior to the opening of such lands to settlement."
- Extended to whole reservation. Restriction of selection. That section eight of an act entitled "An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in Mellette and Washabaugh Counties in the Rosebud Indian Reservation in the State of South Dakota, and making appropriation and provision to carry the same into effect," approved May thirtieth, nineteen hundred and ten, is hereby amended so as to read as follows:
- Rosebud Reservation, Mellette and Washabaugh Counties. Sale of surplus lands. "SEC. 8. That sections sixteen and thirty-six of the land in each township within the tract described in section one of this act shall not be subject to entry, but shall be reserved for the use of the common schools and paid for by the United States at two dollars and fifty cents per acre, and the same are hereby granted to the State of South Dakota for such purpose, and in case any of said sections or parts thereof are lost to said State by reason of allotments thereof to any Indian or Indians, or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized, within the area described in section one of this act or within the said Rosebud Indian Reservation, to locate other lands not otherwise appropriated, not exceeding two sections in any one township, which shall be paid for by the United States as herein provided, in quantity equal to the loss, and such selections shall be made prior to the opening of such lands to settlement."
- 36 Stat., 451, amended. Ante, p. 461. That the time in which the commission appointed to inspect, classify, and appraise the unallotted lands in the counties of Mellette and Washabaugh, in the Rosebud Indian Reservation in the State of South Dakota under an act entitled "An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in Mellette and Washabaugh Counties in the Rosebud Indian Reservation in the State of South Dakota, and making appropriation and provision to carry the same into effect," approved May thirtieth, nineteen hundred and ten, be, and the same is hereby, extended to the first day of June, nineteen hundred and eleven, to complete and return the same.
- Purchase of school lands for South Dakota. Price per acre.
- Lieu lands.
- Extended to whole reservation. Restriction on selection.
- Time extended for classification, etc.
- 36 Stat., 450, ante, p. 460.

Utah.

UTAH.

- Uintah and Ouray Agency. Agent. Utes, Confederated Bands. Carpenters, etc. 15 Stat., 622, vol. 2, 993. SEC. 21. For pay of Indian agent at the Uintah and Ouray Agency (consolidated), Utah, one thousand eight hundred dollars.
- Food. For support of Confederated Bands of Utes in Utah: For pay of two carpenters, two millers, two farmers, and two blacksmiths (article fifteen, treaty of March second, eighteen hundred and sixty-eight), six thousand seven hundred and twenty dollars; for pay of two teachers (same article and treaty), one thousand eight hundred dollars; for purchase of iron and steel and the necessary tools for blacksmith shop (article nine, same treaty), two hundred and twenty dollars; for annual amount for the purchase of beef, mutton, wheat, flour, beans, and potatoes, or other necessary articles of food (article twelve, same treaty), thirty thousand dollars; for pay of employees at the several Ute agencies, fifteen thousand dollars; in all, fifty-three thousand seven hundred and forty dollars.
- Employees.
- Relief of distress among Indians. For the relief of distress among the Indians of Skull Valley and Deep Creek, and other detached Indians in Utah, and for purposes of their civilization, ten thousand dollars, or so much thereof as may be necessary, to be immediately available, and the Secretary of the Interior shall report to Congress, at its next session, the condition of

the Indians herein appropriated for and the manner in which this appropriation shall have been expended.

For continuing the construction of irrigation systems to irrigate the allotted lands of the Uncompahgre, Uintah, and White River Utes, in Utah, authorized under the act of June twenty-first, nineteen hundred and six, to be expended under the terms thereof and reimbursable as therein provided, seventy-five thousand dollars.

There is hereby granted to the State of Utah upon the terms and conditions hereinafter named the following-described property, known as the Indian school, lot four, block fifty, Randlett town site, former Uintah Indian Reservation, including the land, buildings, and fixtures pertaining to said school: *Provided*, That said land and buildings shall be held and maintained by the State of Utah as an institution of learning, and that Indian pupils may at all times be admitted to such school free of charge for tuition and on terms of equality with white pupils: *Provided further*, That this grant shall be effective at any time before July first, nineteen hundred and eleven, if before that date the governor of Utah files an acceptance thereof with the Secretary of the Interior accepting for said State said property, upon the terms and conditions herein prescribed.

That any person who prior to March first, nineteen hundred and nine, made homestead entry for land in the Uintah Indian Reservation, in the State of Utah, under the act of May twenty-seventh, nineteen hundred and two, and acts supplementary thereto, and who has not abandoned the same, may make commutation proof therefor, provided such person has fully complied with the provisions of the homestead laws as to improvements, and has maintained an actual bona fide residence upon the land for a period of not less than eight months and upon payment thereof of one dollar and twenty-five cents per acre: *Provided further*, That nothing contained herein shall affect any valid adverse claim initiated prior to the passage of this act.

To enable the Secretary of the Interior to construct a bridge across the Duchesne River at or near Theodore, Utah, fifteen thousand dollars, or so much thereof as may be necessary, to be reimbursed to the United States out of the proceeds of the sale of lands within the ceded Uintah Indian Reservation open to entry under the act of May twenty-seventh, nineteen hundred and two, including the sales of lots within the said town site of Theodore.

VIRGINIA.

SEC. 22. For support and education of one hundred and twenty Indian pupils at the school at Hampton, Virginia, twenty thousand and forty dollars.

WASHINGTON.

SEC. 23. For support and civilization of the D'Wamish and other allied tribes in Washington, including pay of employees, seven thousand dollars.

For support and civilization of the Makahs, Washington, including pay of employees, two thousand dollars.

For support and civilization of the Qui-nai-elts and Quil-leh-utes, including pay of employees, one thousand dollars.

For support and civilization of Yakimas and other Indians at said agency, including pay of employees, three thousand dollars.

For support and civilization of Indians at Colville and Puyallup agencies, Washington, and for pay of employees, twelve thousand dollars.

For support of Spokanes in Washington (article six of agreement with said Indians, dated March eighteenth, eighteen hundred and

35 Stat., 1074.

Uncompahgre, Uintah, and White River Utes. Irrigating allotted lands. 34 Stat., 375. Ante, p. 243.

Uintah Reservation. Indian school lot granted to Utah.

Provisos. Maintenance of school.

Acceptance by State.

Homestead settlers may commute entries, etc. 32 Stat., 263, 998. Vol. 1, p. 753. Ante, pp. 53, 146. 33 Stat., 207, 1009.

Residence required.

Proviso. Adverse claims not affected.

Duchesne River. Bridge across at Theodore.

Reimbursement.

Virginia.

Hampton school.

Washington.

Support, etc. D'Wamish, etc., Indians.

Makahs.

Qui-nai-elts and Quil-leh-utes.

Yakimas, etc.

Colville and Puyallup agencies. Support, etc., of Indians.

Spokanes. Support, etc.

- 36 Stat., 1075.
27 Stat., 139, vol. 1,
449. Cushman school, Tacoma.
Pavement. eighty-seven, ratified by act of July thirteenth, eighteen hundred and ninety-two), one thousand dollars.
For construction of brick pavement, concrete curbing, and sidewalks on South Twenty-eighth Street in front of the Cushman School grounds at Tacoma, Washington, and in front of tract Numbered Twenty-two, also belonging to the school, forty thousand dollars, to be reimbursable from the "Puyallup four per cent school fund."
- Joseph's Band, Nez Perces. For purchase of agricultural implements, and support and civilization of Joseph's Band of Nez Perce Indians in Washington, one thousand dollars.
- Yakimas.
Irrigating allotments.
Proviso.
Repayment. For extension and maintenance of the irrigation system on lands allotted to Yakima Indians in Washington, fifteen thousand dollars: *Provided*, That the amount hereby appropriated, and all moneys heretofore or hereafter to be appropriated, for this project shall be repaid into the Treasury of the United States in accordance with the provisions of the act of March first, nineteen hundred and seven.
- Investigation of need of roads, etc. The Secretary of the Interior is hereby authorized to investigate and to report to Congress at its next session the necessity or advisability of constructing wagon roads on the Yakima Indian Reservation, the cost thereof to be reimbursed out of the proceeds of the sale of surplus lands of such reservation. If he shall find the construction of such roads to be necessary or advisable, he shall submit specific recommendations in respect to the kind of roads to be constructed, their location and extent, together with an estimate of cost for the same.
- Colville Reservation.
Last payment to Indians.
27 Stat., 62, vol. 1,
441. For the fifth and last installment to the Indians on the Colville Reservation, Washington, for the cession of land opened to settlement by the act of July first, eighteen hundred and ninety-two, "To provide for the opening of a part of the Colville Reservation, in the State of Washington, and for other purposes," being a part of the full sum set aside and held in the Treasury of the United States in payment for said land under the terms of the act of June twenty-first, nineteen hundred and six, ratifying the agreement ceding said land to the United States under date of May ninth, eighteen hundred and ninety-one, three hundred thousand dollars, to be expended for the benefit of said Indians in accordance with the provisions of the said act setting aside in the Treasury the money in payment for the land ceded.
- 34 Stat., 377, ante, p. 245. Old Fort Spokane Reservation.
Sale of Indian school, etc., on, to Washington authorized.
Proceeds for new schools. The Secretary of the Interior is authorized to sell and convey the lands, buildings, and other appurtenances of the old Fort Spokane Military Reservation, now used for Indian school purposes, and adjoining the Colville Reservation, in the State of Washington, containing approximately six hundred and forty acres, and to use the proceeds thereof not to exceed thirty-five thousand dollars in the establishment and maintenance of such new schools and administration of affairs as may be required by the Colville and Spokane Indians in said State: *Provided*, That the Secretary of the Interior is authorized in his discretion to reserve from sale or other disposition any part of said reservation chiefly valuable for power sites and reservoir sites and land valuable for minerals: *Provided further*, That in the case of land reserved on account of minerals, the Secretary of the Interior may sell the surface under such regulations as he may prescribe: *Provided further*, That, in the discretion of the Secretary of the Interior, the surface of the lands may be sold separate from any minerals that may be found thereunder.
- Provisos.
Land reserved. Surface on mineral lands. Separation of minerals. Report to Congress. The Secretary of the Interior shall report to Congress at its next session his action in the premises.

WISCONSIN.

SEC. 24. For the support and education of two hundred and ten Indian pupils at the Indian school at Hayward, Wisconsin, and pay of superintendent, thirty-six thousand six hundred and seventy dollars; for general repairs and improvements, two thousand dollars; in all, thirty-eight thousand six hundred and seventy dollars.

For support and education of two hundred and fifty Indian pupils at the Indian school, Tomah, Wisconsin, and for pay of superintendent, forty-three thousand four hundred and fifty dollars; for heating plant and ventilating system, three thousand five hundred dollars; for general repairs and improvements, three thousand dollars; in all, forty-nine thousand nine hundred and fifty dollars.

For support and civilization of the Chippewas of Lake Superior, Wisconsin, seven thousand dollars.

The appropriation of twenty-five thousand dollars "for support, education, and civilization of the Pottowatomie Indians who reside in the State of Wisconsin and to investigate their condition," made in the Indian appropriation act for the fiscal year nineteen hundred and eleven, shall remain available until expended.

WYOMING.

SEC. 25. For support and civilization of Shoshone Indians in Wyoming, twelve thousand dollars.

For support and education of one hundred and seventy-five Indian pupils at the Indian school, Shoshone Reservation, Wyoming, and for pay of superintendent, thirty-one thousand and twenty-five dollars; for general repairs and improvements, three thousand dollars; in all, thirty-four thousand and twenty-five dollars.

For continuing the work of constructing an irrigation system within the diminished Shoshone or Wind River Reservation, in Wyoming, fifty thousand dollars.

For support of Shoshones in Wyoming: For pay of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith (article ten, treaty of July third, eighteen hundred and sixty-eight), five thousand dollars; for pay of second blacksmith, and such iron and steel and other materials as may be required, as per article eight, same treaty, one thousand dollars; in all, six thousand dollars.

SEC. 26. That upon the passage of this act the Secretary of the Interior be, and he hereby is, authorized and directed to cause to be cut and manufactured into lumber the dead and down timber now upon the Menominee Indian Reservation in the State of Wisconsin together with such green timber as may be necessary to cut in order to economically log the dead and down timber, such green timber to be designated and marked by the Forestry Service. For the cutting of such dead and down timber the Secretary of the Interior shall prescribe rules and regulations in conformity with the intent and purpose of the act of March twenty-eighth, nineteen hundred and eight, entitled "An act to authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests upon the Menominee Indian Reservation in the State of Wisconsin." The amount of dead and down timber authorized to be cut under this section shall be in addition to the amount of green timber authorized to be cut, in any one year, under the provisions of said act of March twenty-eighth, nineteen hundred and eight. The green timber authorized to be cut under this section to facilitate the logging of dead and down timber, and which shall be cut in any one year, shall be deducted from the amount of green timber authorized to be cut in that year under the provisions of said act of March twenty-eighth,

36 Stat., 1076.

Hayward school.

Tomah school.

Chippewas of Lake Superior.
Support, etc.
Pottowatomies.
Continuance of appropriation.
36 Stat., 288.

Wyoming.

Shoshones.
Support, etc.

Shoshone Reservation school.

Irrigation system.

Shoshones.
Fulfilling treaty.
15 Stat., 676, vol. 2,
1023.

Menominee Reservation, Wis.
Dead and down timber to be cut and manufactured.

Use of green timber for logging.

Regulations.

35 Stat., 51.
Ante, p. 317.

Additional to regular allowance.

Deduction of green timber used.

36 Stat., 1077.
 Maximum allowed.
 Certification of Forest Service.

nineteen hundred and eight. The total amount of green and dead and down timber which shall be logged under the provisions of this section and the provisions of said act of March twenty-eighth, nineteen hundred and eight, shall not exceed forty million feet unless the Forestry Service shall certify to the Secretary of the Interior that it is necessary, to save waste and loss on dead and down timber, that a greater amount of such dead and down timber shall be cut; in making such certification the Forestry Service shall designate the additional dead and down timber it deems necessary to cut and such designated timber shall be logged as expeditiously as possible. In the logging operations authorized under this section the Secretary of the Interior may cause to be constructed such roads or logging railway as may be necessary to bring the logs to the mill with expedition and economy. The expense of the logging operations authorized under this section shall be paid in the manner provided in said act of March twenty-eighth, nineteen hundred and eight, authorizing the cutting of timber and the manufacture of lumber upon the Menominee Indian Reservation in the State of Wisconsin.

Logging roads.
 Expenses.

Oneida Indians, Wis. Negotiation for commuting annuities.

The Commissioner of Indian Affairs is hereby directed to reopen negotiations with the Oneida Indians of Wisconsin for the commutation of their perpetual annuities under treaty stipulations and report the same to Congress on the first Monday in December, nineteen hundred and eleven.

Annual statements to be made of fiscal affairs of Indians for preceding year.

SEC. 27. Annually, on the first Monday in December, the Secretary of the Interior shall transmit to the Speaker of the House of Representatives a statement of the fiscal affairs of all Indian tribes for whose benefit expenditures from either public or tribal funds shall have been made by any officer, clerk, or employee in the Interior Department during the preceding fiscal year; and such statement shall show (1) the total amount of all moneys, from whatever source derived, standing to the credit of each tribe of Indians, in trust or otherwise, at the close of such fiscal year; (2) an analysis of such credits, by funds, showing how and when they were created, whether by treaty stipulation, agreement, or otherwise; (3) the total amount of disbursements from public or trust funds made on account of each tribe of Indians for such fiscal year; and (4) an analysis of such disbursements showing the amounts disbursed (a) for per capita payments in money to Indians, (b) for salaries or compensation of officers and employees, (c) for compensation of counsel and attorney's fees, and (d) for support and civilization.

Details. Credits.

Analysis.

Disbursements.

Analysis.

Judgments to Indians. Payments to be made by Interior Department.

SEC. 28. Hereafter payments to Indians made from moneys appropriated by Congress in satisfaction of the judgment of any court shall be made under the direction of the officers of the Interior Department charged by law with the supervision of Indian affairs, and all such payments shall be accounted for to the Treasury in conformity with law.

Accounting.

Approved, March 3, 1911.

Mar. 3, 1911.
 [S. 7031.]

CHAP. 231.—An act to codify, revise, and amend the laws relating to the judiciary.

[Public, No. 475.]
 36 Stat., 1037.

Judicial Code.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the laws relating to the judiciary be, and they hereby are, codified, revised, and amended, with title, chapters, headnotes, and sections, entitled, numbered, and to read as follows:

Title.

TITLE.

The Judiciary.

THE JUDICIARY.

* * * * *

CHAPTER TWO.

36 Stat., 1091.

DISTRICT COURTS—JURISDICTION.

District courts, jurisdiction.

* * * * *

SEC. 24. The district courts shall have original jurisdiction as follows:

Original jurisdiction.

* * * * *

Twenty-fourth. Of all actions, suits, or proceedings involving the right of any person, in whole or in part of Indian blood or descent, to any allotment of land under any law or treaty.

36 Stat., 1004, amended, post, 512. Indian allotments.

* * * * *

SEC. 27. The district court of the United States for the district of South Dakota shall have jurisdiction to hear, try, and determine all actions and proceedings in which any person shall be charged with the crime of murder, manslaughter, rape, assault with intent to kill, arson, burglary, larceny, or assault with a dangerous weapon, committed within the limits of any Indian reservation in the State of South Dakota.

Indian reservations, South Dakota. Criminal jurisdiction in district court.

* * * * *

CHAPTER SEVEN.

36 Stat., 1135.

THE COURT OF CLAIMS.

Court of Claims.

* * * * *

SEC. 182. In any case brought in the Court of Claims under any act of Congress by which that court is authorized to render a judgment or decree against the United States, or against any Indian tribe or any Indians, or against any fund held in trust by the United States for any Indian tribe or for any Indians, the claimant, or the United States, or the tribe of Indians, or other party in interest shall have the same right of appeal as is conferred under sections two hundred and forty-two and two hundred and forty-three; and such right shall be exercised only within the time and in the manner therein prescribed.

36 Stat., 1142.

Appeals in Indian cases, etc.

* * * * *

Approved, March 3, 1911.

CHAP. 246.—An act to provide for allotments to certain members of the Hoh, Quileute, and Ozette Tribes of Indians in the State of Washington.

Mar. 4, 1911. [S. 5269.]

[Public, No. 486.] 36 Stat., 1345.

Quinaielt Indian Reservation, Wash.

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 make allotments on the Quinaielt Reservation, Washington, under the provisions of the allotment laws of the United States, to all members of the Hoh, Quileute, Ozette, or other tribes of Indians in Washington who are affiliated with the Quinaielt and Quileute Tribes in the treaty of July first, eighteen hundred and fifty-five, and January twenty-third, eighteen hundred and fifty-six, and who may elect to take allotments on the Quinaielt Reservation rather than on the reservations set aside for these tribes: *Provided*, That the allotments authorized herein shall be made from the surplus lands on the Quinaielt Reservation after the allotments to the Indians thereon have been completed.

36 Stat., 1346. Hoh, Quileute, Ozette, etc., Indians may take allotments on. 12 Stat., 971, vol. 2, 719.

Proviso. From surplus lands.

Approved, March 4, 1911.

Mar. 4, 1911.
[H. R. 27298.]

CHAP. 272.—An act relating to homestead entries in the former Siletz Indian Reservation in the State of Oregon.

[Public, No. 512.]
36 Stat., 1356.

Public lands.
Homestead entries
on former Siletz Indian
Reservation, Oreg.
Patents may issue in
certain cases.
Requirements.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all pending homestead entries heretofore made within the former Siletz Indian Reservation in Oregon upon which proofs were made prior to December thirty-first, nineteen hundred and six, shall be passed to patent in all cases where it shall appear to the satisfaction of the Secretary of the Interior that the entry was made for the exclusive use and benefit of the entryman, and that the entryman built a house on the land entered and otherwise improved the same, and actually entered into the occupation thereof and cultivated a portion of said land for the period required by law, and that no part of the land entered has been sold or conveyed, or contracted to be sold or conveyed, by the entryman, and where no contest or other adverse proceeding was commenced against the entry and notice thereof served upon the entryman prior to the date of submission of proof thereon, or within two years thereafter, and where any such entry has heretofore been canceled the same may be reinstated upon application filed within six months from the passage of this act where at the date of the filing of such application for reinstatement no other entry is of record covering such land: *Provided*, That nothing herein contained shall prevent or forestall any adverse proceedings against any entry upon any charge of fraud: *And provided further*, That any entryman who may make application for patent under the provisions of this act shall, as an additional condition precedent to the issuance of such patent, be required to pay to the United States the sum of two dollars and fifty cents per acre for the land so applied for; and the Secretary of the Interior is hereby authorized to issue such regulations as may be necessary for carrying this act into effect.¹

Provisos.
Adverse proceedings.

Additional payment
required.

Approved, March 4, 1911.

Mar. 4, 1911.
[H. R. 32251.]

CHAP. 276.—An act authorizing the sale of portions of the allotments of Nek-quel-e-kin or Wapato John, and Que-til-qua-soon, or Peter, Moses agreement allottees.

[Public, No. 516.]
36 Stat., 1358.

Wapato Irrigation
Company.
Sale of portion of al-
lotments in Washing-
ton to, for irrigation
project.

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 sell to the Wapato Irrigation Company, on such terms and conditions as he may deem for the best interests of the allottees, so much of the lands in Chelan County, Washington, covered by trust patents issued to Nek-quel-e-kin, or Wapato John, and Que-til-qua-soon, or Peter, Moses agreement allottees numbers eight and ten, under the act of Congress approved March eighth, nineteen hundred and six, as in his judgment may be required to advantageously and economically complete and operate its irrigation project now in process of construction in Chelan County, State of Washington, including such land as may be needed for roads, bridges, ditches, flumes, dams, reservoirs, docks, landing places and other works, and shall convey the lands so sold to the said company by patent in fee. The funds derived from the sale of said lands shall be conserved for the respective allottees or invested or expended for their benefit in such manner as the Secretary of the Interior shall determine.

36 Stat., 1359.

Disposal of proceeds.

Approved, March 4, 1911.

PRIVATE ACTS OF THE SIXTY-FIRST CONGRESS, THIRD SESSION, 1911.

Mar. 4, 1911.
[H. R. 32264.]

CHAP. 308.—An act for the relief of Frances Coburn, Charles Coburn, and the heirs of Mary Morrisette, deceased.

[Private, No. 276.]
36 Stat., Part 2, p. 604.

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 is hereby authorized to expend, in such manner as he may deem for the best interests of Frances Coburn, Charles Coburn, and the heirs of Mary Morrisette, deceased, or, in his discretion, pay to them, or any of them, the respective amounts collected and paid into the Treasury of the United States for and on account of the cutting, removal, and sale of timber from lands within the State of Wisconsin allotted to the said Frances Coburn, Charles Coburn, and Mary Morrisette, deceased, Chippewa Indians, covered by allotment numbered fifty-five to said Frances Coburn, allotment numbered forty-six to said Charles Coburn, and allotment numbered forty-nine to said Mary Morrisette, deceased, and for which patents have issued to the said allottees under the provisions of the act of Congress approved February eighth, eighteen hundred and eighty-seven (Twenty-fourth United States Statutes at Large, page three hundred and eighty-eight), as amended by the act approved February twenty-eighth, eighteen hundred and ninety-one (Twenty-sixth United States Statutes at Large, page seven hundred and ninety-four), and there is hereby appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, the sum of three thousand one hundred and seventy-four dollars and sixteen cents to pay said claimants, respectively.

Frances Coburn,
Charles Coburn, and
heirs of Mary Morrisette.
Receipts of timber on
allotments, payable to.

36 Stat., Part 2, 605.

24 Stat., 383.
Vol. 1, p. 33.26 Stat., 794.
Vol. 1, p. 56.

Appropriation.

Approved, March 4, 1911.

PUBLIC ACTS OF SIXTY-SECOND CONGRESS, FIRST SESSION, 1911.

Aug. 17, 1911.
[S. 3152.]

37 Stat., 21.

Public lands.
Rosebud Indian Reservation, S. Dak.

Time extended for payment by homestead settlers on.

34 Stat., 1230.
36 Stat., 265.
Proviso.
Restrictions.

Interest.

Forfeiture.

Adverse claims.

CHAP. 22.—An Act Extending the time of payment to certain homesteaders in the Rosebud Indian Reservation, in the State of South Dakota.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who has heretofore made a homestead entry for land in what was formerly a part of the Rosebud Indian Reservation, in the State of South Dakota, authorized by the Act approved March second, nineteen hundred and seven, may apply to the register and receiver of the land office in the district in which the land is located, for an extension of time within which to make payment of any amount that is about to become due and upon the payment of interest for one year in advance, at five per centum per annum upon the amount due, and payment will be extended for a period of one year, and any payment so extended may annually thereafter be extended for a period of one year in the same manner: *Provided,* That the last payment and all other payments must be made within a period not exceeding one year after the last payment is due; that all moneys paid for interest as herein provided shall be deposited in the Treasury to the credit of the Indians as a part of the proceeds received for the lands.

SEC. 2. That failure to make any payment that may be due, unless the same be extended, or to make any extended payment at or before the time to which such payment has been extended as herein provided, will forfeit the entry and the same shall be canceled, and any and all payments theretofore made shall be forfeited.

SEC. 3. That nothing herein contained shall affect any valid adverse claim initiated prior to the passage of this Act.

Approved, August 17, 1911.

Aug. 17, 1911.
[H. R. 11303.]

37 Stat., 45.

Eliza Choteau Roscamp.
Alienation restriction removed from Indian allotment.

CHAP. 21.—An Act For the relief of Eliza Choteau Roscamp.

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 to approve an order for the removal of restrictions upon alienation from the northeast quarter southeast quarter section ten, township twenty-five north, range twenty-four east, of the Indian meridian, Oklahoma, the homestead allotment of Eliza Choteau Roscamp, Seneca allotment numbered one hundred and eighty-four, such removal of restrictions to become effective only and simultaneously with the execution of a deed by said allottee to the purchaser, after said land has been sold in compliance with the directions of the Secretary of the Interior.

Approved, August 17, 1911.

Aug. 22, 1911.
[H. J. R. 141.]

37 Stat., 44.

Joint resolution to authorize the Secretary of the Interior to make a per capita payment to the enrolled members of the Choctaw, Chickasaw, Cherokee, and Seminole Indians of the Five Civilized Tribes entitled to share in the funds of said tribes.

Resolved 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, in his discretion, to make a

per capita payment to the enrolled members of the Choctaw, Chickasaw, Cherokee, and Seminole Indians of the Five Civilized Tribes entitled under existing law to share in the funds of said tribes, or to their lawful heirs, out of any moneys belonging to said tribes in the United States Treasury, or deposited in any bank, or held by any official under the jurisdiction of the Secretary of the Interior, said payment not to exceed fifty dollars per capita and to be made under such regulations as he may prescribe: *Provided*, That in cases where such members are Indians whose restrictions have not been removed the Secretary of the Interior may in his discretion withhold such payment and use the same for their benefit.

Per capita payment to Five Civilized Tribes.

Approved, August 22, 1911.

CHAP. 45.—An act to authorize the Secretary of the Interior to withdraw from the Treasury of the United States the funds of the Kiowa, Comanche, and Apache Indians, and for other purposes.

Aug. 22, 1911.
[H. R. 13002.]

37 Stat., 33.

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, in his discretion, to withdraw from the Treasury of the United States so much of the trust funds of the Kiowa, Comanche, and Apache tribes of Indians in Oklahoma as he may deem necessary for expenditure for the benefit of such Indians, not to exceed four hundred thousand dollars, prior to the first day of May, nineteen hundred and twelve, and use such funds for the benefit of said Indians to such extent as he may deem proper, prior to the first day of May, nineteen hundred and twelve: *Provided*, That the Secretary of the Interior shall report to Congress as early as practicable the amount of such funds so withdrawn and so used for the benefit of said Indians: *And provided further*, That if any of said funds so withdrawn shall not have been used for the benefit of said Indians prior to the first day of May, nineteen hundred and twelve, the same shall be redeposited in the Treasury of the United States: *And provided further*, That this act shall not apply to the Apache, Kiowa and Comanche four per centum fund of approximately two million six hundred thousand dollars now on deposit in the United States Treasury under the act of June fifth, nineteen hundred and six (Thirty-fourth Statutes at Large, page two hundred and thirteen), and subsequent acts of Congress.

Trust funds to be used for benefit of Indians.

34 Stat., 213.
Ante, p. 184.

Approved, August 22, 1911.

CHAP. 44.—An Act To extend time of payment of balance due for lands sold under Act of Congress approved June seventeenth, nineteen hundred and ten.

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 is hereby authorized and directed to extend for a period of one year the time for the payment of the several annual installments due on the purchase price for lands sold under the Act of Congress approved June seventeenth, nineteen hundred and ten, entitled "An Act to open to settlement and entry under the general provisions of the homestead laws of the United States certain lands in the State of Oklahoma, and for other purposes:" *Provided*, That purchasers shall pay interest at the rate of five per centum per annum on the deferred payments for the time of the extension herein granted.

Aug. 22, 1911.
[H. R. 12534.]

37 Stat., 33.

Oklahoma. Time extended for payments of homestead settlers on Cheyenne and Arapahoe Agency lands.

36 Stat., 533.

Approved, August 22, 1911.

**PUBLIC ACTS OF THE SIXTY-SECOND CONGRESS, SECOND SESSION,
1911-1912.**

- Dec. 8, 1911.
[H. R. 1671.]
- [Public, No. 46.]
37 Stat., 45.
- North American Indian.
Memorial to, authorized in New York Harbor.
- Commission created.
Composition, etc.
- CHAP. 1.—An act to provide a suitable memorial to the memory of the North American Indian.
- Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there may be erected, without expense to the United States Government, by Mr. Rodman Wanamaker, of New York City, and others, on a United States reservation, in the harbor of New York, in the State of New York, and upon a site to be selected by the Secretary of War and the Secretary of the Navy, a suitable memorial to the memory of the North American Indian.
- SEC. 2. That for the purpose of carrying out the provisions of this act a commission, consisting of the chairman of the Committee on the Library of the United States Senate, the chairman of the Committee on the Library of House of Representatives, the Secretary of War, the Secretary of the Navy, and Mr. Robert C. Ogden, of the city of New York, shall be created, with full authority to select a suitable design, and to contract for and superintend the construction of the said memorial the design of the memorial to be subject to the approval of the Commission of Fine Arts.
- Approved, December 8, 1911.
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- Dec. 21, 1911.
[S. 2355.]
- [Public, No. 48.]
37 Stat., 46.
- Masonic Orphanage, Okla.
36 Stat., 191, amended.
Time extended for payment on lands for. Ante, p. 426.
- CHAP. 3.—An act extending the time for payment of balance due on purchase price of a certain tract of land.
- Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the balance due the United States for the land purchased by the Grand Lodge of Ancient Free and Accepted Masons of the State of Oklahoma, under the provisions of the act approved January thirty-first, nineteen hundred and ten (Public, Numbered Twenty-nine), may be paid in five equal annual installments, beginning at the time the second annual payment, under the original purchase, shall become due, with interest at five per centum per annum.
- Approved, December 21, 1911.
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- Dec. 21, 1911.
[S. 3842.]
- [Public, No. 50.]
37 Stat., 46.
- Judicial code.
36 Stat., 1094, amended.
Jurisdiction of district courts.
Ante, p. 507.
- Indian allotments suits.
- Effect of decrees.
- Lands excepted.
- CHAP. 5.—An act to amend and reenact paragraph twenty-four of section twenty-four of Chapter Two of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March third, nineteen hundred and eleven.
- Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That paragraph twenty-four of section twenty-four of Chapter Two of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March third, nineteen hundred and eleven, is hereby amended so as to read as follows:
- "Of all actions, suits, or proceedings involving the right of any person, in whole or in part of Indian blood or descent, to any allotment of land under any law or treaty.
- "And the judgment or decree of any such court in favor of any claimant to an allotment of land shall have the same effect, when properly certified to the Secretary of the Interior, as if such allotment had been allowed and approved by him; but this provision shall not apply to any lands now or heretofore held by either of the

Five Civilized Tribes, the Osage Nation of Indians, nor to any of the lands within the Quapaw Indian Agency: *Provided*, That the right of appeal shall be allowed to either party as in other cases."

Approved, December 21, 1911.

Proviso.
Appeals.

CHAP. 37.—An act to authorize the sale of land within or near the town site of Midvale, Montana, for hotel purposes.

Feb. 10, 1912.
[S. 4246.]

[Public, No. 82.]
37 Stat., 64.
Blackfeet Indian Res-
ervation, Mont.
Sale of land in, for
hotel purposes.

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 is hereby authorized to sell and convey to Louis W. Hill, his heirs, executors, or administrators, for hotel purposes, at a price to be fixed by appraisal, at not less than twenty-five dollars per acre, and under such terms, conditions, and regulations as the Secretary of the Interior may prescribe, not to exceed one hundred and sixty acres of land, not heretofore sold or allotted, within or near the town site of Midvale, Montana, within the Blackfeet Indian Reservation, the proceeds from the sale of said lands to be deposited in the Treasury to the credit of the Blackfeet Tribe of Indians: *Provided, however*, That any hotel erected on said lands shall be operated by the said Louis W. Hill, his executors, administrators, heirs, or assigns, under such rules and regulations as the Secretary of the Interior may prescribe for the conduct and operation of hotels within the "Glacier National Park": *And provided also*, That the Secretary of the Interior may, in his discretion, add to the said town site of Midvale from the unallotted tribal lands not to exceed forty acres of land to be disposed of for town-site purposes in accordance with the provisions of the act of March first, nineteen hundred and seven (Thirty-fourth Statutes at Large, page ten hundred and thirty-nine).

Provisos.
Regulations.
36 Stat., 354.

Addition to town site.

34 Stat., 1039, ante,
290.

SEC. 2. That the Secretary of the Interior is hereby authorized and directed, at his discretion, to withdraw from entry and sale not to exceed five acres of the lands embraced within the said town site of Midvale, or any addition thereto, for use in administrative purposes of the said Glacier National Park.

Withdrawal for Gla-
cier National Park.

Approved, February 10, 1912.

CHAP. 46.—An act to provide for the sale of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations, and for other purposes.

Feb. 19, 1912.
[H. R. 14055.]

[Public, No. 91.]
37 Stat., 67.

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 is hereby authorized to sell at not less than the appraised price, to be fixed as hereinafter provided, the surface, leased and unleased, of the lands of the Choctaw and Chickasaw Nations in Oklahoma segregated and reserved by order of the Secretary of the Interior dated March twenty-fourth, nineteen hundred and three, authorized by the act approved July first, nineteen hundred and two. The surface herein referred to shall include the entire estate save the coal and asphalt reserved. Before offering such surface for sale the Secretary of the Interior, under such regulations as he may prescribe, shall cause the same to be classified and appraised by three appraisers, to be appointed by the President, at a compensation to be fixed by him, not to exceed for salary and expenses for each appraiser the sum of fifteen dollars per day for the time actually engaged in making such classification and appraisal. The classification and appraisal of the surface shall be by tracts, according to the Government

Oklahoma.
Surface of segregated
Choctaw and Chicka-
saw lands to be sold.

37 Stat., 68.

32 Stat., 654, vol. 1,
775.

Commission to clas-
sify and appraise lands.

Amended, post 545,
579.

survey of said lands, except that lands which are especially valuable by reason of proximity to towns or cities may, in the discretion of the Secretary of the Interior, be subdivided into lots or tracts containing not less than one acre. In appraising said surface the value of any improvements thereon belonging to the Choctaw and Chickasaw Nations, except such improvements as have been placed on coal or asphalt lands leased for mining purposes, shall be taken into consideration. The surface shall be classified as agricultural, grazing, or as suitable for town lots. The classification and appraisement provided for herein shall be completed within six months from the date of the passage of this act, shall be sworn to by the appraisers, and shall become effective when approved by the Secretary of the Interior: *Provided*, That in the proceedings and deliberation of said appraisers in the process of said appraisement and in the approval thereof the Choctaw and Chickasaw Nations may present for consideration facts, figures, and arguments bearing upon the value of said property.

Value of improvements. **Classification.** **Proviso. Evidence of values.** **Rights of mining leaseholders.** **Provisos. Additional land.** **Effect of purchase.** **Reservations for mining operations.** **Sales subject to mining rights, etc.** **Compensation.** **37 Stat., 69.** **Arbitration of differences.**

SEC. 2. That after such classification and appraisement has been made each holder of a coal or asphalt lease shall have a right for sixty days, after notice in writing, to purchase, at the appraised value and upon the terms and conditions hereinafter prescribed, a sufficient amount of the surface of the land covered by his lease to embrace improvements actually used in present mining operations or necessary for future operations up to five per centum of such surface, the number, location, and extent of the tracts to be thus purchased to be approved by the Secretary of the Interior: *Provided*, That the Secretary of the Interior may, in his discretion, enlarge the amount of land to be purchased by any such lessee to not more than ten per centum of such surface: *Provided further*, That such purchase shall be taken and held as a waiver by the purchaser of any and all rights to appropriate to his use any other part of the surface of such land, except for the purpose of future operations, prospecting, and for ingress and egress, as hereinafter reserved: *Provided further*, That if any lessee shall fail to apply to purchase under the provisions of this section within the time specified the Secretary of the Interior may, in his discretion, with the consent of the lessee, designate and reserve from sale such tract or tracts as he may deem proper and necessary to embrace improvements actually used in present mining operations, or necessary for future operations, under any existing lease, and dispose of the remaining portion of the surface within such lease free and clear of any claim by the lessee, except for the purposes of future operations, prospecting, and for ingress and egress, as hereinafter reserved.

SEC. 3. That sales of the surface under this act shall be upon the conditions that the Choctaw and Chickasaw Nations, their grantees, lessees, assigns, or successors, shall have the right at all times to enter upon said lands for the purpose of prospecting for coal or asphalt thereon, and also the right of underground ingress and egress, without compensation to the surface owner, and upon the further condition that said nations, their grantees, lessees, assigns, or successors, shall have the right to acquire such portions of the surface of any tract, tracts, or rights thereto as may be reasonably necessary for prospecting or for the conduct of mining operations or for the removal of deposits of coal and asphalt upon paying a fair valuation for the portion of the surface so acquired. If the owner of the surface and the then owner or lessee of such mineral deposits shall be unable to agree upon a fair valuation for the surface so acquired, such valuation shall be determined by three arbitrators, one to be appointed, in writing, a copy to be served on the other party by the owner of the surface, one in like manner by the owner or lessee of the mineral deposits,

and the third to be chosen by the two so appointed; and in case the two arbitrators so appointed should be unable to agree upon a third arbitrator within thirty days, then and in that event, upon the application of either interested party, the United States district judge in the district within which said land is located shall appoint the third arbitrator: *Provided*, That the owner of such mineral deposits or lessee thereof shall have the right of entry upon the surface so to be acquired for mining purposes immediately after the failure of the parties to agree upon a fair valuation and the appointment, as above provided, of an arbitrator by the said owner or lessee.

SEC. 4. That upon the expiration of two years after the lands have been first offered for sale the Secretary of the Interior, under rules and regulations to be prescribed by him, shall cause to be sold to the highest bidder for cash the surface of any lands remaining unsold and of any surface lands forfeited by reason of nonpayment of any part of the purchase price, without regard to the appraised value thereof: *Provided*, That the Secretary of the Interior is authorized to sell at not less than the appraised value to the McAlester Country Club, of McAlester, Oklahoma, the surface of not to exceed one hundred and sixty acres in section seventeen, township five north, range fifteen east: *Provided further*, That the mineral underlying the surface of the lands condemned for the State penitentiary at McAlester, Oklahoma, under the Indian appropriation act approved March third, nineteen hundred and nine, shall be subject to condemnation, under the laws of the State of Oklahoma, for State penitentiary purposes: *And provided further*, That said mineral shall not be mined for other than State penitentiary purposes.

SEC. 5. That the sales herein provided for shall be at public auction under rules and regulations and upon terms to be prescribed by the Secretary of the Interior, except that no payment shall be deferred longer than two years after the sale is made. All agricultural lands shall be sold in tracts not to exceed one hundred and sixty acres, and deeds shall not be issued to any one person for more than one hundred and sixty acres of agricultural land, grazing lands in tracts not to exceed six hundred and forty acres, and lands especially valuable by reason of proximity to towns or cities may, in the discretion of the Secretary of the Interior, be sold in lots or tracts containing not less than one acre each. All deferred payments shall bear interest at five per centum per annum, and if default be made in any payment when due all rights of the purchaser thereunder shall, at the discretion of the Secretary of the Interior, cease and the lands shall be taken possession of by him for the benefit of the two nations, and the money paid as the purchase price of such lands shall be forfeited to the Choctaw and Chickasaw Tribes of Indians.

SEC. 6. That if the mining trustees of the Choctaw and Chickasaw Nations and the three appraisers herein provided for, or a majority of the said trustees and appraisers, shall find that such tract or tracts can not be profitably mined for coal or asphalt and can be more advantageously disposed of by selling the surface and the coal and asphalt together, such tract or tracts may be sold in that manner, in the discretion of the Secretary of the Interior, and patents issued for said lands as provided by existing laws: *Provided*, That this section shall not apply to land now leased for the purpose of mining coal or asphalt within the segregated and reserved area herein described.

SEC. 7. That when full purchase price for any property sold herein is paid, the chief executives of the two tribes shall execute and deliver, with the approval of the Secretary of the Interior, to each purchaser an appropriate patent or instrument of conveyance conveying to the purchaser the property so sold, and all conveyances made under this act shall convey the fee in the land with reservation

Proviso.
Entry by miner.

Sale of lands undisposed of.

Provisos.
McAlester Country Club.

State penitentiary lands.
35 Stat., 805, ante, p. 412.

Restriction on mining.

Terms of sale, etc.

Agricultural lands.

Grazing lands.

Town lots, etc.

Payments.

Sales of both surface and minerals.

37 Stat., 70.

Proviso.

Leased lands excepted.

Conveyances to specify reservations, etc.

Proviso.
Commutation.

Appropriation for
classification, etc., ex-
penses.

Disposal of proceeds.

34 Stat., 143, ante, p.
176.

36 Stat., 1070, ante, p.
499.

Rules, etc., to be es-
tablished.

to the Choctaw and Chickasaw Tribes of Indians of the coal and asphalt in such land, and shall contain a clause or clauses reciting and containing the reservations, restrictions, covenants, and conditions under which the said property was sold, as herein provided, and said conveyances shall specifically provide that the reservations, restrictions, covenants, and conditions therein contained shall run with the land and bind the grantees, successors, representatives, and assigns of the purchaser of the surface: *Provided*, That the purchaser of the surface of any coal or asphalt land shall have the right at any time before final payment is due to pay the full purchase price on the surface of said coal or asphalt land, with accrued interest, and shall thereupon be entitled to patent therefor, as herein provided.

SEC. 8. That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated belonging to the Choctaw and Chickasaw Tribes of Indians, the sum of fifty thousand dollars to pay expenses of the classification, appraisement, and sales herein provided for, and the proceeds received from the sales of lands hereunder shall be paid into the Treasury of the United States to the credit of the Choctaws and Chickasaws and disposed of in accordance with section seventeen of an act entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in Indian Territory, and for other purposes," approved April twenty-sixth, nineteen hundred and six, and the Indian appropriation act approved March third, nineteen hundred and eleven.

SEC. 9. That the Secretary of the Interior be, and he is hereby, authorized to prescribe such rules, regulations, terms, and conditions not inconsistent with this act as he may deem necessary to carry out its provisions, including the establishment of an office during the sale of this land at McAlester, Pittsburg County, Oklahoma.

Approved, February 19, 1912.

Apr. 5, 1912.
[S. 3686.]
[Public, No. 113.]
37 Stat., 78.

CHAP. 70.—An act authorizing the Secretary of the Interior to permit the Missouri, Kansas and Texas Coal Company and the Eastern Coal and Mining Company to exchange certain lands embraced within their existing coal leases in the Choctaw and Chickasaw Nations for other lands within said nations.

Choctaw and Chick-
asaw coal lands.
Missouri, Kansas and
Texas Coal Com-
pany may relinquish
part of lease.

Lands in lieu.

Eastern Coal and
Mining Company may
relinquish part of lease.

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 hereby is, authorized and directed to permit the Missouri, Kansas and Texas Coal Company to relinquish certain lands embraced in its existing Choctaw and Chickasaw coal lease, which have been demonstrated to be not valuable for coal, as follows: Southwest quarter of the northwest quarter, south half of the southeast quarter of the northwest quarter, northwest quarter of the southwest quarter, east half of the southwest quarter, west half of the southeast quarter, south half of the southeast quarter of the southeast quarter, section thirty-five, township six north, range eighteen east; north half of the northeast quarter of section two, township five north, range eighteen east; embracing three hundred and sixty acres, more or less; and to include within the lease in lieu thereof the following-described land, which is within the segregated coal area and unleased: Northeast quarter of section thirty-six; east half of the northwest quarter of section thirty-six, township six north, range eighteen east; southeast quarter of southwest quarter and south half of southeast quarter of section twenty-five, township six north, range eighteen east; embracing three hundred and sixty acres more or less.

SEC. 2. That the Secretary of the Interior be, and he hereby is, authorized and directed to permit the Eastern Coal and Mining Company to relinquish certain lands embraced in its existing Choctaw

and Chickasaw coal lease, which have been demonstrated to be not valuable for coal, as follows: South half of the northwest quarter of the northwest quarter, southwest quarter of the northwest quarter, south half of the southeast quarter of the southeast quarter, northeast quarter of the southwest quarter of section one, township five north, range eighteen east; embracing one hundred and twenty acres, more or less; and to include within the lease in lieu thereof the following-described land, which is within the segregated coal area and unleased: Southwest quarter of the southwest quarter of section thirty, township six north, range nineteen east; west half of the northwest quarter of section thirty-one, township six north, range nineteen east; embracing one hundred and twenty acres, more or less.

Approved, April 5, 1912.

37 Stat., 79.

Lands in lieu.

CHAP. 77.—An act extending the time of payment to certain homesteaders on the Cheyenne River Indian Reservation, in the State of South Dakota, and on the Standing Rock Indian Reservation, in the States of South Dakota and North Dakota.

Apr. 13, 1912.
[S. 3475.]

[Public, No. 119.]
37 Stat., 84.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who has heretofore made a homestead entry for land which was formerly a part of the Cheyenne River Indian Reservation, in the State of South Dakota, or the Standing Rock Indian Reservation, in the States of South Dakota and North Dakota, authorized by the act approved May twenty-ninth, nineteen hundred and eight, may apply to the register and receiver of the land office in the district or districts in which the land is located for an extension of time within which to make payment of any amount that is about to become due, and upon the payment of interest for one year in advance, at five per centum per annum upon the amount due, such payment will be extended for a period of one year, and any payment so extended may annually thereafter be extended for a period of one year in the same manner: *Provided,* That the last payment and all other payments must be made within a period not exceeding one year after the last payment becomes due by the terms of the act under which the entry was made; that all moneys paid for interest as herein provided shall be deposited in the Treasury to the credit of the Indians as a part of the proceeds received for the land: *And provided further,* That any entryman who has resided upon and cultivated the land embraced in his entry for the period of time required by law in order to make commutation proof, may make proof, and if the same is approved, further residence and cultivation will not be required: *Provided,* That any and all payments must be made when due unless the entryman applies for an extension and pays interest at five per centum per annum in advance upon the amount due as herein provided, and patent shall be withheld until full and final payment of the purchase price is made in accordance with the provisions hereof.

Cheyenne River and Standing Rock Indian Reservations, S. Dak. and N. Dak.
Homesteaders on ceded lands allowed additional time for payment.
35 Stat., 462, ante, p. 373.

Provisos.
Time for last payment.

Commutation allowed.

Conditions.

SEC. 2. That failure to make any payment that may be due, unless the same be extended, or to make any extended payment at or before the time to which such payment has been extended as herein provided, will forfeit the entry and the same shall be canceled, and any and all payments theretofore made shall be forfeited.

Forfeiture for non-payment.

SEC. 3. That nothing herein contained shall affect any valid adverse claim initiated prior to the passage of this act.

Valid adverse claims not affected.

Approved, April 13, 1912.

Apr. 15, 1912.
[H. R. 13661.]
[Public, No. 120.]
37 Stat., 85.

CHAP. 78.—An act to provide for an extension of time of payment of all unpaid payments due from homesteaders on the Coeur d'Alene Indian Reservation, as provided for under an act of Congress approved June twenty-first, nineteen hundred and six.

Coeur d'Alene Indian Reservation, Idaho. Homesteaders on ceded lands, allowed additional time for payment.
34 Stat., 336, ante, p. 203.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who has heretofore made a homestead entry for land which was formerly a part of the Coeur d'Alene Indian Reservation, in the State of Idaho, authorized by the act approved June twenty-first, nineteen hundred and six, may apply to the register and receiver of the land office in the district or districts in which the land is located for an extension of time within which to make payment of any amount that is about to become due, and upon the payment of interest for one year in advance, at five per centum per annum upon the amount due, such payment will be extended for a period of one year, and any payment so extended may annually thereafter be extended for a period of one year in the same manner: *Provided*, That the last payment and all other payments must be made within a period not exceeding one year after the last payment becomes due by the terms of the Act under which the entry was made; that all moneys paid for interest as herein provided shall be deposited in the Treasury to the credit of the Indians as a part of the proceeds received for the lands.

Proviso.
Time limit for payments.

Forfeiture for non-payment.

SEC. 2. That failure to make any payment that may be due, unless the same be extended, or to make any extended payment at or before the time to which such payment has been extended as herein provided, will forfeit the entry and the same shall be canceled, and any and all payments theretofore made shall be forfeited.

Valid adverse claims not affected

SEC. 3. That nothing herein contained shall affect any valid adverse claim initiated prior to the passage of this act.

Approved, April 15, 1912.

Apr. 13, 1912.
[S. 2.]
[Public, No. 125.]
37 Stat., 86.

CHAP. 83.—An act supplementary to and amendatory of the act entitled "An act for the division of the lands and funds of the Osage Nation of Indians in Oklahoma," approved June twenty-eighth, nineteen hundred and six, and for other purposes.

Osage Indians, Okla. Payment of taxes on inherited lands.
34 Stat., 539, ante, p. 252.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That until the inherited lands of the deceased members of the Osage Tribe of Indians shall be partitioned or sold the Secretary of the Interior be, and he hereby is, authorized to pay the taxes on said land out of any money due and payable to the heirs from the segregated decedent's funds in the Treasury of the United States.

Exchange of surplus allotments.

SEC. 2. That the Secretary of the Interior be, and he hereby is, authorized, where the same would be to the best interests of Osage allottees, and the same is submitted to the Osage council for recommendation and approved by it, to permit the exchange of surplus allotments, or any portions thereof, of Osage allottees under such rules and regulations as he may prescribe and upon such terms as he shall approve. The Secretary shall have authority to do any and all things necessary to make these exchanges effective.

Property of deceased or incompetent allottees, subject to county courts.

SEC. 3. That the property of deceased and of orphan minor, insane, or other incompetent allottees of the Osage Tribe, such incompetency being determined by the laws of the State of Oklahoma, which are hereby extended for such purpose to the allottees of said tribe, shall, in probate matters, be subject to the jurisdiction of the county courts of the State of Oklahoma, but a copy of all papers filed in the county court shall be served on the superintendent of the Osage Agency at

the time of filing, and said superintendent is authorized, whenever the interests of the allottee require, to appear in the county court for the protection of the interests of the allottee. The superintendent of the Osage Agency or the Secretary of the Interior, whenever he deems the same necessary, may investigate the conduct of executors, administrators, and guardians or other persons having in charge the estate of any deceased allottee or of minors or persons incompetent under the laws of Oklahoma, and whenever he shall be of opinion that the estate is in any manner being dissipated or wasted or is being permitted to deteriorate in value by reason of the negligence, carelessness, or incompetency of the guardian or other person in charge of the estate, the superintendent of the Osage Agency or the Secretary of the Interior or his representative shall have power, and it shall be his duty, to report said matter to the county court and take the necessary steps to have such case fully investigated, and also to prosecute any remedy, either civil or criminal, as the exigencies of the case and the preservation and protection of the interests of the allottee or his estate may require, the costs and expenses of the civil proceedings to be a charge upon the estate of the allottee or upon the executor, administrator, guardian, or other person in charge of the estate of the allottee and his surety, as the county court shall determine. Every bond of the executor, administrator, guardian, or other person in charge of the estate of any Osage allottee shall be subject to the provisions of this section and shall contain therein a reference hereto: *Provided*, That no guardian shall be appointed for a minor whose parents are living, unless the estate of said minor is being wasted or misused by such parents: *Provided further*, That no land shall be sold or alienated under the provisions of this section without the approval of the Secretary of the Interior.

SEC. 4. That nothing herein shall be construed as in any way changing the rights of the Osage Tribe in oil, gas, coal, and other minerals as fixed in the Osage act of June twenty-eighth, nineteen hundred and six, or in any manner be construed to change or amend the provisions of said act in regard to oil, gas, coal, or other minerals.

SEC. 5. That the Secretary of the Interior, in his discretion, hereby is authorized, under rules and regulations to be prescribed by him and upon application therefor, to pay to Osage allottees, including the blind, insane, crippled, aged, or helpless, all or part of the funds in the Treasury of the United States to their individual credit: *Provided*, That he shall be first satisfied of the competency of the allottee or that the release of said individual trust funds would be to the manifest best interests and welfare of the allottee: *Provided further*, That no trust funds of a minor or a person above mentioned who is incompetent shall be released and paid over except to a guardian of such person duly appointed by the proper court and after the filing by such guardian and approval by the court of a sufficient bond conditioned to faithfully administer the funds released and the avails thereof.

SEC. 6. That from and after the approval of this act the lands of deceased Osage allottees, unless the heirs agree to partition the same, may be partitioned or sold upon proper order of any court of competent jurisdiction in accordance with the laws of the State of Oklahoma: *Provided*, That no partition or sale of the restricted lands of a deceased Osage allottee shall be valid until approved by the Secretary of the Interior. Where some of the heirs are minors, the said court shall appoint a guardian ad litem for said minors in the matter of said partition, and partition of said land shall be valid when approved by the court and the Secretary of the Interior. When the heirs of such deceased allottees have certificates of competency or are not members

37 Stat., 87.

Supervision over executors, guardians, etc.

Jurisdiction of county courts.

Provisos. Guardians.

Approval of sales.

Tribal oil and mineral rights unchanged. 34 Stat., 543, ante, p. 255.

Payment of individual funds to allottees.

Provisos. Restriction.

Disposal of funds of minors or incompetents.

Partition of lands of deceased allottees.

Proviso. Conditions.

- of the tribe, the restrictions on alienation are hereby removed. If some of the heirs are competent and others have not certificates of competency, the proceeds of such part of the sale as the competent heirs shall be entitled to shall be paid to them without the intervention of an administrator. The shares due minor heirs, including such minor Indian heirs as may not be tribal members and those Indian heirs not having certificates of competency, shall be paid into the Treasury of the United States and placed to the credit of the Indians upon the same conditions as attach to segregated shares of the Osage national fund, or with the approval of the Secretary of the Interior paid to the duly appointed guardian. The same disposition as herein provided for with reference to the proceeds of inherited lands sold shall be made of the money in the Treasury of the United States to the credit of deceased Osage allottees.
- 37 Stat., 88. Disposition of proceeds. Restriction on encumbering lands. Not subject to prior debts. Proviso. Funeral expenses. Taxes. Disposal of all property by will. Proviso. Approval required. "Competent" defined. Osage agency. 34 Stat., 544, amended, ante, p. 257. Funds reserved for agency and emergencies. Proviso. Agency salaries not subject to limit of general law. 30 Stat., 90, vol. 1, p. 89. Inconsistent laws repealed.
- SEC. 7. That the lands allotted to members of the Osage tribe shall not in any manner whatsoever be encumbered, taken, or sold to secure or satisfy any debt or obligation contracted or incurred prior to the issuance of a certificate of competency, or removal of restrictions on alienation; nor shall the lands or funds of Osage tribal members be subject to any claim against the same arising prior to grant of a certificate of competency. That no lands or moneys inherited from Osage allottees shall be subject to or be taken or sold to secure the payment of any indebtedness incurred by such heir prior to the time such lands and moneys are turned over to such heirs: *Provided, however,* That inherited moneys shall be liable for funeral expenses and expenses of last illness of deceased Osage allottees, to be paid upon order of the county court of Osage County, State of Oklahoma: *Provided further,* That nothing herein shall be construed so as to exempt any such property from liability for taxes.
- SEC. 8. That any adult member of the Osage Tribe of Indians not mentally incompetent may dispose of any or all of his estate, real, personal, or mixed, including trust funds, from which restrictions as to alienation have not been removed, by will, in accordance with the laws of the State of Oklahoma: *Provided,* That no such will shall be admitted to probate or have any validity unless approved before or after the death of the testator by the Secretary of the Interior.
- SEC. 9. The word "competent," as used in this act, shall mean a person to whom a certificate has been issued authorizing alienation of all the lands comprising his allotment, except his homestead.
- SEC. 10. That section four, paragraph four, of the Osage allotment act, approved June twenty-eighth, nineteen hundred and six, be, and the same hereby is, amended to read as follows:
- "Fourth. There shall be set aside and reserved from the royalties received from oil, gas, or other tribal mineral rights or other tribal funds, however arising, not to exceed forty thousand dollars per annum for agency purposes and as an emergency fund, which money shall be paid out from time to time upon the requisition of the Osage tribal council with the approval of the Secretary of the Interior: *Provided,* That the provision in the act entitled 'An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for other purposes,' approved June seventh, eighteen hundred and ninety-seven (Thirtieth Statutes at Large, page ninety), limiting the amount of money to be expended for salaries of regular employees at any one agency shall not hereafter apply to the Osage Agency."
- SEC. 11. That all acts or parts of acts inconsistent herewith be, and the same hereby are, repealed.
- Approved, April 18, 1912.

CHAP. 91.—An act providing for patents to homesteads on the ceded portion of the Wind River Reservation in Wyoming.

Apr. 27, 1912.
[H. R. 16101.]

[Public, No. 133.]
37 Stat., 91.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who, prior to December sixteenth, nineteen hundred and eleven, made homestead entry on the ceded portion of the Wind River Reservation in Wyoming, and has not abandoned the same, and who has been unable to secure water for the irrigation of the lands covered by his entry, may secure title to the same upon the submission of satisfactory proof that he has established and maintained actual bona fide residence upon his land for a period of not less than eight months and upon payment of all sums remaining due on said land as provided for by the act of March third, nineteen hundred and five.

Wind River Reservation, Wyo.
Commutation allowed certain homesteaders on.

33 Stat., 1021, ante, p. 117.

Approved, April 27, 1912.

CHAP. 92.—An act authorizing the Secretary of the Interior to subdivide and extend the deferred payments of settlers in the Kiowa-Comanche and Apache ceded lands in Oklahoma.

Apr. 27, 1912.
[H. R. 19863.]

[Public, No. 134.]
37 Stat., 91.

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 is hereby authorized and directed to subdivide into two parts each of the deferred annual payments on lands heretofore sold and entered under the act entitled "An act to open to settlement five hundred and five thousand acres of land in the Kiowa-Comanche and Apache Indian Reservation in the State of Oklahoma, approved June sixth, (fifth) nineteen hundred and six," and the act entitled "An act giving preference rights to settlers on the Pasture Reserve numbered three to purchase land leased to them for agricultural purposes in Comanche County, Oklahoma," approved June twenty-eighth, nineteen hundred and six, and extend the time of payment from the date on which each payment so divided becomes due under existing law: *Provided,* That one of the parts into which each deferred annual payment is subdivided shall be paid annually thereafter until the entire amount due is paid, and that not more than one of such parts shall be required to be paid annually: *Provided,* That all interest due on such deferred payments on the date of the passage and approval of this act shall be added to the principal, become a part thereof, and, together with all deferred payments, bear interest at the rate of four per centum per annum until paid: *Provided further,* That no patent or specie of title shall pass until all payments and interest are paid in full: *And provided further,* That full discretion is vested in the Secretary of the Interior to refuse an extension for fraud of the purchasers under the above-named acts.

Kiowa-Comanche and Apache ceded lands, Oklahoma.

Time extended for payments by homesteaders on pasture, etc., lands.

34 Stat., 213, ante, p. 184.

34 Stat., 550, ante, p. 259.

36 Stat., 266, ante, p. 427.

Provisos.
Time of payments.

Interest.

Patent.

Condition.

Approved, April 27, 1912.

CHAP. 121.—An act to provide for the disposal of the unallotted land on the Omaha Indian Reservation, in the State of Nebraska.

May 11, 1912.
[S. 5060.]

[Public, No. 153.]
37 Stat., 111.

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 to cause to be surveyed, if necessary, and appraised, in such manner as he may direct, in tracts of forty acres each, or as nearly as to the Secretary may seem practicable, and, after such survey and appraisal, to sell and convey, in quantities not to exceed one hundred and sixty acres to any one purchaser, all the unallotted lands on the Omaha Indian Reserva-

Omaha Indian Reservation, Nebr.
Disposal of unallotted lands on.

tion, in the State of Nebraska, except such tracts as are hereinafter specifically reserved: *Provided*, That the said land shall be sold to the highest bidder under such regulations as the Secretary of the Interior may prescribe, but no part of said land shall be sold at less than the appraised value thereof: *And provided further*, That prior to such appraisement and sale any member of the Omaha Tribe whose allotment is subject to erosion by the Missouri River shall be permitted to relinquish such allotment and select lieu lands of equal area from the allotted lands, the lands so relinquished to become a part of the unallotted tribal lands and subject to appraisement and sale under the terms of this act.

SEC. 2. That the Secretary of the Interior is hereby directed to reserve from sale, under the terms of this act, the following tracts of land for the purposes designated: Forty-nine acres of the land now used for agency purposes to be reserved for agency and school purposes for so long as the need thereof exists; ten acres to be selected by the tribe for use as a tribal cemetery; ten acres of the land now reserved for the use of the Presbyterian Church to be selected by the officials of said church for the use of the church so long as needed for religious or educational purposes; two acres of the land on which is standing what is known as the old Presbyterian mission building, and the Secretary of the Interior is hereby authorized to cause a patent in fee simple to issue therefor in the name of the State Historical Society of Nebraska: *Provided*, That of the land now reserved for agency purposes the Secretary of the Interior is directed to reserve and set aside for town-site purposes one hundred and sixty-four acres other than the forty-nine acres hereinbefore reserved, and shall cause the same to be surveyed and platted into town lots, streets, alleys, and parks, the lots to be appraised and sold under the terms of this act, and the streets, alleys, and parks are hereby dedicated to public use: *Provided further*, That the lands allotted, those retained or reserved, and the surplus lands sold, set aside for town-site purposes, or otherwise disposed of, shall be subject for a period of twenty-five years to all of the laws of the United States prohibiting the introduction of intoxicants into the Indian country.

SEC. 3. That the proceeds of such sale, after paying all the expenses incident to and necessary for carrying out the provisions of this act, and after reimbursing the general trust fund of the tribe for any assessment paid therefrom for protecting the unallotted tribal lands from overflow, shall be divided pro rata among the children of the Omaha Tribe living on the date of the passage and approval of this act who have not received allotments of land under the acts of August seventh, eighteen hundred and eighty-two (Twenty-second United States Statutes at Large, page three hundred and forty-one), and March third, eighteen hundred and ninety-three (Twenty-third United States Statutes at Large, page six hundred and thirty), and shall be expended for the benefit of said Indians when and in such manner as in the opinion of the Secretary of the Interior shall be to their best interests, and pending such expenditure by the said Secretary the sums due the respective Indians shall be placed to the credit of the said Indians in the Treasury of the United States, and shall bear interest at the rate of five per centum per annum, but in the event of the death of any such Indian while there remains in the Treasury to his credit any part of the sum so deposited the said sum shall be paid at once to his heirs, who shall be determined by the Secretary of the Interior in accordance with the laws of descent in force in the State of Nebraska, and the action of the Secretary of the Interior in determining the legal heirs of any deceased Indian, as provided herein, shall in all respects be conclusive and final.

Provisos.
Sales to highest bidder.

Lands subject to erosion.
Selection in lieu by allottee.

Lands reserved for agency, etc.

Provisos.
Town site on agency lands.

Intoxicants prohibited.

Pro rata division of net proceeds.

22 Stat., 341, vol. 1, p. 212.

27 Stat., 630, vol. 1, p. 485.

Expenditure.

37 Stat., 112.

Interest.
Payment to heirs of deceased Indians.

SEC. 4. That for the purpose of carrying out the provisions of this act there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of three thousand dollars, or so much thereof as may be necessary, to be reimbursable out of the funds arising from the sale of said lands.

Approved, May 11, 1912.

Appropriation.

Reimbursable.

CHAP. 151.—An act to relinquish, release, remise, and quitclaim all right, title, and interest of the United States of America in and to all the lands held under claim or color of title by individuals or private ownership or municipal ownership situated in the State of Alabama which were reserved, retained, or set apart to or for the Creek Tribe or Nation of Indians under or by virtue of the treaty entered into between the United States of America and the Creek Tribe or Nation of Indians on March twenty-fourth, eighteen hundred and thirty-two, and under and by virtue of the treaty between the United States of America and the Creek Tribe or Nation of Indians of the ninth day of August, eighteen hundred and fourteen.

June 4, 1912.

[H. R. 16661.]

[Public, No. 177.]
37 Stat., 122.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States of America hereby forever relinquishes, releases, and quitclaims all right, title, and interest in and to all the lands now held under claim or color of title by individual or private ownership or municipal ownership and situated in the State of Alabama which were reserved, retained, or set apart to or for the Creek Tribe or Nation of Indians or any member or members thereof, under and by virtue of the treaties entered into between the United States of America and the Creek Tribe or Nation of Indians on the ninth day of August, eighteen hundred and fourteen, and at Washington on the twenty-fourth day of March, eighteen hundred and thirty-two, by which all the lands of said Creek Tribe or Nation of Indians east of the Mississippi River were ceded to the United States of America, as well as all lands so situated in the State of Alabama which may have been sold by the United States of America or under the authority of the same for the benefit of or in behalf of any Creek Indian or Indians, whether the conditions or reservations of sales were complied with or not, and whether or not patents were issued therefor by the United States; and in cases where patents have not been issued under the treaties aforesaid, the Commissioner of the General Land Office and the Commissioner of Indian Affairs shall cause to be made upon the records of their respective offices proper notations referring to this act and closing the cases: *Provided, however,* That nothing contained in this act shall be construed to affect or dispose of any right, claim, or title, if any, which any Indian of said Creek Tribe, or his or her heir or heirs, may have in or to any of said land.

Alabama.
Relinquishment of
United States title to
former Creek lands in.
7 Stat., 120, vol. 2, p.
107.

7 Stat., 366, vol. 2, p.
341.

Proviso.
Rights of Indians not
affected.

The true intent of this act is hereby declared to be to concede and abandon all right, title, and interest of the United States to those persons, estates, firms, or corporations who would be the true and lawful owners of said lands under the laws of Alabama, including the laws of prescription, in the absence of said interest, title, and estate of the said United States.

All title, etc., of
United States abandoned.

37 Stat., 123.

Approved, June 4, 1912.

CHAP. 155.—An act authorizing the Secretary of the Interior to classify and appraise unallotted Indian lands.

June 6, 1912.

[S. 405.]

[Public, No. 131.]
37 Stat., 125.

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 to cause to be classified or reclassified and appraised or reappraised, in such manner as he may deem advisable, the unallotted or otherwise unreserved lands within

Indian reservations.
Classification, etc., of
unallotted lands au-
thorized.

any Indian reservation opened to settlement and entry but not classified and appraised in the manner provided for in the act or acts opening such reservations to settlement and entry, or where the existing classification of appraisement is, in the opinion of the Secretary of the Interior, erroneous.

Approved, June 6, 1912.

July 1, 1912.
[S. 3203.]

CHAP. 189.—An act to authorize the sale of certain lands within the Umatilla Indian Reservation to the city of Pendleton, Oregon.

[Public, No. 207.]
37 Stat., 186.

Umatilla Indian Reservation.
Sale of lands on, to Pendleton, Oreg.

37 Stat., 187.

Proviso.
Use of proceeds.

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, in his discretion, to sell and convey to the city of Pendleton, a municipal corporation in Umatilla County, State of Oregon, under such terms, conditions, and regulations as he may prescribe, not to exceed two hundred acres of unallotted tribal Indian lands within the Umatilla Reservation at not less than its appraised value, said lands to be used by the city of Pendleton, Oregon, for municipal waterworks purposes: *Provided,* That the net proceeds from the sale of said lands shall be deposited in the Treasury of the United States to the credit of said Umatilla Tribe of Indians and shall draw interest at the rate of four per centum per annum, and may thereafter be paid to the said tribe of Indians pro rata or used for their benefit in the discretion of the Secretary of the Interior.

Approved, July 1, 1912.

July 1, 1912.
[H. R. 18849.]

CHAP. 190.—An act for the relief of the Winnebago Indians of Nebraska and Wisconsin

[Public, No. 208.]
37 Stat., 187.
Winnebago Indians.
Distribution of tribal funds to, per capita.
35 Stat., 798, ante, p. 405.

Provisos.
Adjustment of differences.

Census for distribution.

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 is hereby authorized when the amount of tribal funds due the Winnebagoes in Wisconsin shall have been ascertained, in accordance with the enrollment as hereinafter provided, to expend said funds for their benefit in such manner, including the purchase of lands for said Indians, as he may deem proper, or, in his discretion, to distribute said funds, or any part thereof, per capita among said Indians: *Provided,* That the Secretary of the Interior is hereby authorized to adjust the differences, not already provided for by statute, between the two branches of the tribe, arising from errors in the payment of annuities, and to settle the same before the final division of the trust funds is made: *Provided further,* That a special census of the two branches of the Winnebago Tribe shall be taken as of June thirtieth, nineteen hundred and twelve, and that the final division of the capitalized funds of the tribe shall be based upon the number of persons belonging to each branch who are alive on that date.

Approved, July 1, 1912.

July 9, 1912.
[S. 5141.]

CHAP. 221.—An act to correct an error in the record of the supplemental treaty of September twenty-eighth, eighteen hundred and thirty, made with the Choctaw Indians, and for other purposes.

[Public, No. 217.]
37 Stat., 189.

Choctaw Indian lands, Miss.
Title of lands reserved to Thomas Wall, confirmed.
7 Stat., 340, vol. 2, p. 317.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the reservation of section eight and the west half of section nine, in township nineteen north, range sixteen east, Choctaw meridian, Mississippi, to Thomas Wall, and the sale thereof by him to Anthony Winston, made on December eleventh, eighteen hundred and thirty-three, be, and the same are

hereby, approved, and the title thereto confirmed in the said Thomas Wall and his vendee, the said Anthony Winston; and the Commissioner of the General Land Office is hereby authorized and directed to cause the proper entries to be made upon the land records of the land office at Jackson, Mississippi, and of the General Land Office, showing that said land was reserved to the said Thomas Wall.

Approved, July 9, 1912.

CHAP. 229.—An act authorizing the sale of certain lands in the Flathead Indian Reservation to the town of Ronan, State of Montana, for the purposes of a public park and public-school site.

July 10, 1912.
[S. 6946.]

[Public, No. 223.]
37 Stat., 192.

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, in his discretion, to sell and convey to the town of Ronan, Montana, under such terms, conditions, and regulations as he may prescribe, not to exceed twenty acres of unallotted tribal land within the Flathead Indian Reservation, at not less than its appraised price; said lands to be used by the town of Ronan for school, park, or other public purposes: *Provided*, That the net proceeds received from the sale of said lands shall be deposited in the Treasury of the United States to the credit of the Flathead Indians and draw interest at the rate now provided by law, and may thereafter be used for the benefit of said Indians.

Flathead Indian Reservation.
Sale of tract to Ronan, Mont.

Proviso.
Proceeds to credit of tribe.

Approved, July 10, 1912.

CHAP. 240.—An act to provide for the payment of drainage assessments on Indian lands in Oklahoma.

July 19, 1912.
[S. 4913.]

[Public, No. 230.]
37 Stat., 194.

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, in his discretion, to approve the assessments, together with maps showing right of way and definite location of proposed drainage ditches made under the laws of the State of Oklahoma upon the allotments of certain Absentee Shawnee and Citizen Pottawatomie allottees in Little River drainage district, in Pottawatomie County, Oklahoma, and upon the allotments of certain Sac and Fox allottees in Deep Fork drainage districts, in Lincoln County, Oklahoma.

Oklahoma.
Drainage assessments on certain Indian allotments in, approved.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to pay the amount assessed against each of said allotments: *Provided*, That said assessment shall not exceed fifteen dollars per acre on any allotment or portion thereof; and there is hereby appropriated for said purpose, out of any money in the Treasury not otherwise appropriated, the sum of forty thousand dollars, to be immediately available, the said sum to be reimbursable from the rentals of said allotments, not to exceed fifty per centum of the amount of rents received annually, or from any funds belonging to the said allottees, in the discretion of the Secretary of the Interior.

Payment.

Proviso.
Appropriation.

Repayment from rentals, etc.

SEC. 3. That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to approve deeds for right of way from such said allottees or their heirs as may be necessary to permit the construction and maintenance of said drainage ditch upon the payment of adequate damages therefor.

Approval of right of way.

37 Stat., 195.

Payment of damages.

That the Secretary of the Interior is hereby authorized to approve the assessments upon all other restricted allotments located within any proposed drainage district located and made under the laws of the State of Oklahoma.

General approval of assessment on restricted allotments.

Unpaid assessment to become a lien.

That in the event any allottees shall receive a patent in fee to an allotment of land in any lawfully constituted drainage district within the State of Oklahoma, before the United States shall have been wholly reimbursed as herein provided, the amount remaining unpaid shall become a first lien on such allotment, and the fact of such lien shall be recited on the face of each patent in fee issued and the amount of the lien set forth thereon, and the receipt of the Secretary of the Interior, or of the officer, agent, or employee duly authorized by him for that purpose, for the payment of the amount assessed against any allotment as herein provided shall, when duly recorded by the recorder of deeds in the county wherein the land is located, operate as a satisfaction of such lien.

Satisfaction.

Adoption of rules, etc.

SEC. 4. 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, July 19, 1912.

July 19, 1912.
[H. R. 20684.]
[Public, No. 231.]
37 Stat., 195.

CHAP. 241.—An act providing for the sale of the Lemhi School and Agency plant and lands on the former Lemhi Reservation in the State of Idaho.

Lemhi Indian Reservation, Idaho.
Sale of agency and school lands, etc., of former.

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 to cause to be sold, under such regulations, terms, and conditions as he may prescribe, the unappropriated school and agency lands on the former Lemhi Indian Reservation in the State of Idaho, described as follows: Northwest quarter, northwest quarter southwest quarter, section twenty-eight, northeast quarter northeast quarter, west half southwest quarter northeast quarter, east half southeast quarter northeast quarter, excepting one acre of ground and the building thereon to be sold to the school board of district numbered twenty-six, Lemhi County, Idaho; lot one, northwest quarter southeast quarter, south half southeast quarter, section twenty-nine, township eighteen north, range twenty-four east, Boise meridian, containing four hundred and thirty-four acres, together with the buildings thereon, and to convey the same by patent or patents in fee simple to the purchaser or purchasers: *Provided*, That the State of Idaho shall be given the preference right for one year from and after the passage of this act to purchase said lands, together with the buildings, at the present appraised value thereof.

Description.

Proviso.
Preference to State of Idaho.

Approved, July 19, 1912.

July 20, 1912.
[S. 6934.]
[Public, No. 234.]
37 Stat., 196.

CHAP. 244.—An act to provide an extension of time for submission of proof by homesteaders on the Uintah Indian Reservation.

Uintah Indian Reservation, Utah.
Time extended for proof of homestead entries on former.
32 Stat., 263, vol. 1, p. 753.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who has heretofore made a homestead entry for land which was formerly a part of the Uintah Indian Reservation in the State of Utah, authorized by the act approved May twenty-seventh, nineteen hundred and two, and acts amendatory thereto, shall, upon application to the register and receiver of the land office in the district in which the land is located, and upon payment of five per centum of the price of said land, be allowed an extension of time of one year within which to submit proof on his entry and make payment therefor: *Provided*, That said five per centum shall be accepted as interest for said year, and shall be deposited in the Treasury to the credit of the Indians as

Interest to be paid.

Provisos.
Credit to Indians.

37 Stat., 197.

a part of the proceeds received for the lands: *Provided further*, That any entryman may, upon the same conditions, obtain a second extension, and no more. Second extension.

SEC. 2. That nothing herein contained shall affect any valid adverse claim initiated prior to the passage of this act. Adverse claims not affected.

Approved, July 20, 1912.

CHAP. 248.—An act authorizing the sale of certain lands in the Colville Indian Reservation to the town of Okanogan, State of Washington, for public park purposes.

July 22, 1912.
[S. 338.]

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 is hereby authorized and directed to convey, for public park purposes, to the town of Okanogan, county of Okanogan, State of Washington, a municipal corporation, the following-described lands, or so much thereof as said town may desire, to wit: All that portion of lot eight of section seventeen, township twenty-three north, range twenty-six east of the Willamette meridian, containing forty-seven and thirty-five hundredths acres.

[Public, No. 236.]
37 Stat., 197.
Colville Indian Reservation.
Sale of lands in, to Okanogan, Wash.

37 Stat., 594, post, p. 550.

SEC. 2. That the said conveyance shall be made of the said lands to the said town by the Secretary of the Interior upon the payment by the said town for the said lands, or such portion thereof as it may select, of such sum as may be fixed by the appraisement hereafter to be made under the act entitled "An act to authorize the sale and disposition of surplus or unallotted lands of the diminished Colville Indian Reservation, in the State of Washington, and for other purposes," approved March twenty-second, nineteen hundred and six, and patent issued to the said town for the said lands selected, to have and to hold for public park purposes, subject to the existing laws and regulations concerning public parks, and that the grant hereby made shall not include any lands which at the date of the issuance of patent shall be covered by a valid, existing, bona fide right or claim initiated under the laws of the United States: *Provided*, That there shall be reserved to the United States all oil, coal, and other mineral deposits that may be found in the lands so granted, and all necessary use of the lands for extracting the same: *And provided further*, That the said town shall not have the right to sell or convey the lands herein granted, or any parts thereof; or to devote the same to any other purpose than as hereinbefore described, and that if the said lands shall not be used as public parks the same, or such parts thereof not so used, shall revert to the United States: *And provided further*, That the lands conveyed to the town of Okanogan, as authorized herein, shall be subject for a period of twenty-five years to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country.

Payment.

34 Stat., 80, ante, p. 163.

To be used as public park.

Provisos.
Oil, etc., rights reserved.

Reversion for non-user.

37 Stat., 198.

Prohibition of intoxicants.

Approved, July 22, 1912.

CHAP. 355.—An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and thirteen, and for other purposes.

Aug. 24, 1912.
[H. R. 25069.]

[Public, No. 302.]
37 Stat. 417.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby appropriated, for the objects hereinafter expressed, for the fiscal year ending June thirtieth, nineteen hundred and thirteen, namely:

Sundry civil expenses appropriations.

37 Stat., 464.

* * * * *

Conveyances of allotted lands.
Expenses of suits to set aside.

Suits to set aside conveyances of allotted lands, Five Civilized Tribes: For the payment of necessary expenses incident to any suits brought at the request of the Secretary of the Interior in the eastern judicial district of Oklahoma, to be expended under the direction of the Attorney General, \$20,000, together with the unexpended balance of the appropriations heretofore made for this purpose: *Provided*, That not to exceed \$10,000 of said sum shall be available for the expenses of the United States on appeals to the Supreme Court of the United States.

Proviso.
Appeals to Supreme Court.

* * * * *

Seminole allotments.
Expenses of suits affecting titles.

Suits affecting title to Seminole allotted lands in Oklahoma: For the payment of necessary expense incident to any suits brought, including the salaries of attorneys specially employed to set aside illegal conveyances of Seminole allotments, to protect the possession of Seminole allottees in their allotted lands, or in the prosecution of any criminal proceedings based on frauds perpetrated upon Seminole allottees with respect to their allotted lands, to be expended under the direction of the Attorney General, \$15,000.

* * * * *

Approved, August 24, 1912.

Aug. 24, 1912.
[H. R. 26236.]
[Public, No. 313.]
37 Stat., 495.

CHAP. 366.—An act conferring upon the Lawton Railway and Lighting Company the privileges, rights, and conditions heretofore granted the Lawton and Fort Sill Electric Company to construct a railroad across certain lands in Comanche County, Oklahoma.

Oklahoma.
Lawton and Fort Sill Electric Railway Company.
Transfer of rights of way to Lawton Railway and Lighting Company.
36 Stat., 268, 588, ante, p. 472.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the privileges and grants heretofore conferred upon the Lawton and Fort Sill Electric Railway Company, by virtue of the acts of March twenty-eighth, nineteen hundred and ten (Thirty-sixth Statutes, page two hundred and sixty-eight), and June twenty-second, nineteen hundred and ten (Thirty-sixth Statutes, page five hundred and eighty-eight), to construct and operate a railway, telegraph, telephone, and trolley lines through the Fort Sill Military Reservation and the public lands reserved for Indian school purposes, all in Comanche County, Oklahoma, be, and the same are hereby, conferred upon the Lawton Railway and Lighting Company, a corporation created under and by virtue of the laws of the State of Oklahoma: *Provided*, That no rights hereunder shall vest in the Lawton Railway and Lighting Company until maps of location of the respective portions of the road through the Fort Sill Military Reservation and the lands reserved for Indian school purposes hereafter receive the approval of the Secretary of War and the Secretary of the Interior, respectively, subject, however, to all the limitations, restrictions, and conditions contained in the said acts: *Provided*, That said Lawton Railway and Lighting Company shall complete the construction of that portion of its road between Lawton and Fort Sill within two years from the date of the passage of this act.

Proviso.
37 Stat., 496.
Approval of location.

Completion.

Amendment.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Approved, August 24, 1912.

CHAP. 368.—An act to amend an act entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved April twenty-sixth, nineteen hundred and six (Thirty-fourth Statutes at Large, page one hundred and thirty-seven).

Aug. 24, 1912.
[S. 4753.]

[Public, No. 315.]
37 Stat., 497.

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 to sell, upon such terms and conditions, under such regulations, and in such tracts as he shall deem advisable, the land and timber, together or separately, reserved from allotment under the provisions of section seven of the act entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved April twenty-sixth, nineteen hundred and six (Thirty-fourth Statutes at Large, page one hundred and thirty-seven).

Oklahoma.
Sale of reserved Choctaw lands, etc., in, authorized.

34 Stat., 139, ante, p. 171.

Approved, August 24, 1912.

CHAP. 388.—An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June thirtieth, nineteen hundred and thirteen.

Aug. 24, 1912.
[H. R. 20728.]

[Public, No. 335.]
37 Stat., 518.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and in full compensation for all offices the salaries for which are provided for herein for the service of the fiscal year ending June thirtieth, nineteen hundred and thirteen, namely:

Indian Department appropriations.

For the survey, resurvey, classification, and appraisal of lands to be allotted in severalty under the provisions of the act of February eighth, eighteen hundred and eighty-seven, entitled "An act to provide for the allotment of lands in severalty to Indians," and under any other act or acts providing for the survey and allotment of lands in severalty to Indians, including the necessary clerical work incident thereto and to the issuance of all patents in the field and in the Office of Indian Affairs, and to the delivery of trust patents for allotments under said act or any such act or acts; and for the survey and subdivision of Indian reservations and lands to be allotted to Indians under authority of law, two hundred and fifty thousand dollars, to be repaid proportionately out of any Indian moneys held in trust or otherwise by the United States and available by law for such reimbursable purpose and to remain available until expended.

Surveys, etc., for allotments in severalty.
24 Stat., 388, vol. 1, p. 33.

For the construction, repair, and maintenance of ditches, reservoirs, and dams, purchase and use of irrigation tools and appliances, water rights, ditches, lands necessary for canals, pipe lines, and reservoirs for Indian reservations and allotments, and for drainage and protection of irrigable lands from damage by floods, three hundred and twenty-five thousand dollars, to remain available until expended: *Provided*, That no part of this appropriation shall be expended on any irrigation system or reclamation project for which specific appropriation is made in this act or for which public funds are or may be available under any other act of Congress: *Provided further*, That nothing herein contained shall be construed to prohibit reasonable expenditures from this appropriation for preliminary surveys and investigations to determine the feasibility and estimated cost of new

Surveying reservations, etc., for allotting.

Repayments.

Irrigation, drainage, etc.

Available until expended.

Provisos.
Use restricted.

Preliminary surveys, etc.

37 Stat., 519.
Power and reservoir
sites.

36 Stat., 858, ante, p.
478.
Consultation with
other bureaus.

Irrigation inspectors.

Superintendents of
irrigation.

Suppressing liquor
traffic.
Provisos.
Sacramental wines.

Authority of officers.
R. S., sec. 788.

Relieving distress,
preventing diseases,
etc.

Proviso.
Investigation by Pub-
lic Health Service of
contagious disease.

Support of schools.

Provisos.
Educational leaves
to employees.

Restriction on Indian
children.

projects, for investigations and surveys for power and reservoir sites on Indian reservations in accordance with the provisions of section thirteen of the act of June twenty-fifth, nineteen hundred and ten, or to prevent the Bureau of Indian Affairs from having the benefit of consultation with engineers in other branches of the public service or carrying out existing agreements with the Reclamation Service; for pay of one chief inspector of irrigation, who shall be a skilled irrigation engineer, four thousand dollars; one assistant inspector of irrigation, who shall be a skilled irrigation engineer, two thousand five hundred dollars; for traveling expenses of two inspectors of irrigation, at three dollars per diem when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses authorized by law, and for incidental expenses of negotiation, inspection, and investigation, including telegraphing and expense of going to and from the seat of government and while remaining there under orders, four thousand two hundred dollars; in all, three hundred and thirty-five thousand seven hundred dollars: *Provided also*, That not to exceed seven superintendents of irrigation, who shall be skilled irrigation engineers, may be employed.

For the suppression of the traffic in intoxicating liquors among Indians, seventy-five thousand dollars: *Provided*, That hereafter it shall not be unlawful to introduce and use wines solely for sacramental purposes, under church authority, at any place within the Indian country or any Indian reservation, including the Pueblo Reservations in New Mexico: *Provided also*, That the powers conferred by section seven hundred and eighty-eight of the Revised Statutes upon marshals and their deputies are hereby conferred upon the chief special officer for the suppression of the liquor traffic among Indians and duly authorized officers working under his supervision whose appointments are made or affirmed by the Commissioner of Indian Affairs or the Secretary of the Interior.

To relieve distress among Indians and to provide for their care and for the prevention and treatment of tuberculosis, trachoma, smallpox, and other contagious and infectious diseases, including the purchase of vaccine and expense of vaccination, ninety thousand dollars: *Provided*, That 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, to enable the Public Health and Marine-Hospital Service to make a thorough examination as to the prevalence of tuberculosis, trachoma, smallpox, and other contagious and infectious diseases among the Indians of the United States, full report to be made to Congress not later than February first, nineteen hundred and thirteen, with such recommendations as may be deemed advisable.

For support of Indian day and industrial schools, not otherwise provided for, and for other educational and industrial purposes in connection therewith, one million four hundred and twenty thousand dollars: *Provided*, That hereafter employees of Indian schools may be allowed, in addition to annual leave, educational leave not to exceed fifteen days per calendar year for attendance at educational gatherings, conventions, institutions, or training schools, if the interests of the service require, and under such regulations as the Secretary of the Interior may prescribe, and no additional salary or expense on account of this leave of absence shall be incurred: *Provided further*, That no part of this appropriation, or any other appropriation provided for herein, except appropriations made pursuant to treaties, shall be used to educate children of less than one-fourth Indian blood, whose parents are citizens of the United States and the State wherein they live and where there are adequate free school facilities provided and the

facilities of the Indian schools are needed for pupils of more than one-fourth Indian blood.

For construction, lease, purchase, repairs, and improvements of school and agency buildings, and for sewerage, water supply, and lighting plants, and for purchase of school sites, four hundred and eighty thousand dollars: *Provided*, That out of the above amount the following expenditures shall be made, to wit, thirty thousand dollars for the construction of buildings for agency headquarters on the Coeur d'Alene Reservation in Idaho; ten thousand dollars for general repairs and improvements at the Yankton Agency in South Dakota; fifteen thousand dollars for improvements at the Fort Bidwell School in California as follows, seven thousand dollars for the erection and construction of a water and electric-light system, three thousand dollars for sewerage system, three thousand dollars for a steam laundry, and two thousand dollars for complete heating system of the school and accessory buildings.

For collection and transportation of pupils to and from Indian schools, and for the transportation of Indian pupils from any and all Indian schools and placing them, with the consent of their parents, under the care and control of white families qualified to give such pupils moral, industrial, and educational training, eighty-two thousand dollars: *Provided*, That not to exceed five thousand dollars of this amount may be used in the transportation and placing of Indian youths in positions where a remunerative employment may be found for them in industrial pursuits. The provisions of this section shall also apply to native pupils of school age under twenty-one years of age brought from Alaska.

All moneys appropriated herein for school purposes among the Indians may be expended, without restriction as to per capita expenditure, for the annual support and education of any one pupil in any school.

To conduct experiments on Indian school or agency farms designed to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, and fruits, for the purposes of preserving living and growing timber on Indian reservations and allotments, and to advise the Indians as to the proper care of forests: *Provided*, That this shall not, as to timber, apply to the Menominee Indian Reservation in Wisconsin; for the employment of suitable persons as matrons to teach Indian women housekeeping and other household duties, and for furnishing necessary equipments and renting quarters for them where necessary; for the employment of practical farmers and stockmen, in addition to the agency and school farmers now employed; and to superintend and direct farming and stock raising among Indians, four hundred thousand dollars: *Provided further*, That not to exceed five thousand dollars of the amount herein appropriated may be used to conduct experiments on Indian school or agency farms to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, and fruits: *Provided, also*, That the amounts paid to matrons, farmers, and stockmen herein provided for shall not be included within the limitation on salaries and compensation of employees contained in the act of June seventh, eighteen hundred and ninety-seven.

For the purchase of goods and supplies for the Indian service, including inspection, pay of necessary employees, and all other expenses connected therewith, including advertising, storage, and transportation of Indian goods and supplies, two hundred and eighty-five thousand dollars.

For telegraph and telephone toll messages on business pertaining to the Indian service sent and received by the Bureau of Indian Affairs at Washington, nine thousand dollars.

37 Stat., 520.

School, agency buildings, etc.

Proviso.

Coeur d'Alene, Idaho.
Yankton, S. Dak.
Fort Bidwell School, Cal.

Transporting, etc., pupils.

Proviso.
Industrial employments.

Alaska pupils.

No per capita restriction.

Agricultural experiments.

Provisos.
Restrictions.

Matrons.

Farmers and stockmen.

Tests of soil, etc.

Amounts to matrons, etc.
30 Stat., 90, vol. 1, p. 89.Supplies.
Purchase, etc.

Telegraphing, etc.

Legal expenses in suits involving allotments.

37 Stat., 521.
Proviso.
No attorney fees.
Citizen commission.

Proviso.
Secretary allowed; pay.

H. C. Phillips.
Pay for services as secretary.

Indian police.

Judges, Indian courts.

Contingencies.

Classifying Indian office files.

Agency employees.
Limit for salaries increased.
30 Stat., 90, vol. 1, p. 89.

Arizona and New Mexico.

Support, etc., of Indians in.

Fort Mojave School.

Phoenix School.

For witness fees and other legal expenses incurred in suits instituted in behalf of or against Indians involving the question of title to lands allotted to them, or the right of possession of personal property held by them, two thousand dollars: *Provided*, That no part of this appropriation shall be used in the payment of attorney fees.

For expenses of the Board of Indian Commissioners, four thousand dollars, including not to exceed three hundred dollars for office rent: *Provided*, That hereafter the Board of Indian Commissioners is authorized to employ a secretary, not a member of said board, and may his salary out of the appropriation herein made or which shall hereafter be made for said board: *Provided further*, That the proper accounting officers of the Treasury are hereby directed to approve the payment of the salary of H. C. Phillips for services heretofore rendered said board as secretary out of the appropriation provided for the expenses of said Board of Indian Commissioners in the Indian appropriation act for the fiscal year ending June thirtieth, nineteen hundred and twelve.

For payment of Indian police, including chiefs of police at not to exceed fifty dollars per month each, and privates at not to exceed thirty dollars per month each, to be employed in maintaining order, and for the purchase of equipments and rations for policemen at non-ration agencies, two hundred thousand dollars.

For compensation of judges of Indian courts where tribal relations now exist, ten thousand dollars.

For pay of special agents at two thousand dollars per annum; for traveling and incidental expenses of such special agents, including sleeping-car fare, and a per diem of three dollars in lieu of subsistence when actually employed on duty in the field or ordered to the seat of government; for transportation and incidental expenses of officers and clerks of the Office of Indian Affairs when traveling on official duty; for pay of employees not otherwise provided for; and for other necessary expenses of the Indian service for which no other appropriation is available, one hundred and twenty-five thousand dollars.

For continuing the work of classifying and indexing the files of the Indian Office and preparing historical data from records therein, including the pay of employees, five thousand dollars.

That so much of the provision of the Indian appropriation act of June seventh, eighteen hundred and ninety-seven (Thirtieth Statutes at Large, pages sixty-two to ninety), as limits the amount that may be paid for salaries or compensation to employees regularly employed at any one agency to ten thousand dollars, and at a consolidated agency to fifteen thousand dollars, is hereby amended by increasing the amounts to fifteen thousand dollars and twenty thousand dollars, respectively.

ARIZONA AND NEW MEXICO.

SEC. 2. For support and civilization of Indians in Arizona and New Mexico, three hundred and thirty thousand dollars.

For support and education of two hundred Indian pupils at the Indian school at Fort Mojave, and for pay of superintendent, thirty-five thousand one hundred dollars; for general repairs and improvements, three thousand three hundred dollars; in all, thirty-eight thousand four hundred dollars.

For support and education of seven hundred Indian pupils at the Indian school at Phoenix, Arizona, and for pay of superintendent, one hundred and nineteen thousand four hundred dollars; for general repairs and improvements, nine thousand dollars; in all, one hundred and twenty-eight thousand four hundred dollars.

For support and education of one hundred pupils at the Indian school at Truxton Canyon, Arizona, and for pay of superintendent, eighteen thousand two hundred dollars; for general repairs and improvements, four thousand dollars; in all, twenty-two thousand two hundred dollars.

For maintenance, including purchase of electricity for irrigation wells already completed, and the completion of the lateral irrigating ditches thereunder in connection with the irrigation of the lands of the Pima Indians in the vicinity of Sacaton, in the Gila River Indian Reservation, fifteen thousand dollars: *Provided*, That the proportion of the cost of the irrigation project on the Gila River Indian Reservation heretofore and herein authorized to be paid from the public funds shall be repaid into the Treasury of the United States as and when funds may be available therefor: *Provided further*, That in the event any allottee shall receive a patent in fee to an allotment of land irrigated under this project before the United States shall have been wholly reimbursed as herein provided, then the proportionate cost of the project, to be apportioned equitably by the Secretary of the Interior, shall become a first lien on such allotment, and the fact of such lien shall be recited on the face of each patent in fee issued and the amount of the lien set forth therein, which said lien, however, shall not be enforced so long as the original allottee or his heirs shall own the allotment; and the receipt of the Secretary of the Interior, or of the officer, agent, or employee duly authorized by him for that purpose, for the payment of the amount assessed against any allotment as herein provided shall, when duly recorded by the recorder of deeds in the county wherein the land is located, operate as a satisfaction of such lien: *Provided*, That the Secretary of War be, and he hereby is, directed to convene a board of not less than three engineers of the Army of wide reputation and large experience to make the necessary examinations, borings, and surveys for the purpose of determining the reasonability and practicability of constructing a dam and reservoir at or in the vicinity of the Box Canyon, on the San Carlos Indian Reservation, known as the site of the proposed San Carlos Reservoir on the Gila River, Arizona, and the necessary irrigation works in connection therewith to provide for the irrigation of Indian, private and public lands in the Gila River Valley. Said board of engineers to submit to Congress the results of their examinations and surveys, together with an estimate of cost, with their recommendations thereon at the earliest practicable date. The sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of conducting said investigations.

For the development of a water supply for domestic and stock purposes and for irrigation for nomadic Papago Indians in Pima County, Arizona, five thousand dollars.

To enable the Secretary of the Interior to make an investigation of the conditions on the Papago Indian Reservation in Arizona with a view to determining the possibility of enlarging the irrigation system for the protection and irrigation of the Indian lands and the development of a water supply for domestic and stock purposes, five thousand dollars: *Provided*, That the Secretary of the Interior shall cause surveys, plans, and reports to be made together with an estimated limit of cost of said project and shall submit his report thereon to Congress on the first Monday in December, nineteen hundred and twelve.

For beginning the construction of the Ganado irrigation project on the Navajo Indian Reservation in Arizona, in accordance with the plans submitted by the chief engineer of the Indian Service and approved by the Commissioner of Indian Affairs and the Secretary

Truxton Canyon School.

37 Stat., 522.
Gila River irrigation system.
Maintenance, etc.

Provisos.
Repayment of cost.

Cost a lien on allotment patents.

Not enforced against original allottee.

Satisfaction of lien.

San Carlos Reservation.
Army engineers to examine irrigation project.

Report, estimates, etc.

Expenses.

Papago Indians.
Water supply.

Papago Indian Reservation.
Investigation for enlarging irrigation system.

Proviso.
Report, etc.

Navajo Reservation.
Ganado irrigation project.
Construction.

Proviso.
Limit of cost.

37 Stat., 523.
San Carlos Reserva-
tion.
Report on necessity
for bridges, etc., in.

of the Interior, in conformity with section one of the act approved April fourth, nineteen hundred and ten, thirty-five thousand dollars: *Provided*, That the total cost of the project shall not exceed sixty thousand one hundred dollars.

To enable the Secretary of the Interior to make an investigation of the conditions on the White Mountain or San Carlos Indian Reservation in Arizona, with respect to the necessity of constructing, for the use of the Indians, suitable bridges across the San Carlos Creek and the Gila River, in the vicinity of San Carlos, on said reservation, one thousand dollars, and the Secretary of the Interior is hereby authorized and directed to cause surveys, plans, and reports to be made together with an estimated limit of cost of construction of said bridges, at such sites as he may select, and submit his report thereon to Congress on the first Monday in December, nineteen hundred and twelve.

Yuma Reservation,
Cal.
Report on necessity
for bridge, Colorado
River.

To enable the Secretary of the Interior to make an investigation of conditions on the Yuma Reservation, in California, with respect to the necessity of constructing, for the use of the Indians, a bridge across the Colorado River between Fort Yuma, California, and the town of Yuma, Arizona, one thousand dollars, and the Secretary of the Interior is hereby authorized and directed to cause plans, surveys and reports to be made together with an estimated limit of cost of said bridge and to submit his report thereon to Congress on the first Monday in December, nineteen hundred and twelve.

Clarence I. Stacy.
Payment of salary.

For salary due Clarence I. Stacy, supervisor of ditches, Pima Indian Reservation, Arizona, from April eighth, nineteen hundred and eleven, to October twenty-fifth, nineteen hundred and eleven, at one thousand two hundred dollars per annum, six hundred and sixty dollars.

N. D. Brayton.
Payment of salary.

For salary due N. D. Brayton as physician on the Pima Indian Reservation, Arizona, from April seventh, nineteen hundred and eleven, to November fourteenth, nineteen hundred and eleven, inclusive, at the rate of one thousand two hundred dollars a year, seven hundred and twenty-six dollars and sixty-seven cents.

Fort Mojave Reser-
vation.
Dike.
Colorado River Res-
ervation.
Channels, etc., for
pumping plant.

For constructing dike to protect allotments on the Fort Mojave Indian Reservation, twenty-five thousand dollars.

36 Stat., 273, ante, p.
432.

For continuing the construction of necessary channels and laterals for the utilization of water in connection with the pumping plant for irrigation purposes on the Colorado River Indian Reservation, Arizona, as provided in the act of April fourth, nineteen hundred and ten (Thirty-sixth Statutes at Large, page two hundred and seventy-three), for the purpose of securing an appropriation of water for the irrigation of approximately one hundred and fifty thousand acres of land and for maintaining and operating the pumping plant, thirty-five thousand dollars, reimbursable as provided in said act. (Act of April fourth, nineteen hundred and ten, volume thirty-six, page two hundred and seventy-three, section three.)

California.

CALIFORNIA.

Support, etc., of In-
dians in.

SEC. 3. For support and civilization of Indians in California, including pay of employees, and for the purchase of small tracts of land situated adjacent to lands heretofore purchased, and for improvements on lands for the use and occupancy of Indians in California, fifty-seven thousand dollars.

Sherman Institute.

For support and education of five hundred and fifty Indian pupils at the Sherman Institute, Riverside, California, and for pay as superintendent, ninety-four thousand three hundred and fifty dollars; for general repairs and improvements, ten thousand dollars; in all, one hundred and four thousand three hundred and fifty dollars.

For the balance of the first annual reclamation and maintenance charge on Yuma allotments and for the second annual charge and maintenance, fifty-two thousand three hundred and sixty-two dollars and sixty-two cents, or so much thereof as may be required, to be reimbursed from the sale of surplus lands or from other funds that may be available, in accordance with the provisions of the act of March third, nineteen hundred and eleven.

Yuma Reservation irrigation system. Advancement of charges.
36 Stat., 1063, ante, p. 488.

FLORIDA.

37 Stat., 524.
Florida.

SEC. 4. The unexpended balance of the appropriation of ten thousand dollars "For relief of distress among the Seminole Indians in Florida, and for purposes of their civilization," made in the Indian appropriation act approved March three, nineteen hundred and eleven, is hereby reappropriated and made available during the fiscal year ending June thirtieth, nineteen hundred and thirteen.

Relief, etc., for Seminoles. Balance available.
36 Stat., 1063, ante, p. 492.

IDAHO.

Idaho.

SEC. 5. For support and civilization of Indians on the Fort Hall Reservation in Idaho, including pay of employees, thirty thousand dollars.

Fort Hall Reservation. Support, etc., of Indians.

For maintenance and operation of the Fort Hall irrigation system, twenty thousand dollars.

Irrigation system.

For fulfilling treaty stipulations with the Bannocks in Idaho: For pay of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith (article ten, treaty of July third, eighteen hundred and sixty-eight), five thousand dollars.

Bannocks. Fulfilling treaty.
15 Stat., 676, vol. 2, p. 1020.

For the Coeur d'Alenes, in Idaho: For pay of blacksmith, carpenter, and physician, and purchase of medicines (article eleven, agreement ratified March third, eighteen hundred and ninety-one), three thousand dollars.

Coeur d'Alenes. Fulfilling treaty.
26 Stat., 1029, vol. 1, p. 704.

For pay of one clerk, at twelve hundred dollars, and one lease clerk, at one thousand dollars per annum, in addition to employees otherwise provided for at the Nez Perce Agency; in all, two thousand two hundred dollars.

Nez Perce Agency. Additional clerks.

To reimburse Peter Moctelmy, a member of the Coeur d'Alene Tribe of Indians, in full settlement, for damages sustained by him because of the sale by the United States to the State of Idaho of land for a State park on a portion of which the said Peter Moctelmy made his home, five hundred dollars.

Peter Moctelmy. Reimbursement.

IOWA.

Iowa.

SEC. 6. For pay of one financial clerk, at six hundred dollars, and one physician, at four hundred and eighty dollars per annum in addition to employees otherwise provided for at the Sac and Fox Agency, Iowa; in all, one thousand and eighty dollars.

Sac and Fox Agency. Additional employees.

KANSAS.

Kansas.

SEC. 7. For support and education of seven hundred and fifty Indian pupils at the Indian school, Haskell Institute, Lawrence, Kansas, and for pay of superintendent, one hundred twenty-seven thousand seven hundred and fifty dollars; for general repairs and improvements, eleven thousand dollars; in all, one hundred and thirty-eight thousand seven hundred and fifty dollars.

Haskell Institute.

For support and education of eighty Indian pupils at the Indian school, Kickapoo Reservation, Kansas, and for pay of superintendent, fourteen thousand eight hundred and sixty dollars; for general

Kickapoo Reservation. School.

repairs and improvements, three thousand dollars; in all, seventeen thousand eight hundred and sixty dollars.

Sacs and Foxes of the Missouri School.
12 Stat., 1172, vol. 2, 812.
37 Stat., 525.
Michigan.

For fulfilling treaties with the Sacs and Foxes of the Missouri: For support of a school (article five, treaty of March sixth, eighteen hundred and sixty-one), two hundred dollars.

MICHIGAN.

Mount Pleasant School.

SEC. 8. For support and education of three hundred and twenty-five Indian pupils at the Indian school, Mount Pleasant, Michigan, and for pay of superintendent, fifty-six thousand two hundred and seventy-five dollars; for general repairs and improvements, five thousand dollars; in all, sixty-one thousand two hundred and seventy-five dollars.

Mackinac Agency. Additional clerks.

For pay of one special agent at one thousand one hundred dollars and one financial clerk at nine hundred dollars per annum, in addition to employees otherwise provided for at the Mackinac Agency; in all, two thousand dollars.

John E. Meyer. Payment to.

That the sum of one hundred and sixteen dollars and thirty-seven cents be, and the same is hereby, reappropriated for the purpose of paying the claim of John E. Meyer, of Shepherd, Michigan, for the balance due him on construction of certain wells at the Mount Pleasant Indian School, located at Mount Pleasant, Michigan, in the years nineteen hundred and one and nineteen hundred and two, the appropriation out of which such balance should have been paid having heretofore lapsed.

Minnesota.

MINNESOTA.

Pipestone School.

SEC. 9. For support and education of two hundred and twenty-five Indian pupils at the Indian school, Pipestone, Minnesota, and for pay of superintendent, thirty-nine thousand one hundred and seventy-five dollars; for general repairs and improvements, five thousand five hundred dollars, one thousand five hundred dollars of which shall be used for the installation of an electric lighting system and five hundred dollars of which shall be used for the construction of coal sheds; for the construction of a drain from the head of Pipestone Falls east in the bed of the creek to a point where it turns south, from thence east to the section line, one thousand five hundred dollars; in all, forty-six thousand one hundred and seventy-five dollars.

Chippewas of the Mississippi Schools.
16 Stat., 720, vol. 2, 975.
Chippewas of Minnesota.
Civilization, etc., from tribal credit.
25 Stat., 645, vol. 1, 305.

For support of a school or schools for the Chippewas of the Mississippi in Minnesota (article three, treaty of March nineteenth, eighteen hundred and sixty-seven), four thousand dollars.

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of one hundred and sixty-five thousand dollars, or so much thereof as may be necessary, of the principal sum on deposit to the credit of the Chippewa Indians in the State of Minnesota, arising under section seven of the act of January fourteenth, eighteen hundred and eighty-nine, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," and to use the same for the purpose of promoting civilization and self-support among the said Indians in manner and for purposes provided for in said act.

White Earth Band. Annual celebration.

The Secretary of the Interior is hereby authorized to advance to the executive committee of the White Earth Band of Chippewa Indians in Minnesota the sum of one thousand dollars, or so much thereof as may be necessary, to be expended in the annual celebration of said band to be held June fourteenth, nineteen hundred and twelve, out of the funds belonging to said band.

That there is hereby appropriated the sum of seven hundred dollars in addition to the one thousand dollars heretofore appropriated to complete the construction of a bridge across Clearwater River on the Red Lake Indian Reservation in the State of Minnesota.

Red Lake Reservation.
Bridge across Clearwater River.

MONTANA.

37 Stat., 526.
Montana.

SEC. 10. For support and civilization of the Indians at Fort Belknap Agency, Montana, including pay of employees, twenty thousand dollars.

Fort Belknap Agency.
Support, etc., of Indians.

For support and civilization of Indians at Flathead Agency, Montana, including pay of employees, nine thousand dollars.

Flathead Agency.
Support, etc., of Indians.

For support and civilization of Indians at Fort Peck Agency, Montana, including pay of employees, thirty-five thousand dollars.

Fort Peck Agency.
Support, etc., of Indians.

For extending the construction and maintaining the Milk River irrigation system on the Fort Belknap Reservation, in Montana, fifteen thousand dollars, reimbursable in accordance with the provisions of the act of April fourth, nineteen hundred and ten.

Fort Belknap Reservation.
Irrigation.
36 Stat., 277, ante, 437.

For continuing the construction of irrigation systems to irrigate the allotted lands of the Indians of the Flathead Reservation, in Montana, and the unallotted irrigable lands to be disposed of under authority of law, including the necessary surveys, plans, and estimates, two hundred thousand dollars, reimbursable in accordance with the provisions of the act of April fourth, nineteen hundred and ten.

Flathead Reservation.
Irrigation systems.

Reimbursement.
36 Stat., 277, ante, 437.

For continuing the construction of irrigation systems to irrigate the allotted lands of the Indians of the Blackfoot Indian Reservation, in Montana, and the unallotted irrigable lands to be disposed of under authority of law, including the necessary surveys, plans, and estimates, one hundred thousand dollars, reimbursable in accordance with the provisions of the act of March first, nineteen hundred and seven.

Blackfoot Reservation.
Irrigation.

Reimbursement.
34 Stat., 1037, ante, 286.

For continuing construction of irrigation systems to irrigate allotted lands of the Indians of the Fort Peck Indian Reservation in Montana, including necessary surveys, plans, and estimates, one hundred thousand dollars, the same to be reimbursable.

Fort Peck Reservation.
Irrigation.
35 Stat., 558.

There is hereby appropriated the sum of forty thousand dollars, to remain available until expended, and the Secretary of the Interior is hereby authorized and empowered to use said money, or so much thereof as may be necessary, in the erection of buildings for agency purposes on the Flathead Indian Reservation in Montana; for the purchase of lands therein for an agency site not to exceed eighty acres if such is deemed by the Secretary of the Interior to be necessary for the proper location of such agency; for the expenses of the removal of the agency to the new site selected; and for the protection and repair of any other buildings required for the efficient conduct of the affairs of the Flathead Indians in Montana: *Provided*, That the entire sum expended hereunder for the purposes herein mentioned shall be reimbursed the United States from the proceeds arising from the sale of lands and timber within the Flathead Indian Reservation.

Flathead Reservation.
New agency buildings, site, etc.

Proviso.
Reimbursement from land and timber sales.

The sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of the funds in the Treasury not otherwise appropriated, for the purpose of surveying the land on the Fort Belknap Indian Reservation, Montana.

Fort Belknap Reservation.
Surveying.

There is hereby appropriated the sum of twenty thousand dollars to remain available until expended, and the Secretary of the Interior is authorized to use this money, or so much thereof as he may deem necessary, in the purchase of a sawmill and logging equipment and the employment of suitable persons to manufacture and to lumber burned timber on the Flathead Indian Reservation, Montana, and to

Flathead Reservation.
Sawmill and logging equipment and operation.

Proviso.
Reimbursement.

protect the remaining timber from fire and trespass: *Provided*, That the sum expended under authority of this act shall be reimbursed the United States from the proceeds arising from the sale of lands and timber within said reservation under existing acts of Congress.

Crows.
Fulfilling treaty.
15 Stat., 652, vol. 2,
1011.
37 Stat., 527.

For fulfilling treaties with Crows, Montana: For pay of physician, one thousand two hundred dollars, and for pay of carpenter, miller, engineer, farmer, and blacksmith (article ten, treaty of May seventh, eighteen hundred and sixty-eight), three thousand six hundred dollars; for pay of second blacksmith (article eight, same treaty), one thousand two hundred dollars; in all, six thousand dollars.

Northern Cheyennes
and Arapahoes.
Subsistence, etc.
19 Stat., 256, vol. 1,
170.

For subsistence and civilization of the Northern Cheyennes and Arapahoes (agreement with the Sioux Indians, approved February twenty-eighth, eighteen hundred and seventy-seven), including subsistence and civilization of Northern Cheyennes removed from Pine Ridge Agency to Tongue River, Montana, and for pay of physician, two teachers, two carpenters, one miller, two farmers, a blacksmith, and engineer (article seven, treaty of May tenth, eighteen hundred and sixty-eight), eighty-five thousand dollars.

Physician, e. c.
15 Stat., 658, vol. 2,
1014.

Employing "line
riders."

For the employment of "line riders" along the southern and eastern boundaries of the Northern Cheyenne Indian Reservation in the State of Montana, one thousand five hundred dollars.

Flathead Lake.
Easement for water
power modified.
36 Stat., 1066, ante,
p. 495.

That so much of the act of Congress approved March third, nineteen hundred and eleven (Thirty-sixth Statutes at Large, page one thousand and sixty-six), which provides for the reservation of an easement over tracts of land bordering Flathead Lake, Montana, be, and the same hereby is, amended to read as follows: "That an easement in, to, and over all lands bordering on or adjacent to Flathead Lake, Montana, which lie below an elevation of nine feet above the high-water mark of said lake for the year nineteen hundred and nine, is hereby reserved for uses and purposes connected with storage for irrigation or development of water power, and all patents hereafter issued for any such lands shall recite such reservation."

Nebraska.

NEBRASKA.

Genoa School.

SEC. 11. For support and education of three hundred Indian pupils at the Indian school at Genoa, Nebraska, and for pay of superintendent, fifty-two thousand one hundred dollars; for general repairs and improvements, four thousand five hundred dollars; to complete the construction of two dormitories provided for in the Indian appropriation act of March third, nineteen hundred and eleven, ten thousand dollars, or so much thereof as may be necessary, to be immediately available; in all, sixty-six thousand six hundred dollars.

For construction of septic tank on sewer main at the Indian school at Genoa, Nebraska, one thousand five hundred dollars.

Nevada.

NEVADA.

Support, etc., of In-
dians.

SEC. 12. For support and civilization of Indians in Nevada, including pay of employees, eighteen thousand five hundred dollars.

Carson City School.

For support and education of three hundred Indian pupils at the Indian school at Carson City, Nevada, and for pay of superintendent, fifty thousand one hundred dollars; for general repairs and improvements, six thousand dollars; in all, fifty-six thousand one hundred dollars.

New Mexico.

NEW MEXICO.

Albuquerque School.

SEC. 13. For support and education of three hundred Indian pupils at the Indian school at Albuquerque, New Mexico, and for pay of superintendent, fifty-one thousand nine hundred dollars; for general

repairs and improvements, five thousand dollars; for addition to girls' dormitory, including heating plant, ten thousand dollars; in all, sixty-six thousand nine hundred dollars.

For support and education of three hundred Indian pupils at the Indian school at Santa Fe, New Mexico, and for pay of superintendent, fifty-one thousand nine hundred dollars; for general repairs and improvements, five thousand dollars; for water supply, one thousand six hundred dollars; in all, fifty-eight thousand five hundred dollars.

The Secretary of the Interior is hereby authorized and directed to make an investigation of the conditions on the Navajo Indian Reservation at Shiprock, New Mexico, with respect to the necessity of constructing a bridge across the San Juan River at Shiprock on said reservation, and also to cause surveys, plans, and reports to be made, together with an estimated limit cost for the construction of a suitable bridge at that place, and submit his report thereon to Congress on the first Monday in December, nineteen hundred and twelve, and the sum of one thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the purpose herein authorized.

For the pay of one special attorney for the Pueblo Indians of New Mexico and for necessary traveling expenses of said attorney, two thousand dollars, or so much thereof as the Secretary of the Interior may deem necessary.

NEW YORK.

SEC. 14. For fulfilling treaties with Senecas of New York: For permanent annuity in lieu of interest on stock (act of February nineteenth, eighteen hundred and thirty-one), six thousand dollars.

For fulfilling treaties with Six Nations of New York: For permanent annuity, in clothing and other useful articles (article six, treaty of November eleventh, seventeen hundred and ninety-four), four thousand five hundred dollars.

For pay of one special agent, at one thousand and fifty dollars, one physician at six hundred dollars, and one financial clerk at six hundred dollars per annum, in addition to employees otherwise provided for at the New York Agency; in all, two thousand two hundred and fifty dollars.

NORTH CAROLINA.

SEC. 15. For support and education of one hundred and eighty Indian pupils at the Indian school at Cherokee, North Carolina, and for pay of superintendent, thirty thousand dollars; for general repairs and improvements, two thousand dollars; for rebuilding employees' quarters destroyed by fire, six thousand dollars; in all, thirty-eight thousand dollars.

NORTH DAKOTA.

SEC. 16. For support and civilization of the Sioux of Devils Lake, North Dakota, five thousand dollars.

For support and civilization of Indians at Fort Berthold Agency, in North Dakota, including pay of employees, fifteen thousand dollars.

For support and civilization of Turtle Mountain Band of Chippewas, North Dakota, eleven thousand dollars.

For support and education of one hundred Indian pupils at the Indian school, Bismarck, North Dakota, and for pay of superintendent, eighteen thousand two hundred dollars; for general repairs and improvements, two thousand dollars; for the purchase of water and irrigation for the growing of trees, shrubs, and garden truck, two thousand five hundred dollars; in all, twenty-two thousand seven hundred dollars.

Santa Fe School.

37 Stat., 528.

Navajo Reservation.
Report on necessity,
etc., for bridge.

Pueblo Indians.
Special attorney.

New York.

Senecas.
Annuity.
7 Stat., 442.

Six Nations.
Annuity.
7 Stat., 46, vol. 2, 36.

Additional clerks.

North Carolina.

Cherokee School.

North Dakota.

Devils Lake Sioux.
Support, etc.

Fort Berthold
Agency.
Support, etc., of In-
dians.

Turtle Mountain
Chippewas.
Support, etc.
Bismarck School.

Fort Totten School.

For support and education of four hundred Indian pupils at Fort Totten Indian School, Fort Totten, North Dakota, and for pay of superintendent, sixty-eight thousand five hundred dollars; for general repairs and improvements, six thousand dollars; in all, seventy-four thousand five hundred dollars.

37 Stat., 529.
Wahpeton School.

For support and education of one hundred and fifty Indian pupils at the Indian school, Wahpeton, North Dakota, and pay of superintendent, twenty-six thousand five hundred dollars; for general repairs and improvements, including fencing of building grounds, three thousand dollars; for erection of silo and purchase of ensilage cutter and other farm machinery, two thousand dollars; for purchase of milch cows and other live stock and poultry, two thousand dollars; for erection and completion of hospital building and equipment of same, twelve thousand five hundred dollars; in all, forty-six thousand dollars.

Oklahoma.

OKLAHOMA.

Wichitas, etc.
Support, etc.

SEC. 17. For support and civilization of the Wichitas and affiliated bands who have been collected on the reservations set apart for their use and occupation in Oklahoma, five thousand dollars.

Kiowas, Comanches,
and Apaches.
Payment for agency,
etc.

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of twenty-five thousand dollars, or so much thereof as may be necessary, of the funds on deposit to the credit of the Kiowa, Comanche, and Apache Tribes of Indians in Oklahoma, for the support of the agency and pay of employees maintained for their benefit, and he is hereby authorized to withdraw from the Treasury the further sum of forty thousand dollars, or so much thereof as may be necessary, of the funds on deposit to the credit of the Kiowa, Comanche, and Apache Tribes of Indians in Oklahoma, for the construction and equipment of an Indian hospital upon the Fort Sill Indian School Reservation in Oklahoma, to be used only for the benefit of Indians belonging to said tribes; in all, sixty-five thousand dollars.

Hospital on Fort Sill
School Reservation.Maintenance, e t c.,
from tribal funds.

That the Secretary of the Interior be, and he is hereby, authorized to withdraw from the Treasury of the United States, at his discretion, the sum of two hundred and fifty thousand dollars, or so much thereof as may be necessary, of the funds on deposit to the credit of the Kiowa, Comanche, and Apache Tribes of Indians in Oklahoma, and pay out the same for the benefit of the members of said tribes for their maintenance and support, and improvement of their homesteads, for the ensuing year, in such manner and under such regulations as he may prescribe.

Support, etc.
Arapahoes and Chey-
ennes.

For support and civilization of the Arapahoes and Cheyennes who have been collected on the reservations set apart for their use and occupation in Oklahoma, thirty-five thousand dollars.

Kansas Indians.

For support and civilization of the Kansas Indians, Oklahoma, including agricultural assistance and pay of employees, one thousand five hundred dollars.

Kickapoos.

For support and civilization of the Kickapoo Indians in Oklahoma, two thousand dollars.

Poncas.

For support and civilization of the Ponca Indians in Oklahoma, including pay of employees, eight thousand dollars.

Chilocco School.

For support and education of five hundred Indian pupils at the Indian school at Chilocco, Oklahoma, and for pay of superintendent, eighty-three thousand five hundred dollars; for general repairs and improvements, seven thousand dollars; in all, ninety thousand five hundred dollars.

Pawnees.
Annuity.
27 Stat., 644, vol. 1,
496.

For fulfilling treaties with Pawnees, Oklahoma: For perpetual annuity, to be paid in cash to the Pawnees (article three, agreement of November twenty-third, eighteen hundred and ninety-two), thirty

thousand dollars; for support of two manual-labor schools (article three, treaty of September twenty-fourth, eighteen hundred and fifty-seven), ten thousand dollars; for pay of one farmer, two blacksmiths, one miller, one engineer and apprentices, and two teachers (article four same treaty), five thousand four hundred dollars; for purchase of iron and steel and other necessaries for the shops (article four, same treaty), five hundred dollars; for pay of physician and purchase of medicines, one thousand two hundred dollars; in all, forty-seven thousand one hundred dollars.

For support of Quapaws, Oklahoma: For education (article three, treaty of May thirteenth, eighteen hundred and thirty-three), one thousand dollars; for blacksmith and assistants, and tools, iron, and steel for blacksmith shop (same article and treaty), five hundred dollars; in all, one thousand five hundred dollars: *Provided*, That the President of the United States shall certify the same to be for the best interests of the Indians.

For pay of one stenographer and typewriter, nine hundred dollars per annum, in addition to employees otherwise provided for at the Shawnee Agency.

For pay of one assistant clerk at seven hundred and twenty dollars, one constable at five hundred and forty dollars, and one lease clerk at eight hundred dollars per annum, in addition to employees otherwise provided for at the Sac and Fox Agency, Oklahoma; in all, two thousand and sixty dollars.

For pay of one financial clerk, at seven hundred and twenty dollars, one assistant clerk, at seven hundred and eighty dollars per annum, in addition to employees otherwise provided for at the Seneca Agency; in all, one thousand five hundred dollars.

That the Secretary of the Interior is hereby authorized and directed to extend for a period of one year the time for the payment of any annual installment due or hereafter to become due on the purchase price for lands sold under the act of Congress approved June seventeenth, nineteen hundred and ten, entitled "An act to open to settlement and entry under the general provisions of the homestead laws of the United States certain lands in the State of Oklahoma, and for other purposes," and upon the payment of interest for one year in advance, at five per centum per annum upon the amount due, such payment will be extended for a period of one year, and any payment so extended may annually thereafter be extended for a period of one year in the same manner: *Provided*, That the last payment and all other payments must be made within a period not exceeding one year after the last payment becomes due by the terms of the act under which the entry was made; that all moneys paid for interest as herein provided shall be deposited in the Treasury to the credit of the Indians as a part of the proceeds received for the lands: *Provided further*, That failure to make any payment that may be due, unless the same be extended, or to make any extended payments at or before the time to which such payment has been extended as herein provided, will forfeit the entry and the same shall be canceled, and any and all payments theretofore made shall be forfeited: *Provided further*, That nothing herein contained shall affect any valid adverse claim initiated prior to the passage of this act.

The Secretary of the Interior is hereby authorized to approve the findings of the district court of the State of Oklahoma for Kay County in the matter of the determination of the heirs of Buck Bill, a deceased Tonkawa Indian; to make an equitable partition of the estate among such heirs, and, in his discretion, to issue patents in fee to the adult heirs for their respective portions of said estate.

Schools.
11 Stat., 730, vol. 2,
764.
Farmer, black
smiths, etc.
11 Stat., 730, vol. 2,
765.

37 Stat., 530.

Quapaws.
Education.
7 Stat., 425, vol. 2,
396.
Blacksmith, etc.

Proviso.
Certificate of Presi-
dent.

Shawnee Agency.
Additional employ-
ees.

Sac and Fox Agency.
Additional em-
ployees.

Seneca Agency.
Additional em-
ployees.

Cheyenne and Arap-
aho Reservation lands.
Time extended for
paying annual install-
ments.
36 Stat., 533.

Provisos.
Final payment.

Interest.

Forfeiture on failure
to make payments.

Adverse claims not
affected.

Buck Bill.
Distribution of es-
tate.

Five Civilized Tribes.

FIVE CIVILIZED TRIBES.

Administration expenses.

SEC. 18. For expenses of administration of the affairs of the Five Civilized Tribes, Oklahoma, and the compensation of employees, two hundred thousand dollars.

37 Stat., 531.
Sales of lands, etc.
Payment of expenses from proceeds.

For payment of salaries of employees and other expenses of advertisement and sale in connection with the disposition of the unallotted lands and other tribal property belonging to any of the Five Civilized Tribes, to be paid from the proceeds of such sales when authorized by the Secretary of the Interior, as provided by the act approved March third, nineteen hundred and eleven, not exceeding twenty-five thousand dollars, reimbursable from proceeds of sale: *Provided*, That during the fiscal year ending June thirtieth, nineteen hundred and thirteen, no moneys shall be expended from the tribal funds belonging to the Five Civilized Tribes without specific appropriation by Congress, except as follows: Equalization of allotments, per capita and other payments authorized by law to individual members of the respective tribes, tribal and other Indian schools for the current fiscal year under existing law, salaries and contingent expenses of governors, chiefs, assistant chiefs, secretaries, interpreters and mining trustees of the tribes for the current fiscal year, and attorneys for said tribes employed under contract approved by the President, under existing law, for the current fiscal year: *Provided further*, That the Secretary of the Interior is hereby authorized to continue the tribal schools of the Choctaw and Chickasaw Nations for the current fiscal year.

36 Stat., 1070.

Provisos.
Restriction on expenditures without specific authority.

Choctaw and Chickasaw tribal schools continued.

Collecting rents, etc.

For expenses incident to and in connection with collection of rents of unallotted lands and tribal buildings, such amount as may be necessary: *Provided*, That such expenditures shall not exceed in the aggregate ten per centum of the amount collected.

Proviso.
Limit.

Choctaw and Chickasaw coal and asphalt lands.
Appraisement, etc.
Provisos.
Improvements by settlers.

To enable the Secretary of the Interior to make the appraisement and sale hereinafter provided, five thousand dollars: *Provided*, That the houses and other valuable improvements, not including fencing and tillage, placed upon the segregated coal and asphalt lands in the Choctaw and Chickasaw Nations, in Oklahoma, by private individuals, while in actual possession of said land and prior to February nineteenth, nineteen hundred and twelve, and not purchased by the Indian Nations, shall be appraised independently of the surface of the land on which they are located and shall be sold with the land at public auction at not less than the combined appraised value of the improvements and the surface of the land upon which they are located. Said improvements shall be sold for cash and the appraisement and sale of the same shall be made under the direction of the Secretary of the Interior, and ninety-five per centum of the amount realized from the sale of the improvements shall be paid over under the direction of the Secretary of the Interior to the owner of the improvements and the appropriation hereinbefore made for this purpose shall be reimbursed out of the five per centum retained from the sale of the said improvements: *Provided*, That any improvements remaining unsold at the expiration of two years from the time when first offered for sale shall be sold under such regulations and terms of sale, independent of their appraised value, as the Secretary of the Interior may prescribe: *Provided further*, That persons owning improvements so appraised may remove the same at any time prior to the sale thereof, in which event the appraised value of the improvements and land shall be reduced by deducting the appraised value of the improvements so removed: *Provided further*, That this section shall not apply to improvements placed on said lands by coal and asphalt lessees for mining purposes, but improvements located on lands leased for mining purposes belonging to, or heretofore paid for

Sales, etc.

Sale of, remaining after two years.

Removal by owners.

Improvements by mining lessees excepted.

by, the Choctaw and Chickasaw Nations shall be appraised and the appraised value thereof shall be added to the appraised value of the land at the time of the sale: *Provided further*, That where any cemetery now exists on the said segregated coal and asphalt lands, the surface of the land within said cemetery, together with the land adjoining the same, where necessary, not exceeding twenty acres in the aggregate to any one cemetery, and where a church was in existence on said lands on February nineteenth, nineteen hundred and twelve, land not exceeding one acre for each church may, in the discretion of the Secretary of the Interior, be sold to the proper party, association, or corporation, under such terms, conditions, and regulations as he may prescribe, provided application to purchase the same for such purpose is made within sixty days from the date of the approval of this act.

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to accept payment to the full amount of the purchase money due, including interest to date of payment, on any town lots originally sold as provided in agreements with any of the Five Civilized Tribes and declared forfeited by reason of nonpayment of amount due and not resold.

That the Secretary of the Interior is authorized and directed to pay, out of any tribal funds of the Chickasaw Nation, now standing to the credit of said nation in the Treasury of the United States, four thousand nine hundred and eighty-six dollars and seventy cents, to complete the forty dollars per capita payment to the citizens of the Chickasaw Nation, as provided for by section seventy-two of the act of Congress approved July first, nineteen hundred and two, to be immediately available.

For fulfilling treaties with Choctaws, Oklahoma: For permanent annuity (article two, treaty of November sixteenth, eighteen hundred and five; and article thirteen, treaty of June twenty-second, eighteen hundred and fifty-five), three thousand dollars; for permanent annuity for support of light horsemen (article thirteen, treaty of October eighteenth, eighteen hundred and twenty, and article thirteen, treaty of June twenty-second, eighteen hundred and fifty-five), six hundred dollars; for permanent annuity for support of blacksmith (article six, treaty of October eighteenth, eighteen hundred and twenty, and article nine, treaty of January twentieth, eighteen hundred and twenty-five, and article thirteen, treaty of June twenty-second, eighteen hundred and fifty-five), six hundred dollars; for permanent annuity for education (article two, treaty of January twentieth, eighteen hundred and twenty-five, and article thirteen, treaty of June twenty-second, eighteen hundred and fifty-five), six thousand dollars; for permanent annuity for iron and steel (article nine, treaty of January twentieth, eighteen hundred and twenty-five, and article thirteen, treaty of June twenty-second, eighteen hundred and fifty-five), three hundred and twenty dollars; in all, ten thousand five hundred and twenty dollars.

The Secretary of the Interior is hereby authorized to pay, out of the funds of the Chickasaw Indians now on deposit in the Treasury of the United States, to Douglas H. Johnston, governor of said nation, the sum of three thousand dollars per annum from March first, nineteen hundred and ten, to June thirtieth, nineteen hundred and thirteen.

For the construction of a sanitary sewer system in Platt National Park, Oklahoma, to be expended under the direction of the Secretary of the Interior, seventeen thousand five hundred dollars: *Provided*, That the said sum shall be available whenever a like amount is appropriated and made available by the town of Sulphur, Oklahoma, for

Sales of surface to existing cemeteries and churches.

37 Stat., 532.

Town lots.
Acceptance of payments on, forfeited.

Chickasaws.
Payment to complete per capita, from tribal funds.

32 Stat., 656, vol. 1, 786.

Choctaws.
Fulfilling treaties.
Annuities.
7 Stat., 99, vol. 2, 87.
11 Stat., 614, vol. 2, 709.
Light horsemen.
7 Stat., 213, vol. 2, 193.
11 Stat., 614, vol. 2, 709.

Blacksmith.
7 Stat., 235, 236, vol. 2, 213.
11 Stat., 614, vol. 2, 709.

Education.
7 Stat., 235, vol. 2, 212.
11 Stat., 614, vol. 2, 709.

Iron and steel.
7 Stat., 236, vol. 2, 213.
11 Stat., 614, vol. 2, 709.

Douglas H. Johnston.
Payment to, from Chickasaw funds.

Platt National Park.
Sewer system.

Provisos.
Contribution by Sulphur.

Construction.

the same purpose: *Provided further*, That whenever said appropriation is made by the town of Sulphur, Oklahoma, the entire amount, or so much thereof as may be necessary, of the total appropriation made by this act and the town of Sulphur, Oklahoma, shall be expended under the direction of the Secretary of the Interior.

37 Stat., 533.

John W. Noble and
R. V. Belt.
Payment to heirs of,
from funds of Indians.

R. S., 2103, 2104.

The Secretary of the Treasury is hereby authorized and directed to pay to the heirs or legal representatives of John W. Noble and R. V. Belt the sum of three thousand five hundred and sixty-nine dollars and ninety-five cents, for legal services rendered to and expenses incurred on behalf of members of the Lyman family, Osage allottees, under contract made pursuant to section twenty-one hundred and three and the following of the Revised Statutes of the United States, and duly approved by the Commissioner of Indian Affairs and the Secretary of the Interior, said sum to be paid as provided for in the contract out of individual funds in the Treasury of the United States to the credit of the members of said Lyman family: *Provided*, That before such payment shall be made, the heirs or legal representatives of said John W. Noble and R. V. Belt shall sign a receipt in full for all claims for the services above specified and file the said receipt with the Secretary of the Interior.

Proviso.
Receipt required.

Albert J. Lee.
Payment of judgments against Indians to.

That the Secretary of the Interior is hereby authorized and directed to satisfy of record the judgments rendered in the district court of Oklahoma, for the eighth judicial district, on December fifteenth, nineteen hundred and eleven, in favor of Albert J. Lee and against Jack Postoak, in the sum of one thousand four hundred and forty-eight dollars, by the payment thereof out of any funds that may now or hereafter be to the credit of the heirs of Bessie Postoak; against King Isaacs and others, in the sum of one thousand four hundred and forty-nine dollars, by the payment thereof out of any funds that may now or hereafter be to the credit of the heirs of Roger Isaacs; against Thompson Peters, in the sum of one thousand four hundred and seventy-six dollars, by the payment thereof out of any funds that may now or hereafter be to the credit of the heirs of Sookie Peters; and against Zeno Huff, in the sum of seven hundred and thirty-two dollars, by the payment thereof out of any funds that may now or hereafter be to the credit of said Zeno Huff: *Provided*, That before such payments shall be made in full, said Albert J. Lee shall sign a receipt in full for all claims for services as herein specified and file the same with the Secretary of the Interior.

Proviso.
Receipt required.

Tribal schools.

The sum of three hundred thousand dollars to be expended, in the discretion of the Secretary of the Interior, under rules and regulations to be prescribed by him, in aid of the common schools in the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations in Oklahoma during the fiscal year ending June thirtieth, nineteen hundred and thirteen: *Provided*, That this appropriation shall not be subject to the limitation in section one of this act, limiting the expenditure of money to educate children of less than one-fourth Indian blood.

Proviso.
Condition.
Ante, p. 530.

Kickapoo Indians in
Mexico.
Relief of.

The Secretary of the Treasury is hereby authorized to pay for the relief of the Kickapoo Indians in Mexico the sum of fifteen thousand dollars, to be expended in the payment of taxes, salary of farmers, maintenance and repairs of irrigation ditches, indebtedness for supplies already furnished, court costs, and obligations heretofore incurred in settlement of land titles, said sum to be paid to the treasurer of a corporation to be known as the Kickapoo Community of Mexico, to be organized under the laws of the State of Arizona; the organization of said corporation shall be authorized by a majority of the members of the Mexican Kickapoo Indians now residing in the State of Sonora, in the Republic of Mexico, in council assembled.

That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be sent to the First National Bank of Douglas, Arizona, checks payable to the order of the individual Indian owners who are members of the band of Mexican Kickapoo Indians now resident in the Republic of Mexico, for and in the amount of all moneys known as lease money now on deposit with or in any manner under the control of the agents and officers of the Interior Department and all like money due or becoming due or collectible by them prior to the first day of January, nineteen hundred and fourteen, and belonging to any of the said Mexican Kickapoo Indians.

Payment to individual Indians.

7 Stat., 534.

That the Act of Congress approved February nineteenth, nineteen hundred and twelve (Public Number ninety-one), being "An act to provide for the sale of the surface of the coal and asphalt lands of the Choctaw and Chickasaw Nations, and for other purposes," be, and the same is hereby, amended to provide that the classification and appraisal of such lands shall be completed not later than December first, nineteen hundred and twelve.

Choctaw and Chickasaw coal and asphalt lands. Classification to be completed December 1, 1912. 37 Stat., 67, ante, p. 513.

For the relief and settlement of the Apache Indians now confined as prisoners of war at Fort Sill Military Reservation, Oklahoma, on lands to be selected for them by the Secretary of the Interior and the Secretary of War, two hundred thousand dollars, to be expended under such rules and regulations as the Secretary of the Interior and the Secretary of War may prescribe.

Apache Indian prisoners. Relief and settlement of.

OREGON.

Oregon.

SEC. 19. For support and civilization of Klamath, Modocs, and other Indians of the Klamath Agency, Oregon, including pay of employees, six thousand dollars.

Klamath Agency. Support, etc., of Indians.

For support and civilization of the confederated tribes and bands under Warm Springs Agency, and for pay of employees, four thousand dollars.

Warm Springs Agency. Support, etc., of Indians.

For support and civilization of the Wallawalla, Cayuse, and Umatilla Tribes, Oregon, including pay of employees, three thousand dollars.

Wallawallas, etc. Support, etc.

To enable the Secretary of the Interior to construct a bridge and the necessary approaches thereto across the Deschutes River abutting on the Warm Springs Indian Reservation in the State of Oregon at a point to be agreed upon between him and the county court of Crook County, Oregon, the sum of fifteen thousand dollars.

Deschutes River. Bridge.

For support and education of six hundred Indian pupils, including native pupils brought from Alaska, at the Indian school, Salem, Oregon, and for pay of superintendent, one hundred and two thousand dollars; for general repairs and improvements, nine thousand dollars; for construction of industrial building, six thousand dollars; in all, one hundred and seventeen thousand dollars.

Salem School.

For support and civilization of Indians at Grande Ronde and Siletz Agencies, Oregon, including pay of employees, four thousand dollars.

Grande Ronde and Siletz Agencies. Support, etc., of Indians.

For continuing the construction of the Modoc Point irrigation project, including drainage and canal systems within the Klamath Indian Reservation, in the State of Oregon, in accordance with the plans and specifications submitted by the chief engineer in the Indian service and approved by the Commissioner of Indian Affairs and the Secretary of the Interior in conformity with a provision in section one of the Indian appropriation act for the fiscal year nineteen hundred and eleven, fifty thousand dollars appropriated in the act of March third, nineteen hundred and eleven, is hereby reappropriated: *Provided*, That the total cost of this project shall not exceed one hun-

Modoc Point irrigation project. Continuing through Klamath Reservation.

36 Stat., 270, ante, p. 500.

Proviso. Cost.

dred and fifty-five thousand dollars, excluding the sum of thirty-five thousand one hundred and forty-one dollars and fifty-nine cents expended on this reservation to June thirtieth, nineteen hundred and ten, and that the entire cost of the project shall be repaid into the Treasury of the United States from the proceeds from the sale of timber or lands on the Klamath Indian Reservation.

That there be paid to the Tillamook Tribe of Indians of Oregon the sum of ten thousand five hundred dollars, to be apportioned among those now living and the lineal descendants of those who may be dead, by the Secretary of the Interior, as their respective rights may appear; that there be paid to the Clatsop Tribe of Indians of Oregon the sum of fifteen thousand dollars, to be apportioned among those now living and the lineal descendants of those who may be dead, by the Secretary of the Interior, as their respective rights may appear; that there be paid to the Nuc-quee-clah-we-muck Tribe of Indians of Oregon the sum of one thousand five hundred dollars, to be apportioned among those now living and the lineal descendants of those who may be dead, by the Secretary of the Interior, as their respective rights may appear; that there be paid to the Kathlamet Band of Chinook Indians of Oregon the sum of seven thousand dollars, to be apportioned among those now living and the lineal descendants of those who may be dead, by the Secretary of the Interior, as their respective rights may appear; that there be paid to the Waukikum Band of Chinook Indians of Washington the sum of seven thousand dollars, to be apportioned among those now living and the lineal descendants of those who may be dead, by the Secretary of the Interior, as their respective rights may appear; that there be paid to the Wheelappa Band of Chinook Indians of Washington the sum of five thousand dollars, to be apportioned among those now living and the lineal descendants of those who may be dead, by the Secretary of the Interior, as their respective rights may appear; and that there be paid to the Lower Band of Chinook Indians of Washington the sum of twenty thousand dollars, to be apportioned among those now living and the lineal descendants of those who may be dead, by the Secretary of the Interior, as their respective rights may appear, and for this purpose there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of sixty-six thousand dollars: *Provided*, That said Indians shall accept said sum, or their respective portions thereof, in full satisfaction of all demands or claims against the United States for the lands described in the agreements or unratified treaties between the United States and said Indians dated, respectively, August seventh, eighteen hundred and fifty-one; August fifth, eighteen hundred and fifty-one; August seventh, eighteen hundred and fifty-one; August ninth, eighteen hundred and fifty-one; August eighth, eighteen hundred and fifty-one; August ninth, eighteen hundred and fifty-one; and August ninth, eighteen hundred and fifty-one: *Provided further*, That if, after investigation by the Secretary, he shall find that all of the Indians of either of said tribes or bands and their lineal descendants are dead, then none of the money hereby appropriated for such tribe or band shall be paid to any person for any purpose: *Provided further*, That the Secretary of the Interior shall find and investigate what attorney or attorneys, if any, have rendered services for or on behalf of said Indians, and shall fix a reasonable compensation to be paid said attorney or attorneys for their services in prosecuting the claims of said Indians hereunder, which compensation, if any, shall be paid out of the sum hereby appropriated, in full payment of services rendered; and the decision of the Secretary of the Interior with respect to the attorneys and their compensation shall be final and conclusive: *Provided further*, That before any money is paid to any attorney hereunder, he shall first

Repayment.

37 Stat., 53.
Payment to tribes in Oregon.
Tillamooks.

Clatsop.

Nuc-quee-clah-we-muck.

Kathlamet Band of Chinooks.

Waukikum Band of Chinooks.

Wheelappa Band of Chinooks.

Lower Band of Chinooks.

Provisos.
Acceptance to be in full of all demands.

Restriction on payment.

Compensation to attorneys.

Receipt required.

execute and deliver to the Secretary of the Interior a satisfaction and discharge of all claims and demands for services rendered such Indians in the matter of their claims.

37 Stat., 536.

PENNSYLVANIA.

Pennsylvania.

SEC. 20. For support and education of Indian pupils at the Indian school at Carlisle, Pennsylvania, and for pay of superintendent, one hundred and thirty-two thousand dollars; for general repairs and improvements, twenty thousand dollars; for completing steam-heating plant, seven thousand five hundred dollars, to be immediately available; in all, one hundred and fifty-nine thousand five hundred dollars.

Carlisle School.

SOUTH DAKOTA.

South Dakota.

SEC. 21. For support and education of three hundred and sixty-five Indian pupils at the Indian school at Flandreau, South Dakota, and for pay of superintendent, sixty-one thousand five hundred dollars; for the construction and equipment of a gymnasium building, eight thousand dollars; for general repairs and improvements, five thousand dollars; in all, seventy-four thousand five hundred dollars.

Flandreau School.

For support and education of one hundred and seventy-five Indian pupils at the Indian school at Pierre, South Dakota, and for pay of superintendent, thirty-two thousand dollars; for general repairs and improvements, eleven thousand dollars: *Provided*, That four thousand dollars of this amount shall be used in the construction and maintenance of an irrigation system for the use of said school; in all, forty-three thousand dollars.

Pierre School.

For support and education of two hundred and fifty Indian pupils at the Indian school, Rapid City, South Dakota, and for pay of superintendent, forty-eight thousand five hundred dollars; for general repairs and improvements, nine thousand dollars; for completion and extension of heating plant, five thousand dollars; in all, sixty-two thousand five hundred dollars.

Rapid City School.

For support of Sioux of different tribes, including Santee Sioux of Nebraska, North Dakota, and South Dakota: For pay of five teachers, one physician, one carpenter, one miller, one engineer, two farmers, and one blacksmith (article thirteen, treaty of April twenty-ninth eighteen hundred and sixty-eight), ten thousand four hundred dollars; for pay of second blacksmith, and furnishing iron, steel, and other material (article eight of same treaty), one thousand six hundred dollars; for pay of additional employees at the several agencies for the Sioux in Nebraska, North Dakota, and South Dakota, eighty-eight thousand dollars; for subsistence of the Sioux, and for purposes of their civilization (act of February twenty-eighth, eighteen hundred and seventy-seven), three hundred and fifty thousand dollars: *Provided*, That this sum shall include transportation of supplies from the termination of railroad or steamboat transportation, and in this service Indians shall be employed whenever practicable; and additional to the appropriation of three hundred and fifty thousand dollars herein made for the purposes of civilization, and supplemental thereto, there is hereby appropriated the balance of eighty-five thousand five hundred and eighteen dollars and twenty cents from the tribal funds of the Indians on the Cheyenne River and Standing Rock Reservations, in South Dakota and North Dakota, appropriated by section eight of the act of May twenty-ninth, nineteen hundred and eight, which amount belongs exclusively to the Indians on the Cheyenne River Reservation, and to be expended for their benefit; in all, five hundred and thirty-five thousand five hundred and eighteen dollars and twenty cents.

Sioux of different tribes.
Teachers, etc.
15 Stat., 641, vol. 2,
1002.

Employees.
Subsistence.
19 Stat., 256, vol. 1,
168.

Proviso.
Transportation.

Cheyenne River and
Standing Rock Reser-
vations.
Payment from tribal
funds to Indians on.

35 Stat., 463; ante,
376.

- Schools. For support and maintenance of day and industrial schools among the Sioux Indians, including the erection and repairs of school buildings, two hundred thousand dollars, to be expended under the agreement with said Indians in section seventeen of the act of March second, eighteen hundred and eighty-nine, which agreement is hereby extended to and including June thirtieth, nineteen hundred and thirteen.
- 15 Stat., 637.
25 Stat., 894, vol. 1,
335.
37 Stat., 537.
- Yankton Sioux.
Support, etc. For subsistence and civilization of the Yankton Sioux, South Dakota, fourteen thousand dollars.
- Canton.
Expenses of insane
asylum. For the equipment and maintenance of the asylum for insane Indians at Canton, South Dakota, for incidental and all other expenses necessary for its proper conduct and management, including pay of employees, repairs, improvements, and for necessary expense of transporting insane Indians to and from said asylum, thirty thousand dollars; for construction of new building, fifteen thousand dollars; in all, forty-five thousand dollars.
- A. C. Brink.
Payment to. The Secretary of the Treasury is hereby authorized and directed to pay to A. C. Brink, of Pierre, South Dakota, the sum of one hundred and twenty-eight dollars and sixty-eight cents, on account of repairs to a gas engine made while said engine was rented by him to the superintendent of the Pierre Indian School and being used during September and October, nineteen hundred and eleven, in digging a test well for the purpose of securing a water supply for that school, and to charge said amount to the appropriation for "Indian School, Pierre, South Dakota, Water Supply."

Utah.

UTAH.

- Uintah and Ouray
Agency.
Agent. SEC. 22. For pay of Indian agent at the Uintah and Ouray Agency (consolidated), Utah, one thousand eight hundred dollars.
- Utes, Confederated
Bands.
Carpenters, etc. For support of Confederated Bands of Utes in Utah: For pay of two carpenters, two millers, two farmers, and two blacksmiths (article fifteen, treaty of March second, eighteen hundred and sixty-eight), six thousand seven hundred and twenty dollars; for pay of two teachers (same article and treaty), one thousand eight hundred dollars; for purchase of iron and steel and the necessary tools for blacksmith shop (article nine, same treaty), two hundred and twenty dollars; for annual amount for the purchase of beef, mutton, wheat, flour, beans, and potatoes, or other necessary articles of food (article twelve, same treaty), thirty thousand dollars; for pay of employees at the several Ute agencies, fifteen thousand dollars; in all, fifty-three thousand seven hundred and forty dollars.
- 15 Stat., 622, vol. 2, 993.
- Food. For the relief of distress among detached Indians in Utah, and for purposes of their civilization, ten thousand dollars, or so much thereof as may be necessary.
- Employees. For pay of one physician for Indians under the superintendent of the Shivwitz School, Utah, five hundred dollars.
- Relief of distress
among Indians. For continuing the construction of lateral distributing systems to irrigate the allotted lands of the Uncompahgre, Uintah, and White River Utes, in Utah, and to maintain existing irrigation systems, authorized under the act of June twenty-first, nineteen hundred and six, to be expended under the terms thereof and reimbursable as therein provided, seventy-five thousand dollars.
- Shivwitz School.
Physician.
- Uncompahgre, Uintah,
and White River
Utes.
Irrigating allotted
lands. 34 Stat., 375, ante,
243.
- Duchesne River.
Straightening, near
bridge. The Secretary of the Interior is hereby authorized to expend the unexpended balance, which is hereby reappropriated, of the appropriation of fifteen thousand dollars, or so much thereof as may be necessary, appropriated by the act approved March third, nineteen hundred and eleven (Thirty-sixth Statutes at Large, page one thousand and seventy-four), "for the purpose of constructing a bridge across the Duchesne River at or near the town of Theodore, Utah," for
- 36 Stat., 1074.

the purpose of straightening the said Duchesne River at or near said bridge, with a view to protecting said bridge.

For cash payment to the Confederated Bands of Ute Indians, or for expenditure for their benefit, in the discretion of the Secretary of the Interior, one hundred thousand dollars, said amount to be reimbursed out of the appropriation, when made, to cover the net amount of the judgment rendered by the Court of Claims in favor of said confederated bands of Ute Indians, dated February thirteenth, nineteen hundred and eleven.

Ute, Confederated Bands.
Payment to.

37 Stat., 538.

WASHINGTON.

Washington.

SEC. 23. For support and civilization of the D'Wamish and other allied tribes in Washington, including pay of employees, seven thousand dollars.

Support, etc.
D'Wamish, etc., Indians.

For support and civilization of the Makahs, Washington, including pay of employees, two thousand dollars.

Makahs.

For support and civilization of the Qui-nai-elts and Quil-leh-utes, including pay of employees, one thousand dollars.

Qui-nai-elts and Quil-leh-utes.

For support and civilization of Yakimas and other Indians at Yakima Agency, including pay of employees, three thousand dollars.

Yakimas, etc.

For support and civilization of Indians at Colville and Puyallup Agencies, Washington, for pay of employees, and for purchase of agricultural implements, and support and civilization of Joseph's Band of Nez Perce Indians in Washington, thirteen thousand dollars.

Colville and Puyallup Agencies.
Support, etc., of Indians.

For support of Spokanes in Washington (article six of agreement with said Indians, dated March eighteenth, eighteen hundred and eighty-seven, ratified by act of July thirteenth, eighteen hundred and ninety two), one thousand dollars.

Spokanes.
Support, etc.
27 Stat., 139, vol. 1, 449.

For extension and maintenance of the irrigation system on lands allotted to Yakima Indians in Washington, fifteen thousand dollars, reimbursable in accordance with the provisions of the act of March first, nineteen hundred and seven.

Yakimas.
Irrigating allotments.

33 Stat., 597.
34 Stat., 1050.

For support and education of three hundred Indian pupils at the Cushman Indian School, Tacoma, Washington; including repairs and improvements, and for pay of superintendent, fifty thousand dollars, said appropriation being made to supplement the Puyallup school funds used for said school.

Cushman School.

That the Secretary of the Interior be, and he is hereby, authorized and directed to investigate the conditions on the Yakima Indian Reservation in the State of Washington with a view to determine the best, most practicable and most feasible plan for providing water for such lands of said reservation as may be irrigated and to cause surveys, plans, and reports to be made thereon, together with an estimated limit of cost of such irrigation project and to submit his report thereon to Congress on the first Monday in December, nineteen hundred and twelve, together with such facts and reasons in support of the same as may be necessary to advise Congress fully in regard thereto.

Yakima Reservation.
Investigating water supply for irrigation.

WISCONSIN.

Wisconsin.

SEC. 24. For the support and education of two hundred and ten Indian pupils at the Indian school at Hayward, Wisconsin, and pay of superintendent, thirty-six thousand six hundred and seventy dollars; for general repairs and improvements, two thousand five hundred dollars; for building additions to dormitories, eighteen thousand dollars; in all, fifty-seven thousand one hundred and seventy dollars.

Hayward School.

For support and education of two hundred and fifty Indian pupils at the Indian school, Tomah, Wisconsin, and for pay of superintendent,

Tomah School.

forty-three thousand four hundred and fifty dollars; for repairing and rebuilding barn, two thousand five hundred dollars; for general repairs and improvements, seven thousand dollars; in all, fifty-two thousand nine hundred and fifty dollars.

Chippewas of Lake Superior.
Support, etc.
37 Stat., 539.
Pottawatomies.
Support, etc.

For support and civilization of the Chippewas of Lake Superior, Wisconsin, seven thousand dollars.

For support, education, and civilization of the Pottawatomie Indians who reside in the State of Wisconsin, seven thousand dollars.

Menominee Indians.
Time extended for bringing suits against.

36 Stat., 287, ante, 447.

The time provided for bringing suits under the fifth paragraph of section twenty-six of the act approved April fourth, nineteen hundred and ten, entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June thirtieth, nineteen hundred and eleven (Thirty-sixth United States Statutes at Large, page two hundred and eighty-seven), be, and the same is hereby, extended to the thirtieth day of June, nineteen hundred and thirteen.

Wyoming.

WYOMING.

Shoshones.
Support, etc.

SEC. 25. For support and civilization of Shoshone Indians in Wyoming, twelve thousand dollars.

Shoshone Reservation.
School.

For support and education of one hundred and seventy-five Indian pupils at the Indian school, Shoshone Reservation, Wyoming, and for pay of superintendent, thirty-one thousand and twenty-five dollars; for general repairs and improvements, four thousand dollars; in all, thirty-five thousand and twenty-five dollars.

Irrigation system.

For continuing the work of constructing an irrigation system within the diminished Shoshone or Wind River Reservation, in Wyoming, including the maintenance and operation of completed canals, fifty thousand dollars, reimbursable in accordance with the provisions of the act of March third, nineteen hundred and five.

33 Stat., 1016, ante, 117.

Roads and bridges.

33 Stat., 1016.

For continuing the work of road and bridge construction on the Shoshone Reservation, Wyoming, ten thousand dollars, reimbursable in accordance with the provisions of the act of March third, nineteen hundred and five: *Provided*, That this amount shall be expended, as far as practicable, in the employment of Indian labor.

Proviso.
Indian labor.

Fulfilling treaty.

15 Stat., 676, vol. 2, 1023.

For support of Shoshones in Wyoming: For pay of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith (article ten, treaty of July third, eighteen hundred and sixty-eight), five thousand dollars; for pay of second blacksmith, and such iron and steel and other materials as may be required, as per article eight, same treaty, one thousand dollars; in all, six thousand dollars.

Approved, August 24, 1912.

Aug. 26, 1912.
[S. 7500.]

[Public, No. 339.]
37 Stat., 594.

CHAP. 407.—An act to amend an act entitled "An act authorizing the sale of certain lands in the Colville Indian Reservation to the town of Okanogan, State of Washington, for public park purposes," approved July twenty-second, nineteen hundred and twelve.

Colville Indian Reservation.
Sale of lands to Okanogan, Wash.
Error corrected.
Ante, p. 527.

37 Stat., 595.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an act entitled "An act authorizing the sale of certain lands in the Colville Indian Reservation to the town of Okanogan, State of Washington, for public park purposes," approved July twenty-second, nineteen hundred and twelve, be, and the same is hereby, amended by striking out in the first section thereof in the description of the lands authorized to be sold the word "twenty-three", after the word "township", and inserting in lieu thereof the word "thirty-three".

Approved, August 26, 1912.

CHAP. 408.—An act making appropriations to supply deficiencies in appropriations for the fiscal year nineteen hundred and twelve and for prior years, and for other purposes.

Aug. 26, 1912.
[H. R. 25970.]

[Public, No. 340.]
37 Stat., 595.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in appropriations for the fiscal year nineteen hundred and twelve and for prior years, and for other purposes, namely:

Deficiencies appro-
priations.

* * * * *

To enable the Secretary of the Interior to purchase not to exceed ten acres of land for an agency site for the Pottawatomie Indian School, Kansas, payable out of any money in the Treasury belonging to the Pottawatomie Indians, \$500.

37 Stat., 607.
Pottawatomie Indi-
an School, Kans.
Additional land.

* * * * *

Approved, August 26, 1912.

JOINT RESOLUTIONS OF THE SIXTY-SECOND CONGRESS, SECOND SESSION, 1912.

[No. 11.] Joint resolution to authorize allotments to Indians of the Fort Berthold Indian Reservation, North Dakota, of lands valuable for coal.

Apr. 3, 1912.
[H. J. Res. 263.]

[Pub. Res., No. 23.]
37 Stat., 631.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That allotments to the Indians of the Fort Berthold Indian Reservation, in the State of North Dakota, authorized by section two of an act entitled "An act to authorize the survey and allotment of lands embraced within the limits of the Fort Berthold Indian Reservation, in the State of North Dakota, and the sale and disposition of a portion of the surplus lands after allotment, and making appropriation and provision to carry the same into effect," approved June first, nineteen hundred and ten, may be made of lands classified as coal lands or valuable for coal, with a reservation, however, in any patent which may issue upon any such allotment, of the coal deposits in the lands allotted, and of the right to prospect for, mine, and remove the same: *Provided,* That when such deposits are by Congress opened for disposition, any qualified coal claimant may enter upon these allotted lands for the purpose of prospecting for coal only after the approval by the Secretary of the Interior of a bond or undertaking given by such prospector as security for the payment of all damages occasioned by reason of such prospecting.

Fort Berthold Indian
Reservation, Idaho.
Coal lands may be
allotted to Indians of.
36 Stat., 455, ante, p.
462.

Reservation for min-
ing.

Proviso.
Bond required of
prospectors before en-
try.

Approved, April 3, 1912.

[No. 22.] Joint resolution to authorize and direct the Great Northern Railway Company and the Spokane and British Columbia Railway in the matter of their conflicting claims or rights of way across the Colville Indian Reservation, in the State of Washington, in the San Poil River Valley, to readjust their respective locations of rights of way at points of conflict, in such manner as to allow each company an equal right of way through said valley; and in case of their failure so to do to authorize and direct the Secretary of the Interior to readjust said rights of way.

June 4, 1912.
[H. J. Res. 142.]

[Pub. Res., No. 33.]
37 Stat., 634.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Great Northern Railway Company, whose right of way in the San Poil River Valley, Colville Indian Reservation, State of Washington, as filed and located by the Washington Improvement and Development Company and approved under the act entitled "An act granting to the Washington Improvement and Development Company a right of way through

Colville Indian Res-
ervation.
Settlement of con-
flicting rights of way
through.
30 Stat., 430, vol. 1, p.
643.

37 Stat., 635.

the Colville Indian Reservation in the State of Washington," approved June fourth, eighteen hundred and ninety-eight, and thereafter acquired by the Great Northern Railway Company; and the Spokane and British Columbia Railway Company, whose right of way along said San Poil River Valley, said Colville Indian Reservation, as filed and located by the said company, and approved under the act entitled "An act granting to railways a right of way through the public lands of the United States," approved March third, eighteen hundred and seventy-five, and under the act entitled "An act to provide for the acquiring of rights of way by a railway company through Indian reservations, Indian lands, and Indian allotments, and for other purposes," approved March second, eighteen hundred and ninety-nine; and which rights of way are overlapping in and in conflict for a considerable distance, shall proceed, within three months after the passage and approval of this resolution, to ascertain and determine the points of overlapping and conflict of their said respective locations, and shall proceed to readjust the same at all points of overlapping and conflict in such a way as to allow both companies an equal right of way through said valley with as little added expense or loss to either of them as possible, and in such manner that equal justice will be done to each, and each to bear whatever additional expense it may be put to by reason of any relocation or readjustment of its line in pursuance of this act, but the relocation or readjustment herein provided for shall be so made that the expense incurred thereby to either shall be as nearly equal as practicable; and when such relocation or readjustment has been completed the same shall be filed with and shall be approved by the Secretary of the Interior; whereupon either of said companies may proceed with the building of its respective road through the said valley and on the lines as readjusted, and the pending suit of the Government be dismissed. The rights of way so adjusted shall be in lieu of the rights of way heretofore granted and approved to the said companies, respectively, under the aforesaid acts of Congress: *Provided*, That if the said companies shall fail to agree and file such readjustment of said rights of way with the Secretary of the Interior within the time and as herein provided, the said companies shall on or before sixty days from and after the expiration of the aforesaid time for filing the said readjustment, present their matters of difference to the Secretary of the Interior, and thereupon it shall be the duty of the Secretary to give said companies a hearing, and the Secretary shall thereupon readjust the said rights of way at all points of overlapping and conflict in such a way as to allow both companies an equal right of way through said valley with as little added expense or loss to either of them as possible, and in such manner that equal justice will be done to each, and each to bear whatever additional expense it may be put to by reason of the readjustment of its line by the Secretary in pursuance of this act, such readjustment to be so made that the expense incurred by either company shall be as nearly equal as practicable. And when such readjustment has been completed by the Secretary of the Interior and the said companies notified thereof by the Secretary, either of said companies may proceed with the building of its respective road through the said valley and on the line as readjusted by the Secretary; and upon the completion of such readjustment by the Secretary the pending suit of the Government shall be dismissed. The rights of way so adjusted by the Secretary shall be in lieu of the rights of way heretofore granted and approved to the said companies, respectively, under the aforesaid acts of Congress. Each of said companies, as a condition precedent to approval of its right of way hereunder, shall pay such compensation for the taking or damaging of land and

18 Stat., 482.

30 Stat., 990, vol. 1, 687.

Readjustment by companies.

Division of expense.

Approval by Secretary of the Interior.

Proviso. Proceedings on disagreement.

Hearings.

Notification of readjustment.

Effect on pending suit.

Payment for damages.

improvements of Indian allottees as the Secretary of the Interior shall find to be justly due from and hitherto unpaid by such company; and each of said rights of way is hereby expressly declared to be subject to the condition that so much thereof as shall not have been occupied by a completed railway at the expiration of five years from and after the date of the approval thereof under this act by the Secretary of the Interior shall ipso facto revert to the United States without any act of reentry or judicial or legislative declaration of forfeiture.

Approved, June 4, 1912.

PRIVATE ACTS OF THE SIXTY-SECOND CONGRESS, SECOND SESSION, 1912.

CHAP. 215.—An act authorizing the Secretary of the Interior to adjust and settle the claims of the attorney of record involving certain Indian allotments, and for other purposes.

July 6, 1912
[S. 5776.]

[Private, No. 49.]
37 Stat., part 2, p. 220.

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 to consider the claim of the attorney of record in the matter of the enrollment and allotment of lands to Virgil H., Willie A., and Oscar R. Esterbrook, minor children of Frank Esterbrook, and Pearl May, A. Ray, J. Otis, and Dora Edith Williams, minor children of C. O. Williams, enrolled members of the Cascade Band of Indians and allotted on the Yakima Reservation in the State of Washington, and to allow said attorney such fee as he may consider reasonable and just, and to pay the same out of any money standing to the credit of said minor children or which may hereafter become due them.

Frank Esterbrook
and C. O. Williams,
Cascade Indians, Wash.
Payment to attorney
for services in enroll-
ment of certain minor
children of.

Approved, July 6, 1912.

CHAP. 216.—An act for the relief of Charley Clark, a homestead settler on certain lands therein described.

July 6, 1912.
[S. 6153.]

[Private, No. 50.]
37 Stat., part 2, p. 220.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the homestead entry of Charley Clark for the west half of the northeast quarter of section thirty-one, in township one hundred and fifty-three north, range forty, in the Crookston land district, Minnesota, under the act approved February twentieth, nineteen hundred and four, entitled "An act to authorize the sale of a part of what is known as the Red Lake Indian Reservation in the State of Minnesota," upon which final proof and payment was made, but which was held for cancellation by the Secretary of the Interior for want of qualification to make the same, be, and the same is hereby, allowed and permitted to remain of record as of the date of said entry, and that patent shall issue in the name of said Charley Clark for said land.

Charley Clark.
Homestead patent
granted to.
33 Stat., 46, ante, 28.

Approved, July 6, 1912.

CHAP. 225.—An act for the relief of the Turner Hardware Company.

July 9, 1912.
[S. 458.]

[Private, No. 54.]
37 Stat., part 2, p. 234.

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 hereby is, authorized and directed to pay, out of any available funds in the Treasury of the United States belonging to the Creek Nation of Indians, to the Turner Hardware Company, of Muskogee, Oklahoma, the sum of eighty-six dollars and eighty-one

Turner Hardware
Company.
Payment from
Creek funds to.

cents, in full payment of an account for supplies purchased by the superintendent of the Colored Orphans' Home in the year nineteen hundred and two.

Approved, July 9, 1912.

PUBLIC ACTS OF SIXTY-SECOND CONGRESS, THIRD SESSION, 1913.

Feb. 11, 1913.
[S. 3225.]

CHAP. 37.—An act providing when patents shall issue to the purchaser or heirs of certain lands in the State of Oregon.

[Public, No. 367.]
37 Stat., 665.
Umatilla Indian Reservation, Oreg.
Patents to purchasers of lands on.
23 Stat., 342, vol. 1, 224; 32 Stat., 730, vol. 1, 798.
Conditions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all persons who have heretofore purchased any of the lands of the Umatilla Indian Reservation, in the State of Oregon, and have made or shall make full and final payment therefor in conformity with the acts of Congress of March third, eighteen hundred and eighty-five, and of July first, nineteen hundred and two, respecting the sale of such lands, shall be entitled to receive patent therefor upon submitting satisfactory proof to the Secretary of the Interior that the untimbered lands so purchased are not susceptible of cultivation or residence, and are exclusively grazing lands, incapable of any profitable use other than for grazing purposes.

Completion by heirs.

SEC. 2. That where a party entitled to claim the benefits of this act dies before securing a patent therefor, it shall be competent for the executor or administrator of the estate of such party, or one of the heirs, to make the necessary proofs and payments therefor to complete the same; and the patent in such cases shall be made in favor of the heirs of the deceased purchaser and the title to said lands shall inure to such heirs, as if their names had been especially mentioned.

Approved, February 11, 1913.

Feb. 13, 1913.
[S. 3952.]

CHAP. 44.—An act repealing the provision of the Indian appropriation act for the fiscal year ending June thirtieth, nineteen hundred and seven, authorizing the sale of a tract of land reserved for a burial ground for the Wyandotte Tribe of Indians in Kansas City, Kansas.

[Public, No. 371.]
37 Stat., 668.

Wyandotte Cemetery, Kansas City, Kans.
34 Stat., 348, amended, ante, 216.
Authority to sell, etc., repealed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of an act making appropriations for the current and contingent expenses of the Indian Department for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June thirtieth, nineteen hundred and seven, approved June twenty-first, nineteen hundred and six, as reads as follows: "That the Secretary of the Interior is hereby authorized to sell and convey, under such rules and regulations as he may prescribe, the tract of land located in Kansas City, Kansas, reserved for a public burial ground under a treaty made and concluded with the Wyandotte Tribe of Indians on the thirty-first day of January, eighteen hundred and fifty-five. And authority is hereby conferred upon the Secretary of the Interior to provide for the removal of the remains of persons interred in said burial ground and their reinterment in the Wyandotte Cemetery at Quindaro, Kansas, and to purchase and put in place appropriate monuments over the remains reinterred in the Quindaro Cemetery. And after the payment of the costs of such removal, as above specified, and the costs incident to the sale of said land, and also after the payment to any of the Wyandotte people, or their legal heirs, of claims for losses sustained by reason of the purchase of the alleged rights of the Wyandotte Tribe in a certain ferry named in said treaty, if, in

10 Stat., 1160, vol. 2, 677.

Removal of bodies.

the opinion of the Secretary of the Interior, such claims or any of them are just and equitable, without regard to the statutes of limitation, the residue of the money derived from said sale shall be paid per capita to the members of the Wyandotte Tribe of Indians who were parties to said treaty, their heirs, or legal representatives," be, and the same is hereby, repealed.

Approved, February 13, 1913.

CHAP. 54.—An act to authorize the sale and disposition of the surplus and unallotted lands in the Standing Rock Indian Reservation, in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect.

Feb. 14, 1913.
[S. 109.]

[Public, No. 380.]
37 Stat., 675.

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, as hereinafter provided, to sell and dispose of all that portion of the Standing Rock Indian Reservation, in the States of South Dakota and North Dakota, lying and being within the following-described boundaries, to wit: Commencing at a point in the center of the main channel of the Missouri River where the township line between townships eighteen and nineteen north intersects the same; thence west on said township line to a point where the range line between ranges twenty-two and twenty-three east intersects the same; thence north along the said range line to the northwest corner of section nineteen, in township twenty-one north, of range twenty-three east; thence east on the section line north of sections nineteen, twenty, twenty-one, twenty-two, twenty-three, and twenty-four to a point where the same intersects the range line between ranges twenty-three and twenty-four east; thence north along said range line to a point where the same intersects the State line between the States of South Dakota and North Dakota; thence west on said State line to a point where the range line between ranges eighty-four and eighty-five west in North Dakota intersects the same; thence north on said range line between ranges eighty-four and eighty-five west to a point where it intersects the center of the main channel of the Cannon Ball River; thence in a northeasterly direction down and along the center of the main channel of said Cannon Ball River to a point where it intersects the center of the main channel of the Missouri River; thence in a southerly direction along the center of the main channel of the said Missouri River to the place of beginning, and including also entirely all islands, if any, in said river, except such portions thereof as have been allotted to Indians: *Provided*, That sections sixteen and thirty-six of the lands in each township therein shall not be disposed of, but shall be reserved for the use of the common schools of the States of South Dakota and North Dakota, respectively: *Provided further*, That the Secretary of the Interior may reserve such lands as he may deem necessary for agency, school, and religious purposes, to remain reserved as long as needed and as long as agency, school, or religious institutions are maintained thereon for the benefit of said Indians: *Provided, however*, That the Secretary of the Interior is hereby authorized and directed to issue a patent in fee simple to the duly authorized missionary board, or other proper authority of any religious organization, heretofore engaged in mission or school work on said reservation, for such lands thereon (not included in any town site herein provided for) as have been heretofore set apart to such organization for mission or school purposes.

Standing Rock Indian Reservation, S. Dak. and N. Dak.
Sale of surplus lands in.

Description.

Provisos.
School lands reserved.

Lands for agency, etc.

Patents to religious organizations, etc.

37 Stat., 676.

Opened to settlement by proclamation.

SEC. 2. That the lands shall be disposed of by proclamation under the general provisions of the homestead and town-site laws of the

United States, and shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the manner in which the lands may be settled upon, occupied, and entered by persons entitled to make entry thereof; and no person shall be permitted to settle upon, occupy, or enter any of said lands except as prescribed in said proclamation: *Provided*, That prior to said proclamation the Secretary of the Interior shall cause allotments to be made to every man, woman, and child belonging to or holding tribal relations in said reservation who have not heretofore received the allotments to which they are entitled under provisions of existing laws: *Provided, however*, That the said Secretary is hereby authorized to designate the superintendent of the Standing Rock Indian School to allot each child born subsequent to the completion of the allotments herein provided for and sixty days prior to the date set by said proclamation for the entry of said surplus lands: *Provided further*, That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be surveyed all the unsurveyed lands, if any, within said reservation, and to cause an examination to be made of the lands by experts of the Geological Survey, and if there be found any lands bearing coal or other valuable minerals the said Secretary is hereby authorized to reserve them from allotment or disposition until further action by Congress: *And provided further*, That the rights of honorably discharged Union soldiers and sailors of the late Civil and Spanish Wars or Philippine insurrection, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes, as amended by the act of March first, nineteen hundred and one, shall not be abridged.

SEC. 3. That before any of the land is disposed of, as hereinafter provided, and before the States of South Dakota and North Dakota, respectively, shall be permitted to select or locate any lands to which it may be entitled by reason of the loss of sections sixteen or thirty-six, or any portions thereof, by reason of allotments thereof to any Indian or Indians, the Secretary of the Interior is authorized to reserve from said lands such tracts for town-site purposes as in his opinion may be required for the future public interests, and he may cause same to be surveyed into lots and blocks and disposed of under such regulations as he may prescribe, and he is hereby authorized to set apart and reserve for school, park, and other public purposes not more than ten acres in any one town site, and patents shall be issued to the lands so set apart and reserved for school, park, and other public purposes to the municipality legally charged with the care and custody of lands donated for such purposes. The purchase price of all town lots sold in town sites, as hereinafter provided, shall be paid at such time and in such installments as the Secretary of the Interior may direct. He shall cause not more than twenty per centum of the net proceeds arising from such sales to be set apart and expended under his direction in the construction of school-houses and other public buildings, or in improvements within the town sites wherein such lots are located. The net proceeds derived from the sale of such lots and lands within the town sites as aforesaid shall be credited to the Indians as hereinafter provided: *Provided further*, That all children of school age and of Indian parentage shall be admitted at all times to the public schools within said town sites on an equal footing with all other children admitted to the said schools.

SEC. 4. That the price of said lands entered as homesteads under the provisions of this act shall be as follows: Upon all lands entered or filed upon within three months after the same shall be opened for settlement and entry, five dollars per acre, and upon all lands entered or filed upon after the expiration of three months and within six

Provisos.
Allotments to be completed.

Allotments to children born prior to opening.

Mineral lands reserved.

Rights of soldiers and sailors not affected.
R. S., secs. 2304, 2305.
31 Stat., 847.

Town sites.
Reservation for, before school selection by States, etc.

Surveys, etc.

Payment for lots, etc.

Use of net proceeds.

Proviso.
Indian children in public schools.

Homesteads.

37 Stat., 677.
Price of lands.

months after the same shall have been opened for settlement and entry, three dollars and fifty cents per acre; after the expiration of six months, after the same shall have been opened for settlement and entry, the price shall be two dollars and fifty cents an acre.

SEC. 5. That the price of said lands shall be paid in accordance with the rules and regulations to be prescribed by the Secretary of the Interior upon the following terms: One-fifth of the purchase price to be paid in cash at the time of entry, and the balance in five equal installments, the first within two years and the remainder annually in three, four, five, and six years, respectively, from and after the date of entry. In case any entryman fails to make the annual payments, or any of them, when due, all rights in and to the land covered by his entry shall cease, and any payments theretofore made shall be forfeited and the entry canceled, and the lands shall be reoffered for sale and entry under the provisions of the homestead law at the price fixed herein: *Provided*, That nothing in this act shall prevent homestead settlers from commuting their entries under section twenty-three hundred and one, Revised Statutes, by paying for the land entered the price fixed herein, receiving credit for the payments previously made. In addition to the price to be paid for the land the entryman shall pay the same fees and commissions at the time of commutation of final entry as now provided by law where the price of land is one dollar and twenty-five cents per acre; and when the entryman shall have complied with all the requirements and terms of the homestead laws as to settlement and residence, and shall have made all the required payments aforesaid, he shall be entitled to patent for the lands entered: *Provided further*, That any lands remaining unsold after said lands have been opened to entry for five years may be sold to the highest bidder for cash, without regard to the prescribed price thereof fixed under the provisions of this act, under such rules and regulations as the Secretary of the Interior may prescribe, and patents therefor shall be issued to the purchasers.

SEC. 6. That from the proceeds arising from the sale and disposition of the lands aforesaid, exclusive of the customary fees and commissions, there shall be deposited in the Treasury of the United States, to the credit of the Indians belonging and having tribal rights on the said reservation, the sums of which the said tribe may be entitled, which shall draw interest at three per centum per annum; that the moneys derived from the sale of said lands and deposited in the Treasury of the United States to the credit of said Indians shall be at all times subject to appropriation by Congress for their education, support, and civilization: *Provided*, That from any moneys in the Treasury to the credit of the Standing Rock Indians derived from the proceeds arising from the sale and disposition of their portion of the surplus and unallotted lands disposed of under section six of the act approved May twenty-ninth, nineteen hundred and eight, the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to distribute and pay to each of the Indians belonging to said tribe and entitled thereto a sum not exceeding forty dollars per capita.

SEC. 7. That sections sixteen and thirty-six of the land in each township within the tract described in section one of this act shall not be subject to entry, but shall be reserved for the use of the common schools and paid for by the United States at two dollars and fifty cents per acre, and the same are hereby granted to the States of South Dakota and North Dakota, respectively, for such purposes, and in case any of said sections or parts thereof are lost to either of the said States by reason of allotments thereof to any Indian or Indians or otherwise, the governor of each of said States, respectively, with the approval of the Secretary of the Interior, is hereby authorized, within the area described in section one of this act, to locate

Payment of purchase price.

Forfeiture.

Provisos.
Commutation.
R. S., sec. 2301.

Fees and commissions.

Sale of lands remaining after five years.

Deposit of proceeds to credit of Indians.

Use of fund.

Proviso.
Pro rata distribution from present fund.

35 Stat., 463, ante, 373.

Purchase of school land for South Dakota and North Dakota.

Lieu lands.

37 Stat., 678.

other lands not otherwise appropriated, not exceeding two sections in any one township, which shall be paid for by the United States, as herein provided, in quantity equal to the loss, and such selections shall be made prior to the opening of such lands to settlement.

Prohibition of intoxicants.

SEC. 8. That the lands allotted, those retained or reserved, and the surplus lands sold, set aside for town-site purposes, or granted to the State, or otherwise disposed of, shall be subject for a period of twenty five years to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country.

Appropriations for lands granted to States.

SEC. 9. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of one hundred and eighty thousand dollars, or so much thereof as may be necessary, to pay for the lands granted to the States of South Dakota and North Dakota, as provided in section seven of this act. And there is hereby appropriated the further sum of ten thousand dollars, or so much thereof as may be necessary for the purpose of making the surveys and allotments provided for herein: *Provided*, That the said ten thousand dollars, or so much thereof as may be expended for the purpose of carrying out the provisions of this act, shall be reimbursed to the United States from the proceeds received from the sale of the lands described herein or from any money in the Treasury belonging to said Indian tribe.

Surveys, etc.

Proviso.
Reimbursement.

Nonresponsibility of United States.

SEC. 10. That nothing in this act contained shall in any manner bind the United States to purchase any portion of the land herein described, except sections sixteen and thirty-six, or the equivalent, in each township, 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 the said lands and to expend and pay over the proceeds received from the sale thereof only as received and as herein provided: *Provided*, That nothing in this act shall be construed to deprive the said Indians of the Standing Rock Indian Reservation of any benefits to which they are entitled under existing treaties or agreements not inconsistent with the provisions of this act.

Proviso.
Treaty rights not affected.

Approved, February 14, 1913.

Feb. 14, 1913.
[H. R. 1332.]

CHAP. 55.—An act regulating Indian allotments disposed of by will.

[Public, No. 381.]
37 Stat., 678.

Indian trust allotments, etc.
36 Stat., 856, amended.
Ante, p. 476.

Disposal of restricted allotment, trust moneys, etc., by will.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section two of an act entitled "An act to provide for determining the heirs of deceased Indians, for the disposition and sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes," approved June twenty-fifth, nineteen hundred and ten, be amended to read as follows:

Provisos.
Approval required.

Action of the Secretary of the Interior.
37 Stat., 678.

"SEC. 2. That any persons of the age of twenty-one years having any right, title, or interest in any allotment held under trust or other patent containing restrictions on alienation or individual Indian moneys or other property held in trust by the United States shall have the right prior to the expiration of the trust or restrictive period, and before the issuance of a fee simple patent or the removal of restrictions, to dispose of such property by will, in accordance with regulations to be prescribed by the Secretary of the Interior: *Provided, however*, That no will so executed shall be valid or have any force or effect unless and until it shall have been approved by the Secretary of the Interior: *Provided further*, That the Secretary of the Interior may approve or disapprove the will either before or after the death of the testator, and in case where a will has been

approved and it is subsequently discovered that there has been fraud in connection with the execution or procurement of the will the Secretary of the Interior is hereby authorized within one year after the death of the testator to cancel the approval of the will, and the property of the testator shall thereupon descend or be distributed in accordance with the laws of the State wherein the property is located: *Provided, further,* That the approval of the will and the death of the testator shall not operate to terminate the trust or restrictive period, but the Secretary of the Interior may, in his discretion, cause the lands to be sold and the money derived therefrom, or so much thereof as may be necessary, used for the benefit of the heir or heirs entitled thereto, remove the restrictions, or cause patent in fee to be issued to the devisee or devisees, and pay the moneys to the legatee or legatees either in whole or in part from time to time as he may deem advisable, or use it for their benefit: *Provided also,* That sections one and two of this act shall not apply to the Five Civilized Tribes or the Osage Indians."¹

Trust, etc., period continued.

Termination.

Not applicable to Five Civilized Tribes or Osages.

Approved, February 14, 1913.

CHAP. 59.—An act to increase the pensions of surviving soldiers of Indian wars in certain cases.

Feb. 19, 1913.
[H. R. 14053.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act the rate of pension to surviving soldiers of the various Indian wars who are now on the pension roll or who may hereafter be placed thereon under the acts of July twenty-seventh, eighteen hundred and ninety-two, June twenty-seventh, nineteen hundred and two, and May thirtieth, nineteen hundred and eight, shall be twenty dollars per month.

[Public, No. 382.]
37 Stat., 679.

Indian war pensions.
Rate increased.
27 Stat., 282; 32 Stat., 399, vol. 1, 756; 35 Stat., 553.

Approved, February 19, 1913.

CHAP. 149.—An act making appropriations to supply deficiencies in appropriations for the fiscal year nineteen hundred and thirteen and for prior years, and for other purposes.

Mar. 4, 1913.
[H. R. 28858.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in appropriations for the fiscal year nineteen hundred and thirteen and for prior years, and for other purposes, namely:

[Public, No. 434.]
37 Stat., 912.

Deficiencies appropriations.

* * * * *

For the net amount of a judgment of the Court of Claims in favor of the Confederated Bands of Ute Indians, dated February thirteenth, nineteen hundred and eleven, to remain in the Treasury to the credit of the Ute Indians. The amount of said judgment shall bear interest at four per centum per annum from and after February thirteenth, nineteen hundred and eleven, such interest to be available under annual appropriations by Congress for cash per capita payments to the Ute Indians entitled, or for expenditure for their benefit, in the discretion of the Secretary of the Interior, \$3,305,257.19.

37 Stat., 934.

Confederated Band of Ute Indians.
Payment to credit of Indians.
Interest.

Per capita payments, etc., annually.

* * * * *

Approved, March 4, 1913.

¹ 30 Opp. Atty. Gen., May 3, 1913.

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| <p>Mar. 4, 1913. [S. 3843.]</p> <hr/> <p>[Public, No. 437.] 37 Stat., 1007.</p> <p>Oklahoma.</p> <p>Choctaw and Chickasaw coal lands. Operators may lease additional acreage.</p> <p>Proviso. Contiguous lands.</p> <p>Confined to actual operators.</p> <p>Duration and royalty.</p> | <p>CHAP. 152.—An act authorizing the Secretary of the Interior to lease to the operators of coal mines in Oklahoma additional acreage from the unleased segregated coal land of the Choctaw and Chickasaw Nations.</p> <p><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, under rules and regulations to be prescribed by him, may grant to the operator of any coal mine or mines in the State of Oklahoma the right to lease additional acreage from the unleased segregated coal land of the Choctaw and Chickasaw Nations, in the State of Oklahoma, not to exceed in any case six hundred and forty acres of land: <i>Provided,</i> That the land sought to be leased adjoins and is contiguous to the coal-mining property of the applicant in operation: <i>And provided further,</i> That the right to lease such additional lands shall extend only to coal-mining corporations, individual or individuals actually operating coal mines in said State in good faith, and in only such cases as may be found necessary for the successful administration of such mine: <i>And provided further,</i> That the lease or leases on such additional coal lands shall not be made for a longer period of time than existing leases of the respective applicants and shall not be made at a less rate of royalty than the rate of royalty paid on existing leases now in operation in said State of Oklahoma.</p> <p>Approved, March 4, 1913.</p> |
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| <p>Mar. 4, 1913. [S. 5674.]</p> <hr/> <p>[Public, No. 438.] 37 Stat., 1007.</p> <p>Public lands.</p> <p>Relinquishment to Indian occupants of lands in railroad grants, Arizona, New Mexico, and California.</p> <p>Total area.</p> | <p>CHAP. 153.—An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California.</p> <p><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 in his discretion to request of the present claimant under any railroad land grant a relinquishment or reconveyance of any lands situated within the States of Arizona, New Mexico, or California passing under the grant which are shown to have been occupied for five years or more by an Indian entitled to receive the tract in allotment under existing law but for the grant to the railroad company, and upon the execution and filing of such relinquishment or reconveyance the lands shall thereupon become available for allotment, and the company relinquishing or reconveying shall be entitled to select within a period of three years after the approval of this act and have patented to it other vacant nonmineral, nontimbered, surveyed public lands of equal area and value situated in the same State, as may be agreed upon by the Secretary of the Interior, provided that the total area of land that may be exchanged under the provisions of this act shall not exceed three thousand acres in Arizona, sixteen thousand acres in New Mexico and five thousand acres in California.</p> <p>Approved, March 4, 1913.</p> |
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| <p>Mar. 3, 1913. [H. J. Res. 326.]</p> <hr/> <p>[Pub. Res., No. 72.] 37 Stat., 1025.</p> <p>Coeur d'Alene Indian Reservation, Idaho.</p> <p>37 Stat., 1026.</p> <p>Additional time allowed for payments due for homesteads prior to April 15, 1912.</p> | <p>[No. 13.] Joint resolution providing for extending provisions of the act authorizing extension of payments to homesteaders on the Coeur d'Alene Indian Reservation, Idaho.</p> <p><i>Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,</i> That the provisions of an act of Congress approved April fifteenth, nineteen hundred and twelve, authorizing the extension of time within which to make payments of certain moneys by homestead entrymen upon the Coeur d'Alene Indian Reservation, in the State of Idaho, be extended and held to apply to payments that became due prior to the passage</p> |
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of the act under the same conditions that apply to payments becoming due subsequent to the passage of the law. That nothing herein contained shall affect any valid adverse claim initiated prior to the passage of this resolution.

Ante, p. 518.

Approved, March 3, 1913.

PUBLIC ACTS OF SIXTY-THIRD CONGRESS, FIRST SESSION, 1913.

CHAP. 3.—An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and fourteen, and for other purposes.

June 23, 1913.
[H. R. 2441.]

[Public No. 3.]
38 Stat., 4.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, for the objects hereinafter expressed, for the fiscal year ending June thirtieth, nineteen hundred and fourteen, namely:

* * * * *

Opening Indian reservations (reimbursable): To meet the expenses pertaining to the opening to entry and settlement of such Indian reservation lands as may be opened during the fiscal year nineteen hundred and fourteen: *Provided*, That the expenses pertaining to the opening of each of said reservations and paid for out of this appropriation shall be reimbursed to the United States from the money received from the sale of the lands embraced in said reservations, respectively, \$20,000.

38 Stat., 45.
Opening Indian reservations to entry.

Proviso.

Reimbursement.

Approved, June 23, 1913.

CHAP. 4.—An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June thirtieth, nineteen hundred and fourteen.

June 30, 1913.
[H. R. 1917.]

[Public, No. 4.]
38 Stat., 77.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and in full compensation for all offices the salaries for which are provided for herein for the service of the fiscal year ending June thirtieth, nineteen hundred and fourteen, namely:

Indian Department appropriations.

For the survey, resurvey, classification, appraisement, and allotment of lands in severalty under the provisions of the act of February eighth, eighteen hundred and eighty-seven, entitled "An act to provide for the allotment of lands in severalty to Indians," and under any other act or acts providing for the survey and allotment of lands in severalty to Indians; and for the survey and subdivision of Indian reservations and lands to be allotted to Indians under authority of law, \$200,000, to be repaid proportionately out of any Indian moneys held in trust or otherwise by the United States and available by law for such reimbursable purpose and to remain available until expended: *Provided*, That no part of said sum shall be used for survey, resurvey, classification, appraisement, or allotment of any land in severalty upon the public domain to any Indian, whether of the Navajo or other tribes, within the State of New Mexico and the State of Arizona.

Surveying, allotting in severalty, etc.
24 Stat., 388, vol. 1, 33.

Surveying reservations, etc., for allotment.

Proviso.
Use for allotting, etc., in New Mexico and Arizona forbidden.

For the construction, repair, and maintenance of ditches, reservoirs, and dams, purchase and use of irrigation tools and appliances,

Irrigation, drainage, etc.

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| Available until expended. Provisos. Us3 restricted. | water rights, ditches, lands necessary for canals, pipe lines, and reservoirs for Indian reservations and allotments, and for drainage and protection of irrigable lands from damage by floods, \$335,000, to remain available until expended: <i>Provided</i> , That no part of this appropriation shall be expended on any irrigation system or reclamation project for which specific appropriation is made in this act or for which public funds are or may be available under any other act of Congress: <i>Provided further</i> , That nothing herein contained shall be construed to prohibit reasonable expenditures from this appropriation for preliminary surveys and investigations to determine the feasibility and estimated cost of new projects, for investigations and surveys for power and reservoir sites on Indian reservations in accordance with the provisions of section thirteen of the act of June twenty-fifth, nineteen hundred and ten, or to prevent the Bureau of Indian Affairs from having the benefit of consultation with engineers in other branches of the public service or carrying out existing agreements with the Reclamation Service; for pay of one chief inspector of irrigation, who shall be a skilled irrigation engineer, \$4,000; one assistant inspector of irrigation, who shall be a skilled irrigation engineer, \$2,500; for traveling expenses of two inspectors of irrigation, at \$3 per diem when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses authorized by law, and for incidental expenses of negotiation, inspection, and investigation, including telegraphing and expense of going to and from the seat of government and while remaining there under orders, \$4,200; in all, \$345,700: <i>Provided also</i> , That not to exceed seven superintendents of irrigation, who shall be skilled irrigation engineers, may be employed. |
| Preliminary surveys, etc., allowed. | |
| 36 Stat., 858. Consultation with other bureaus. | |
| Irrigation inspectors. | |
| 38 Stat., 78. | |
| Superintendents of irrigation. | |
| Suppressing liquor traffic. | For the suppression of the traffic in intoxicating liquors among Indians, \$100,000. |
| Relieving distress, preventing diseases, etc. | To relieve distress among Indians and to provide for their care and for the prevention and treatment of tuberculosis, trachoma, smallpox, and other contagious and infectious diseases, including the purchase of vaccine and expense of vaccination, and for correction of sanitary defects in Indian homes, \$200,000. |
| Support of schools. | For support of Indian day and industrial schools not otherwise provided for and for other educational and industrial purposes in connection therewith, \$1,420,000: <i>Provided</i> , That no part of this appropriation, or any other appropriation provided for herein, except appropriations made pursuant to treaties, shall be used to educate children of less than one-fourth Indian blood whose parents are citizens of the United States and the State wherein they live and where there are adequate free school facilities provided and the facilities of the Indian schools are needed for pupils of more than one-fourth Indian blood. |
| Proviso. Restriction. | |
| Schools, agency buildings, etc. | For construction, lease, purchase, repairs, and improvements of schools and agency buildings, and for sewerage, water supply, and lighting plants, \$400,000: <i>Provided</i> , That out of the above amount the following expenditures shall be made, to wit: For the construction of employees' quarters at the Pine Ridge Agency in South Dakota, \$10,000, and for repair and improvement of agency buildings at Pine Ridge Agency in South Dakota, \$5,000: <i>Provided further</i> , That the Commissioner of Indian Affairs is hereby authorized to allow employees in the Indian service who are furnished quarters, necessary heat and light for such quarters without charge, such heat and light to be paid for out of the fund chargeable with the cost of heating and lighting other buildings at the same place: <i>Provided further</i> , That the amount so expended for agency purposes shall not be included in the maximum amounts for compensation of |
| Provisos. Pine Ridge Agency, S. Dak. | |
| Heat and light for employees' quarters. | |
| Not included in compensation. 37 Stat., 521. | |

employees prescribed by section one, act of August twenty-fourth, nineteen hundred and twelve. Ante, p. 532.

For collection and transportation of pupils to and from Indian schools and for the transportation of Indian pupils from any and all Indian schools and placing them, with the consent of their parents, under the care and control of white families qualified to give such pupils moral, industrial, and educational training, \$82,000: *Provided*, That not to exceed \$5,000 of this amount may be used in the transportation and placing of Indian youths in positions where a remunerative employment may be found for them in industrial pursuits. The provisions of this section shall also apply to native pupils of school age under twenty-one years of age brought from Alaska. Transporting pupils, etc.
Proviso.
Industrial employment.
Alaska pupils.

All moneys appropriated herein for school purposes among the Indians may be expended, without restriction as to per capita expenditure, for the annual support and education of any one pupil in any school. No per capita restriction.

To conduct experiments on Indian school or agency farms designed to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, and fruits, for the purposes of preserving living and growing timber on Indian reservations and allotments, and to advise the Indians as to the proper care of forests; for the employment of suitable persons as matrons to teach Indian women house-keeping and other household duties, and for furnishing necessary equipments and supplies and renting quarters for them where necessary; for the employment of practical farmers and stockmen, in addition to the agency and school farmers now employed; and to superintend and direct farming and stock raising among Indians, \$400,000: *Provided*, That the foregoing shall not, as to timber, apply to the Menominee Indian Reservation in Wisconsin: *Provided further*, That not to exceed \$5,000 of the amount herein appropriated may be used to conduct experiments on Indian school or agency farms to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, and fruits: *Provided also*, That the amounts paid to matrons, farmers, and stockmen herein provided for shall not be included within the limitation on salaries and compensation of employees contained in the act of June seventh, eighteen hundred and ninety-seven. Agricultural experiments, etc.
38 Stat., 79.
Matrons.
Farmers and stockmen.
Provisos.
Menominee Reservation, Wis.
Tests of soil, etc., for cultivation.
Allowance to matrons, etc.
30 Stat., 90, vol. 1, 89.

For the purchase of goods and supplies for the Indian service, including inspection, pay of necessary employees, and all other expenses connected therewith, including advertising, storage, and transportation of Indian goods and supplies, \$300,000: *Provided also*, That all wagon transportation from the point where delivery is made by the last common carrier to the agency, school, or elsewhere, and between points on the reservation or elsewhere, shall hereafter be paid from the funds appropriated or otherwise available for the support of the school, agency, or other project for which the supplies to be transported are purchased. Supplies, purchases, etc.
Proviso.
Charges for wagon transportation.

For telegraph and telephone toll messages on business pertaining to the Indian service sent and received by the Bureau of Indian Affairs at Washington, \$9,000. Telegraphing, etc.

For witness fees and other legal expenses incurred in suits instituted in behalf of or against Indians involving the question of title to lands allotted to them, or the right of possession of personal property held by them, and in hearings set by United States local land officers to determine the rights of Indians to public lands, \$2,000: *Provided*, That no part of this appropriation shall be used in the payment of attorney fees. Legal expenses in suits involving allotments.
Proviso.
No attorneys' fees

For expenses of the Board of Indian Commissioners, \$4,000, including not to exceed \$300 for office rent. Citizen commission.

- Indian police. For payment of Indian police, including chiefs of police at not to exceed \$50 per month each and privates at not to exceed \$30 per month each, to be employed in maintaining order, and for the purchase of equipments and rations for policemen at nonration agencies, \$200,000.
- Judges, Indian courts. For compensation of judges of Indian courts where tribal relations now exist, \$8,000.
- 38 Stat., 80. For pay of special agents at \$2,000 per annum; for traveling and incidental expenses of such special agents, including sleeping-car fare, and a per diem of \$3 in lieu of subsistence when actually employed on duty in the field or ordered to the seat of government; for transportation and incidental expenses of officers and clerks of the Office of Indian Affairs when traveling on official duty; for pay of employees not otherwise provided for; and for other necessary expenses of the Indian Service for which no other appropriation is available, \$105,000; \$20,000 to be immediately available.
- Contingent expenses.
- Determining heirs of allottees. 36 Stat., 8CS. For the purpose of determining the heirs of deceased Indian allottees, pursuant to the act of June twenty-fifth, nineteen hundred and ten (Thirty-sixth Statutes at Large, pages eight hundred and fifty-five to eight hundred and sixty-six), and the regulations thereunder prescribed by the Secretary of the Interior, \$50,000: *Provided*, That hereafter upon the determination of the heirs of a deceased Indian by the Secretary of the Interior there shall be paid by such heirs or from the estate of such deceased Indian or deducted from the proceeds from the sale of the land of the deceased allottee or from any trust funds belonging to the estate of the decedent, the sum of \$15, to cover the cost of determining the heirs to the estate of the said deceased allottee, which amount shall be accounted for and paid into the Treasury of the United States and a report made annually to Congress by the Secretary of the Interior on or before the first Monday in December of all moneys collected and deposited as herein directed.
- Proviso.*
Expenses from estate, etc., of decedent. That superintendents and acting superintendents in charge of Indian reservations, schools, irrigation, and allotment projects are hereby authorized and empowered to administer the oath of office required of employees placed under their jurisdiction.
- Report.
- Oaths of employees.
- Encouraging farming industry among Indians. For the purpose of encouraging industry among the Indians and to aid them in the culture of fruits, grains, and other crops, \$100,000, or so much thereof as may be necessary, to be immediately available, which sum may be used for the purchase of animals, machinery, tools, implements, and other equipment necessary to enable Indians to become self-supporting: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June thirtieth, nineteen hundred and twenty-five, and all repayments to this fund made on or before June thirtieth, nineteen hundred and twenty-four, are hereby reappropriated for the same purpose as the original fund, and the entire fund, including such repayments, shall remain available until June thirtieth, nineteen hundred and twenty-four, and all repayments to the fund hereby created which shall be made subsequent to June thirtieth, nineteen hundred and twenty-four, shall be covered into the Treasury and shall not be withdrawn or applied except in consequence of a subsequent appropriation made by law: *Provided further*, That the Secretary of the Interior shall submit to Congress annually on the first Monday in December a detailed report of the use of this fund.
- Provisos.*
- Repayment.
- Reuse of fund.
- Final disposition.
- Detailed report.
- Clara D. True. Reimbursement. To reimburse Clara D. True for traveling expenses incurred by her under instructions from an official of the Indian Service in the closing of her accounts as a former superintendent in the Indian Service, \$50.15.
- Frederick H. Abbott. Pay as Acting Commissioner of Indian Affairs. To pay to Frederick H. Abbott the difference between the compensation allowed by law for the Commissioner of Indian Affairs and

the compensation allowed by law for the Assistant Commissioner of Indian Affairs, for services as Acting Commissioner of Indian Affairs from September thirteenth, nineteen hundred and twelve, when the office of Commissioner of Indian Affairs was vacated, and continuing as long as the duties and responsibilities of said office of Commissioner of Indian Affairs shall devolve upon said Frederick H. Abbott as Acting Commissioner of Indian Affairs, such an amount as may be necessary, to be paid from the \$5,000 appropriated for salary of the Commissioner of Indian Affairs by the act of August twenty-third, nineteen hundred and twelve (Thirty-seventh Statutes at Large, page three hundred and ninety-six).

For the purpose of making inquiry into conditions in the Indian Service, with a view to ascertaining any and all facts relating to the conduct and management of the Bureau of Indian Affairs, and of recommending such changes in the administration of Indian affairs as would promote the betterment of the service and the well-being of Indians, there is hereby constituted a commission to be known as the Joint Commission to Investigate Indian Affairs, to be composed of three Members of the Senate, to be appointed by the Presiding Officer of the Senate, and three Members of the House of Representatives, to be appointed by the Speaker. The said commission be, and is hereby, directed, authorized, and empowered to examine into the conduct and management of the Bureau of Indian Affairs and all its branches and agencies, their organization and administration. The commission shall have power and authority to examine all books, documents, and papers in the said Bureau of Indian Affairs, its branches or agencies, relating to the administration of the business of said bureau, and shall have and is hereby granted authority to subpoena witnesses, compel their attendance, administer oaths, and to demand any and all books, documents, and papers of whatever nature relating to the affairs of Indians as conducted by said bureau, its branches, and agencies. Said commission is hereby authorized to visit any Indian agency, school institution, or other establishment under the jurisdiction and control of the Bureau of Indian Affairs or the Department of the Interior, and it shall be the duty of the Secretary of the Interior, the Commissioner of Indian Affairs, and all other officers connected with the administration of Indian affairs to aid the said commission and furnish all available information that may be demanded by said commission.

The investigation hereby provided for shall be conducted by said commission as speedily as possible, and the findings, conclusions, and recommendations of such commission shall be reported to Congress during the Sixty-third Congress. Said commission is hereby authorized to employ such clerical and other assistance, including stenographers, as said commission may deem necessary in the proper prosecution of its work: *Provided*, That stenographers so employed shall not receive for their services exceeding \$1 per printed page. The sum of \$25,000 is hereby appropriated to pay the expenses of the said commission. Within ten days after the appointment of the members of the commission they shall proceed to elect a chairman and secretary, and the funds hereby appropriated shall be paid out on the order of such chairman and secretary, and a full, itemized account of all such expenditures shall accompany the final report of the commission when submitted to Congress.

To enable the Secretary of the Interior to employ a chartered and certified accountant for the purpose of preparing, under the direction of said Secretary, a complete separate fiscal and financial history and statement of the affairs of each of the Five Civilized Tribes of Indians, \$10,000, or such part thereof as may be necessary.

37 Stat., 396.

Joint Commission to Investigate Indian Affairs. Composition.

38 Stat., 81.

Powers and authority.

Examination of agencies, etc.

Report of findings, etc.

Clerical, etc., assistance. *Proviso.* Limitation. Appropriation for expenses.

Five Civilized Tribes. Preparation of complete fiscal history, etc., directed.

Agreement with
Wiminuche Band of
Southern Ute Indians,
Colo.

That an agreement, made at the Navajo Springs Indian Agency, in the State of Colorado, on the tenth day of May, in the year of our Lord nineteen hundred and eleven, with the Wiminuche Band of Southern Ute Indians, belonging to the jurisdiction of the Navajo Springs Indian Agency, be, and the same is hereby, modified and amended to read as follows:

“ARTICLE I.

Lands relinquished. “The said Wiminuche Band of Southern Ute Indians hereby agrees to relinquish and surrender to the United States of America all its right, title, and interest in and to that portion of its reservation described as follows:

“Beginning at a point on the north boundary of the Southern Ute Indian Reservation in southwestern Colorado where the north quarter corner of unsurveyed fractional section two (2), township thirty-four (34) north, range fifteen (15) west, ‘south of the Ute boundary,’ intersects the same; thence south to the south quarter corner of unsurveyed section twenty-six (26), said township; thence west to the southwest corner of unsurveyed section twenty-five (25), township thirty-four (34) north, range sixteen (16) west; thence north to the northwest corner of unsurveyed fractional section one (1), said township; thence east to the north quarter corner of unsurveyed fractional section two (2), township thirty-four (34) north, range fifteen (15) west, ‘south of the Ute boundary,’ the place of beginning; fourteen thousand five hundred and twenty (14,520) acres more or less, lying and being in Montezuma County, State of Colorado.

“ARTICLE II.

Lands to be conveyed in exchange.

“In consideration for the lands relinquished and surrendered as aforesaid the United States hereby agrees to convey to said Wiminuche Band of Southern Ute Indians in exchange therefor lands lying within the present boundaries of the Mesa Verde National Park and from the public domain, said lands to become a part of the reservation of said Wiminuche Band of Southern Ute Indians and to take on the same character and title as the rest of the land of the said reservation, of which they become a part by virtue of this agreement, and described as follows:

“Sections one (1), two (2), three (3), four (4), five (5), fractional sections eight (8), nine (9), ten (10), eleven (11), twelve (12), in township thirty-four (34) north, range sixteen (16), west, ‘north of the Ute boundary’; also sections twenty-five (25), twenty-six (26), twenty-seven (27), southeast quarter section twenty-eight (28), sections thirty-two (32), thirty-three (33), thirty-four (34), thirty-five (35), and thirty-six (36), township thirty-five (35) north, range sixteen (16) west, containing ten thousand and eighty (10,080) acres, more or less.

38 Stat., 82.

“Also sections five (5) and six (6) and fractional sections seven (7) and eight (8) (unsurveyed) in township thirty-four (34) north, range seventeen (17) west, ‘north of the Ute boundary,’ and sections one (1), two (2), three (3), four (4), five (5), and fractional sections eight (8), nine (9), ten (10), eleven (11), and twelve (12) (unsurveyed), in township thirty-four (34) north, range eighteen (18) west, ‘north of the Ute boundary,’ and sections nineteen (19), twenty (20), twenty-nine (29), thirty (30), thirty-one (31), and thirty-two (32), in township thirty-five (35) north, range seventeen (17) west, and sections twenty (20), twenty-one (21), twenty-two (22), twenty-three (23), twenty-four (24), twenty-five (25), twenty-six (26), twenty-seven (27), twenty-eight (28), twenty-nine (29), thirty-two (32), thirty-

three (33), thirty-four (34), thirty-five (35), and thirty-six (36) in township thirty-five (35) north, range eighteen (18) west, New Mexico principal meridian, containing twenty thousand one hundred and sixty (20,160) acres, more or less. 38 Stat., 83.

“And in case it be found that any portion of the lands herein described have been entered or patented under any of the land laws of the United States, then, and in that event, it is stipulated and agreed that public lands of an equal amount and like character and lying adjacent to the lands herein described be substituted and given to said Wiminuche Band of Southern Ute Indians, to make the total area of lands to be given in amount equal to the above-described lands, the total area in said western tract to contain twenty thousand one hundred and sixty (20,160) acres. Additional.”

“ARTICLE III.

“Nothing in this agreement shall be construed to deprive the Indians parties hereto of any annuities or benefits to which they are entitled under existing laws and treaties. Annuities, etc., not impaired.”

“ARTICLE IV.

“This agreement shall become effective and binding on the parties hereto when ratified by the Congress of the United States.” Ratification required.

That the said agreement be, and the same is hereby, accepted, ratified, and confirmed as herein amended. Agreement confirmed.

That the Secretary of the Interior is hereby authorized to add to the area conveyed to the Indians in exchange for the lands relinquished any tracts of unappropriated public land adjoining thereto which may be necessary to make the total area of the acreage ceded to the Indians in lieu of that lost to them by any prior existing valid rights attaching thereto. Additional lands to be conveyed.

That the boundary of the Mesa Verde National Park, created by the act of Congress approved June twenty-ninth, nineteen hundred and six (Thirty-fourth Statutes at Large, page six hundred and sixteen), is hereby extended on the south so as to include the land relinquished by the Indians in the foregoing agreement as herein provided and the boundaries of said park shall hereafter be defined as follows: Mesa Verde National Park. Boundaries extended; 34 Stat., 616.

Beginning at a point on the north boundary of the Southern Ute Indian Reservation in southwestern Colorado where the north quarter corner of unsurveyed fractional section two (2), township thirty-four (34) north, range fifteen (15) west, “south of the Ute boundary,” intersects the same; thence south to the south quarter corner of unsurveyed section twenty-six (26), said township; thence west to the southwest corner of unsurveyed section twenty-five (25), township thirty-four (34) north, range sixteen (16) west; thence north to the northwest corner of unsurveyed fractional section one (1), said township and range; thence west to the southeast corner of fractional section twelve (12), township thirty-four (34) north, range sixteen (16) west, “north of the Ute boundary”; thence north to the northwest corner of section nineteen (19), township thirty-five (35) north, range fifteen (15) west; thence east to the southwest corner of the southeast quarter of section sixteen (16), said township; thence north to the northwest corner of the southeast quarter of said section; thence east to the southwest corner of the northeast quarter of section thirteen (13), said township; thence north to the northwest corner of the northeast quarter of said section; thence east to the southwest corner of section seven (7), township thirty-five (35) north, range fourteen (14) west; thence north to the northwest corner of said section; thence east to the southwest corner of section five (5), said

township; thence north to the northwest corner of said section; thence east to the northeast corner of said section; thence south to the southeast corner of the northeast quarter of said section; thence east to the northeast corner of the southwest quarter of section four (4), said township; thence south to the northwest corner of the southeast quarter of section sixteen (16), said township; thence east to the northeast corner of the southeast quarter of said section; thence south to the northwest corner of section twenty-two (22), said township; thence east to the northeast corner of said section; thence south to the northwest corner of section twenty-six (26), said township; thence east along the north section line of section twenty-six (26) to the east bank of the Rio Mancos; thence in a southeasterly direction along the east bank of the Rio Mancos to its intersection with the northern boundary line of the Southern Ute Indian Reservation; thence west along said Indian reservation boundary to its intersection with the range line between ranges fourteen (14) and fifteen (15) west, the place of beginning;

And the provisions of the act of June twenty-ninth, eighteen hundred and ninety-six, creating the park, are hereby extended over the same.

Included in Park control, etc.
Custody of adjoining prehistoric ruins repealed.
34 Stat., 617.

So much of the act of June twenty-ninth, nineteen hundred and six, as provides that the custodianship of the Secretary of the Interior shall extend over all prehistoric ruins situated within five miles of the eastern, western, and northern boundaries of the park, as described in said act, not on lands alienated by patent from the ownership of the United States, is hereby repealed.

ARIZONA AND NEW MEXICO.

Arizona and New Mexico.
Support of Indians in.
Fort Mojave School.
38 Stat., 84.

SEC. 2. For support and civilization of Indians in Arizona and New Mexico, \$330,000.

For support and education of two hundred Indian pupils at the Indian school at Fort Mojave, and for pay of superintendent, \$35,100; for general repairs and improvements, \$3,800; in all, \$38,900.

Phoenix School.

For support and education of seven hundred Indian pupils at the Indian school at Phoenix, Arizona, and for pay of superintendent, \$119,400; for industrial building for girls, \$15,000; for general repairs and improvements, including two steel water tanks, \$12,000; in all, \$146,400: *Provided*, That \$500 of this appropriation, or so much thereof as may be necessary, shall be used in making survey and an estimate of the cost of connecting the sewer system of the Phoenix Indian School with the sewer system of the city of Phoenix, Arizona, and submit a report thereon to Congress on the first Monday in December, nineteen hundred and thirteen.

Proviso.
Connecting sewer system.

Truxton Canyon School.

For support and education of one hundred pupils at the Indian school at Truxton Canyon, Arizona, and for pay of superintendent, \$18,200; for general repairs and improvements, \$3,000; in all, \$21,200.

Gila River Irrigation system.

For maintenance, care, and protection of machinery and irrigation wells already completed, in connection with the irrigation of the lands of the Pima Indians in the vicinity of Sacaton, in the Gila River Reservation, \$5,000.

San Carlos Reservation.
Survey for dam, etc., for irrigation system.
37 Stat., 522.

For continuing the investigation by the Secretary of War for the purpose of determining the feasibility and practicability of constructing a dam and reservoir at or in the vicinity of the Box Canyon on the San Carlos Indian Reservation, and for other purposes, as authorized by the act of August twenty-fourth, nineteen hundred and twelve (Thirty-seventh Statutes at Large, pages five hundred and eighteen to five hundred and twenty-two), \$10,000, to be immediately available and to remain available until expended.

For the development of a water supply for domestic and stock purposes and for irrigation for nomadic Papago Indians in Pima County, Arizona, \$5,000.

Papago Indians.
Water supply.

For continuing and completing the construction of the Ganado irrigation project on the Navajo Indian Reservation in Arizona, in accordance with the plans submitted by the chief engineer of the Indian service and approved by the Commissioner of Indian Affairs and the Secretary of the Interior, in conformity with section one of the act approved April fourth, nineteen hundred and ten, \$25,100: *Provided*, That the total cost of the project shall not exceed \$60,100.

Navajo Reservation.
Ganado irrigation project.

36 Stat., 270.

Proviso.
Limit of cost.

The Secretary of the Interior is hereby authorized and directed to make an investigation of the conditions on the western Navajo Indian Reservation in Arizona, with respect to the necessity of constructing a bridge across the Moencopi Wash, on said reservation, and also to cause surveys, plans, and reports to be made, together with an estimated limit cost for the construction of a suitable bridge at that place, and submit his report thereon to Congress on the first Monday in December, nineteen hundred and thirteen, and the sum of \$1,000, or so much thereof as may be necessary, is hereby appropriated for the purpose herein authorized.

Report on necessity
for bridge across Moencopi Wash to be made.

38 Stat., 85.

For completion of the construction of necessary channels and laterals for the utilization of water in connection with the pumping plant for irrigation purposes on the Colorado River Indian Reservation, Arizona, as provided in the act of April fourth, nineteen hundred and ten (Thirty-sixth Statutes at Large, page two hundred and seventy-three), for the purpose of securing an appropriation of water for the irrigation of approximately one hundred and fifty thousand acres of land and for maintaining and operating the pumping plant, \$25,000, reimbursable as provided in said act, and to remain available until expended.

Colorado River Reservation.
Extending irrigation system.

36 Stat., 273.

Available until expended.

For the construction of a bridge across the Gila River on the San Carlos Apache Indian Reservation, Arizona, \$45,500; and for the construction of a bridge across the San Carlos River on said reservation in said State, \$19,800, to be immediately available, said bridges to be constructed across said streams in the places and manner recommended by the Secretary of the Interior in House Document Numbered One thousand and thirteen, Sixty-second Congress, third session; in all, \$65,300, which said sum of \$65,300 shall be reimbursed to the United States by the Apache Indians having tribal rights on the Fort Apache and San Carlos Indian Reservations, and shall be and remain a charge and lien upon the lands, property, and funds belonging to said Apache Indians until paid in full.

San Carlos Reservation.
Bridges, Gila and San Carlos Rivers.

Reimbursement.

For the construction of a bridge across the Colorado River from School Hill, on the Yuma Indian Reservation, in the State of California, to Penitentiary Hill, in the town of Yuma, in the State of Arizona, to be expended under the direction of the Secretary of the Interior, not to exceed the sum of \$25,000, in the construction of a bridge, as recommended by the Secretary of the Interior in House Document Numbered One thousand and twenty, Sixty-second Congress, third session: *Provided*, That no part of the money herein appropriated shall be expended until the Secretary of the Interior shall have obtained from the proper authorities of the State of Arizona and the State of California satisfactory guaranties of the payment by the said States, or by the county of Yuma, in the State of Arizona, and the county of Imperial, in the State of California, of at least two-thirds of the cost of said bridge; and that the proper authorities of the said States assume full responsibility for and will at all times maintain and repair said bridge and the approaches thereto: *And provided further*, That the bridge shall be built in accordance with the provisions of the act entitled "An act to regulate the construc-

Yuma Reservation
Cal.
Bridge across Colorado River to Yuma, Ariz.

Provisos.
Proportionate contribution from States, etc., required.

Construction, etc.

34 Stat., 81.

tion of bridges over navigable waters," approved March twenty-third, nineteen hundred and six.

Navajo schools.
Establishing day and
industrial schools.

For the purpose of enabling the Secretary of the Interior to carry into effect the provisions of the sixth article of the treaty of June eighth, eighteen hundred and sixty-eight, between the United States and the Navajo Nation or Tribe of Indians, proclaimed August twelfth, eighteen hundred and sixty-eight, whereby the United States agrees to provide school facilities for the children of the Navajo Tribe of Indians, the sum of \$100,000, or so much thereof as may be necessary, is hereby appropriated, out of any funds in the Treasury not otherwise appropriated. In carrying out the authority hereby conferred the said Secretary may expend said funds, in his discretion, in establishing day schools or industrial schools, tribal habits and climatic conditions being considered, suitable for the education of said Indians.

15 Stat., 669, vol. 2,
1017.

Water supply.

For the development of a water supply for the Navajo Indians, \$15,000, to be immediately available and to remain available until expended.

CALIFORNIA.

Support, etc., of In-
dians in.
38 Stat., 86.
California.

SEC. 3. For support and civilization of Indians in California, including pay of employees, and for the purchase of small tracts of land situated adjacent to lands heretofore purchased, and for improvements on lands for the use and occupancy of Indians in California, \$57,000.

Sherman Institute.

For support and education of five hundred and fifty Indian pupils at the Sherman Institute, Riverside, California, and for pay of superintendent, \$94,350; for general repairs and improvements, \$10,000; in all, \$104,350.

Yuma Reservation
irrigation system.
Advances.

For reclamation and maintenance charge on Yuma allotments, \$40,000, to be reimbursed from the sale of surplus lands or from other funds that may be available, in accordance with the provisions of the act of March third, nineteen hundred and eleven.

36 Stat., 1063.

Fort Bidwell School.

For support and education of one hundred and twenty-five Indian pupils at the Fort Bidwell Indian School, California, and for repairs and improvements, \$20,000.

Greenville School.

For support and education of one hundred Indian pupils at the Greenville Indian School, California, and for repairs and improvements, \$20,000; new buildings, \$10,000; in all, \$30,000.

Hoopa Valley Res-
ervation.
Wagon road.

For completing the construction of the wagon road on the Hoopa Valley Indian Reservation, in the county of Humboldt, State of California, and for the purpose of repairing that part of said road already constructed under the provisions of the act of April thirtieth, nineteen hundred and eight, \$5,000, to be expended under the direction of the Secretary of the Interior.

35 Stat., 77.

Florida.

FLORIDA.

Relief of Seminoles.
Use of balance.

SEC. 4. That the unexpended balance of the appropriation of \$10,000 "for relief of distress among the Seminole Indians in Florida, and for purposes of their civilization," made in the Indian appropriation act approved March third, nineteen hundred and eleven, is hereby reappropriated and made available.

36 Stat., 1063.

Idaho.

IDAHO.

Fort Hall Reserva-
tion.
Support, etc., of In-
dians.
Irrigation system.

SEC. 5. For support and civilization of Indians on the Fort Hall Reservation in Idaho, including pay of employees, \$30,000.

For maintenance and operation of the Fort Hall irrigation system, \$20,000.

For fulfilling treaty stipulations with the Bannocks in Idaho: For pay of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith (article ten, treaty of July third, eighteen hundred and sixty-eight), \$5,000.

Bannocks.
Fulfilling treaty.

15 Stat., 676, vol. 2,
1023.

For the Coeur d'Alenes, in Idaho: For pay of blacksmith, carpenter, and physician, and purchase of medicines (article eleven, agreement ratified March third, eighteen hundred and ninety-one), \$3,000.

Coeur d'Alenes.
Fulfilling treaty.
26 Stat., 1029, vol. 1,
421.

For pay of one clerk, at \$1,200, and one lease clerk, at \$1,000 per annum, at the Nez Perce Agency; in all, \$2,200.

Nez Perce Agency.
Clerks.

IOWA.

Iowa.

SEC. 6. For pay of one financial clerk, at \$600, and one physician, at \$480 per annum, at the Sac and Fox Agency, Iowa; in all, \$1,080.

Sac and Fox
Agency.
Employees.

KANSAS.

Kansas.

SEC. 7. For support and education of seven hundred and fifty Indian pupils at the Indian school, Haskell Institute, Lawrence, Kansas, and for pay of superintendent, \$127,750; for general repairs and improvements, \$11,000; in all, \$138,750.

Haskell Institute.

For support and education of eighty Indian pupils at the Indian school, Kickapoo Reservation, Kansas, and for pay of superintendent, \$14,860; for general repairs and improvements, \$3,000; in all, \$17,860.

Kickapoo Reserva-
tion School.

For fulfilling treaties with the Sacs and Foxes of the Missouri: For support of a school (article five, treaty of March sixth, eighteen hundred and sixty-one), \$200.

Sacs and Foxes of
the Missouri school.
12 Stat., 1172, vol. 2,
812.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to D. C. Tillotson, of Topeka, Kansas, the sum of \$4,010.75, said amount being in payment for work done and expenses incurred by said Tillotson in carrying out the provisions of the treaty with the Pottawatomie Indians proclaimed April nineteenth, eighteen hundred and sixty-two, and under the act of Congress approved March third, nineteen hundred and nine, under contract with the Secretary of the Interior, said sum to be paid on proper certificate from the Secretary of the Interior.

D. C. Tillotson.
Expenses selling
lands of Pottawato-
mies.

12 Stat., 1191, vol. 2,
824.
35 Stat., 791.

MICHIGAN.

Michigan.

SEC. 8. For support and education of three hundred and twenty-five Indian pupils at the Indian school, Mount Pleasant, Michigan, and for pay of superintendent, \$56,275; for general repairs and improvements, including equipment of two lavatories, and for changing and improving heating system, including purchase of new one hundred horsepower steam boiler, \$15,000; in all, \$71,275.

Mount Pleasant
School.

38 Stat., 87.

For pay of one special agent at \$1,100 and one financial clerk at \$900 per annum, in addition to employees otherwise provided for at the Mackinac Agency; in all, \$2,000.

Mackinac Agency.
Additional employ-
ees.

MINNESOTA.

Minnesota.

SEC. 9. For support and education of two hundred and twenty-five Indian pupils at the Indian school, Pipestone, Minnesota, and for pay of superintendent, \$39,175; for general repairs and improvements, \$6,700; in all, \$45,875.

Pipestone School.

For support of a school or schools for the Chippewas of the Mississippi in Minnesota (article three, treaty of March nineteenth, eighteen hundred and sixty-seven), \$4,000.

Chippewas of the
Mississippi.
Schools.
16 Stat., 720, vol. 2,
975.

Chippewas of Min- The Secretary of the Interior is hereby authorized to withdraw
 nesota. Civilization, e t c., from the Treasury of the United States, at his discretion, the sum of
 from tribal funds. \$165,000, or so much thereof as may be necessary, of the principal
 25 Stat., 645, vol. 1, sum on deposit to the credit of the Chippewa Indians in the State
 305.

38 Stat., 88.

of Minnesota, arising under section seven of the act of January
 fourteenth, eighteen hundred and eighty-nine, entitled "An act for
 the relief and civilization of the Chippewa Indians in the State of
 Minnesota," and to use the same for the purpose of promoting civili-
 zation and self-support among the said Indians in manner and for
 purposes provided for in said act.

White Earth Band.
 Annual celebration.

The Secretary of the Interior is hereby authorized to advance to
 the executive committee of the White Earth Band of Chippewa
 Indians in Minnesota the sum of \$1,000, or so much thereof as may
 be necessary, to be expended in the annual celebration of said band
 to be held June fourteenth, nineteen hundred and thirteen, out of
 the funds belonging to said band.

Red Lake Reserva- That the unexpended balance of the appropriation for the comple-
 tion. tion of the drainage survey of ceded Indian lands made by the act
 Drainage reclama- of April thirtieth, nineteen hundred and eight, is hereby reappro-
 tion. priated and made immediately available for an extension of the
 drainage survey, together with an estimate of the cost of the project,
 to cover the Red Lake Diminished Reservation in Minnesota, with
 a view to determining what portions thereof may be profitably and
 economically reclaimed by drainage to make the same suitable for
 agricultural purposes.

33 Stat., 82.

Chippewas of White
 Earth Reservation.
 Roll of allottees on,
 to be made.
 Commission; compo-
 sition, etc.

That upon the passage of this act the senior judge of the United
 States District Court for the District of Minnesota shall appoint a
 commission consisting of two persons, one of whom shall be selected
 by the Department of Justice and the other shall be a citizen of the
 State of Minnesota, who shall proceed forthwith, under the direction
 of the said United States district court, to make a roll of the Chip-
 pewa Indians allotted within the White Earth Reservation in the
 State of Minnesota. The commission shall qualify by taking an oath
 of office and by giving a bond to the United States in the sum of
 \$5,000 conditioned upon the faithful performance of their duties.
 Should a vacancy in said commission occur, from any cause, the
 court shall appoint some suitable person to fill such vacancy: *Pro-
 vided*, That the said commission shall always be constituted as above
 set forth.

Proviso.
 Vacancies.
 Contents, etc., of roll.

That the roll herein provided for shall be made in triplicate and
 shall show the allotment number or numbers, together with the
 description of the property allotted, and the name, age, sex, and
 quantum of Chippewa Indian blood of the allottees as near as it
 reasonably can be ascertained. The roll shall also state whether the
 person named is living or dead, and, if dead, the approximate date
 of death shall be stated, when it can be ascertained, together with
 the age of such person at death as near as practicable. No allotment
 nor the allottee thereof shall be enrolled where there is a suit now
 pending, or hereafter commences prior to the completion of such roll,
 to cancel any conveyance of such allotment until such suit has been
 finally determined.

Posting of roll while
 in preparation.

That from time to time copies of such roll, as far as then prepared
 by the commission, shall be posted in the agency offices at White
 Earth and at Pine Point, and in the post offices at Beaulieu, Mahno-
 men, Waubun, Ogema, and Callaway, on the White Earth Reserva-
 tion, and a copy thereof shall be transmitted to the Secretary of the
 Interior. At the same time, if the commission so desires, notice
 may be given, in the manner hereinafter provided for, of the inten-
 tion of the commission to apply to the said United States district
 court for its approval of that portion of the roll so prepared and

Approval by district
 court.

posted. Any person having an interest therein shall be entitled to be heard touching the status of any person named on said roll. The portion of the roll, when so approved, shall be filed, one copy with the clerk of the said United States district court, one copy at the agency office at White Earth, and one copy with the Secretary of the Interior. When the roll so made is completed, it shall be presented to the said district court for final approval. If the commissioners disagree as to the proper status of any allottee, they shall submit the question to the court for determination, upon such final presentation of the roll. At least three weeks prior to presenting the same for final approval, the commission shall cause notice of the time and place of presenting the same to be published in three newspapers of general circulation upon and around the White Earth Reservation and in one daily newspaper in each of the cities of Saint Paul, Minneapolis, and Duluth, and shall cause copies of such notice to be posted in the agency offices at White Earth and Pine Point, and in the post offices at Beaulieu, Mahnomen, Ogema, and Callaway, on the White Earth Reservation, and shall transmit a copy thereof to the Secretary of the Interior. Any person interested therein may be heard upon such final application touching the status of any person named upon such roll whose status has not already been passed upon by the court. The court shall receive and consider all evidence submitted touching disputed cases and shall fix the status of every such person in accordance with the facts as the court may find them to be. When the commission has completed the roll and all disputed cases have been determined by the court, an order or decree of final approval shall be made and engrossed upon the roll. The roll so made and finally approved by the court, as aforesaid, shall be filed, one copy with the clerk of said court, one copy at the agency office at White Earth, and one copy with the Secretary of the Interior. The copy of the roll filed at the agency office at White Earth shall at all times be open to public inspection, and copies thereof may be made and filed for record with the registers of deeds of the various counties in which the lands described therein are situated, and such roll, when so made, approved, and filed, shall be final and conclusive as to the facts stated therein, and shall be deemed a record of the United States District Court for the District of Minnesota, and entitled to be received in evidence as such: *Provided, however*, That appeals as in other cases of final decrees in equity in said court may be taken by any party in interest: *And provided further*, That the determination of status, as provided herein, shall not, in the case of any allottee upon the roll so made, be taken to be a determination of the right of such allottee to have or to have had an allotment on the said reservation, or to be enrolled on the tribal rolls thereof.

That the commission is hereby empowered to employ such clerical and other assistance and to incur such expense, including traveling expenses, as may be required in connection with the work of enrollment, and the said district court shall fix the compensation to be received by the commissioners and such persons as they may employ. The sum of \$5,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of carrying this act into effect.

The sum of \$4,000 is hereby appropriated out of any funds in the United States Treasury to the credit of the Chippewa Indians in the State of Minnesota, to be expended pursuant to article four of the treaty of February twenty-second, eighteen hundred and fifty-five, between the Chippewas of the Mississippi and Pillager Bands, for the higher education of ten Chippewa Indian boys, members of the said bands of Chippewa Indians in the State of Minnesota, under the direction of the Indian education board of White Earth Reservation,

Hearings.

Approval when completed.

Hearings before final approval.
Notices.

Final approval.

Record, etc.

Provisos.
Appeals.
Status of allottees on roll.

Expenses, etc., allowed.

Appropriation.

Chippewas of the
Mississippi.
38 Stat., 89.
Higher education of
ten boys.
10 Stat., 1168, vol. 2,
688.

in the said State, created by act of council of the White Earth Bands of Chippewa Indians, held at White Earth March twenty-fifth, nineteen hundred and eleven.

Fond du Lac Reservation.
Lands to complete allotments to Indians on.
38 Stat., 90.

That any Indian allottee of the Fond du Lac Reservation who has not already received eighty acres of land in allotment shall be entitled to take by allotment of any unappropriated land of said reservation sufficient, with the land already allotted such Indian, to make eighty acres of land, such allotment not to interfere with existing timber contracts.

MONTANA.

Montana.

Fort Belknap Agency.
Support, etc., of Indians.
Flathead Agency.
Support, etc., of Indians.
Fort Peck Agency.
Support, etc., of Indians.
Blackfeet Agency.
Support, etc., of Indians.
Fort Belknap Reservation.
Irrigation system.
36 Stat., 277.

SEC. 10. For support and civilization of the Indians at Fort Belknap Agency, Montana, including pay of employees, \$20,000.

Flathead Agency.
Support, etc., of Indians.

For support and civilization of Indians at Flathead Agency, Montana, including pay of employees, \$12,000.

Fort Peck Agency.
Support, etc., of Indians.

For support and civilization of Indians at Fort Peck Agency, Montana, including pay of employees, \$35,000.

Blackfeet Agency.
Support, etc., of Indians.

For support and civilization of Indians at Blackfeet Agency, Montana, including pay of employees, \$15,000.

Fort Belknap Reservation.
Irrigation system.
36 Stat., 277.

For extending the construction and maintaining the Milk River irrigation system on the Fort Belknap Reservation, in Montana, \$15,000, reimbursable in accordance with the provisions of the act of April fourth, nineteen hundred and ten.

Flathead Reservation.
Irrigation systems.
36 Stat., 277.

For continuing the construction of irrigation systems to irrigate the allotted lands of the Indians of the Flathead Reservation, in Montana, and the unallotted irrigable lands to be or which have been heretofore disposed of under authority of law, including the necessary surveys, plans, and estimates, \$325,000, to be immediately available, reimbursable in accordance with the provisions of the act of April fourth, nineteen hundred and ten.

Blackfeet Reservation.
Irrigation systems.

For continuing the construction of irrigation systems to irrigate the allotted lands of the Indians of the Blackfeet Indian Reservation, in Montana, and the unallotted irrigable lands to be disposed of under authority of law, including the necessary surveys, plans, and estimates, \$150,000, reimbursable in accordance with the provisions of the act of March first, nineteen hundred and seven.

Fort Peck Reservation.
Irrigation systems.
35 Stat., 558.

For continuing construction of irrigation systems to irrigate allotted lands of the Indians of the Fort Peck Indian Reservation, in Montana, including necessary surveys, plans, and estimates, \$150,000, the same to be reimbursable.

Crows.
Fulfilling treaty.
15 Stat., 652, vol. 2, 1011.

For fulfilling treaties with Crows, Montana: For pay of physician \$1,200; and for pay of carpenter, miller, engineer, farmer, and blacksmith (article ten, treaty of May seventh, eighteen hundred and sixty-eight), \$3,600; for pay of second blacksmith (article eight, same treaty), \$1,200; in all, \$6,000.

Northern Cheyennes and Arapahoes.
Subsistence, etc.
19 Stat., 256, vol. 1, 170.
Physician, etc.
15 Stat., 658, vol. 2, 1014.

For subsistence and civilization of the Northern Cheyennes and Arapahoes (agreement with the Sioux Indians, approved February twenty-eighth, eighteen hundred and seventy-seven), including subsistence and civilization of Northern Cheyennes removed from Pine Ridge Agency to Tongue River, Montana, and for pay of physician, two teachers, two carpenters, one miller, two farmers, a blacksmith, and engineer (article seven, treaty of May tenth, eighteen hundred and sixty-eight), \$85,000.

Rocky Boy's Band.
Support, etc.
35 Stat., 84.

The unexpended balance of moneys heretofore appropriated for the settling of Chief Rocky Boy's Band of Chippewa Indians is hereby made available for expenditure for the support and civilization of said Indians and shall remain available until expended.

Employing "line riders."

For the employment of "line riders" along the southern and eastern boundaries of the Northern Cheyenne Indian Reservation in the State of Montana, \$1,500.

That the Secretary of the Interior is hereby authorized, in his discretion, to withdraw from the Treasury the entire share of the Northern Cheyenne Indians in the permanent fund created under section seventeen of the act of Congress approved March second, eighteen hundred and eighty-nine (United States Statutes at Large, volume twenty-five, page eight hundred and eighty-eight), which amount is \$48,075.07, and to expend it for the benefit of said Northern Cheyenne Indians in the purchase of stock cattle or such articles as in his judgment will best advance said Indians in civilization and self-support.

There is hereby made available \$50,000 of any tribal funds now in the Treasury of the United States to the credit of the Blackfoot Indians of Montana, for expenditure by the Secretary of the Interior, under such regulations as he may prescribe, for the promotion of civilization and self-support among the Indians residing on and having tribal rights on the Blackfoot Indian Reservation.

NEBRASKA.

SEC. 11. For support and education of three hundred and seventy-five Indian pupils at the Indian school at Genoa, Nebraska, and for pay of superintendent, \$62,300; for general repairs and improvements, \$4,500; for cottage for superintendent, \$5,500; in all, \$72,300.

For pay of one clerk at \$1,400, one financial clerk at \$1,200, one assistant clerk at \$720, and one laborer at \$720 at Winnebago Agency, Nebraska; in all, \$4,040.

For repairing the Government bridge across the Niobrara River in Knox County, Nebraska, for the use of the Santee and Ponca Indians, \$1,200.

NEVADA.

SEC. 12. For support and civilization of Indians in Nevada, including pay of employees, \$18,500.

For support and education of three hundred Indian pupils at the Indian school at Carson City, Nevada, and for pay of superintendent, \$50,100; for general repairs and improvements, \$6,000; in all, \$56,100.

NEW MEXICO.

SEC. 13. For support and education of four hundred Indian pupils at the Indian school at Albuquerque, New Mexico, and for pay of superintendent, \$68,600; for general repairs and improvements, \$5,000; new buildings, \$15,000; in all, \$88,600.

For support and education of three hundred Indian pupils at the Indian school at Santa Fe, New Mexico, and for pay of superintendent, \$51,900; for general repairs and improvements, \$6,000; for water supply, \$1,600; for girls' dormitory, \$18,000; in all, \$77,500.

For the construction of a bridge across the San Juan River at Shiprock, New Mexico, on the Navajo Indian Reservation, to be immediately available, \$16,500, which said sum shall be reimbursed to the United States by the Navajo Indians, and shall remain a charge and lien upon the lands, property, and funds belonging to said Navajo Indians until paid in full.

For the pay of one special attorney for the Pueblo Indians of New Mexico, to be designated by the Secretary of the Interior, and for necessary traveling expenses of said attorney, \$2,000, or so much thereof as the Secretary of the Interior may deem necessary.

Stock cattle, etc., from permanent fund. 25 Stat., 895, vol. 1, 335.

Blackfeet Indians. Promoting self-support, etc., from tribal funds.

Nebraska.

Genoa School.

Winnebago Agency. Employees.

Niobrara River. Repairing bridge.

Nevada.

Support, etc., of Indians in.

Carson City School.

New Mexico.

Albuquerque School. 38 Stat., 91.

Santa Fe School.

Navajo Reservation. Bridge across San Juan River at Shiprock.

Pueblo Indians. Special attorneys.

NEW YORK.

New York.
38 Stat., 92.
Senecas.
Annuity.
4 Stat., 442.

SEC. 14. For fulfilling treaties with Senecas of New York: For permanent annuity in lieu of interest on stock (act of February nineteenth, eighteen hundred and thirty-one), \$6,000.

Six Nations.
Annuity.
7 Stat., 46, vol. 2, 36.

For fulfilling treaties with Six Nations of New York: For permanent annuity, in clothing and other useful articles (article six, treaty of November eleventh, seventeen hundred and ninety-four), \$4,500.

New York Agency.
Employees.

For pay of one special agent at \$1,050, one physician at \$600, and one financial clerk at \$600 per annum, at the New York Agency; in all, \$2,250.

North Carolina.

NORTH CAROLINA.

Cherokee School.

SEC. 15. For support and education of one hundred and eighty Indian pupils at the Indian school at Cherokee, North Carolina, and for pay of superintendent, \$30,000; for general repairs and improvements, \$6,000; in all, \$36,000.

North Dakota.

NORTH DAKOTA.

Devils Lake Sioux.
Support, etc.

SEC. 16. For support and civilization of the Sioux of Devils Lake, North Dakota, \$5,000.

Fort Berthold
Agency.

For support and civilization of Indians at Fort Berthold Agency, North Dakota, including pay of employees, \$15,000.

Support, etc., of In-
dians.

For support and civilization of Turtle Mountain Band of Chippewas, North Dakota, \$11,000.

Turtle Mountain
Chippewas.
Support, etc.
Bismarck School.

For support and education of one hundred Indian pupils at the Indian school, Bismarck, North Dakota, and for pay of superintendent, \$18,200; for general repairs and improvements, \$2,000; for dairy cows, poultry, and other live stock, \$1,000; for new equipment, \$2,000; in all, \$23,200.

Fort Totten School.

For support and education of four hundred Indian pupils at Fort Totten Indian School, Fort Totten, North Dakota, and for pay of superintendent, \$68,500; for general repairs and improvements, \$6,000; for construction of power house recently destroyed by fire and for installation, repair, and improvement of heating and lighting plant, \$15,000, to be immediately available; in all, \$89,500.

Wahpeton School.

For support and education of two hundred Indian pupils at the Indian School, Wahpeton, North Dakota, and pay of superintendent, \$35,200; for general repairs and improvements, \$5,000; for addition to barn, \$2,500; for dairy cows, \$1,000; in all, \$43,700.

Sullys Hill Park.
Examination for
minerals.

For examination of the land embraced in Sullys Hill Park to determine whether it contains valuable minerals, \$500, or so much thereof as may be necessary.

Oklahoma.

OKLAHOMA.

Wichitas, etc.
Support, etc.

SEC. 17. For support and civilization of the Wichitas and affiliated bands who have been collected on the reservations set apart for their use and occupation in Oklahoma, \$5,000.

Kiowas, Comanches,
Apaches, and Wichi-
tas.
Sale of unused school
and agency lands.

That the Secretary of the Interior, in his discretion, is authorized to sell upon such terms and under such rules and regulations as he may prescribe the unused, unallotted, unreserved, and such portions of the school and agency lands that are no longer needed for administration purposes, in the Kiowa, Comanche, Apache, and Wichita Tribes of Indians in Oklahoma, the proceeds therefrom, less \$1.25 per acre, to be deposited to the credit of said Indians in the United States Treasury, to draw until further provided by Congress four per centum interest, and to be known as the Kiowa Agency hospital

Proceeds for agency
hospital.

fund, to be used only for maintenance of said hospital: *Provided*, That by and with the approval of the Secretary of the Interior the county commissioners of Comanche County for the benefit of said county shall, for ninety days from and after the passage and approval of this act, have the preference right to buy at \$1.25 per acre a suitable one hundred and sixty-acre tract of land to be used for county poor-farm purposes: *Provided further*, That the Secretary of the Interior is hereby authorized in his discretion to grant to settlers a preference right to purchase for ninety days from and after notice, at the appraised price, exclusive of improvements, such lands as were occupied by such settlers in good faith on January first, nineteen hundred and thirteen.

Provisos.
Preference to Comanche County.

Occupied lands of settlers.

The hospital heretofore authorized to be constructed on the Fort Sill Indian School Reservation, Oklahoma, for the benefit of the Indians of the Kiowa, Comanche, and Apache Tribes in that State, by the act of August twenty-fourth, nineteen hundred and twelve (Thirty-seventh Statutes at Large, page five hundred and twenty-nine), is hereby made available for any members of the Caddo, Wichita, or other Indians, in the State of Oklahoma, under the jurisdiction of the superintendent in charge of the Kiowa Agency.

Kiowa Agency Hospital.
Admissions extended.
37 Stat., p. 529.

That the Secretary of the Interior is hereby authorized in his discretion to extend each of the deferred payments on the town lots of the north addition to the city of Lawton, Oklahoma, one year from the date on which they became due under existing law: *Provided*, That no additional extension shall be granted: *And provided further*, That no title shall issue to any such purchaser until all deferred payments, interest, and taxes have been made as provided in the act of March twenty-seventh, nineteen hundred and eight (Thirty-fifth Statutes, page forty-nine), and the act of February eighteenth, nineteen hundred and nine (Thirty-fifth Statutes, page six hundred and thirty-seven).

Lawton, Okla.
Deferred payments for town lots.

Provisos.
Restriction.
Payment of taxes, etc.

35 Stat., 49, 637.

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of \$25,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Kiowa, Comanche, and Apache Tribes of Indians in Oklahoma, for the support of the agency and pay of employees maintained for their benefit.

38 Stat., 93.
Agency expenses.
From tribal funds.

That the Secretary of the Interior be, and he is hereby, authorized to withdraw from the Treasury of the United States, at his discretion, the sum of \$250,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Kiowa, Comanche, and Apache Tribes of Indians in Oklahoma, and pay out the same for the benefit of the members of said tribes for their maintenance and support, and improvement of their homesteads, for the ensuing year, in such manner and under such regulations as he may prescribe.

Maintenance.
From tribal funds.

For support and civilization of the Arapahoes and Cheyennes who have been collected on the reservations set apart for their use and occupation in Oklahoma, \$35,000.

Support, etc.
Arapahoes and Cheyennes.

For support and civilization of the Kansas Indians, Oklahoma, including pay of employees, \$1,500.

Kansas Indians.

For support and civilization of the Kickapoo Indians in Oklahoma, \$2,000.

Kickapoos.

For support and civilization of the Ponca Indians in Oklahoma and Nebraska, including pay of employees, \$8,000.

Poncas.

For support and education of five hundred Indian pupils at the Indian school at Chilocco, Oklahoma, and for pay of superintendent, \$83,500; for general repairs and improvements, \$7,000; in all, \$90,500.

Chilocco School.

For fulfilling treaties with Pawnees, Oklahoma: For perpetual annuity, to be paid in cash to the Pawnees (article three, agreement of

Pawnees.
Annuity.
27 Stat., 644, vol. 1,
496.

- 38 Stat., 94. Schools. 11 Stat., 730, vol. 2, 764. **F**armer, blacksmiths, etc. 11 Stat., 730, vol. 2, 765. November twenty-third, eighteen hundred and ninety-two), \$30,000; for support of two manual-labor schools (article three, treaty of September twenty-fourth, eighteen hundred and fifty-seven), \$10,000; for pay of one farmer, two blacksmiths, one miller, one engineer and apprentices, and two teachers (article four, same treaty), \$5,400; for purchase of iron and steel and other necessaries for the shops (article four, same treaty), \$500; for pay of physician and purchase of medicines, \$1,200; in all, \$47,100.
- Old Goodland Industrial School. In- That the Secretary of the Interior, under rules and regulations to be prescribed by him, is hereby authorized to expend out of any funds in the Treasury belonging to the Choctaw Tribe of Indians of Oklahoma not otherwise appropriated, the sum of \$10,000, for the use and benefit of the Old Goodland Indian Industrial School, near Hugo, Oklahoma, this appropriation being made to carry out the purposes of the act of the General Council of the Choctaw Nation, passed October thirteenth, nineteen hundred and eleven, appropriating the sum of \$10,000 of the funds of the Choctaw Nation to be expended for the benefit of the Old Goodland Indian Mission and Industrial School, which has been incorporated and is now known as Old Goodland Indian Industrial School, which act of the council was approved by the President on June twenty-fourth, nineteen hundred and twelve.
- Payment from Choctaw funds for use of. For support of Quapaws, Oklahoma: For education (article three, treaty of May thirteenth, eighteen hundred and thirty-three), \$1,000; for blacksmith and assistants, and tools, iron, and steel for blacksmith shop (same article and treaty), \$500; in all, \$1,500: *Provided*, That the President of the United States shall certify the same to be for the best interests of the Indians.
- Quapaws. Education. 7 Stat., 425, vol. 2, 396. *Provisos* of the President. For pay of one stenographer and typewriter, \$900 per annum, at the Shawnee Agency.
- Shawnee Agency. Employee. For pay of one assistant clerk, at \$720, one constable, at \$540, and one lease clerk, at \$800 per annum, at the Sac and Fox Agency, Oklahoma; in all, \$2,060.
- Sac and Fox Agency. Employees. For pay of one financial clerk, at \$720; one assistant clerk, at \$780 per annum, at the Seneca Agency; in all, \$1,500.
- Seneca Agency. Employees. For salary due Ernest Stecker, superintendent of Kiowa Indian School, Oklahoma, from August fifteenth, nineteen hundred and twelve, to September eleventh, nineteen hundred and twelve, inclusive, at \$2,150 per annum, \$161.25.
- Ernest Stecker. Payment to. For continuing the relief and settlement of the Apache Indians now confined as prisoners of war at Fort Sill Military Reservation, Oklahoma, on lands in Oklahoma to be selected for them by the Secretary of the Interior and the Secretary of War, \$100,000, to be expended under such rules and regulations as the Secretary of the Interior and the Secretary of War may prescribe, and to be immediately available: *Provided*, That allotments may be purchased in Oklahoma for the widow of George Wrattan, interpreter for the Fort Sill prisoners of war, Martin Grab, and Edward Welch: *Provided*, That the lands heretofore or hereafter purchased for said Fort Sill Indians shall be subject to the provisions of the general allotment act of February eighth, eighteen hundred and eighty-seven (Twenty-fourth Statutes at Large, page three hundred and eighty-eight), as amended, and trust patents shall issue to said Indians in accordance with the said act of February eighth, eighteen hundred and eighty-seven, and the amendments thereto.
- Apache Indian prisoners. Settlement, etc. 37 Stat., 534. *Provisos*. Purchase of specified allotments. Allotting lands purchased. 24 Stat., 388, vol. 1, 33. Trust patents. Five Civilized Tribes. FIVE CIVILIZED TRIBES.
- Administration expenses. Attorneys for probate matters. SEC. 18. For expenses of administration of the affairs of the Five Civilized Tribes, Oklahoma, and the compensation of employees, including such attorneys as the Secretary of the Interior may, in his

discretion, employ in connection with probate matters affecting individual allottees of the Five Civilized Tribes, \$250,000: *Provided*, That during the fiscal year ending June thirtieth, nineteen hundred and fourteen, no moneys shall be expended from the tribal funds belonging to the Five Civilized Tribes without specific appropriation by Congress, except as follows: Equalization of allotments per capita and other payments authorized by law to individual members of the respective tribes, tribal and other Indian schools for the current fiscal year under existing law, salaries and contingent expenses of governors, chiefs, assistant chiefs, secretaries, interpreters, and mining trustees of the tribes for the current fiscal year at salaries not exceeding those for the last fiscal year; and attorneys for said tribes employed under contract approved by the President, under existing law, for the current fiscal year: *Provided further*, That the Secretary of the Interior is hereby authorized to continue the tribal schools of the Choctaw and Chickasaw Nations for the current fiscal year.

That the act of Congress approved February nineteenth, nineteen hundred and twelve (Thirty-seventh Statutes at Large, page sixty-seven), being "An act to provide for the sale of the surface of the coal and asphalt lands of the Choctaw and Chickasaw Nations, and for other purposes," be, and the same is hereby, amended to provide that the classification and appraisal of such lands shall be completed not later than December first, nineteen hundred and thirteen, and the sum of \$10,000, to be paid out of the Choctaw and Chickasaw tribal funds, is hereby appropriated for the completion of the work.

For the support, continuance, and maintenance of the Cherokee Orphan Training School, near Tahlequah, Oklahoma, for the orphan Indian children of the Five Civilized Tribes belonging to the restricted class, to be conducted as an industrial school under the direction of the Secretary of the Interior, \$25,000; and the principal chief of the Cherokee Nation is authorized to sell and convey said property, including the forty acres of land appurtenant thereto and all buildings thereon, to the United States for the sum of \$5,000, and the additional sum of \$5,000 is hereby appropriated for said purchase.

The sum of \$300,000, to be expended in the discretion of the Secretary of the Interior, under rules and regulations to be prescribed by him, in aid of the common schools in the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations in Oklahoma, during the fiscal year ending June thirtieth, nineteen hundred and fourteen: *Provided*, That this appropriation shall not be subject to the limitation in section one of this act limiting the expenditure of money to educate children of less than one-fourth Indian blood.

That the Secretary of the Interior be, and he is hereby, authorized and directed to forthwith make a per capita payment of \$200 from the tribal trust funds of the Seminole Indians to each individual officially enrolled as a member of the said tribe, to relieve the distressed condition at present existing among the allottees of that tribe, said payment to be made at Wewoka, Oklahoma: *Provided*, That amounts of all delinquent taxes and penalties properly assessed against the lands of each Seminole allottee under the laws of the State of Oklahoma and remaining unpaid shall be ascertained and paid under the direction of the Secretary of the Interior in each and every case out of the distributive share to be paid to each enrolled member of the tribe under the provisions of this act: *Provided*, That not to exceed \$3,000 may be used from the funds belonging to the Seminole Tribe for the purpose of defraying the expenses of such payments.

For expenses incident to and in connection with collection of rents of unallotted lands and tribal buildings, such amount as may be necessary: *Provided*, That such expenditures shall not exceed in the

Provisos.
Restriction on expenditures without specific authority.

38 Stat., 95.

Choctaw and Chickasaw schools continued.

Ante, p. 513, amended.

38 Stat., 7.
Choctaw and Chickasaw coal, etc., lands.
Time extended for completing classification, etc., of.
37 Stat., 67, 534.

Payment from tribal fund.
Cherokee Orphan Training School.
Maintenance.

Additional lands.
Tribal common schools continued.

Proviso.
Limitation not applicable.
Ante, 562.

Seminole.
Per capita payment from tribal trust funds.

Provisos.
Retention for delinquent taxes.
Limitation.
Collecting rents, etc.

Proviso.
Limit.

aggregate ten per centum of the amount collected, which amount shall be paid out of such tribal funds.

Cemetery lands.
Transfers authorized.
38 Stat., 96.

That where any cemetery now exists within the lands of the Five Civilized Tribes, said land within said cemetery, together with the land adjoining the same, where necessary, not exceeding twenty acres in the aggregate to any one cemetery, shall be transferred by the Secretary of the Interior to the proper party, association, or corporation, or to the county commissioners of the State of Oklahoma, for cemetery purposes only, under such terms, conditions, and regulations as he may prescribe.

Sales of lands, etc.
Payment of expenses from proceeds.
36 Stat., 1070.

For payment of salaries of employees and other expenses of advertisement and sale in connection with the disposition of the unallotted lands and other tribal property belonging to any of the Five Civilized Tribes, to be paid from the proceeds of such sales when authorized by the Secretary of the Interior, as provided by the act approved March third, nineteen hundred and eleven, not exceeding \$40,000, \$5,000 of which to be immediately available, reimbursable from proceeds of sale.

Choctaws.
Fulfilling treaties.
Annuities.
7 Stat., 99, vol. 2, 87;
11 Stat., 614, vol. 2, 709.

For fulfilling treaties with Choctaws, Oklahoma: For permanent annuity (article two, treaty of November sixteenth, eighteen hundred and five, and article thirteen, treaty of June twenty-second, eighteen hundred and fifty-five), \$3,000; for permanent annuity for support of light-horsemen (article thirteen, treaty of October eighteenth, eighteen hundred and twenty, and article thirteen, treaty of June twenty-second, eighteen hundred and fifty-five), \$600; for permanent annuity for support of blacksmith (article six, treaty of October eighteenth, eighteen hundred and twenty, and article nine, treaty of January twentieth, eighteen hundred and twenty-five, and article thirteen, treaty of June twenty-second, eighteen hundred and fifty-five), \$600; for permanent annuity for education (article two, treaty of January twentieth, eighteen hundred and twenty-five, and article thirteen, treaty of June twenty-second, eighteen hundred and fifty-five), \$6,000; for permanent annuity for iron and steel (article nine, treaty of January twentieth, eighteen hundred and twenty-five, and article thirteen, treaty of June twenty-second, eighteen hundred and fifty-five), \$320; in all, \$10,520.

Light horsemen.
7 Stat., 213, vol. 2,
193; 11 Stat., 614, vol. 2,
709.

Blacksmith, etc.
7 Stat., 235, 236, vol.
2, 213; 11 Stat., 614,
vol. 2, 709.

Education.
7 Stat., 236, vol. 2,
212; 11 Stat., 614, vol.
2, 709.

Iron and steel.
7 Stat., 236, vol. 2,
213; 11 Stat., 614, vol. 2,
709.

Osages.
Payments to be withheld if children not placed in school.

That hereafter the Commissioner of Indian Affairs is authorized in his discretion to withhold any annuities or other payments due to Osage Indian minors, above six years of age, whose parents fail, neglect, or refuse to place such minors in some established school for a reasonable portion of each year and to keep such children in regular attendance thereof. The Commissioner of Indian Affairs is authorized to make such rules and regulations as may be necessary to put this provision into force and effect.

Payments from tribal funds for street paving, etc., abutting unsold lots.

That the Secretary of the Interior is hereby authorized to pay out of any funds of the Creek, Cherokee, Choctaw, Chickasaw, and Seminole Nations on deposit in the Treasury of the United States, the proportionate cost of street paving and construction of sidewalks abutting on unsold lots belonging to any of said tribes and as may be properly chargeable against said town lots, said payments to be made upon submission of proof to said Secretary of the Interior showing the entire cost of the said street paving and sidewalk construction and that said improvement was duly authorized and undertaken in accordance with law: *Provided*, That the Secretary of the Interior shall be satisfied that the charges made are reasonable and that the lots belonging to the above-mentioned tribes against which the charges were made have been enhanced in value by said improvements to not less than the amount of said charges.

Proviso.
Condition.

Lands reserved from Choctaws and Chickasaws for sanatorium.

That the Secretary of the Interior be, and he is hereby, authorized to designate and set aside not to exceed four sections of the unal-

lotted lands belonging to the Choctaw and Chickasaw Tribes of Indians in Oklahoma, said reservation being for the purpose of providing land on which to build a sanatorium or sanatoria for the benefit of said tribes of Indians.

That the Secretary of the Interior be, and he is hereby, authorized to approve an order for the removal of restrictions upon alienation from the southwest quarter of the southeast quarter of section seventeen, township twenty-five north, range twenty-four east of the Indian meridian, Oklahoma, the homestead allotment of R. S. Kariho (or Service Kayraho), Seneca allottee numbered fifty-three, such removal of restrictions to become effective only and simultaneously with the execution of a deed by said allottee to the purchaser after said land has been sold in compliance with the directions of the Secretary of the Interior.

R. S. Kariho (Service Kayraho).
Restrictions removed from allotment.
38 Stat., 97.

✓ No contract made with any Indian, where such contract relates to the tribal funds or property in the hands of the United States, shall be valid, nor shall any payment for services rendered in relation thereto be made unless the consent of the United States has previously been given.

Contracts as to tribal funds, etc., subject to official approval.

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to approve the assessments, together with maps showing right of way and definite location of proposed drainage ditches and levees made under the laws of the State of Oklahoma upon the allotments of restricted allottees of the Creek Nation in the Verdigris drainage district numbered one, in Wagoner County, Oklahoma.

Assessments on allotments in Verdigris drainage district approved.

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to pay amounts assessed against each of said allotments: *Provided*, That said assessment shall not exceed \$5 per acre on any allotment or portion thereof, and there is appropriated for said purposes, out of any money in the Treasury not otherwise appropriated, the sum of \$20,000, to be immediately available, said sum to be reimbursable from rentals from said allotments, not to exceed twenty-five per centum of the amount of rents received annually, or from any funds belonging to said allottees, in the discretion of the Secretary of the Interior.

Payments.

Proviso.
Limitation.

That the Secretary of the Interior be, and he is hereby, authorized in his discretion, to approve such deeds for right of way from said allottees or their heirs as may be necessary to permit the construction and maintenance of said drainage ditches and levees upon the payment of adequate damages therefor.

Approval of rights of way.

That the Secretary of the Interior be, and he is hereby, authorized, to perform all acts and 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.

General authority to Secretary.

The Secretary of the Interior is hereby authorized to expend from Choctaw tribal funds the sum of \$500 for the erection of a suitable monument to the memory of Green McCurtain, late deceased chief of the Choctaw Nation.

Green McCurtain.
Erection of monument to.

OREGON.

Oregon.

SEC. 19. For support and civilization of Klamath, Modocs, and other Indians of the Klamath Agency, Oregon, including pay of employees, \$6,000.

Klamath Agency.
Support, etc., of Indians.

For support and civilization of the confederated tribes and bands under Warm Springs Agency, and for pay of employees, \$4,000.

Warm Springs Agency.

For support and civilization of the Wallawalla, Cayuse, and Umatilla Tribes, Oregon, including pay of employees, \$3,000.

Support, etc., of Indians.
Wallawallas, etc.

For support and education of six hundred Indian pupils, including native pupils brought from Alaska, at the Indian school, Salem,

Support, etc.
Salem School.

Oregon, and for pay of superintendent, \$102,000; for general repairs and improvements, \$12,000; in all, \$114,000.

Grande Ronde and
Siletz Agencies.
Support, etc., of In-
dians.

For support and civilization of Indians at Grande Ronde and Siletz Agencies, Oregon, including pay of employees, \$4,000.

Modoc Point irriga-
tion project.
Completing, in Klamath
Reservation.
36 Stat., 270.

For completion of the construction of the Modoc Point irrigation project, including drainage and canal systems within the Klamath Indian Reservation, in the State of Oregon, in accordance with the plans and specifications submitted by the chief engineer in the Indian service and approved by the Commissioner of Indian Affairs and the Secretary of the Interior in conformity with a provision in section one of the Indian appropriation act for the fiscal year nineteen hundred and eleven, \$105,000, to remain available until expended.

E. L. Chalcraft.
Payment to.

For salary due E. L. Chalcraft, former superintendent of the Salem Indian School, Oregon, from April twenty-eighth, nineteen hundred and eleven, to September eighth, nineteen hundred and eleven, four months and eleven days, at \$2,025 per annum, \$736.88.

Pennsylvania.

PENNSYLVANIA.

Carlisle School.

SEC. 20. For support and education of Indian pupils at the Indian school at Carlisle, Pennsylvania, and for pay of superintendent, \$132,000; for lavatories and bathing facilities, \$10,000; for general repairs and improvements, \$20,000; in all, \$162,000.

South Dakota.

SOUTH DAKOTA.

Flandreau School.

SEC. 21. For support and education of three hundred and sixty-five Indian pupils at the Indian school at Flandreau, South Dakota, and for pay of superintendent, \$61,500; for general repairs and improvements, \$5,000; in all, \$66,500.

Pierre School.

For support and education of one hundred and seventy-five Indian pupils at the Indian school at Pierre, South Dakota, and for pay of superintendent, \$32,000; for construction of employees' quarters, \$15,000; for general repairs and improvements, \$10,000; in all, \$57,000.

Mary Sully, etc.
Payments to attor-
neys.

That the Secretary of the Treasury be, and he is hereby, authorized to pay to the attorneys of record in the case entitled "Mary Sully and others against The United States and John H. Scriven, allotting agent," and in the case entitled "Narcissus Drapeau and others against The United States and John H. Scriven, allotting agent," in the United States Circuit Court for the District of South Dakota, the sum of \$780.70 to reimburse said attorneys for costs paid and disbursements in the above-named cases: *Provided*, That before said amount is paid the said attorneys shall file with the Secretary of the Treasury a receipt in full for the costs so paid and disbursements in said cases and in full of all claims.

Proviso.
Receipts required.

Rapid City School.

For support and education of two hundred and fifty Indian pupils at the Indian school, Rapid City, South Dakota, and for pay of superintendent, \$48,500; for general repairs and improvements, \$5,000; in all, \$53,500.

Sioux of different
tribes.
Teachers, etc.
15 Stat., 640, vol. 2,
1002.
38 Stat., 98.

For support of Sioux of different tribes, including Santee Sioux of Nebraska, North Dakota, and South Dakota: For pay of five teachers, one physician, one carpenter, one miller, one engineer, two farmers, and one blacksmith (article thirteen, treaty of April twenty-ninth, eighteen hundred and sixty-eight), \$10,400; for pay of second blacksmith, and furnishing iron, steel, and other material (article eight of same treaty), \$1,600; for pay of additional employees at the several agencies for the Sioux in Nebraska, North Dakota, and South Dakota, \$95,000; for subsistence of the Sioux, other than the Rosebud, Cheyenne River, and Standing Rock Tribes, and for purposes of their civilization (act of February twenty-eighth, eighteen hundred

Additional employ-
ees.
Subsistence.
19 Stat., 256, vol. 1,
179.

and seventy-seven), \$200,000: *Provided*, That this sum shall include transportation of supplies from the termination of railroad or steamboat transportation, and in this service Indians shall be employed whenever practicable; in all, \$307,000.

For support and maintenance of day and industrial schools among the Sioux Indians, including the erection and repairs of school buildings, \$200,000, to be expended under the agreement with said Indians in section seventeen of the act of March second, eighteen hundred and eighty-nine, which agreement is hereby extended to and including June thirtieth, nineteen hundred and fourteen.

For subsistence and civilization of the Yankton Sioux, South Dakota, \$14,000.

For the equipment and maintenance of the asylum for insane Indians at Canton, South Dakota, for incidental and all other expenses necessary for its proper conduct and management, including pay of employees, repairs, improvements, and for necessary expense of transporting insane Indians to and from said asylum, \$30,000.

The Secretary of the Interior is hereby authorized to approve voucher numbered fifty-three for the second quarter of the fiscal year ending June thirtieth, nineteen hundred and eleven, for the payment of benefits to the Pine Ridge Indians of South Dakota, under section seventeen of the act of March second, eighteen hundred and eighty-nine (Twenty-fifth Statutes at Large, pages eight hundred and eighty-eight to eight hundred and ninety-four, as amended).

The Secretary of the Treasury is hereby authorized and directed to reimburse Hugh W. Caton, C. C. Clark, and Walter Mosier, Indian farmers, for expenses incurred by them for operation and repair of their automobiles while said machines were used on public business, pertaining to the Rosebud Indian Reservation, during the fiscal years of nineteen hundred and nine, nineteen hundred and ten, nineteen hundred and eleven, and nineteen hundred and twelve: *Provided*, That said accounts shall receive administrative examination by the Interior Department, and payments shall be made from unexpended balances in appropriations for "Support of Sioux or different tribes, subsistence and civilization," for the fiscal years in which the expenses were severally incurred, and shall not exceed, in the aggregate, \$1,974.22.

For reimbursing Frank Philbrick for property destroyed by fire, \$318.25.

To reimburse Eugene H. Baldwin for traveling expenses incurred by him under instructions from the Commissioner of Indian Affairs in returning to his home at Syracuse, New York, from Pierre, South Dakota, where he was employed as supervisor of construction and furloughed indefinitely because weather conditions would not permit of any construction work, \$39.69.

UTAH.

SEC. 22. For support and civilization of Confederated Bands of Utes in Utah: For pay of two carpenters, two millers, two farmers, and two blacksmiths (article fifteen, treaty of March second, eighteen hundred and sixty-eight), \$6,720; for pay of two teachers (same article and treaty), \$1,800; for purchase of iron and steel and the necessary tools for blacksmith shop (article nine, same treaty), \$220; for annual amount for the purchase of beef, mutton, wheat, flour, beans, and potatoes, or other necessary articles of food (article twelve, same treaty), \$30,000; for pay of employees at the several Ute agencies, \$15,000; in all, \$53,740.

For the support and civilization of detached Indians in Utah, and for pay of employees, \$10,000.

Proviso.

Transportation.

Schools.
15 Stat., 537.

25 Stat., 894, vol. 1,
335. Agreement con-
tinued.

Yankton Sioux.
Support, etc.

Canton, S. Dak.
Expenses of insane
asylum.

Pine Ridge Agency.
Approval of voucher.
25 Stat., 894, vol. 1,
335.

Hugh W. Caton, C.
C. Clark, and Walter
Mosier.
Reimbursement to.

Proviso.
Examination, etc.,
of accounts.

Frank Philbrick.
Reimbursement to.

Eugene H. Baldwin.
Reimbursement to.

38 Stat., 99.

Utah.

Utes, Confederated
Bands.
Carpenters, etc.
15 Stat., 622, vol. 2,
993.

Food.

Employees.

Support of detached
Indians.

- Shivwitz School. Physician. For pay of one physician for Indians under the superintendent of the Shivwitz School, Utah, \$500.
- Utes, Confederate Bands. Cash payment to. For cash payment to the Confederate Bands of Ute Indians, or for expenditure for their benefit, in the discretion of the Secretary of the Interior, \$100,000, said amount to be reimbursed out of the appropriation, when made, to cover the net amount of the judgment rendered by the Court of Claims in favor of said Confederate Bands of Ute Indians, dated February thirteenth, nineteen hundred and eleven.
- Washington.
- Support, etc. D'Wamish, etc., Indians. Makahs. SEC. 23. For support and civilization of the D'Wamish and other allied tribes in Washington, including pay of employees, \$7,000.
- Qui-nai-elts and Quil-leh-utes. For support and civilization of the Qui-nai-elts and Quil-leh-utes, including pay of employees, \$1,000.
- Yakima Agency Indians. For support and civilization of Yakimas and other Indians at Yakima Agency, including pay of employees, \$3,000.
- Colville and Puyallup Agencies. Support, etc., of Indians. For support and civilization of Indians at Colville and Puyallup Agencies, Washington, for pay of employees, and for purchase of agricultural implements, and support and civilization of Joseph's Band of Nez Perce Indians in Washington, \$13,000.
- Joseph's Band of Nez Perces. For support of Spokanes in Washington (article six of agreement with said Indians, dated March eighteenth, eighteen hundred and eighty-seven, ratified by act of July thirteenth, eighteen hundred and ninety-two), \$1,000.
- Spokanes. Support, etc. 27 Stat., 139, vol. 1, 449. For extension and maintenance of the irrigation system on lands allotted to Yakima Indians in Washington, \$15,000, reimbursable in accordance with the provisions of the act of March first, nineteen hundred and seven.
- Yakimas. Irrigating allotments. 33 Stat., 597; 34 Stat., 1050. For support and education of three hundred and fifty Indian pupils at the Cushman Indian School, Tacoma, Washington, including repairs and improvements, and for pay of superintendent, \$50,000, said appropriation being made to supplement the Puyallup school funds used for said school.
- Cushman School, Tacoma. That the Secretary of the Treasury be, and he is hereby, directed to pay the award of \$1,900 made by the Secretary of the Interior under date of December thirty-first, nineteen hundred and twelve, pursuant to the authority contained in the act approved July sixth, nineteen hundred and twelve (Private, Numbered Forty-nine), out of any funds in the Treasury of the United States not otherwise appropriated, the United States to be reimbursed out of the first moneys collected from the leasing or sale of the lands of the minor Indian children named in said act approved July sixth, nineteen hundred and twelve: *Provided*, That before said payment is made a receipt for said sum and in full of all claims on or against said minor Indian children shall be filed with the Secretary of the Treasury, signed by the party designated in the award hereinbefore mentioned.
- Frank Esterbrook and C. O. Williams, Cascade Indians. Payment to attorney of children of. 37 Stat., 1246, ante, p. 553. 33 Stat., 100. A commission consisting of two members of the Senate Committee on Indian Affairs, to be appointed by the chairman of said committee, and two Members of the House of Representatives to be appointed by the Speaker, is hereby created for the purpose of investigating the necessity and feasibility of establishing, equipping, and maintaining a tuberculosis sanitarium in New Mexico for the treatment of tuberculous Indians, and to also investigate the necessity and feasibility of procuring impounded waters for the Yakima Indian Reservation or the construction of an irrigation system upon said reservation, to impound the waters of the Yakima River, Washington, for the reclamation of the lands on said reservation, and for the use and
- Proviso.*
Receipt required.
- Joint Congressional commission created. Composition.
- Tuberculosis sanitarium in New Mexico.
- Irrigation, etc., Yakima Reservation, Wash.

benefit of the Indians of said reservation. That said commission shall have full power to make the investigations herein provided for, and shall have authority to subpoena and compel the attendance of witnesses, administer oaths, take testimony, incur expenses, employ clerical help, and do and perform all acts necessary to make a thorough and complete investigation of the subjects herein mentioned, and that said commission shall report to Congress on or before January first, nineteen hundred and fourteen: *Provided*, That one-half of all necessary expenses incident to and in connection with the making of the investigation herein provided for, including traveling expenses of the members of the commission, shall be paid from the contingent fund of the House of Representatives and one-half from the contingent fund of the Senate on vouchers therefor signed by the chairman of the said commission, who shall be designated by the members of the said commission.

Authority to investigate, etc.
38 Stat., 101.

Report.
Proviso.
Expenses from contingent funds of both Houses.

That the Secretary of the Interior be, and he is hereby, authorized and directed to make an allotment, in accordance with the provisions of the act of July fourth, eighteen hundred and eighty-four (Twenty-third Statutes at Large, page seventy-nine), of not more than two hundred acres of land within the diminished Colville Indian Reservation, in the State of Washington, for the benefit of the heirs of Que-lock-us-soma, deceased, Moses agreement allottee numbered thirty-five, jointly, in lieu of the portion of the Moses agreement allotment numbered thirty-five embraced within the patented homestead entries of Deborah A. Griffin and Mary J. Griffin, and trust patent issue thereon under the provisions of the act of March eighth, nineteen hundred and six (Thirty-fourth Statutes at Large, page fifty-five).

Colville Reservation.
Lieu allotment to heirs of Que-lock-us-soma.
23 Stat., 80, vol. 1, 224.

Issue of trust patents.
34 Stat., p. 55.

That the patent in fee heretofore issued in the name of Deborah A. Griffin, June thirtieth, nineteen hundred and six, for lots one and two and the northeast quarter southeast quarter section six, and lots one and two, section five, township thirty-six north, range twenty-seven east of the Willamette meridian; and a similar patent issued in the name of Mary J. Griffin, November twenty-first, nineteen hundred and ten, for the southeast quarter of the southwest quarter, and lots five, six, and nine of section thirty-one, township thirty-seven north, range twenty-seven east of the Willamette meridian, all situated in Okanogan County, Washington, be, and the same are hereby, confirmed and declared valid, notwithstanding the previous allotment of a portion of this land under Moses agreement allotment numbered thirty-five, and the sum of \$500 is hereby appropriated to the Colville Indians for reimbursement.

Deborah A. Griffin.
Patent in fee to.

Mary J. Griffin.
Patent in fee to.

Reimbursement to Indians.

That the Secretary of the Interior be, and he is hereby, authorized to purchase for the Skagit Tribe of Indians in the State of Washington the tract of land actually used by them as a tribal burial ground, and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$250, or so much thereof as may be necessary, to carry out this provision.

Skagit Indians.
Purchase of burial ground for.

WISCONSIN.

Wisconsin.

SEC. 24. For the support and education of two hundred and ten Indian pupils at the Indian school at Hayward, Wisconsin, and pay of superintendent, \$36,670; for general repairs and improvements, \$4,000; in all, \$40,670.

Hayward School.

For support and education of two hundred and fifty Indian pupils at the Indian school, Tomah, Wisconsin, and for pay of superintendent, \$43,450; for general repairs and improvements, \$10,000; for heating plant, \$10,000; in all, \$63,450.

Tomah School.

Chippewas of Lake Superior. Support, etc. Pottawatomies. Support, etc.

For support and civilization of the Chippewas of Lake Superior, Wisconsin, including pay of employees, \$7,000.

For support, education, and civilization of the Pottawatomie Indians who reside in the State of Wisconsin, including pay of employees, \$7,000.

Purchase of allotments for members of Wisconsin Band. From share of tribal moneys, etc.

For the purchase of allotments for the individual members of that portion of the Wisconsin Band of Pottawatomie Indians now residing in the States of Wisconsin and Michigan, \$150,000, said sum to be reimbursed to the United States out of the appropriation, when made, of \$447,339, the said sum last named being the proportionate share of the said Indians in annuities and moneys of the Pottawatomie Tribe, in which they have not shared, as set forth in House Document Numbered Eight hundred and thirty, Sixtieth Congress, first session, and the Secretary of the Interior is hereby authorized to expend the said sum of \$150,000 in the purchase of land within the States of Wisconsin and Michigan, the title of such land to be taken in trust by the Government for the use and benefit of said Indians, said land to be situated in organized school districts and to be purchased in bodies of not more than one section, which said bodies shall not adjoin each other: *Provided*, That the land so purchased, except such part thereof as may be necessary for administrative purposes, shall be divided equitably among the Indians entitled thereto, and patents therefor shall be issued in accordance with the general allotment laws of the United States: *Provided further*, That the Secretary of the Interior may, in his discretion, withhold allotments from any Indian or Indians belonging to this band who, owing to advanced age or other infirmities, are deemed by him incapable of making beneficial use thereof, and in lieu of formal allotments to Indians falling within this class tentative allotments of land may be made to such Indians for occupancy and use during the remainder of their natural lifetime.

Proviso. Allotments among Indians.

For construction of roads and bridges on the Red Cliff Reservation in Wisconsin, \$8,600.

Tentative allotments to aged, etc., Indians. 38 Stat., 102.

Red Cliff Reservation. Roads and bridges.

Wyoming.

WYOMING.

Shoshones. Support, etc. School.

SEC. 25. For support and civilization of Shoshone Indians in Wyoming, including pay of employees, \$15,000.

For support and education of one hundred and seventy-five Indian pupils at the Indian school, Shoshone Reservation, Wyoming, and for pay of superintendent, \$31,025; for general repairs and improvements, \$6,000; in all, \$37,025.

Irrigation system on Reservation. 33 Stat., 1016; ante, 117.

For continuing the work of constructing an irrigation system within the diminished Shoshone or Wind River Reservation, in Wyoming, including the maintenance and operation of completed canals, \$50,000, reimbursable in accordance with the provisions of the act of March third, nineteen hundred and five: *Provided*, That the Secretary of the Interior is hereby authorized and directed to use not to exceed \$1,000 of the sum herein appropriated for the purpose of making an investigation of the condition of the roads and bridges on the said Wind River Reservation and shall submit a report thereon, together with maps and plans of said roads, together with an estimate of the cost of construction of suitable and necessary roads and bridges on said reservation.

Proviso. Investigation of roads and bridges.

Fulfilling treaty. 15 Stat., 676, vol. 2, 1023.

For support of Shoshones in Wyoming: For pay of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith (article ten, treaty of July third, eighteen hundred and sixty-eight), \$5,000; for pay of second blacksmith, and such iron and steel and other materials as may be required, as per article eight, same treaty, \$1,000; in all, \$6,000.

Roads and bridges. 37 Stat., 539.

The unexpended balance of the reimbursable appropriation of \$10,000 for road and bridge construction on the Shoshone Reserva-

tion, Wyoming, made in the Indian appropriation act approved August twenty-fourth, nineteen hundred and twelve, is hereby reappropriated.

For repairs at the old abandoned military post of Fort Washakie, on the Wind River Reservation, Wyoming, \$1,427, from the amount heretofore collected as rentals of the buildings at said post.

Fort Washakie.
Repairs.

SEC. 26. On or before the first day of July, nineteen hundred and fourteen, the Secretary of the Interior shall cause a system of bookkeeping to be installed in the Bureau of Indian Affairs, which will afford a ready analysis of expenditures by appropriations and allotments and by units of the service, showing for each class of work or activity carried on, the expenditures for the operation of the service, for repairs and preservation of property, for new and additional property, salaries and wages of employees, and for other expenditures. Provision shall be made by the Secretary of the Interior for further analysis of each of the foregoing classes of expenditures, if, in his judgment, he shall deem it advisable.

System of bookkeeping to be installed in bureau.
Details required.
38 Stat., 103.

Annually, after July first, nineteen hundred and fourteen, a detailed statement of expenditures, as hereinbefore described, shall be incorporated in the annual report of the Commissioner of Indian Affairs and transmitted by the Secretary of the Interior to Congress on or before the first Monday in December.

Detailed statement in annual report.

Before any appropriation for the Indian Service is obligated or expended, the Secretary of the Interior shall make allotments thereof in conformity with the intent and purpose of this act, and such allotments shall not be altered or modified except with his approval.

Allotment of appropriations before expenditures.

After July first, nineteen hundred and fourteen, the estimates for appropriations for the Indian Service submitted by the Secretary of the Interior, shall be accompanied by a detailed statement, classified in the manner prescribed in the first paragraph of this section, showing the purposes for which the appropriations are required.

Estimates to contain classified statement.

Approved, June 30, 1913.

CHAP. 12.—An Act to provide for the acquiring of station grounds by the Great Northern Railway Company in the Colville Indian Reservation in the State of Washington.

Sept. 17, 1913.
[S. 2711.]

Public, No. 12.
38 Stat., 111.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and hereby is, granted to the Great Northern Railway Company, a corporation organized under the laws of the State of Minnesota, subject to and upon compliance by the company with all the provisions of the Act of March second, eighteen hundred and ninety-nine, entitled "An Act to provide for the acquiring of rights of way by railroad companies through Indian reservations, Indian lands, Indian allotments, and for other purposes," and the acts amendatory thereto of June twenty-first, nineteen hundred and six (Thirty-fourth Statutes at Large, page three hundred and thirty), and June twenty-fifth, nineteen hundred and ten (Thirty-sixth Statutes at Large, page eight hundred and fifty-nine), and the regulations issued by the Secretary of the Interior thereunder, additional station grounds adjoining the right of way of the said railway company in the Colville Indian Reservation, in the State of Washington, adjacent to the village of Okanogan, in the county of Okanogan, in the said State, and at the said railway company's station known as Chillowist, located in lots four and six, section one, township thirty-two north, range twenty-five east, Willamette meridian, in the Colville Indian Reservation, in the State of Washington, to the extent of not to exceed two hundred feet in width by a length of three thousand feet for each of said station grounds: *Provided*, That if any of the lands to be acquired by the railway company under the provisions of this Act shall have been tentatively*

34 Stat., 330, ante,
197.
36 Stat. 859, ante,
479.

selected by Indians as a part of their allotments, they shall be entitled to receive upon the approval of their allotments the compensation for damages to said lands and improvements thereon paid by the said railway company: *And provided further*, That such station grounds are granted subject to the right of the United States to cross the same and the works constructed thereon with canals or water conduits of any kind, or with roadways, or with transmission lines for telephone, telegraph, or electric power, or with any other public improvements which may now or in the future be built by or under authority of the United States across such grounds; and the said company shall build and maintain at its own expense all structures that may be required at such crossing, and in accepting this grant shall release the United States from all damages which may result from the construction and use of such crossings, canals, conduits, transmission lines, and other improvements

Approved, September 17, 1913.

Oct. 22, 1913.
[H. R. 7898.]

Public, 32.
38 Stat., 208.

CHAP. 32.—An Act Making appropriations to supply urgent deficiencies in appropriations for the fiscal year nineteen hundred and thirteen, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to supply urgent deficiencies in appropriations for the fiscal year nineteen hundred and thirteen, and for other purposes, namely:

* * * * *

INDIAN OFFICE.

38 Stat., 217.
Fort Bidwell School,
Cal.
Use of balances.

The unexpended balance remaining upon the books of the Treasury on June thirtieth, nineteen hundred and thirteen, of the appropriation of "\$15,000 for improvements at Fort Bidwell School, in California, as follows: \$7,000 for the erection and construction of a water and electric-light system; \$3,000 for sewerage system; \$3,000 for a steam laundry; and \$2,000 for a complete heating system of the school and accessory buildings," under the Act of August twenty-fourth, nineteen hundred and twelve, entitled "An Act making appropriations for current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with the various Indian tribes, and for other purposes," for the fiscal year ending June thirtieth, nineteen hundred and thirteen (Thirty-seventh United States Statutes, pages five hundred and eighteen to five hundred and twenty), and under the terms of said appropriation of \$15,000, is hereby reappropriated and made available for the fiscal year ending June thirtieth, nineteen hundred and fourteen.

37 Stat., 518; ante,
531.

GOVERNMENT HOSPITAL FOR THE INSANE: For completing the power, heating, and lighting plant, remodeling the electric layout and substituting electrically driven for steam-driven machinery, and for other purposes incident thereto, \$18,150; or in lieu thereof authority to exchange or sell discarded machinery, copper, and material, and use the proceeds therefrom to complete this work.

PLATT NATIONAL PARK: For maintenance, bridging, roads, and trails, fiscal year nineteen hundred and fourteen, \$8,000.

Approved, October 22, 1913.

Oct. 24, 1913.
[S. 3296.]

Public, No. 34.
38 Stat., 234.

Indian Department.

CHAP. 34.—An Act To enable the Commissioner of Indian Affairs to employ additional clerks on heirship work in the Indian Office.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Indian Affairs is hereby authorized to use not to exceed \$10,000, for

the employment of additional clerks in the Indian Office in connection with the work of determining the heirs of deceased Indians, out of the \$50,000 appropriated in the Indian Appropriation Act for the fiscal year ending June thirtieth, nineteen hundred and fourteen, for the purpose of determining the heirs of deceased Indian allottees, pursuant to the Act of June twenty-fifth, nineteen hundred and ten (Thirty-sixth Statutes at Large, page eight hundred and fifty-five).

Additional clerks to determine heirs of allottees.

38 Stat., 80, ante, 564.

36 Stat., 855, ante, 476.

Approved, October 24, 1913.

PART II.

PROCLAMATIONS RELATING TO INDIAN LANDS AND RESERVES.

June 9, 1903.

Proclamations.
33 Stat., 2311.

Proclamation establishing the Lewis and Clark Forest Reserve in Montana.

* * * * *

29 Stat., p. 354, vol. 1, p. 604.

The rights and privileges reserved to the Indians of the Blackfeet Indian Reservation by Article 1 of the agreement set forth in, and accepted, ratified, and confirmed by, the Act of Congress approved June tenth, eighteen hundred and ninety-six, hereinbefore referred to, respecting that portion of their reservation relinquished to the United States by said Article 1, shall be in no way infringed or modified by reason of the fact that a part of the area so relinquished is embraced within the limits of the boundaries herein described and set apart as a forest reservation.

* * * * *

THEODORE ROOSEVELT.

[No. 6.]

Aug. 12, 1903.

Proclamations.
33 Stat., 2317.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Preamble.
27 Stat., 1018.

26 Stat., 1026.

Whereas, in the opening of the Cheyenne and Arapahoe ceded Indian lands in the Territory of Oklahoma, by proclamation dated April 12, 1892, pursuant to section sixteen of the act of Congress approved March 3, 1891 (26 Stat., 989, 1026), the south one-half of section fifteen, township seventeen north, range twenty-two west, of the Indian Principal Meridian, was reserved for county-seat purposes for county "E," now Day county, in said Territory.

And whereas it appears that the county-seat of said county was removed from said land to the town of Grand in said county in 1893, and that said land has not since been used for county-seat purposes, and is not now needed for such purposes, and no entry has been made thereof;

Cheyenne and Arapahoe Indian Reservation, Okla.
Additional lands opened to settlement.

Now, therefore, I, THEODORE ROOSEVELT, President of the United States, by virtue of the power in me vested by section sixteen of said act of Congress of March 3, 1891, do hereby declare and make known that said land is hereby opened to settlement and restored to the public domain, to be disposed of under the provisions of section sixteen of said act of Congress of March 3, 1891, and all other laws and agreements applicable thereto.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 12th day of August in the year of our Lord one thousand nine hundred and three, and of [SEAL.] the Independence of the United States the one hundred and twenty-eighth.

T. ROOSEVELT

By the President:
FRANCIS B LOOMIS.
Acting Secretary of State.

[No. 22.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

Mar. 29, 1904.

33 Stat., 2340.

A PROCLAMATION.

Whereas, in the opening of the Kiowa, Comanche, Apache, and Wichita Indian lands in the Territory of Oklahoma, by proclamation dated July 4, 1901, pursuant to section six of the act of Congress approved June 6, 1900 (31 Stat., 672, 676), the north half of the northwest quarter and the southwest quarter of the northwest quarter of section thirty-two in township two north, of range eleven west of the Indian principal meridian, containing one hundred and twenty acres, was reserved for the use of the Fort Sill Indian boarding school of Kiowa agency;

Preamble.
32 Stat., 1975.
31 Stat., 676.

And whereas it appears that said land is no longer required for use by said school, and that it adjoins the City of Lawton, Oklahoma Territory, and the city authorities of said city desire to make entry thereof for park purposes under the act of Congress approved September 30, 1890 (26 Stat., 502);

26 Stat., 502.

Now, therefore, I, Theodore Roosevelt, President of the United States, by virtue of the power in me vested by section six of said act of Congress of June 6, 1900, do hereby declare and make known that said land is hereby restored to the public domain, to be disposed of to said city, for park purposes under said act of Congress approved September 30, 1890.

Fort Sill Indian
school lands granted
to Lawton, Ind. T., for
park purposes.
31 Stat., 676.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 29th day of March in the year of our Lord one thousand nine hundred and four, and of [SEAL.] the Independence of the United States the one hundred and twenty-eighth.

THEODORE ROOSEVELT

By the President

JOHN HAY
Secretary of State.

[No. 23.]

A PROCLAMATION BY THE PRESIDENT.

Mar. 30, 1904.

WHEREAS, a proclamation was issued February 10, 1890, by the President, making known and proclaiming the acceptance of the Sioux Act approved March 2, 1889 (25 Stats., 888) by the different bands of the Sioux Nation of Indians, and the consent thereto by them as required by the said Act:

Proclamations.
33 Stat., 2340.
Preamble.
26 Stat., 1554.
26 Stat., 888.

AND WHEREAS, the proclamation contains the following clause:

That there is also reserved as aforesaid the following described tract within which the Cheyenne River Agency, school and certain other buildings are located, to wit: Commencing at a point in the center of the main channel of the Missouri River opposite Deep Creek, about three miles south of the Cheyenne River; thence due west five and one half miles; thence due north to the Cheyenne River; thence down said river to the center of the main channel thereof to a point in the center of the Missouri River due east or opposite the mouth of said Cheyenne River; thence down the center of the main channel of the Missouri River to the place of beginning:

AND WHEREAS, a proclamation was issued February 7, 1903, by the President, declaring said lands subject to disposal under the provisions of the said Act, except 160 acres of land reserved and set apart for the use of St. John's Mission School;

32 Stat., 2035.

AND WHEREAS, due notice has been received that the Domestic and Foreign Missionary Society no longer desires the use of the lands

32 Stat., 2035.

set apart for the St. John's Mission School by the Secretary of the Interior, and excepted from disposal in the proclamation of February 7, 1903, as aforesaid, said lands being described as follows:

Description.

Beginning at the northwest corner of Section 29, Township 9 N., Range 29 E., at a stake and four witness holes, and running east 40 chains to a stake and stones, near the west bank of the Missouri River; thence south along said river to the center of said section, 40 chains; thence west 40 chains to a stake and two witness holes; thence north 40 chains to the place of beginning, and containing 160 acres, more or less.

St. John's Mission
School lands, S. Dak.,
restored to public do-
main.

NOW, Therefore, I, Theodore Roosevelt, President of the United States, by virtue of the power in me vested, do declare the said tract of land subject to disposal under the provisions of said Act.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this 30th day of March, in the year of our Lord, one thousand nine hundred and four, and of [SEAL.] the Independence of the United States the one hundred and twenty-eighth.

THEODORE ROOSEVELT

By the President:

JOHN HAY

Secretary of State.

[No. 28.]

May 13, 1904.

Proclamations.
33 Stat., 2354.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Preamble.

33 Stat., Part I, 254.

Whereas by an agreement between the Sioux tribe of Indians on the Rosebud Reservation, in the State of South Dakota, on the one part, and James McLaughlin, a United States Indian Inspector, on the other part, amended and ratified by act of Congress approved April 23, 1904 (Public—No. 148), the said Indian tribe ceded, conveyed, transferred, relinquished, and surrendered, forever and absolutely, without any reservation whatsoever, expressed or implied, unto the United States of America, all their claim, title, and interest of every kind and character in and to the unallotted lands embraced in the following described tract of country now in the State of South Dakota, to wit:

Lands ceded by the
Sioux Indians.
33 Stat., Part I, 256.

Commencing in the middle of the main channel of the Missouri River at the intersection of the south line of Brule County; thence down said middle of the main channel of said river to the intersection of the ninety-ninth degree of west longitude from Greenwich; thence due south to the forty-third parallel of latitude; thence west along said parallel of latitude to its intersection with the tenth guide meridian; thence north along said guide meridian to its intersection with the township line between townships one hundred and one north; thence east along said township line to the point of beginning.

Acreage and location.

The unallotted and unreserved land to be disposed of hereunder approximates three hundred and eighty-two thousand (382,000) acres, lying and being within the boundaries of Gregory County, South Dakota, as said county is at present defined and organized.

33 Stat., Part I, 257.

And whereas, in pursuance of said act of Congress ratifying the agreement named, the lands necessary for sub-issue station, Indian day school, Catholic and Congregational missions are by this proclamation, as hereinafter appears, reserved for such purposes, respectively:

And whereas, in the act of Congress ratifying the said agreement, it is provided:

Disposal of ceded
lands.
33 Stat., Part I, 257.

SEC. 2. That the lands ceded to the United States under said agreement, excepting such tracts as may be reserved by the President, not exceeding three hundred and ninety-eight and sixty-seven one-hundredths acres in all, for sub-issue station, Indian day school, one Catholic mission, and two Congregational missions, shall be

disposed of under the general provisions of the homestead and townsite laws of the United States, and shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof; and no person shall be permitted to settle upon, occupy, or enter any of said lands, except as prescribed in such proclamation, until after the expiration of sixty days from the time when the same are opened to settlement and entry: *Provided*, That the rights of honorably discharged Union soldiers and sailors of the late civil and the Spanish war or Philippine insurrection, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes, as amended by the Act of March first, nineteen hundred and one, shall not be abridged: *And provided further*, That the price of said lands entered as homesteads under the provisions of this Act shall be as follows: Upon all lands entered or filed upon within three months after the same shall be opened for settlement and entry, four dollars per acre, to be paid as follows: One dollar per acre when entry is made; seventy-five cents per acre within two years after entry; seventy-five cents per acre within three years after entry; seventy-five cents per acre within four years after entry, and seventy-five cents per acre within six months after the expiration of five years after entry. And upon all land entered or filed upon after the expiration of three months and within six months after the same shall be opened for settlement and entry, three dollars per acre, to be paid as follows: One dollar per acre when entry is made; fifty cents per acre within two years after entry; fifty cents per acre within three years after entry; fifty cents per acre within four years after entry, and fifty cents per acre within six months after the expiration of five years after entry. After the expiration of six months after the same shall be opened for settlement and entry the price shall be two dollars and fifty cents per acre, to be paid as follows: Seventy-five cents when entry is made; fifty cents per acre within two years after entry; fifty cents per acre within three years after entry; fifty cents per acre within four years after entry, and twenty-five cents per acre within six months after the expiration of five years after entry: *Provided*, That in case any entryman fails to make such payment or any of them within the time stated all rights in and to the land covered by his or her entry shall at once cease, and any payments theretofore made shall be forfeited, and the entry shall be forfeited and held for cancellation and the same shall be canceled: *And provided*, That nothing in this Act shall prevent homestead settlers from commuting their entries under section twenty-three hundred and one, Revised Statutes, by paying for the land entered the price fixed herein, receiving credit for payments previously made. In addition to the price to be paid for the land, the entryman shall pay the same fees and commissions at the time of commutation or final entry, as now provided by law, where the price of the land is one dollar and twenty-five cents per acre: *And provided further*, That all lands herein ceded and opened to settlement under this Act, remaining undisposed of at the expiration of four years from the taking effect of this act, shall be sold and disposed of for cash, under rules and regulations to be prescribed by the Secretary of the Interior, not more than six hundred and forty acres to any one purchaser.

* * * * *

SEC. 4. That sections sixteen and thirty-six of the lands hereby acquired in each township shall not be subject to entry, but shall be reserved for the use of the common schools and paid for by the United States at two dollars and fifty cents per acre, and the same are hereby granted to the State of South Dakota for such purpose; and in case any of said sections, or parts thereof, of the land in said county of Gregory are lost to said State of South Dakota by reason of allotments thereof to any Indian or Indians, now holding the same, or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized, in the tract herein ceded, to locate other lands not occupied not exceeding two sections in any one township, which shall be paid for by the United States as herein provided in quantity equal to the loss, and such selections shall be made prior to the opening of such lands to settlement.

And whereas, all of the conditions required by law to be performed prior to the opening of said tracts of land to settlement and entry have been, as I hereby declare, duly performed:

NOW, THEREFORE, I, THEODORE ROOSEVELT, President of the United States of America, by virtue of the power vested in me by law, do hereby declare and make known that all of the lands so as aforesaid ceded by the Sioux tribe of Indians of the Rosebud Reservation, saving and excepting sections sixteen and thirty-six in each township, and all lands located or selected by the State of South Dakota as indemnity school or educational lands, and saving and excepting the $W\frac{1}{2}$ of the $NE\frac{1}{4}$ and the $E\frac{1}{2}$ of the $NW\frac{1}{4}$ of Sec. 25, T. 96 N., R. 72 W., of the 5th P. M., which is hereby reserved for use as a sub-issue station; and the $NE\frac{1}{4}$ of the $SW\frac{1}{4}$ of Sec. 23, T. 96 N., R. 72 W., of the 5th

Proviso.
Rights of soldiers and
sailors.
R. S., sec. 2304, 2305,
p. 422.
31 Stat., p. 847.
Homestead entries.

Payments.

Forfeiture on failure
to pay.

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

Fees.

Sale of undisposed
lands.

Payment for school
sections.
33 Stat., Part I, 258.

Lands ceded on Rose-
bud Reservation, S.
Dak., open to entry
August 8, 1904.

P. M., which is hereby reserved for use as an Indian day school; and saving and excepting the N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Sec. 25, T. 95 N., R. 71 W., of the 5th P. M., and the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 20, T. 95 N., R. 70 W., of the 5th P. M., both of which tracts are hereby reserved for use of the American Missionary Society for mission purposes; and the N $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Sec. 7, T. 96 N., R. 71 W., of the 5th P. M., which is hereby reserved for the Roman Catholic Church for use for mission purposes, will, on the eighth day of August, 1904, at 9 o'clock a. m., in the manner herein prescribed and not otherwise, be opened to entry and settlement and to disposition under the general provisions of the homestead and townsite laws of the United States.

Places of registration.

Commencing at 9 o'clock a. m., Tuesday, July 5, 1904, and ending at 6 o'clock p. m., Saturday, July 23, 1904, a registration will be had at Chamberlain, Yankton, Bonesteel, and Fairfax, State of South Dakota, for the purpose of ascertaining what persons desire to enter, settle upon, and acquire title to any of said lands under the homestead law, and of ascertaining their qualifications so to do.

Applications.

To obtain registration each applicant will be required to show himself duly qualified, by written application to be made only on a blank form provided by the Commissioner of the General Land Office, to make homestead entry of these lands under existing laws and to give the registering officer such appropriate matters of description and identity as will protect the applicant and the government against any attempted impersonation. Registration can not be effected through the use of the mails or the employment of an agent, excepting that honorably discharged

R. S., sec. 2304, p. 422.

soldiers and sailors entitled to the benefits of section twenty-three hundred and four of the Revised Statutes of the United States, as amended by the act of Congress approved March 1, 1901, (31 Stat., 847) may present their applications for registration and due proofs of their qualifications through an agent of their own selection, having a duly executed power of attorney, but no person will be permitted to act as agent for more than one such soldier or sailor. No person will be permitted to register more than once or in any other than his true name.

31 Stat., 847.

Certificate of registration.

Each applicant who shows himself duly qualified will be registered and given a non-transferable certificate to that effect, which will entitle him to go upon and examine the lands to be opened hereunder; but the only purpose for which he can go upon and examine said lands is that of enabling him later on, as herein provided, to understandingly select the lands for which he will make entry. No one will be permitted to make settlement upon any of said lands in advance of the opening herein provided for, and during the first sixty days following said opening no one but registered applicants will be permitted to make homestead settlement upon any of said lands, and then only in pursuance of a homestead entry duly allowed by the local land officers, or of a soldier's declaratory statement duly accepted by such officers.

Restrictions.

Drawings.

The order in which, during the first sixty days following the opening, the registered applicants will be permitted to make homestead entry of the lands opened hereunder, will be determined by a drawing for the district publicly held at Chamberlain, South Dakota, commencing at 9 o'clock a. m., Thursday, July 28, 1904, and continuing for such period as may be necessary to complete the same. The drawing will be had under the supervision and immediate observance of a committee of three persons whose integrity is such as to make their control of the drawing a guaranty of its fairness. The members of this committee will be appointed by the Secretary of the Interior, who will prescribe suitable compensation for their services. Preparatory to this drawing the registration officers will, at the time of registering each applicant who shows himself duly qualified, make out a card, which must be signed by the applicant, and giving such a description of the applicant as will enable the local land officers to thereafter identify him. This

card will be subsequently sealed in a separate envelope which will bear no other distinguishing label or mark than such as may be necessary to show that it is to go into the drawing. These envelopes will be carefully preserved and remained sealed until opened in the course of the drawing herein provided. When the registration is completed, all of these sealed envelopes will be brought together at the place of drawing and turned over to the committee in charge of the drawing, who, in such manner as in their judgment will be attended with entire fairness and equality of opportunity, shall proceed to draw out and open the separate envelopes and to give to each enclosed card a number in the order in which the envelope containing the same is drawn. The result of the drawing will be certified by the committee to the officers of the district and will determine the order in which the applicants may make homestead entry of said lands and settlement thereon.

Notice of the drawings, stating the name of each applicant and number assigned to him by the drawing, will be posted each day at the place of drawing, and each applicant will be notified of his number and of the day upon which he must make his entry, by a postal card mailed to him at the address given by him at the time of registration. The result of each day's drawing will also be given to the press to be published as a matter of news. Applications for homestead entry of said lands during the first sixty days following the opening can be made only by registered applicants and in the order established by the drawing. The land officers for the district will receive applications for entries at Bonesteel, South Dakota, in their district, beginning August 8, 1904, and until and including September 10, 1904, and thereafter at Chamberlain. Commencing Monday, August 8, 1904, at 9 o'clock a. m., the applications of those drawing numbers 1 to 100, inclusive, must be presented and will be considered in their numerical order during the first day, and the applications of those drawing numbers 101 to 200, inclusive, must be presented and will be considered in their numerical order during the second day, and so on at that rate until all of said lands subject to entry under the homestead law, and desired thereunder have been entered. If any applicant fails to appear and present his application for entry when the number assigned to him by the drawing is reached, his right to enter will be passed until after the other applications assigned for that day have been disposed of, when he will be given another opportunity to make entry, failing in which he will be deemed to have abandoned his right to make entry under such drawing. To obtain the allowance of a homestead entry, each applicant must personally present the certificate of registration therefore issued to him, together with a regular homestead application and the necessary accompanying proofs, and make the first payment of one dollar per acre for the land embraced in his application, together with the regular land office fees, but an honorably discharged soldier or sailor may file his declaratory statement through his agent, who can represent but one soldier or sailor as in the matter of registration. The production of the certificate of registration will be dispensed with only upon satisfactory proof of its loss or destruction. If at the time of considering his regular application for entry it appear that an applicant is disqualified from making homestead entry of these lands his application will be rejected, notwithstanding his prior registration. If any applicant shall register more than once hereunder, or in any other than his true name, or shall transfer his registration certificate, he will thereby lose all the benefits of the registration and drawing herein provided for, and will be precluded from entering or settling upon any of said lands during the first sixty days following said opening.

Notice.

Applications.

Certificates of registration.

Town sites.

Any person or persons desiring to found, or to suggest establishing, a townsite upon any of said ceded lands, at any point, may, at any time before the opening herein provided for, file in the land office a written application to that effect, describing by legal subdivisions the lands intended to be affected, and stating fully and under oath the necessity or propriety of founding or establishing a town at that place. The local officers will forthwith transmit said petition to the Commissioner of the General Land Office with their recommendation in the premises. Such Commissioner, if he believes the public interests will be subserved thereby, will, if the Secretary of the Interior approve thereof, issue an order withdrawing the lands described in such petition, or any portion thereof, from homestead entry and settlement and directing that the same be held for the time being for townsite settlement, entry, and disposition only. In such event, the lands so withheld from homestead entry and settlement will, at the time of said opening and not before, become subject to settlement, entry, and disposition under the general townsite laws of the United States. None of said ceded lands will be subject to settlement, entry, or disposition under such general townsite laws except in the manner herein prescribed until after the expiration of sixty days from the time of said opening.

Sale of undisposed
lands under homestead
and town-site laws.
33 Stat., Part I, 257.
33 Stat., Part I, 700.

All persons are especially admonished that under the said act of Congress approved April 23, 1904, it is provided that no person shall be permitted to settle upon, occupy, or enter any of said ceded lands except in the manner prescribed in this proclamation until after the expiration of sixty days from the time when the same are opened to settlement and entry. After the expiration of the said period of sixty days, but not before, and until the expiration of three months after the same shall have been opened for settlement and entry, as hereinbefore prescribed, any of said lands remaining undisposed of may be settled upon, occupied, and entered under the general provisions of the homestead and townsite laws of the United States in like manner as if the manner of effecting such settlement, occupancy, and entry had not been prescribed herein in obedience to law, subject, however, to the payment of four dollars per acre for the land entered, in the manner and at the time required by the said act of Congress above mentioned. After the expiration of three months, and not before, and until the expiration of six months after the same shall have been opened for settlement and entry, as aforesaid, any of said lands remaining undisposed of may also be settled upon, occupied, and entered under the general provisions of the same laws and in the same manner, subject, however, to the payment of three dollars per acre for the land entered in the manner and at the times required by the same act of Congress. After the expiration of six months, and not before, after the same shall have been opened for settlement and entry, as aforesaid, any of said lands remaining undisposed of may also be settled upon, occupied, and entered under the general provisions of the same laws and in the same manner, subject, however, to the payment of two dollars and fifty cents per acre for the land entered, in the manner and at the times required by the same act of Congress. And after the expiration of four years from the taking effect of this act, and not before, any of said lands remaining undisposed of shall be sold and disposed of for cash, under rules and regulations to be prescribed by the Secretary of the Interior, not more than six hundred and forty acres to any one purchaser.

Price per acre.

Cash sales.

Regulations.

The Secretary of the Interior shall prescribe all needful rules and regulations necessary to carry into full effect the opening herein provided for.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 13th day of May, in the year of our Lord one thousand nine hundred and four, and of [SEAL] the Independence of the United States the one hundred and twenty-eighth.

THEODORE ROOSEVELT.

By the President:
FRANCIS B. LOOMIS,
Acting Secretary of State.

[No. 32.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

June 2, 1904.

A PROCLAMATION.

Proclamations.
33 Stat., 2368.

Whereas by an agreement between the Sisseton, Wahpeton, and Cut-Head bands of the Sioux tribe of Indians on the Devils Lake Reservation, in the State of North Dakota, on the one part, and James McLaughlin, a United States Indian Inspector, on the other part, amended and ratified by act of Congress approved April 27, 1904 (Public No. 179), the said bands of the said Indian tribe ceded, conveyed, transferred, relinquished, and surrendered, forever and absolutely, without any reservation whatsoever, expressed or implied, unto the United States of America, all their claim, title, and interest of every kind and character in and to the unallotted lands embraced in the following-described tract of country now in the State of North Dakota, to wit:

Preamble.
33 Stat., Part I, 319.

All that part of the Devils Lake Indian Reservation now remaining unallotted, including the tract of land at present known as the Fort Totten Military Reserve, situated within the boundaries of the said Devils Lake Indian Reservation, and being a part thereof; except six thousand one hundred and sixty acres required for allotments to sixty-one Indians of said reservation entitled to allotments.

Lands ceded by
Sioux Indians.

The unallotted and unreserved land to be disposed of hereunder approximates 88,000 acres.

And whereas, in pursuance of said act of Congress ratifying the agreement named, the lands necessary for church, mission, and agency purposes, and for the Fort Totten Indian school, and for a public park, are by this proclamation, as hereinafter appears, reserved for such purposes, respectively:

And whereas, in the act of Congress ratifying the said agreement, it is provided:

SEC. 4. That the lands ceded to the United States under said agreement, including the Fort Totten abandoned military reservation, which are exclusive of six thousand one hundred and sixty acres which are required for allotments, excepting sections sixteen and thirty-six or an equivalent of two sections in each township, and such tracts as may be reserved by the President as hereinafter provided, shall be disposed of under the general provisions of the homestead and townsite laws of the United States, and shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, or enter any of said lands, except as prescribed in such proclamation, until after the expiration of sixty days from the time when the same are opened to settlement and entry: *Provided*, That the rights of honorably discharged Union soldiers and sailors of the late civil and the Spanish war, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes, as amended by the act of March first, nineteen hundred and one, shall not be abridged: *And provided further*, That the price of said lands entered under the provisions of this act shall be four dollars and fifty cents per acre, payable as follows: One dollar and fifty cents when the entry is made, and the remainder in annual installments of fifty cents per acre until paid for: *Provided further*, That in case any entryman fails to make such payments, or any of them, within the time stated, all rights in and to the land covered by his or her entry shall at once cease, and any payments theretofore made shall be forfeited and the entry shall be canceled: *And provided further*, That the lands embraced within such canceled entry shall, after the cancellation of such entry, be subject to entry under the provisions of the homestead

Lands to be sold subject to homestead and town-site laws.
33 Stat., Part I, 322.

Proclamation opening lands to settlement.

Provisos.
Soldiers' and sailors' rights not affected.
R. S., secs. 2304, 2305, p. 422.
31 Stat., 847.
Price per acre.

Forfeiture.

Canceled entries.

Price per acre.

law at four dollars and fifty cents per acre up to and until provision may be made for the disposition of said land by proclamation of the President as hereinafter provided: *And provided further*, That nothing in this act shall prevent homestead settlers from commuting their entries under section twenty-three hundred and one, Revised Statutes, by paying for the land entered the price fixed herein, receiving credit for payments previously made. In addition to the price to be paid for the land, the entryman shall pay the same fees and commissions at the time of commutation or final entry, as now provided by law, where the price of the land is one dollar and twenty-five cents per acre: *And provided further*, That aliens who have declared their intention to become citizens of the United States may become purchasers under this act, but before proving up and acquiring title must take out their full naturalization papers: *And provided further*, That when, in the judgment of the President no more of the land herein ceded can be disposed of at said price, he may by proclamation, to be repeated in his discretion, sell from time to time the remaining lands subject to the provisions of the homestead law or otherwise as he may deem most advantageous, at such price or prices, in such manner, upon such conditions, with such restrictions, and upon such terms as he may deem best for all interests concerned: *And provided further*, That the President is hereby authorized to reserve, in his proclamation for the opening of the said lands, so much of the tracts heretofore reserved for church, mission, and agency purposes, as he may deem necessary, not to exceed nine hundred acres, and also not exceeding two and one-half sections for the Fort Totten Indian school, and the United States stipulates and agrees to pay for said reserved lands at the rate of three dollars and twenty-five cents per acre. The President is also authorized to reserve a tract embracing Sullys Hill, in the north-eastern portion of the abandoned military reservation, about nine hundred and sixty acres, as a public park.

SEC. 5. That sections sixteen and thirty-six of the lands hereby acquired in each township shall not be subject to entry, but shall be reserved for the use of the common schools and paid for by the United States at three dollars and twenty-five cents per acre, and the same are hereby granted to the State of North Dakota for such purpose; and in case any of said sections, or parts thereof, of the land in the said Devils Lake Indian Reservation or Fort Totten abandoned military reservation should be lost to said State of North Dakota by reason of allotments thereof to any Indian or Indians now holding the same, or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized to locate other lands not occupied, in the townships where said lands are lost, provided sufficient lands are to be had in the said townships, otherwise the selections to be made elsewhere within the ceded tract, which shall be paid for by the United States, as provided in article two of the treaty as herein amended, in quantity equal to the loss, and such selections shall be made prior to the opening of such lands to settlement.

And whereas, all of the conditions required by law to be performed prior to the opening of said tracts of land to settlement and entry have been, as I hereby declare, duly performed;

Now, Therefore, I, Theodore Roosevelt, President of the United States of America, by virtue of the power vested in me by law, do hereby declare and make known that all of the lands so as aforesaid ceded by the Sisseton, Wahpeton, and Cut-Head bands of the Sioux tribe of Indians belonging to the Devils Lake Reservation, saving and excepting sections 16 and 36 in each township, and all lands located or selected by the State of North Dakota as indemnity school or educational lands, and saving and excepting the $N\frac{1}{2}$ of the $NW\frac{1}{4}$ and the $SW\frac{1}{4}$ of the $NW\frac{1}{4}$ of Sec. 14, and the $SE\frac{1}{4}$ of the $NE\frac{1}{4}$ of Sec. 15, T. 152 N., R. 66 W., of the fifth principal meridian, which are hereby reserved for the use of the Raven Hill Presbyterian Church; and saving and excepting the $N\frac{1}{2}$ of the $NW\frac{1}{4}$ of Sec. 14, the $NE\frac{1}{4}$ of the $NE\frac{1}{4}$ of Sec. 15, the $SE\frac{1}{4}$ of the $SW\frac{1}{4}$ of Sec. 11, and the $S\frac{1}{2}$ of the $SE\frac{1}{4}$ of the $SE\frac{1}{4}$ of Sec. 10, T. 151 N., R. 64 W., of the fifth principal meridian, which are hereby reserved for the use of the Wood Lake Presbyterian Church; and saving and excepting the $SE\frac{1}{4}$ of the $SW\frac{1}{4}$ and Lot 8 of Sec. 8, the $NE\frac{1}{4}$ of the $NW\frac{1}{4}$, the $NW\frac{1}{4}$ of the $NE\frac{1}{4}$ and a tract of 4.43 acres in the southwest corner of Lot 1, Sec. 17, T. 152 N., R. 65 W., of the fifth principal meridian, which are hereby reserved for the use of the Mission of Sisters of Charity from Montreal; and saving and excepting the $N\frac{1}{2}$ of the $SE\frac{1}{4}$, the $NE\frac{1}{4}$ of the $SW\frac{1}{4}$, Lot 5, and a tract of 1.60 acres in Lot 6, Sec. 17, T. 152 N., R. 64 W., of the fifth principal meridian, which are hereby reserved for the use of St. Michiel's Church, Bureau of Catholic Indian Missions; and saving and excepting the $W\frac{1}{2}$ of the $NW\frac{1}{4}$ of Sec. 15, T. 152 N., R. 66 W., of the

Right to commute entries not affected. R. S., sec. 2301, p. 421.

Fees.

Rights of aliens.

Disposal of unsold lands.

Reservation for mission, etc., purposes.

Fort Totten Indian School.

North Dakota. School lands granted to.

Lands in lieu of allotted lands.

Lands ceded on Devils Lake Reservation, N. Dak., open to entry September 6, 1904.

Lands excepted.

fifth principal meridian, which is hereby reserved for the use of St. Jerome's Church, Bureau of Catholic Indian Missions; and saving and excepting the $W\frac{1}{2}$ of Sec. 21, the $W\frac{1}{2}$ of the $NE\frac{1}{4}$ of Sec. 21, the $E\frac{1}{2}$ of Sec. 20, the $NW\frac{1}{4}$ of Sec. 20, and Lots 6, 7, and 8 and the $SE\frac{1}{4}$ of the $SW\frac{1}{4}$ of Sec. 16 (excepting 7 acres thereof, which are hereby reserved for the use of the Protestant Episcopal Church), and Lots 6, 7, 8, and 9 of Sec. 17, T. 152 N., R. 65 W., of the fifth principal meridian, which are hereby reserved for the use of the Fort Totten School; and saving and excepting the $SE\frac{1}{4}$ of the $NE\frac{1}{4}$ and Lot 1 (excepting 4.43 acres of said Lot 1, reserved for the use of the Mission of Sisters of Charity from Montreal), Sec. 17, and Lot 1 of Sec. 16, T. 152 N., R. 65 W., of the fifth principal meridian, which are hereby reserved for the use of the Fort Totten School, Grey Nuns Department; and saving and excepting the $NW\frac{1}{4}$ of the $NW\frac{1}{4}$ of Sec. 8, the $E\frac{1}{2}$ of the $NE\frac{1}{4}$, the $SW\frac{1}{4}$ of the $NE\frac{1}{4}$ and the $SE\frac{1}{4}$ of Sec. 7, T. 151 N., R. 65 W., of the fifth principal meridian, which are hereby reserved for the Fort Totten school and for the Grey Nuns Department for meadow purposes; and saving and excepting those portions of Lot 2 of Sec. 16 and Lots 2 and 3 of Sec. 17, T. 152 N., R. 65 W., fifth principal meridian not embraced in Allotment #585 of Jesse G. Palmer, which are hereby reserved for use for agency purposes; and saving and excepting Lots 4, 5, 6, and 7 of Sec. 10, the $NW\frac{1}{4}$, the $W\frac{1}{2}$ of the $SW\frac{1}{4}$ and Lots 5 and 6 of Sec. 15, Lots 1 and 2 of Sec. 9, the $E\frac{1}{2}$ of the $NE\frac{1}{4}$, the $SE\frac{1}{4}$ of the $SE\frac{1}{4}$ and Lots 3, 4, and 5 of Sec. 16, T. 152 N., R. 65 W., of the fifth principal meridian, which are hereby reserved for public use as a park to be known as Sully's Hill Park, will, on the sixth day of September, 1904, at 9 o'clock A. M., in the manner herein prescribed, and not otherwise, be opened to entry and settlement and to disposition under the general provisions of the homestead and townsite laws of the United States.

Commencing at 9 o'clock A. M., Monday, August 8th, 1904, and ending at 6 o'clock P. M., Saturday, August 20th, 1904, a registration will be had at Devils Lake and Grand Forks, State of North Dakota, for the purpose of ascertaining what persons desire to enter, settle upon, and acquire title to any of said lands under the homestead law, and of ascertaining their qualifications so to do. To obtain registration each applicant will be required to show himself duly qualified, by written application to be made only on a blank form provided by the Commissioner of the General Land Office, to make homestead entry of these lands under existing laws, and to give the registering officer such appropriate matters of description and identity as will protect the applicant and the Government against any attempted impersonation. Registration cannot be effected through the use of the mails or the employment of an agent, excepting that honorably discharged soldiers and sailors entitled to the benefits of section 2304 of the Revised Statutes of the United States, as amended by the act of Congress approved March 1, 1901 (31 Stat., 847), may present their applications for registration and due proofs of their qualifications through an agent of their own selection, having a duly executed power of attorney, but no person will be permitted to act as agent for more than one such soldier or sailor. No person will be permitted to register more than once or in any other than his true name.

Each applicant who shows himself duly qualified will be registered and given a nontransferable certificate to that effect, which will entitle him to go upon and examine the lands to be opened hereunder; but the only purpose for which he can go upon and examine said lands is that of enabling him later on, as herein provided, to understandingly select the lands for which he will make entry. No one will be permitted to make settlement upon any of said lands in advance of the opening herein provided for, and during the first sixty days following said opening no one but registered applicants will be permitted to make

Registration.

R. S., sec. 2304, p. 422.
31 Stat., 847.

Applicants.

homestead settlement upon any of said lands, and then only in pursuance of a homestead entry duly allowed by the local land officers, or of a soldier's declaratory statement duly accepted by such officers.

Drawings.

The order in which, during the first sixty days following the opening, the registered applicants will be permitted to make homestead entry of the lands opened hereunder, will be determined by a drawing for the district publicly held at Devils Lake, North Dakota, commencing at 9 o'clock A. M., Wednesday, August 24th, 1904, and continuing for such period as may be necessary to complete the same. The drawing will be had under the supervision and immediate observance of a committee of three persons whose integrity is such as to make their control of the drawing a guaranty of its fairness. The members of this committee will be appointed by the Secretary of the Interior, who will prescribe suitable compensation for their services. Preparatory to this drawing the registration officers will, at the time of registering each applicant who shows himself duly qualified, make out a card, which must be signed by the applicant, and giving such a description of the applicant as will enable the local land officers to thereafter identify him. This card will be subsequently sealed in a separate envelope which will bear no other distinguishing label or mark than such as may be necessary to show that it is to go into the drawing. These envelopes will be carefully preserved and remain sealed until opened in the course of the drawing herein provided. When the registration is completed, all of these sealed envelopes will be brought together at the place of drawing and turned over to the committee in charge of the drawing, who, in such manner as in their judgment will be attended with entire fairness and equality of opportunity, shall proceed to draw out and open the separate envelopes and to give to each enclosed card a number in the order in which the envelope containing the same was drawn. The result of the drawing will be certified by the committee to the officers of the district and will determine the order in which the applicants may make homestead entry of said lands and settlement thereon.

Notice of drawings.

Notice of the drawings, stating the name of each applicant and number assigned to him by the drawing, will be posted each day at the place of drawing, and each applicant will be notified of his number, and of the day upon which he must make his entry, by a postal card mailed to him at the address given by him at the time of registration. The result of each day's drawing will also be given to the press to be published as a matter of news. Applications for homestead entry of said lands during the first sixty days following the opening can be made only by registered applicants and in the order established by the drawing. At the land office for the district of Devils Lake, North Dakota, commencing Tuesday, September 6, 1904, at 9 o'clock A. M., the applications of those drawing numbers 1 to 50, inclusive, must be presented and will be considered in their numerical order during the first day, and the applications of those drawing numbers 51 to 100, inclusive, must be presented and will be considered in their numerical order during the second day, and so on at that rate until all of said lands subject to entry under the homestead law, and desired thereunder, have been entered. If any applicant fails to appear and present his application for entry when the number assigned to him by the drawing is reached, his right to enter will be passed until after the other applications assigned for that day have been disposed of, when he will be given another opportunity to make entry, failing in which he will be deemed to have abandoned his right to make entry under such drawing.

Certificates of registration.

To obtain the allowance of a homestead entry, each applicant must personally present the certificate of registration theretofore issued to him, together with a regular homestead application and the necessary accompanying proofs, and make the first payment of one dollar and

fifty cents per acre for the land embraced in his application, together with the regular land office fees, but an honorably discharged soldier or sailor may file his declaratory statement through his agent, who can represent but one soldier or sailor as in the matter of registration. The production of the certificate of registration will be dispensed with only upon satisfactory proof of its loss or destruction. If at the time of considering his regular application for entry it appear that an applicant is disqualified from making homestead entry of these lands, his application will be rejected, notwithstanding his prior registration. If any applicant shall register more than once hereunder, or in any other than his true name, or shall transfer his registration certificate, he will thereby lose all the benefits of the registration and drawing herein provided for, and will be precluded from entering or settling upon any of said lands during the first sixty days following said opening.

Any person, or persons desiring to found, or to suggest establishing, a townsite upon any of said ceded lands, at any point, may, at any time before the opening herein provided for, file in the land office a written application to that effect, describing by legal subdivisions the lands intended to be affected, and stating fully and under oath the necessity or propriety of founding or establishing a town at that place. The local officers will forthwith transmit said petition to the Commissioner of the General Land Office with their recommendation in the premises. Such Commissioner, if he believes the public interests will be subserved thereby, will, if the Secretary of the Interior approve thereof, issue an order withdrawing the lands described in such petition, or any portion thereof, from homestead entry and settlement and directing that the same be held for the time being for townsite settlement, entry, and disposition only. In such event the lands so withheld from homestead entry and settlement will, at the time of said opening, and not before, become subject to settlement, entry, and disposition under the general townsite laws of the United States. None of said ceded lands will be subject to settlement, entry, or disposition under such general townsite laws except in the manner herein prescribed until after the expiration of sixty days from the time of said opening.

Town sites.

All persons are especially admonished that under the said act of Congress approved April 27, 1904, it is provided that no person shall be permitted to settle upon, occupy, or enter any of said ceded lands except in the manner prescribed in this proclamation until after the expiration of sixty days from the time when the same are opened to settlement and entry. After the expiration of the said period of sixty days, but not before, any of said lands remaining undisposed of may be settled upon, occupied, and entered under the general provisions of the homestead and townsite laws of the United States in like manner as if the manner of effecting such settlement, occupancy, and entry had not been prescribed herein in obedience to law, subject, however, to the payment of four dollars and fifty cents per acre for the land entered, in the manner and at the times required by the said act of Congress above mentioned.

Disposal of remaining lands.
33 Stat., Part I, 322.
33 Stat., Part I, 700.

The Secretary of the Interior shall prescribe all needful rules and regulations necessary to carry into full effect the opening herein provided for.

Regulations.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 2nd day of June, in the year of
[SEAL.] our Lord 1904, and of the Independence of the United States the one hundred and twenty-eighth.

THEODORE ROOSEVELT.

By the President:

JOHN HAY
Secretary of State.

May 15, 1905.

Proclamations,
34 Stat., Part 3, 3036.Mission Indian lands,
California.
Preamble.

26 Stat., 712.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

WHEREAS, by Executive Order dated December 27, 1875, Sections 5 and 6, township 15 south, range 2 east, San Bernardino Meridian, California, were with certain other tracts of land withdrawn from the public domain and reserved for the use of the Capitan Grande Band or Village of Mission Indians; and

WHEREAS, the Commission appointed under the provisions of the Act of Congress approved January 12, 1891, entitled "An Act for the relief of the Mission Indians in the State of California," (U. S. Statutes at Large, vol. 26, page 712) selected for the said Capitan Grande band or village of Indians certain tracts of land and intentionally omitted and excluded from such selection the said sections 5 and 6, township 15 south, range 2 east; and

WHEREAS, the report and recommendations of the said Commission were approved by Executive Order dated December 29, 1891, which Order also directed that "All of the lands mentioned in said report are hereby withdrawn from settlement and entry until patents shall have issued for said selected reservations, and until the recommendations of said Commission shall be fully executed, and, by the proclamation of the President of the United States, the lands or any part thereof shall be restored to the public domain;" and

WHEREAS, a patent was issued March 10, 1894, to the said Indians for the lands selected by the Commission as aforesaid and which patent also excluded the said Sections 5 and 6, township 15 south, range 2 east; and

WHEREAS it appears that on the 10th day of March, 1895, Joseph J. Henderson entered upon the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, Section 5, township 15 south, range 2 east, San Bernardino Meridian, for the purpose of taking the land under the homestead law, and cannot make the requisite filings on the land occupied by him until it shall have been formally restored to the public domain, and that no good reason appears to exist for the further reservation of said Sections 5 and 6 for the said band of Indians:

Certain lands reserved for Mission Indians, restored to public domain.

NOW, THEREFORE, I, THEODORE ROOSEVELT, PRESIDENT OF THE UNITED STATES, by virtue of the power in me vested, do hereby declare and make known that Executive Orders dated December 27, 1875, and December 29, 1891, are so far modified as to except from their provisions Sections 5 and 6, of township 15 south, range 2 east, San Bernardino Meridian, and the said sections are hereby restored to the public domain.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 15th day of May in the year of our Lord, one thousand nine hundred and five, and of [SEAL.] the Independence of the United States the one hundred and twenty-ninth.

T. ROOSEVELT

By the President:

FRANCIS B. LOOMIS
Acting Secretary of State.

July 14, 1905.

Proclamations,
34 Stat., Part 3, 3116.Uintah Forest Reserve, Utah.
Preamble.
29 Stat., 895.
26 Stat., 1103.
Proclamations,
34 Stat., pp. 200-201.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

WHEREAS, the Uintah Forest Reserve, in the State of Utah, was established by proclamation dated February twenty-second, eighteen hundred and ninety-seven, under and by virtue of section twenty-four of the Act of Congress, approved March third, eighteen hundred

and ninety-one, entitled, "An act to repeal timber-culture laws, and for other purposes", which provides, "That the President of the United States may, from time to time, set apart and reserve, in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations, and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof";

And whereas, it is provided by the Act of Congress, approved March third, nineteen hundred and five, entitled, "An Act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, nineteen hundred and six, and for other purposes," that "before the opening of the Uintah Indian Reservation the President is hereby authorized to set apart and reserve as an addition to the Uintah Forest Reserve, subject to the laws, rules, and regulations governing forest reserves, and subject to the mineral rights granted by the Act of Congress of May twenty-seventh, nineteen hundred and two, such portion of the lands within the Uintah Indian Reservation as he considers necessary";

33 Stat., Part I, 1070.

And whereas, it is considered necessary for the public good that certain lands in the Uintah Indian Reservation be set apart and reserved as an addition to the Uintah Forest Reserve;

Now, therefore, I, Theodore Roosevelt, President of the United States, by virtue of the power in me vested by the aforesaid act of Congress, approved March third, nineteen hundred and five, do hereby make known and proclaim that certain lands in the said Uintah Indian Reservation are hereby added to and made a part of the Uintah Forest Reserve, and that the boundary lines of the said forest reserve are, accordingly, so changed and extended as to read as follows:

Lands added to forest reserve from Uintah Indian Reservation.

Beginning at the north-west corner of Township one (1) South, Range seven (7) East, Salt Lake Meridian, Utah; thence easterly along the Base Line to the south-west corner of Township one (1) North, Range nine (9) East; thence northerly to the north-west corner of said township; thence easterly to the south-west corner of Township two (2) North, Range fourteen (14) East; thence northerly to the north-west corner of said township; thence easterly to the middle of the channel of the Green River; thence in a general south-easterly direction along the middle of the channel of said river to the range line between Ranges twenty-two (22) and twenty-three (23) East; thence southerly along the range line, allowing for the proper offset on the Base Line, to the south-east corner of Township two (2) South, Range twenty-two (22) East; thence westerly to the north-west corner of Township three (3) South, Range nineteen (19) East; thence southerly to the eastern boundary of the Uintah Indian Reservation; thence north-westerly along said Indian reservation boundary to the section line between Sections twenty-one (21) and twenty-eight (28), Township two (2) North, Range one (1) East, Uintah Meridian; thence westerly to the south-west corner of Section nineteen (19), Township two (2) North, Range one (1) West; thence northerly to the south-east corner of Section thirteen (13), Township two (2) North, Range two (2) West; thence westerly to the south-west corner of said section; thence northerly to the north-west corner of Section twelve (12), said township; thence westerly to the south-west corner of Section four (4), said township; thence northerly to the north-west corner of said section; thence westerly to the north-east corner of Section four (4), Township two (2) North, Range three (3) West; thence southerly to the south-east

Description.

Uintah Forest Reserve—Continued.

corner of Section thirty-three (33), said township; thence westerly to the north-east corner of Township one (1) North, Range six (6) West; thence southerly to the south-east corner of Section thirteen (13), said township; thence westerly to the south-west corner of said section; thence northerly to the north-west corner of said section; thence westerly to the south-west corner of Section eleven (11), said township; thence northerly to the north-west corner of said section; thence westerly to the north-east corner of Section eight (8), said township; thence southerly to the south-east corner of Section seventeen (17), said township; thence westerly to the north-east corner of Section twenty-one (21), Township one (1) North, Range nine (9) West; thence southerly to the south-east corner of said section; thence westerly to the south-west corner of Section nineteen (19), said township; thence southerly along the range line, allowing for the proper offset on the Base Line, to the north-west corner of Section eighteen (18), Township one (1) South, Range nine (9) West; thence easterly to the north-east corner of Section sixteen (16), Township one (1), South, Range eight (8) West; thence southerly to the south-east corner of Section thirty-three (33), said township; thence westerly to the north-east corner of Section four (4), Township two (2) South, Range ten (10) West; thence southerly to the south-east corner of Section sixteen (16), said township; thence westerly to the south-west corner of Section eighteen (18), said township; thence southerly to the south-east corner of Township two (2) South, Range eleven (11) West; thence westerly to the south-west corner of Section thirty-three (33), said township; thence northerly to the south-east corner of Section twenty (20), said township; thence westerly to the south-west corner of said section; thence northerly to the south-east corner of Section seven (7), said township; thence westerly to the south-west corner of said section; thence northerly to the north-west corner of said township; thence westerly to the north-east corner of fractional Section four (4), Township two (2) South, Range twelve (12) West; thence southerly to the south-east corner of Section thirty-three (33), said township; thence easterly to the north-east corner of Section three (3), Township three (3) South, Range twelve (12) West; thence southerly to the south-east corner of said section; thence easterly to the north-east corner of Section eleven (11), said township; thence southerly to the south-east corner of said section; thence easterly to the north-east corner of Section thirteen (13), said township; thence southerly to the south-east corner of Township four (4) South, Range twelve (12) West; thence easterly to the south-west corner of Section thirty-three (33), Township four (4) South, Range eleven (11) West; thence northerly to the north-west corner of said section; thence easterly to the south-west corner of Section twenty-five (25), said township; thence northerly to the north-west corner of said section; thence easterly to the north-east corner of Section thirty (30), Township four (4) South, Range ten (10) West; thence southerly to the south-east corner of Section thirty-one (31), said township; thence easterly to the south-west corner of Township four (4) South, Range nine (9) West; thence northerly to the north-west corner of Section thirty (30), said township; thence easterly to the north-east corner of Section twenty-five (25), said township; thence southerly to the south-east corner of said township; thence easterly to the north-east corner of Section five (5), Township five (5) South, Range eight (8) West; thence southerly to the south-east corner of Section seventeen (17), said township; thence westerly to the south-west corner of Section eighteen (18), said township; thence southerly to the south-east corner of Section twenty-four (24), Township five (5) South, Range nine (9) West; thence westerly to the north-east corner of Section

twenty-eight (28), said township; thence southerly to the south-east corner of said section; thence westerly to the south-west corner of Section twenty-nine (29), said township; thence southerly to the north-west corner of Section twenty-nine (29), Township six (6) South, Range nine (9) West; thence easterly to the south-west corner of Section twenty-one (21), Township six (6) South, Range eight (8) West; thence northerly to the north-west corner of Section four (4), said township; thence easterly to the eastern boundary of the Uintah Indian Reservation; thence in a general south-westerly and north-westerly direction along said Indian reservation boundary to the range line between Ranges six (6) and seven (7) East, Salt Lake Meridian; thence northerly to the north-west corner of Township one (1) South, Range seven (7) East, the place of beginning; such of the above-named corners as have not been established by the official surveys being intended to be located at the points where such corners would fall in projecting the surveys in the directions indicated without allowing for any irregularities which may occur in actually extending the surveys;

Excepting from the force and effect of this proclamation all lands which may have been, prior to the date hereof, embraced in any legal entry or covered by any lawful filing duly of record in the proper United States Land Office, or upon which any valid settlement has been made pursuant to law, and the statutory period within which to make entry or filing of record has not expired: *Provided*, that this exception shall not continue to apply to any particular tract of land unless the entryman, settler or claimant continues to comply with the law under which the entry, filing or settlement was made.

Warning is hereby expressly given to all persons not to make settlement upon the lands reserved by this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 14th day of July, in the year of our Lord one thousand nine hundred and five, and of [SEAL.] the Independence of the United States the one hundred and thirtieth.

THEODORE ROOSEVELT

By the President:

ALVEY A. ADEE
Acting Secretary of State.

Lands excepted.

Reserved from settlement.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it was provided by the Act of Congress, approved May 27, A. D., 1902 (32 Stat., 263), among other things, that on October first, 1903, the unallotted lands in the Uintah Indian Reservation, in the State of Utah, "shall be restored to the public domain: *Provided*, That persons entering any of said lands under the homestead laws shall pay therefor at the rate of one dollar and twenty-five cents per acre".

And, whereas, the time for the opening of said unallotted lands was extended to October 1, 1904, by the Act of Congress approved March 3, 1903 (32 Stat., 998), and was extended to March 10, 1905, by the Act of Congress approved April 21, 1904 (33 Stat., 207), and was again extended to not later than September 1, 1905, by the Act of Congress, approved March 3, 1905 (33 Stat., 1069), which last named act provided, among other things:

That the said unallotted lands, excepting such tracts as may have been set aside as national forest reserve, and such mineral lands as were disposed of by

July 14, 1905.

Proclamations.
34 Stat., Part 3, 3119.

Uintah Indian Res-
ervation, Utah.
Preamble.
32 Stat., 263.

32 Stat., 998.

33 Stat., 207.

33 Stat., 1069.

the Act of Congress of May twenty-seventh, nineteen hundred and two, shall be disposed of under the general provisions of the homestead and townsite laws of the United States, and shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof; and no person shall be permitted to settle upon, occupy, or enter any of said lands, except as prescribed in said proclamation, until after the expiration of sixty days from the time when the same are thereby opened to settlement and entry: Provided, That the rights of honorably discharged Union soldiers and sailors of the late civil and Spanish war or Philippine insurrection as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes, as amended by the Act of March first, nineteen hundred and one, shall not be abridged.

Unallotted lands on reservation opened to entry, etc., Aug. 28, 1905.

Now, therefore, I, Theodore Roosevelt, President of the United States of America, by virtue of the power in me vested by said Acts of Congress, do hereby declare and make known that all the unallotted lands in said reservation, excepting such as have at that time been reserved for military, forestry and other purposes, and such mineral lands as may have been disposed of under existing laws, will on and after the 28th day of August, 1905, in the manner hereinafter prescribed, and not otherwise, be opened to entry, settlement and disposition under the general provisions of the homestead and townsite laws of the United States; and it is further directed and prescribed that:

Places of registration.

Commencing at 9 o'clock a. m. Tuesday, August 1, 1905, and ending at 6 o'clock p. m. Saturday, August 12, 1905, a registration will be had at Vernal, Price and Provo, State of Utah, and at Grand Junction, State of Colorado, for the purpose of ascertaining what persons desire to enter, settle upon, and acquire title to any of said lands under the homestead law, and of ascertaining their qualifications so to do.

Applications.

To obtain registration each applicant will be required to show himself duly qualified, by written application to be made only on a blank form provided by the Commissioner of the General Land Office, to make homestead entry of these lands under existing laws, and to give the registering officer such appropriate matters of description and identity as will protect the applicant and the Government against any attempted impersonation. Registration cannot be effected through the use of the mails or the employment of an agent, excepting that honorably discharged soldiers and sailors entitled to the benefits of section 2304 of the Revised Statutes of the United States, as amended by the act of Congress, approved March 1, 1901 (31 Stat., 847), may present their applications for registration and due proofs of their qualifications through an agent of their own selection, having a duly executed power of attorney on a blank form provided by the Commissioner of the General Land Office, but no person will be permitted to act as agent for more than one such soldier or sailor. No person will be permitted to register more than once or in any other than his true name.

R. S., sec. 2304, p. 422.

31 Stat., 847.

Certificate of registration.

Each applicant who shows himself duly qualified will be registered and given a nontransferable certificate to that effect, which will entitle him to go upon and examine the lands to be opened hereunder; but the only purpose for which he can go upon and examine said lands is that of enabling him later on, as herein provided, to understandingly select the lands for which he may make entry. No one will be permitted to make settlement upon any of said lands in advance of the opening herein provided for, and during the first sixty days following said opening no one but registered applicants will be permitted to make homestead settlement upon any of said lands and then only in pursuance of a homestead entry duly allowed by the local land officers, or of a soldier's declaratory statement duly accepted by such officers.

Restrictions.

Drawings.

The order in which, during the first sixty days following the opening, the registered applicants will be permitted to make homestead

entry of the lands opened hereunder, will be determined by a drawing for the district publicly held at Provo, Utah, commencing at 9 o'clock a. m., Thursday, August 17, 1905, and continuing for such period as may be necessary to complete the same. The drawing will be had under the supervision and immediate observance of a committee of three persons whose integrity is such as to make their control of the drawing a guaranty of its fairness. The members of this committee will be appointed by the Secretary of the Interior, who will prescribe suitable compensation for their services. Preparatory to this drawing the registration officers will, at the time of registering each applicant who shows himself duly qualified, make out a card, which must be signed by the applicant, and giving such a description of the applicant as will enable the local land officers to thereafter identify him. This card will be subsequently sealed in a separate envelope which will bear no other distinguishing label or mark than such as may be necessary to show that it is to go into the drawing. These envelopes will be carefully preserved and remain sealed until opened in the course of the drawing herein provided. When the registration is completed, all of these sealed envelopes will be brought together at the place of drawing and turned over to the committee in charge of the drawing, who, in such manner as in their judgment will be attended with entire fairness and equality of opportunity, shall proceed to draw out and open the separate envelopes and to give to each inclosed card a number in the order in which the envelope containing the same is drawn. The result of the drawing will be certified by the committee to the officers of the district and will determine the order in which the applicants may make homestead entry of said lands and settlement thereon.

Notice of the drawings, stating the name of each applicant and number assigned to him by the drawing, will be posted each day at the place of drawing, and each applicant will be notified of his number, and of the day upon which he must make his entry, by a postal card mailed to him at the address given by him at the time of registration. The result of each day's drawing will also be given to the press to be published as a matter of news. Applications for homestead entry of said lands during the first sixty days following the opening can be made only by registered applicants and in the order established by the drawing.

Notice.

Commencing on Monday, August 28, 1905, at 9 o'clock a. m., the applications of those drawing numbers 1 to 50, inclusive, must be presented at the land office in the town of Vernal, Utah, in the land district in which said lands are situated, and will be considered in their numerical order during the first day, and the applications of those drawing numbers 51 to 100, inclusive, must be presented and will be considered in their numerical order during the second day, and so on at that rate until all of said lands subject to entry under the homestead law, and desired thereunder, have been entered. If any applicant fails to appear and present his application for entry when the number assigned to him by the drawing is reached, his right to enter will be passed until after the other applications assigned for that day have been disposed of, when he will be given another opportunity to make entry, failing in which he will be deemed to have abandoned his right to make entry under such drawing.

Applications.

To obtain the allowance of a homestead entry, each applicant must personally present the certificate of registration theretofore issued to him, together with a regular homestead application and the necessary accompanying proofs, together with the regular land office fees, but an honorably discharged soldier or sailor may file his declaratory statement through his agent, who can represent but one soldier or sailor as in the matter of registration.

Certificates of registration.

Payments.

Persons who make homestead entry for any of these lands will be required to pay therefor at the rate of one dollar and twenty-five cents per acre when they make final proof, but no payment, other than the usual fees and commissions will be required at the time the entry is made.

Nonmineral affidavits.

Persons who apply to make entry of these lands prior to October 27, 1905, will not be required to file the usual nonmineral affidavit with their applications to enter, but such affidavit must be filed before final proof is accepted under their entries; but all persons who make entry after that date will be required to file that affidavit with their applications to enter.

Entries.

The production of the certificate of registration will be dispensed with only upon satisfactory proof of its loss or destruction. If at the time of considering his regular application for entry it appear that an applicant is disqualified from making homestead entry of these lands, his application will be rejected, notwithstanding his prior registration. If any applicant shall register more than once hereunder, or in any other than his true name, or shall transfer his registration certificate, he will thereby lose all the benefits of the registration and drawing herein provided for, and will be precluded from entering or settling upon any of said lands during the first sixty days following said opening.

Townsites.

Any person or persons desiring to found, or to suggest establishing, a townsite upon any of the said lands, at any point, may, at any time before the opening herein provided for, file in the land office a written application to that effect, describing by legal subdivisions the lands intended to be affected, and stating fully and under oath the necessity or propriety of founding or establishing a town at that place. The local officers will forthwith transmit said petition to the Commissioner of the General Land Office with their recommendation in the premises. Such Commissioner, if he believes the public interests will be subserved thereby, will, if the Secretary of the Interior approve thereof, issue an order withdrawing the lands described in such petition, or any portion thereof, from homestead entry and settlement and directing that the same be held for the time being for disposal under the townsite laws of the United States in such manner as the Secretary of the Interior may from time to time direct; and, if at any time after such withdrawal has been made it is determined that the lands so withdrawn are not needed for townsite purposes they may be released from such withdrawal and then disposed of under the general provisions of the homestead laws in the manner prescribed herein.

Entry of undisposed-of lands.

All persons are especially admonished that under the said act of Congress approved March 3, 1905, it is provided that no person shall be permitted to settle upon, occupy, or enter any of said lands except in the manner prescribed in this proclamation until after the expiration of sixty days from the time when the same are opened to settlement and entry. After the expiration of the said period of sixty days, but not before, as hereinbefore prescribed, any of said lands remaining undisposed of may be settled upon, occupied, and entered under the general provisions of the homestead and townsite laws of the United States in like manner as if the manner of effecting such settlement, occupancy, and entry had not been prescribed herein in obedience to law.

Regulations.

The Secretary of the Interior shall prescribe all needful rules and regulations necessary to carry into full effect the opening herein provided for.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this 14th July, in the year of our Lord 1905, and of the Independence of the United States [SEAL.] the one hundred and thirtieth.

THEODORE ROOSEVELT

By the President:

ALVEY A. ADEE
Acting Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION

Whereas, on June 7, 1905, the Secretary of the Interior directed the Commissioner of Indian Affairs to cause to be selected, by the Uintah Allotment Commission, one or more tracts of land, suitable for townsite purposes, in the Uintah Indian Reservation Lands, State of Utah, to the end that the same might be reserved under the provisions of section 2380 of the Revised Statutes of the United States;

And whereas, on July 6, 1905, the Acting Commissioner of Indian Affairs reported that said commission had selected, as suitable for townsite purposes and as natural and prospective centers of population, certain described lands which he recommended be reserved under the provisions of said section 2380;

And whereas, on July 7, and 27, 1905, the Department of the Interior approved said selection and recommendation so far as it related to the following described lands in the Uintah land district, Utah, and has requested that they be reserved for townsites to be created under existing statute, to-wit:

Lots four, six, and seven, the southwest quarter of the northeast quarter, the south half of the northwest quarter, the southwest quarter, and the west half of the southeast quarter of section twenty-five, lot two, the southeast quarter of the northeast quarter, and the east half of the southeast quarter of section twenty-six, in township three south of range two west of the Uintah special meridian;

Also the southwest quarter of the southeast quarter of section thirty-six, in township three south of range five west, the north half, and the north half of the south half of section one, the east half of the northeast quarter, and the northeast quarter of the southeast quarter of section two, in township four south of range five west of the Uintah special meridian.

And also the south half of the northeast quarter, the southeast quarter, and the southeast quarter of the southwest quarter of section seven, and the northeast quarter of the northwest quarter of section eighteen, in township three south of range two east of the Uintah special meridian;

Now therefore, I, Theodore Roosevelt, President of the United States, by virtue of the power in me vested by sections 2380 and 2381 of the Revised Statutes of the United States, do hereby declare and make known that said lands are hereby reserved as townsites, to be disposed of by the United States under the terms of the statutes applicable thereto.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 31st day of July in the year of our Lord one thousand nine hundred and five, and of [SEAL.] the Independence of the United States the one hundred and thirtieth.

T. ROOSEVELT

By the President:

ALVEY A. ADEE
Acting Secretary of State.

July 31, 1905.

Proclamations.
34 Stat., Part 3, 3139.
Uintah Indian Reservation, Utah.
Preamble.

R. S., sec. 2380, p. 436.

Lands designated for townsites.

Townsites reserved.
R. S., secs. 2380, 2381, p. 436.

Aug. 2, 1905.

Proclamations.
34 Stat., Part 3, 3140.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Uintah Indian Res-
ervation, Utah.
Preamble.

WHEREAS, it was declared in my proclamation of July 14, in the year of our Lord 1905, prescribing the manner in which certain lands within the Uintah Indian Reservation should be opened to settlement and entry under the homestead and townsite laws of the United States, among other things as follows:

Commencing on Monday, August 28, 1905, at 9 o'clock a. m., the applications of those drawing numbers 1 to 50, inclusive, must be presented at the land office in the town of Vernal, Utah, in the land district in which said lands are situated, and will be considered in their numerical order during the first day, and the applications of those drawing numbers 51 to 100, inclusive, must be presented and will be considered in their numerical order during the second day, and so on at that rate until all of said lands subject to entry under the homestead law, and desired thereunder, have been entered. If any applicant fails to appear and present his application for entry when the number assigned to him by the drawing is reached, his right to enter will be passed until after the other applications assigned for that day have been disposed of, when he will be given another opportunity to make entry, failing in which he will be deemed to have abandoned his right to make entry under such drawing.

And, whereas, there now appear to be ample reasons for a modification of said provision;

Modifying provisions
for drawings.

Now therefore, I, Theodore Roosevelt, President of the United States of America, by virtue of the power in me vested by said act of Congress, and for the purpose of modifying the provision of said proclamation above quoted, do hereby declare and direct that said provision be modified to read as follows:

Commencing on Monday, August 28, 1905, at 9 o'clock a. m., the applications of those drawing numbers 1 to 111, inclusive, must be presented at the land office in the town of Vernal, Utah, in the land district in which said lands are situated, and will be considered in their numerical order during the first day, and the applications of those drawing numbers 112 to 222, inclusive, must be presented and will be considered in their numerical order during the second day, and so on at that rate until all of said lands subject to entry under the homestead law, and desired thereunder, have been entered. If any applicant fails to appear and present his application for entry when the number assigned to him by the drawing is reached, his right to enter will be passed until after the other applications assigned for that day have been disposed of, when he will be given another opportunity to make entry, failing in which he will be deemed to have abandoned his right to make entry under such drawing.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this 2d day of August,
[SEAL.] in the year of our Lord 1905, and of the Independence of
the United States the one hundred and thirtieth.

T. ROOSEVELT

By the President:

ALVEY A. ADEE

Acting Secretary of State.

Aug. 3, 1905.

Proclamations.
34 Stat., Part 3, 3141.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Uintah Indian Res-
ervation, Utah.
Preamble.
33 Stat., Part I, 1070.

WHEREAS, it is provided by the act of Congress approved March 3, 1905, entitled, "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, nineteen hundred and six, and for other purposes",

that "Before the opening of the Uintah Indian Reservation, the President is hereby authorized to set apart and reserve any reservoir site or other lands necessary to conserve the water supply for the Indians or for general agricultural development, and may confirm such rights and water thereon as have already accrued";

And whereas, it is considered necessary to serve the purposes of the act referred to that certain lands in the Uintah Indian Reservation be withdrawn for the purposes indicated;

Now therefore, I, Theodore Roosevelt, President of the United States, by virtue of the power in me vested by the aforesaid act of Congress, approved March third, nineteen hundred and five, do hereby make known and proclaim that certain lands in the Uintah Indian Reservation are hereby withdrawn from disposal, for reservoir site necessary to conserve the water supply for the Indians, or for general agricultural development, the following described lands:

Lands reserved for
Indians.

AGRICULTURAL:

Agricultural lands.

All Sections thirty-two (32), thirty-three (33) and thirty-four (34) Township one (1) South, Range five (5) West; all Sections two (2), three (3), four (4), ten (10), eleven (11), twelve (12), thirteen (13), fourteen (14), fifteen (15), south half of Section sixteen (16), south-west quarter of Section seventeen (17), and all Sections eighteen (18) to thirty-six (36) inclusive, Township two (2) South, Range one (1) West; south half of north-east quarter, south half of north-west quarter, south-west quarter and south-east quarter of Section twenty-five (25), south half of north-east quarter, south half of north-west quarter, south-west quarter and south-east quarter of Section twenty-six (26), north-east quarter, north-west quarter, north half of south-west quarter and north half of south-east quarter of Section thirty-five (35), and all of Section thirty-six (36), Township two (2) South, Range three (3) West; all Sections three (3) to eleven (11), inclusive, all Sections fourteen (14) to thirty-two (32), inclusive, and west half of Section thirty-three (33), Township two (2) South, Range four (4) West; all Sections one (1), two (2), three (3), four (4); nine (9); ten (10), eleven (11), and north half of Section sixteen (16), Township two (2) South, Range five (5) West; south half of north-east quarter, north-west quarter, south-east quarter, south-west quarter of Section three (3), all Section four (4), five (5), six (6), seven (7), eight (8), and west half of Section nine (9), Township three (3) South, Range one (1) West; all Sections one (1), two (2), three (3), four (4) and five (5), east half of north-east quarter, south half of south-east quarter, and south-west quarter of Section six (6), north half of Section seven (7), north half of Section eight (8), all Sections nine (9), ten (10), eleven (11) and twelve (12), Township three (3) South, Range two (2) West; south half of section one (1) and all Section eighteen (18), Township three (3) South, Range three (3), West; all Sections three (3), four (4), five (5), six (6), seven (7), eight (8), nine (9), ten (10), Sections thirteen (13) to twenty-three (23), inclusive, Township three (3) South, Range four (4) West; west half of north-east quarter, north-west quarter, west half of south-east quarter, south-west quarter of Section seventeen (17), and all Sections eighteen (18) and nineteen (19), Township two (2) South, Range one (1) East; south-east quarter, south half of south-west quarter of Section twenty-three (23), south-east quarter and south half of south-west quarter of Section twenty-four (24), and all Sections twenty-five (25), twenty-six (26) and thirty-six (36), Township three (3) South, Range one (1) East; all Sections twenty-nine (29), thirty-one (31) and thirty-two

(32), south half of Section thirty (30) and west half of Section thirty-three (33), Township three (3) South, Range two (2) East; all Sections four (4), five (5) and nine (9), west half of Section ten (10), all Section fifteen (15), east half of Section sixteen (16), north half of Section twenty-two (22), north-west quarter, south-west quarter and south-east quarter of Section twenty-three (23), north-west quarter of Section twenty-five (25) and north-east quarter of Section twenty-six (26), Township four (4) South, Range two (2) east; all Sections twenty-five (25), twenty-six (26), twenty-seven (27), twenty-eight (28), South half of Section twenty-nine (29), south half of Section thirty (30), and all Sections thirty-one (31) to thirty-six (36), inclusive, Township two (2) South, Range two (2) West; all Uintah Special Meridian.

Reservoir site.

RESERVOIR.

All Section eighteen (18), Township two (2) North, Range five (5) West; west half of north-west quarter, and north-west quarter of south-west quarter of Section six (6), east half of Section twelve (12), north-east quarter of Section thirteen (13), Township two (2) North, Range six (6) West; east half of Section one (1), Township two (2) North, Range seven (7) West; south-west quarter of Section thirty-one (31), Township three (3) North, Range six (6) West; all of Township two (2) South, Range eleven (11) West; all of Township three (3) South, Range eleven (11) West; all of Township four (4) South, Range eleven (11) West; all of Township two (2) South, Range twelve (12) West; all of Township three (3) South, Range twelve (12) West; all of Township four (4) South, Range twelve (12) West; north-east quarter, east half of north-west quarter, east half of south-west quarter, north half of south-east quarter and south-east quarter of south-east quarter of Section twenty-one (21), Lots three (3) and four (4), Section twenty-two (22), Lots one (1) and two (2) of Section twenty-seven (27), east half of north-east quarter, south-west quarter of north-east quarter, and east half of north-west quarter of Section twenty-eight (28), Township two (2) South, Range one (1) East; all Uintah Special Meridian.

Reserved from settlement.

Warning is expressly given to all persons not to make settlement upon the lands reserved by this Proclamation.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this 3d day of August in the year of our Lord one thousand nine hundred and five, and of [SEAL.] the Independence of the United States the one hundred and thirtieth.

THEODORE ROOSEVELT

By the President:

ALVEY A. ADEE

Acting Secretary of State.

Aug. 14, 1905.

Proclamations.
34 Stat., Part 3, 3142.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA,

A PROCLAMATION.

Uintah Indian Reservation, Utah.
Preamble.
Lands designated for townsites.

WHEREAS, it is believed that the following described lands, to-wit:

Lots three, five, and eight, of section twenty-five, and lot one of section twenty-six, in township three south, of range two west of the Uintah special meridian; and also the southwest quarter of southwest

quarter of section nineteen, the northwest quarter of section twenty-nine, and the north half of section thirty, in township three south, of range one west of the Uintah special meridian, in the State of Utah, situate adjacent to other lands in said reservation which were reserved by my proclamation of July 31, in the year of our Lord 1905, are natural and prospective centers of population: 34 Stat., 153.

Now therefore, I, Theodore Roosevelt, President of the United States of America, by virtue of the power in me vested by the act of Congress, entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling the treaty stipulations with various Indian tribes for the fiscal year ending June thirty, nineteen hundred and six, and for other purposes," approved March 3, 1905, and by sections 2380 and 2381 of the Revised Statutes of the United States, do hereby declare and make known that the lands above described are hereby reserved as townsites, to be disposed of by the United States under the terms of the Statutes applicable thereto, in connection with other lands reserved for that purpose by my said proclamation of July 31, 1905. Additional townsites reserved. 33 Stat., 1069.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed. R. S. secs. 2380, 2381, p. 436.

Done at the city of Washington, this fourteenth day of August, in the year of our Lord one thousand nine hundred and [SEAL.] five, and of the Independence of the United States the one hundred and thirtieth. 34 Stat., 153.

T. ROOSEVELT

By the President:

ALVEY A. ADEE
Acting Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

Aug. 14, 1905.

Proclamations
34 Stat., Part 3, 3143.

A PROCLAMATION.

WHEREAS, it has been determined that only that portion of the lands reserved by my proclamation of August 3, 1905, hereinafter described, situated in the Uintah Indian Reservation, in the State of Utah, is required for reservoir sites and to conserve and protect the water supply for the purposes specified in the act of Congress approved March 3, 1905 (33 Stat., 1070), to-wit: Uintah Indian Reservation, Utah. Preamble. 34 Stat., 156.

All of sections eighteen (18), nineteen (19), twenty-nine (29), thirty (30), thirty-one (31), and thirty-two (32), in Township two (2) South, Range eleven (11) West; all of Township three (3) South, Range eleven (11) West; all of sections one (1), to and including section twenty-four (24), and all of sections twenty-six to and including section thirty-two (32), in Township four (4) South, Range eleven (11) West; all of sections one (1), two (2), three (3), ten (10), eleven (11), twelve (12), thirteen (13), fourteen (14), fifteen (15), twenty-two (22), twenty-three (23), twenty-four (24), twenty-five (25), twenty-six (26), twenty-seven (27), thirty-four (34), thirty-five (35), and thirty-six (36), in Township two (2) South, Range twelve (12) West; and all of sections one (1), two (2), and twelve (12), in Township three (3) South, Range twelve (12) West; all in Uintah Special Meridian. 33 Stat., 1070. Reservoir site reduced.

Now therefore, I, Theodore Roosevelt, President of the United States of America, by virtue of the power in me vested by said act, do hereby make known and proclaim that all lands embraced in my said proclamation of August 3, 1905, saving and excepting those hereinbefore described, are hereby excluded and withdrawn from the Lands withdrawn from reservoir site restored to former status.

effects of said proclamation and are hereby restored to the status they occupied prior to their reservation for said purposes.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this fourteenth day of August, in the year of our Lord one thousand nine hundred and five, [SEAL.] and of the Independence of the United States the one hundred and thirtieth.

T. ROOSEVELT

By the President:

ALVEY A. ADEE
Acting Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

May 24, 1906.
Proclamations.
34 Stat., Part 3, 3200.

Crow Indian Reser-
vation, Mont.
Preamble.
33 Stat., Part I, 352.

WHEREAS, By an agreement between the Indians of the Crow Indian Reservation in Montana, on the one part, and Benjamin F. Barge, James H. McNeely, and Charles G. Hoyt, Commissioners on behalf of the United States, on the other part, amended and ratified by Act of Congress approved April twenty-seven, nineteen hundred and four (33 Stat., 352), said Indians ceded, granted, and relinquished to the United States all their right, title, and interest in and to the unallotted lands within the following boundaries, to wit:

Lands ceded.

Beginning at the northeast corner of the said Crow Indian Reservation; thence running due south to a point lying due east of the northeast corner of the Fort Custer military reservation; thence running due west to the northwest corner of said Fort Custer military reservation; thence due south to the southwest corner of said Fort Custer military reservation; thence due west to the intersection of the line between sections ten and eleven, township two south, range twenty-eight east of the Principal Meridian of Montana; thence due north to the intersection of the Montana base line; thence due west to the intersection of the western boundary of the Crow Indian Reservation; thence in a northeasterly direction following the present boundary of said reservation to the point of beginning;

Lands to be sold sub-
ject to homestead, town-
site, etc., laws.
32 Stat., 383.

AND, WHEREAS, Under the Act of Congress ratifying said agreement, among other things, it was provided:

That the unallotted lands, except such lands as may have been withdrawn for reclamation under the act of June seventeen, nineteen hundred and two (32 Stat., 388), and such tracts as may have been reserved for thirty days after the date of opening as subject to the preference right of entry of the purchasers of the improvements of the former Indian claimants thereon, and except sections sixteen and thirty-six, or lands selected in lieu thereof, which are reserved for common school purposes and are granted to the State of Montana for such purposes, shall be disposed of under the homestead, townsite, and mineral land laws of the United States, and shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the manner in which the lands may be settled upon, occupied, and entered by persons entitled to make entry thereof; and no person shall be permitted to settle upon, occupy, or enter any of said lands, except as prescribed in such proclamation, until after the expiration of sixty days from the time when the same are open to settlement and entry: *Provided*, That as to the lands opened under such proclamation, all rights of honorably discharged Union soldiers and sailors of the late Civil and the Spanish war, or the Philippine insurrection, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes, as amended by the act of March first, nineteen hundred and one (31 Stat., 847), shall not be abridged;

Proviso.
Proclamation open-
ing lands to settlement.

Proviso.
Soldiers' and sailors'
not affected.
R. S., secs. 2304, 2305,
p. 422;
31 Stat., 847.

NOW, THEREFORE, I, THEODORE ROOSEVELT, President of the United States, by virtue of the power vested in me by the said act of Congress, do hereby declare and make known that all of the unallotted lands in said reservation, except such as may at that time have been withdrawn for reclamation under said act of June seventeenth, nineteen hundred and two, and such lands as may have been reserved as subject to the preference right of entry of the purchasers of the improvements of the former Indian claimants thereon, and except sections sixteen and thirty-six, or lands selected in lieu thereof, which are reserved for common school purposes for the State of Montana, will, on and after the sixteenth day of July, nineteen hundred and six, in the manner hereinafter prescribed, and not otherwise, be opened to settlement, entry, and disposition under the general provisions of the homestead, townsite, and mineral land laws of the United States.

Ceded lands open to settlement.

Open to entry July 16, 1906.

And it is further provided that, commencing at 9 o'clock a. m. on Thursday, June 14, 1906, and ending at 6 o'clock p. m., Thursday, June 28, 1906, a registration will be held at Miles City and Billings, State of Montana, and Sheridan, State of Wyoming, for the purpose of ascertaining what persons desire to enter, settle upon, and acquire title to any of said ceded lands under the homestead law, and of ascertaining their qualifications so to do. To obtain registration each applicant will be required to show himself duly qualified to make homestead entry of these lands under existing laws, by written application to be made on a blank furnished only at the places herein designated for the registration, by the Commissioner of the General Land Office, and to give the registering officers such appropriate matters of description and identity as will protect the applicant and the government against any attempted impersonation. Registration can not be effected through the use of the mails or the employment of an agent, except that honorably discharged soldiers and sailors entitled to the benefits of section twenty-three hundred and four of the Revised Statutes of the United States, as amended by the act of Congress approved March first, nineteen hundred and one (31 Stat., 847), may present their applications for registration and due proofs of their qualifications through an agent of their own selection, having a duly executed power of attorney on a blank furnished by the Commissioner of the General Land Office, but no person will be permitted to act as agent for more than one such soldier or sailor. No person will be permitted to register more than once or in any other than his true name.

Registration.

R. S., sec. 2304, p. 422.
31 Stat., 847.

Each applicant who shows himself duly qualified will be registered and given a nontransferable certificate to that effect, which will entitle him to go upon and examine the lands to be opened hereunder; but the only purpose for which he can go upon and examine said lands is that of enabling him later on, as herein provided, to understandingly select the lands for which he may make entry. No one will be permitted to make settlement upon any of said lands in advance of the opening herein provided for, and during the first sixty days following said opening no one but registered applicants will be permitted to make homestead settlement upon any of said lands, and then only in pursuance of a homestead entry duly allowed by the local land officers, or of a soldier's declaratory statement duly accepted by such officers.

Applicants.

The order in which during the first sixty days following the opening, the registered applicants will be permitted to make homestead entry of the lands opened hereunder, will be determined by a drawing for the district publicly held at Billings, Montana, commencing at 9 o'clock a. m., Monday, July 2, 1906, and continuing for such period as may be necessary to complete the same. The drawing will be had under the supervision and immediate observance of a committee of

Drawings.

three persons whose integrity is such as to make their control of the drawing a guaranty of fairness. The members of this committee will be appointed by the Secretary of the Interior, who will prescribe suitable compensation for their services. Preparatory to this drawing the registration officers will, at the time of registering each applicant who shows himself duly qualified, make out a card, which must be signed by the applicant, and giving such a description of the applicant as will enable the local land officers to thereafter identify him. This card will be subsequently sealed in a separate envelope which will bear no other distinguishing label or mark than such as may be necessary to show that it is to go into the drawing. These envelopes will be carefully preserved and remain sealed until opened in the course of the drawing herein provided. When the registration is completed all of these sealed envelopes will be brought together at the place of the drawing and turned over to the committee in charge of the drawing, who, in such manner as in their judgment will be attended with entire fairness and equality of opportunity, shall proceed to draw out and open the separate envelopes and to give to each inclosed card a number in the order in which the envelope containing the same is drawn. The result of the drawing will be certified by the committee to the officers of the district and will determine the order in which the applicants may make homestead entry of said lands and settlement thereon.

Notice of drawings.

Notice of the drawings, stating the name of each applicant and number assigned to him by the drawing, will be posted each day at the place of drawing, and each applicant will be notified of his number and of the day upon which he must make his entry by a postal card mailed to him at the address given by him at the time of registration. The result of each day's drawing will also be given to the press to be published as a matter of news. Applications for homestead entry of said lands during the first sixty days following the opening can be made only by registered applicants and in the order established by the drawing.

How applications will be considered.

Commencing on Monday, July 16, 1906, at 9 o'clock a. m., the applications of those drawings numbers 1 to 125, inclusive, must be presented at the land office in Billings, Montana, in the land district in which said lands are situated, and will be considered in their numerical order during the first day, and the applications of those drawing numbers 126 to 250, inclusive, must be presented and will be considered in their numerical order during the second day, and so on at that rate until all of said lands subject to entry under the homestead law, and desired thereunder, have been entered. If any applicant fails to appear and present his application for entry when the number assigned to him by the drawing is reached, his right to enter will be passed until after the other applications assigned for that day have been disposed of, when he will be given another opportunity to make entry, failing in which he will be deemed to have abandoned his right to make entry under such drawing.

Certificates of registration.

To obtain the allowance of a homestead entry, each applicant must personally present the certificate of registration theretofore issued to him, together with a regular application and the necessary accompanying proofs, together with the regular land office fees, but an honorably discharged soldier or sailor may file his declaratory statement through his agent, who can represent but one soldier or sailor as in the matter of registration.

Payments.

Persons who make homestead entry for any of the ceded lands will be required to pay four dollars per acre, payment in all cases to be made as follows: One dollar per acre at the time of entry, and the remainder to be paid in four equal, annual installments, the first installment to be paid at the end of the second year. Upon all entries the usual fee and commissions shall be paid, as provided for in the

homestead laws on lands the price of which is one dollar and twenty-five cents per acre.

In case any entryman fails to make the payments herein provided for, or any of them, promptly when due, all rights in and to the lands covered by his or her entry shall at once cease, and any payments theretofore made shall be forfeited, and the entry shall be held for cancellation and canceled, and the land embraced therein shall thereupon be subject to entry at the price and upon the terms above set forth. Lands entered under the town-site and mineral land laws shall be paid for in amount and manner as provided by said laws, but in no case at a less price than that fixed for such lands if entered under the homestead laws.

Forfeiture.

The production of the certificate of registration will be dispensed with only upon satisfactory proof of its loss or destruction. If at the time of considering his regular application for entry it appears that an applicant is disqualified from making homestead entry of these lands, his application will be rejected, notwithstanding his prior registration. If any applicant shall register more than once hereunder, or in any other than his true name, or shall transfer his registration certificate, he will thereby lose all the benefits of the registration and drawing herein provided for, and will be precluded from entering or settling upon any of said lands during the first sixty days following said opening.

Rejection of application.

Any person or persons desiring to found, or to suggest establishing, a town site upon any of the said lands, at any point, may, at any time before the opening herein provided for, file in the land office a written application to that effect, describing by legal subdivisions the lands intended to be affected, and stating fully and under oath the necessity or propriety of founding or establishing a town at that place. The local officers will forthwith transmit said petition to the Commissioner of the General Land Office with their recommendation in the premises. Such Commissioner, if he believes the public interests will be subserved thereby, will, if the Secretary of the Interior approve thereof, issue an order withdrawing the lands described in such petition, or any portion thereof, from homestead entry, and settlement and directing that the same be held for the time being for disposal under the townsite laws of the United States in such manner as the Secretary of the Interior may from time to time direct; and, if at any time after such withdrawal has been made it is determined that the lands so withdrawn are not needed for town site purposes they may be released from such withdrawal and then disposed of under the general provisions of the homestead laws in the manner prescribed herein.

Town sites.

All persons are especially admonished that under the said act of Congress approved March 3, 1905, it is provided that no person shall be permitted to settle upon, occupy, or enter any of said lands, except in the manner prescribed in this proclamation, until after the expiration of sixty days from the time when the same are opened to settlement and entry, and the lands are not subject to mineral exploration or location during that period. After the expiration of said period of sixty days, but not before, as hereinbefore prescribed, any of said lands which are non-mineral, remaining undisposed of, may be settled upon, occupied, and entered under the general provisions of the homestead and townsite laws of the United States in like manner as if the manner of effecting such settlement, occupancy, and entry had not been prescribed herein in obedience to law, and such of said lands as are mineral will then be subject to the provisions of the mining laws.

Disposal of remaining lands.

The Secretary of the Interior shall prescribe all needful rules and regulations necessary to carry into full effect the opening herein provided for.

Regulations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this 24th day of May, in the year of our Lord one thousand nine hundred and six, and of the Independence of the United States the one hundred and thirtieth.

THEODORE ROOSEVELT

By the President:

ELIHU ROOT

Secretary of State.

June 2, 1906.

Proclamations.
34 Stat., Part 3, 3208.

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

Shoshone or Wind
River Reservation,
Wyo.
Preamble.

33 Stat., 1016.
Cession of unallotted
lands in.

Lands excepted.

Opening of lands to
entry.
33 Stat., 1021.

Date of opening.

Time of opening ex-
tended to August 15,
1906.

34 Stat., Part I, 825.

WHEREAS, By an agreement between the Shoshone and Arapahoe tribes of Indians, belonging to the Shoshone or Wind River reservation in the State of Wyoming, on the one part, and James McLaughlin, a United States Indian Inspector, on the other part, amended and ratified by act of Congress approved March third, nineteen hundred and five (33 Stat., 1016), the said Indian tribes ceded, granted, and relinquished to the United States all the right, title, and interest which they may have had to all of the unallotted lands embraced within said reservation, except the lands within and bounded by the following described lines:

Beginning in the midchannel of the Big Wind River at a point where said stream crosses the western boundary of the said reservation; thence in a southeasterly direction following the midchannel of the Big Wind River to its conjunction with the Little Wind or Big Popo-Agie River, near the northeast corner of township one south, range four east; thence up the midchannel of the Big Popo-Agie River in a southwesterly direction to the mouth of the North Fork of the said Big Popo-Agie River; thence up the midchannel of said North Fork of the Big Popo-Agie River to its intersection with the southern boundary of the said reservation, near the southwest corner of section twenty-one, township two south, range one west; thence due west along the said southern boundary of the said reservation to the southwest corner of the same; thence north along the western boundary of said reservation to the place of beginning.

AND, WHEREAS, It was provided by said act of March three, nineteen hundred and five, that said unallotted lands ceded to the United States under said agreement should be disposed of under the provisions of the homestead, townsite, coal and mineral land laws of the United States, and should be opened to settlement and entry by proclamation of the President of the United States on June fifteenth, nineteen hundred and six, which proclamation shall prescribe the manner in which the lands shall be settled upon, occupied, and entered by persons permitted to make entry thereof, and no person shall be permitted to settle upon, occupy or enter said lands except as prescribed in said proclamation, until after the expiration of sixty days from the time when the same are open to settlement and entry; and the rights of honorably discharged soldiers and sailors of the late civil and Spanish wars, 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, as amended by the act of March one, nineteen hundred and one, shall not be abridged;

AND, WHEREAS, The time for the opening of said unallotted lands was extended to the fifteenth day of August, nineteen hundred and six, unless the President shall determine that the same may be opened at an earlier date, by Public Resolution of Congress, approved March twenty-eighth, nineteen hundred and six (Public Resolution No. Twelve);

NOW, THEREFORE, I, THEODORE ROOSEVELT, President of the United States of America, by virtue of the power in me vested by the said Act and Resolution of Congress, do hereby declare and make known that all the unallotted lands in the ceded portion of said reservation, except such as may at that time have been reserved for carrying out the provisions of said amended treaty relative to the rights of Asmus Boysen, allowing him to locate in accordance with the Government surveys not to exceed six hundred and forty acres in the form of a square, of mineral or coal lands in said reservation, and to purchase the same, will, on and after the fifteenth day of August, nineteen hundred and six, in the manner hereinafter prescribed, and not otherwise, be opened to settlement, entry, and disposition under the general provisions of the homestead, townsite, coal, and mineral land laws of the United States.

Ceded lands open to settlement.
33 Stat., Part I, 1020.

And it is further directed and provided that commencing at nine o'clock a. m., on Monday July 16, 1906, and ending at six o'clock p. m., Tuesday, July 31, 1906, a registration will be held at Lander, Shoshoni, and Thermopolis; also, at Worland, provided that the Big Horn Railroad, now in course of construction, shall be completed and doing a passenger traffic to that place on July 16, 1906, for the purpose of ascertaining the names and qualifications of all persons who desire to enter, settle upon, or acquire title to any of said ceded lands under the homestead laws.

Places of registration.

Proviso.
Big Horn Railroad.

To obtain registration for the purpose of making a homestead entry of any of said ceded lands each applicant will be required to show himself duly qualified under the law to make such entry, and this showing must be made by the presentation of a sworn application for registration executed on a blank furnished by the Commissioner of the General Land Office which can be obtained only at the time and places of registration herein mentioned, and each person registering must give the registering officer such appropriate matters of description and identification as will protect the applicant and the Government against any attempted impersonation.

Applicants.

Registration can not be affected through the use of the mails or the employment of an agent, excepting that honorably discharged soldiers and sailors entitled to the benefits of Section twenty-three hundred and four of the Revised Statutes of the United States, as amended by the Act of Congress approved March one, nineteen hundred and one (31 Stat., 847), may present their applications for registration for the purpose of making a homestead entry and make due proof of their qualifications through an agent of their own selection having a duly executed power of attorney on a blank furnished by the Commissioner of the General Land Office, but no person will be permitted to act as agent for more than one soldier or sailor. No person will be permitted to register more than once, nor will he be permitted to register in any other than his true name.

Restrictions on registration.

R. S., sec. 2304, p. 422.

31 Stat., 847.

Each applicant who shows himself duly qualified will be registered and given a non-transferable certificate to that effect, and each person holding such certificate will be entitled to go upon any ceded lands subject to entry hereunder and examine such lands, but the only purpose for which he can go upon and examine such lands is to enable him later on, as herein provided, to understandingly select the lands for which he may make entry.

Certificate of registration.

The order in which during the first sixty days following the opening the registered applicants will be permitted to make homestead entry of lands opened hereunder will be determined by a drawing for the district, held at Lander, Wyoming, commencing at nine o'clock a. m., Saturday, August 4, 1906, and continuing for such period necessary to complete the same. The drawing will be had under the supervision and immediate observance of a committee of three persons

Drawings.

whose integrity is such as to make their control of the drawing a guaranty of its fairness. The members of this committee will be appointed by the Secretary of the Interior, who will prescribe suitable compensation for their services. Preparatory to this drawing the registration officers will, at the time of registering each applicant who shows himself duly qualified, make out a card which must be signed by the applicant, and give such a description of the applicant as will enable the local land officers to thereafter identify him. This card will be subsequently sealed in a separate envelope which will bear no other distinguishing label or mark than such as may be necessary to show that it is to go into the drawing. These envelopes will be carefully preserved and remain sealed until opened in the course of the drawing herein provided. When the registration is completed all of these sealed envelopes will be brought together at the place of drawing and turned over to the committee in charge of the drawing who, in such manner as in their judgment will be attended with entire fairness and equality of opportunity, shall proceed to draw out and open the separate envelopes and to give to each inclosed card a number in the order in which the envelope containing the same is drawn. The result of the drawing will be certified to the officers of the district and will determine the order in which the applicants may make homestead entry of said lands and settlement thereon.

Notice.

Notices of the drawing, stating the name of each applicant and the number assigned to him by the drawing, will be posted each day at the place of the drawing, and each applicant will be notified of his number and the day upon which he must make his entry, by a postal card mailed to him at the address given by him at the time of the registration. The result of each day's drawing will also be given to the press and published as a matter of news. Applications for homestead entry during the sixty days following the opening can be made only by registered applicants and in the order established by the drawing.

Applications.

Commencing August fifteenth, nineteen hundred and six, at nine o'clock a. m., the applications of those persons drawing numbers 1 to 100, inclusive, entitling them to make homestead entries, must be presented at the land office at Lander, Wyoming, in the land district in which the said lands are situated and will be considered in their numerical order during the first day, and the applications of those drawing numbers 101 to 200, inclusive, entitling them to make homestead entries, must be presented and will be considered in their numerical order during the second day, and so on, Sundays excluded, at the rate of 100 such applications per day until and including August twenty-fifth, nineteen hundred and six; on and after August twenty-seventh, nineteen hundred and six, such applications will be considered in like manner at the rate of 120 per day, Sundays excluded, until and including September sixth, nineteen hundred and six; on and after September seventh, nineteen hundred and six, such applications will be considered at the rate of 140 per day, Sundays excluded, until and including September eighteenth, nineteen hundred and six; on and after September nineteenth, nineteen hundred and six, such applications will be considered at the rate of 160 per day, Sundays excluded, until and including September twenty-ninth, nineteen hundred and six; and on and after October one, nineteen hundred and six, such applications will be considered at the rate of 170 per day, Sundays excluded, until and including October thirtieth, nineteen hundred and six, the expiration of the sixty day period.

Failure to present.

If any applicant fails to appear and present his application to make a homestead entry, when the number assigned to him by the drawing is reached, his application to enter will be passed until after

the other applications assigned to that day have been disposed of when he will, on that day be given another opportunity to make entry, and if he fails to do so he will be deemed to have abandoned his right to make entry under such drawing.

To obtain the allowance of a homestead entry each applicant will personally present the certificate of registration theretofore issued to him, together with a regular homestead application and the necessary accompanying proofs, together with the regular land office fees, but an honorably discharged soldier or sailor may file his declaratory statement through his agent, who can represent but one soldier or sailor as in the matter of registration.

The production of the certificate of registration will be dispensed with only upon satisfactory proof of its loss or destruction. If, at the time of considering the regular application to enter, it appears that the applicant is disqualified from making homestead entry on these lands his application will be rejected notwithstanding his prior registration. If any applicant shall register more than once hereunder or in any other than his true name, or shall transfer his registration certificate, he will thereby lose all the benefits of the registration and drawing herein provided for and will be precluded from entering or settling upon any of said lands during the first sixty days following the opening.

Persons who make homestead entries for any of the ceded lands within two years after the opening of the same to entry shall pay one dollar and fifty cents per acre for the lands embraced in their entries and for all of the ceded lands thereafter entered under the homestead laws the sum of one dollar and twenty-five cents per acre shall be paid, payment in all cases to be made as follows:

Fifty cents per acre at the time of making entry and twenty-five cents per acre each year thereafter until the price per acre hereinbefore provided shall have been fully paid. Upon all entries the usual fees and commissions shall be paid as provided for in the homestead laws on lands the price of which is one dollar and twenty-five cents per acre.

In case any entryman fails to make the payments hereinbefore provided for under homestead entries within the time stated, the right of said entryman to the lands covered by his or her entry shall be forfeited and the entry will be canceled.

Any person or persons desiring to found, or to suggest establishing a townsite upon any of the said lands, at any point may, at any time before the opening herein provided for, file in the land office a written application to that effect, describing by legal subdivisions the lands intended to be affected, and stating fully and under oath the necessity or propriety of founding or establishing a town at that place. The local officers will forthwith transmit said petition to the Commissioner of the General Land Office with their recommendations in the premises. Such Commissioner, if he believes the public interests will be subserved thereby will, if the Secretary of the Interior approve thereof, issue an order withdrawing the lands described in such petition, or any portion thereof, from homestead entry and settlement and directing that the same be held for the time being for disposal under the townsite laws of the United States in such manner as the Secretary of the Interior may from time to time direct; and, if at any time after such withdrawal has been made it is determined that the lands so withdrawn are not needed for townsite purposes, they may be released from such withdrawal and then disposed of under the general provisions of the homestead laws in the manner prescribed herein.

The lands entered under the townsite, coal and mineral land laws shall be paid for in amount and manner provided by the laws under

Presentation of registration certificate.

Entries.

Price.

Payments.

Fees.

Forfeiture.

Townsites.

Mineral locations.

which they are entered, and unless entry and payment under mineral locations shall be made within three years from date of location all rights thereunder shall cease.

Entry of undisposed lands.
33 Stat., Part I, 1016.

All persons are especially admonished that under said act of Congress approved March three, nineteen hundred and five, it is provided that no person shall be permitted to settle upon, occupy, or enter any of said lands except in the manner prescribed in this proclamation until after the expiration of sixty days from the time when the same are opened to settlement and entry. After the expiration of said period of sixty days, but not before, as herein prescribed, any of said lands remaining undisposed of may be settled upon, occupied, entered, or located under the general provisions of the homestead, townsite, coal and mineral land laws of the United States in like manner as if the manner affecting such settlement, occupancy, entry, and location had not been prescribed herein in obedience to law.

Regulations.

The Secretary of the Interior shall prescribe all needful rules and regulations necessary to carry into full effect the opening herein provided for.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 2nd day of June in the year of our Lord one thousand nine hundred and six, and of the Independence of the United States the one hundred and thirtieth.

[SEAL.]

THEODORE ROOSEVELT

By the President:

ELIHU ROOT

Secretary of State.

June 6, 1906.

Proclamations.
34 Stat., Part 3, 3214.

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

Uncompahgre Indian Reservation, Utah.
Preamble.
30 Stat., 87.
Unallotted lands open for location, etc.

Whereas, by the act of Congress approved June 7, 1897 (30 Stats., 87) it was provided:

The Secretary is hereby directed to allot agricultural lands in severalty to the Uncompahgre Ute Indians now located upon or belonging to the Uncompahgre Indians Reservation in the State of Utah, said allotments to be upon the Uncompahgre and Uintah Reservations or elsewhere in said State. And all the lands of said Uncompahgre Reservation not theretofore allotted in severalty to said Uncompahgre Utes shall, on and after the first day of April, eighteen hundred and ninety-eight, be open for location and entry under all the land laws of the United States; excepting, however, therefrom all lands containing gilsonite, asphalt, elaterite, or other like substances.

Title to gilsonite, etc., lands reserved.
32 Stat., 998.

And the title to all of the said lands containing gilsonite, asphaltum, elaterite, or other like substances, is reserved to the United States.

And whereas, it is provided by the act of Congress approved March 3, 1903 (32 Stats., 998), entitled "An act making appropriations for the current and contingent expenses of the Indian Department," etc., as follows:

Mining lands located on, prior to January 1, 1891, valid.

That in the lands within the former Uncompahgre Indian Reservation, in the State of Utah, containing gilsonite, asphaltum, elaterite, or other like substances, which were reserved from location and entry by provision in the Act of Congress entitled 'An Act making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes, for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for other purposes,' approved June seventh, eighteen hundred and ninety-seven, all discoveries and locations of any such minerals lands by qualified persons prior to January first, eighteen hundred and ninety-one, not previously discovered and located, who recorded notices of such discoveries and locations prior to January first, eighteen

30 Stat., 87.

hundred and ninety-one, either in the State of Colorado, or in the office of the County recorder of Uintah County, Utah, shall have all the force and effect accorded by law to locations of mining claims upon the public domain. All such locations may hereafter be perfected, and patents shall be issued therefor upon compliance with the requirements of the mineral land laws, provided that the owners of such location shall relocate their respective claims and record the same in the office of the County recorder of Uintah County, Utah, within ninety days after the passage of this act. All locations of any such mineral lands made and recorded on or subsequent to January first, eighteen hundred and ninety-one, are hereby declared to be null and void; and the remainder of the lands heretofore reserved as aforesaid because of the mineral substances contained in them, in so far as the same may be within even numbered sections, shall be sold and disposed of in tracts not exceeding forty acres, or a quarter of a quarter of a section, in such manner and upon such terms and with such restrictions as may be prescribed in a proclamation of the President of the United States issued for that purpose not less than one hundred and twenty days after the passage of this Act, and not less than ninety days before the time of sale or disposal, and the balance of said lands and also all the mineral therein are hereby specifically reserved for future action of Congress.

Now, therefore, I, THEODORE ROOSEVELT, President of the United States of America, by virtue of the power vested in me by law, do hereby declare and make known that the even-numbered sections of surveyed lands in said former Uncompahgre Indian Reservation in Utah, heretofore reserved by said Act of June 7, 1897, to the United States as containing deposits of gilsonite, asphaltum, elaterite, or other like substances, saving and excepting such of said even numbered sections as may be appropriated and claimed under discoveries and locations made and recorded prior to January first, eighteen hundred and ninety-one, and relocated and re-recorded as specified by said Act of March third, nineteen hundred and three (32 Stat., 998) and saving and excepting lands allotted to Indians, and all other lands legally reserved or appropriated, shall be offered for sale upon sealed bids at the Vernal, Utah, land office in tracts not exceeding forty acres in the aggregate, or the smallest legal subdivision approximating that area; and that the even numbered sections of said lands, now unsurveyed, after the date on which the township plat of survey thereof is officially filed in the local land office in the usual manner, as well as any of the lands offered at this sale remaining unsold may be advertised and sealed bids invited therefor upon the same terms at the same place and at such time as may be specified in a public notice duly given by direction of the Secretary of the Interior. Inasmuch as the government is unable to determine definitely those tracts in the surveyed even numbered sections principally valuable for deposits of gilsonite, asphaltum, elaterite or other like substances bids may be offered for any forty-acre tract or lot approximating that area subject to the regulations as to proof of character of the land, to be hereafter issued.

The bids for the lands offered will be opened at the Vernal, Utah, land office on Saturday, September 15, 1906, commencing at one o'clock P. M., mountain standard time, and will continue from day to day until all bids have been examined.

All bids to receive consideration must be filed in the district land office at Vernal, Utah, before 4:30 o'clock P. M. of the day preceding that set for the opening of the bids.

The right is reserved to reject any and all bids.

As an individual, or as a member of an association, the purchaser must be twenty-one years of age and a citizen of the United States or have declared his intention to become such citizen.

Bids for said lands shall be in accordance with such form, and at such minimum price as shall be prescribed by the Secretary of the Interior who shall also prescribe all additional rules and regulations necessary to carry into full effect the sale herein provided for.

Patents to issue on relocation, etc., of claims.

Claims located after January 1, 1891, invalid.

Sale of remainder of mineral lands.

Restrictions.

Sale of even-numbered mineral sections.

30 Stat., 87.

Lands excepted.

32 Stat., 998.

Bids at Vernal, Utah.

Disposal of unsold lands.

Opening bids.

Filing bids.

Rejection, etc.

Age limit of purchaser.

Regulations.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 6th day of June in the year of our Lord one thousand nine hundred and six, and of the Independence of the United States the one hundred and thirtieth.

THEODORE ROOSEVELT

By the President:

ELIHU ROOT

Secretary of State.

Sept. 1, 1906.

Proclamations.
34 Stat., Part 3, 3228.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Uintah Indian Res-
ervation, Utah.
Preamble.
32 Stat., 744.
32 Stat., 998.
33 Stat., 1069.

WHEREAS, the Secretary of the Interior, on July 11, 1905, under the authority of the act of June 19, 1902 (32 Stats., 744) amended by the act of March 3, 1903 (32 Stats., 982, 998), and March 3, 1905 (33 Stats., 1048, 1069), reserved certain lands in the former Uintah Indian Reservation in Utah, including Lots 2 and 13 in Sec. 10, T. 2 S., R. 1 E., containing 8.80 acres, for the Uintah Indian Grazing Reserve; and whereas, the President of the United States in his proclamation of July 14, 1905, opening the lands in the said Uintah Reservation to settlement and entry, excepted from such opening the lands included in said grazing reserve; and whereas one David Eskelson was, on September 26, 1905, erroneously allowed to include in his homestead entry No. 806, the said Lots 2 and 13, on which lots he has placed valuable improvements, and which, by virtue of their small area and being entirely segregated from the balance of the grazing reserve by the claims of the Raven Mining Company, are of no value as a part of said reserve:

David Eskelson
claim.

Land restored to pub-
lic domain.

Now, therefore, I, THEODORE ROOSEVELT, President of the United States, by virtue of the power in me vested, do hereby declare and make known that the lots numbered 2 and 13 of Section 10, Township 2 S., of Range 1 E., Uintah Special Meridian, in Utah, are hereby restored to the public domain.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, the 1st day of September in the year of our Lord, one thousand nine hundred and six, and of the Independence of the United States the one hundred and thirty-first.

THEODORE ROOSEVELT

By the President:

ALVEY A. ADEE

Acting Secretary of State.

Sept. 19, 1906.

Proclamations.
34 Stat., Part 3, 3233.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Kiowa, Comanche
and Apache Indian
Reservations, Okla.
Pasture and wood
lands.
Preamble.
34 Stat., Part I, 213.

Whereas, Section two of the Act of June 5, 1906, (34 Stats., 213), directed that the four hundred and eighty thousand acres of grazing lands heretofore selected and set apart by the Secretary of the Interior in the Kiowa, Comanche and Apache Indian Reservations, in the Territory of Oklahoma, for the use in common of certain Indian tribes, pursuant to Article three of Section six of the Act of Congress,

approved June 6, 1900, entitled, "An Act to ratify and confirm an agreement with the Indians of the Fort Hall Indian Reservation, in Idaho;" and the twenty-five thousand acres of land heretofore set apart by the Secretary of the Interior as a wood reservation in said Kiowa, Comanche and Apache Indian Reservations, "shall be opened to settlement by proclamation of the President of the United States within six months from the passage of this Act, and be disposed of upon sealed bids or at public auction, at the discretion of the Secretary of the Interior, to the highest bidder under the provisions of the homestead laws of the United States, and under the rules and regulations adopted by the Secretary of the Interior";

31 Stat., 677.

And, whereas, by Section six of said Act of June 5, 1906, it was declared that certain portions of said four hundred and eighty thousand acres of land should be allotted to certain Indians described therein; and by the Act of June 28, 1906 (34 Stats., 550), it was further declared that certain other portions of said four hundred and eighty thousand acres of land should be sold to certain lessees thereof:

34 Stat., part 1, 214.

34 Stat., part 1, 550.

And, whereas, under the Act approved March 20, 1906 (34 Stats., 80), authorizing the establishment of townsites and the sale of lots within said four hundred and eighty thousand acres of land, the Secretary of the Interior was authorized to set aside and reserve such lands as he may deem necessary for the establishment of townsites;

Town sites, etc.
34 Stat., part 1, 80.

Now, therefore, I, Theodore Roosevelt, President of the United States of America, by virtue of the power in me vested by the said Act of Congress, approved June 5, 1906, do hereby declare and make known that all of said four hundred and eighty thousand acres of land, except such portions thereof as may be allotted, sold or reserved in the manner prescribed in said Acts of Congress, and all of said twenty-five thousand acres of land will be opened to settlement and disposition, under the provisions of said Act of June 5, 1906, and under the rules and regulations adopted by the Secretary of the Interior, at such time and in such manner as the said Secretary of the Interior may fix and prescribe.

Proclamation opening lands for settlement.

34 Stat., part 1, 213.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 19th day of September in the year of our Lord one thousand nine hundred and six [SEAL.] and of the Independence of the United States the one hundred and thirty-first.

THEODORE ROOSEVELT

By the President:

ALVEY A. ADEE

Acting Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES.

Sept. 25, 1906.

Proclamations.
34 Stat., Part 3, 3237.

A PROCLAMATION.

WHEREAS, allotments of lands in the Walker River Indian Reservation in the State of Nevada have been made to, approved and accepted by the Pah Ute Indians of that Reservation pursuant to the requirements of the Act of Congress approved May 27, 1902 (32 U. S. Statutes at Large, 260);

Walker River Indian
Reservation., Nev.
Preamble.
32 Stat., 260.

And, whereas, other portions of the lands in said Reservation have been selected, set apart and reserved for the use of said Indians in common for the grazing of live-stock pursuant to the requirements of the Joint Resolution of Congress No. 32, approved June 19, 1902

32 Stat., 744.

(32 U. S. Statutes at Large, 744), and other timbered portions thereof have been set apart for the use of said Indians in common pursuant to the requirements of the Act of Congress approved June 21, 1906

34 Stat., 358.

(34 U. S. Statutes at Large, 358), and other portions thereof have been reserved and set apart for agency, school, cemetery and church purposes under the general provisions of law;

32 Stat., 200.

And, whereas, by said Act of May 27, 1902, it was provided that after the Indians had consented thereto the President shall, by proclamation, open the lands relinquished by the Indians to settlement, to be disposed of under existing laws;

And, whereas, by an agreement entered into by said Indians they have ceded and relinquished to the United States all their right and claim in and to all the lands in said Reservation which have not been allotted, selected, set apart and reserved, as above set forth;

Opening of ceded lands to settlement, Oct. 29, 1906.

Now, Therefore, I, Theodore Roosevelt, President of the United States of America, by virtue of the power in me vested by said Act of Congress and by virtue of said agreement, do hereby declare, proclaim and make known that all of the lands within the Walker River Indian Reservation in the State of Nevada which have not been allotted, set apart and reserved as above set out, will, at the hour of twelve o'clock noon, Pacific Standard Time, on Monday the twenty-ninth day of October, A. D., nineteen hundred and six, and not before, be opened to settlement, and then and thereafter be subject to disposal under the existing laws of the United States.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 26th day of September in the year of our Lord nineteen hundred and six and of the [SEAL.] Independence of the United States the one hundred and thirty first.

THEODORE ROOSEVELT

By the President:

ALVEY A. ADEE

Acting Secretary of State.

May 21, 1907.

BY THE PRESIDENT OF THE UNITED STATES.

Proclamations.
35 Stat., Part 2, 2133.

A PROCLAMATION.

Crow Indian Reservation, Mont.
Preamble.
33 Stat., 352.

WHEREAS, pursuant to the act of April 27, 1904 (33 Stat., 352), entitled "An act to ratify and amend an agreement with the Indians of the Crow Reservation in Montana, and making appropriations to carry the same into effect," certain of the unallotted lands of the ceded Crow Indian Reservation in Montana, have been withdrawn for disposition under the Reclamation Act of June 17, 1902 (32 Stat., 388), were for that reason excepted from the Proclamation of May 24, 1906, opening the remaining portion of the ceded lands of said reservation to settlement and entry, and have been subdivided and platted as farm units in the Huntley Project;

32 Stat., 388.

And Whereas, it now becomes necessary to open the lands in the said Huntley Project for disposition under the said Reclamation Act;

34 Stat., 3200.

And Whereas, the great demand for these lands because of their enhanced value by reason of the construction of irrigation works makes it necessary to prescribe an orderly manner in which said lands may be settled upon, occupied, and entered, by persons entitled to make entry thereof;

Opening of lands in the Huntley Project for settlement.
33 Stat., 352.

Now, therefore, I, Theodore Roosevelt, President of the United States, in furtherance of the provisions of said act of April 27, 1904, do hereby declare and make known that the lands shown upon the

approved farm unit plats of said Huntley Project will, on and after the 22nd day of July, 1907, be opened to settlement, entry, and disposition under the provisions of the Reclamation Act, and the act of April 27, 1904, in the manner hereinafter prescribed and not otherwise.

Any qualified person desiring to make entry of any of these lands, shall execute in person within the limits of the Billings, Montana, land district, an affidavit showing his qualifications to enter and means of identifying him (forms of such affidavits to be furnished by the officers of the land department). The affidavit must be presented in a sealed envelope, in person or by ordinary and not registered mail, at the district land office located at Billings, Montana, before 4:30 p. m., June 25, 1907. Thereafter at 9 a. m., on June 26, 1907, there shall be taken or drawn, impartially, from the envelopes so filed, such number as may be necessary to carry into effect the provisions of the Proclamation, and the order of drawing such envelopes shall determine the order in which applicants shall be permitted to make entry of these lands.

Those successful as a result of the drawing must present formal application to enter a specific farm unit within the time fixed and assigned for making such application; show present qualifications; file a water right application; make the required payments under the Reclamation Act and the act of April 27, 1904; and otherwise comply with the law.

Any person filing more than one affidavit, or in other than his true name, shall be denied any privilege he might otherwise have secured under this drawing, except that any honorably discharged soldier or sailor entitled to the benefits of section 2304 of the Revised Statutes of the United States as amended by the act of March 1, 1901 (31 Stat., 847), may be represented by an agent of his own selection for the purpose of executing the affidavit herein required, due authority therefor being shown, but no person will be permitted to act as agent for more than one such soldier or sailor.

Envelopes showing on the outside distinctive marks of any character shall be eliminated from the drawing.

The plan herein provided for governing the manner of opening these lands shall have operation and control the order in which all entries of the lands are allowed until August 23, 1907, upon which date any portion of the lands then remaining undisposed of will be subject to settlement, occupation, and entry under the provisions of the Reclamation Act in like manner as if no special preliminary plan had been provided for.

All persons are especially admonished from attempting to settle upon, occupy, or improve any of these lands prior to August 23, 1907, except those making entry in accordance with the terms of this Proclamation.

The Secretary of the Interior shall make and publish such rules and regulations as may be necessary and proper to carry into full force and effect the manner of settlement, occupation and entry as herein provided for.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this 21st day of May, in the year of our Lord one thousand nine hundred and seven, and of the Independence of the United States the one hundred and thirty-first.

THEODORE ROOSEVELT

By the President:
ELIHU ROOT
Secretary of State.

Date of opening.

Affidavits of applicants.

Drawings.

Requirements.

32 Stat., 388.
32 Stat., 352.

Forfeiture.

Soldiers and sailors' rights not affected.
R. S., sec. 2304, p. 422.
31 Stat., 847.

Disposal of remaining lands.

32 Stat., 388.

Occupancy.

Regulations.

June 8, 1907.

Proclamations,
35 Stat., Part 2, 2143.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA,

A PROCLAMATION.

Devil's Lake Indian
Reservation, N. Dak.
33 Stat., 319.

33 Stat., 2368.

Whereas, the Act of Congress approved April 27, 1904, (33 Stats., 319, 324) providing for the disposition of lands in the former Devil's Lake Indian Reservation in North Dakota, under the general provisions of the homestead and townsite laws of the United States, at the price of Four Dollars and Fifty Cents per acre, which lands were opened by Proclamation of June 2, 1904, (33 Stats., 2368, 2372), provides that when in the judgment of the President no more of the lands can be disposed of at the said price, he may by proclamation, sell the remaining lands under such laws, at such price and upon such terms as he may deem best for all interests concerned.

And, Whereas, it appears that such tracts of said lands now remaining undisposed of, are small in acreage, or hilly and stony and cannot be disposed of at the price named;

Disposal of ceded
lands that remain un-
sold.

Now, therefore, I, THEODORE ROOSEVELT, President of the United States, by virtue of the authority in me vested by said Act of April 27, 1904, do hereby declare and make known that such of said lands as are unreserved and undisposed of shall on and after date hereof be subject to disposition under the general provisions of the homestead, townsite laws and of Sec. 2455 R. S., as amended by Act of Congress, approved June 27, 1906, (34 Stats., 517), at the price of not less than Two Dollars and Fifty Cents per acre in cash payable at date of final proof upon entries made under the homestead and townsite laws and at time of sale under Sec. 2455, Amended. In addition, entrymen must pay the same fees and commissions now required by said laws where the price of land is One Dollar and Twenty Five Cents per acre.

Price per acre re-
duced.
R. S., sec. 2455, p.
449.
34 Stat., 517.

Fees.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 8th day of June, in the year of our Lord one thousand nine hundred and seven, and of
[SEAL.] the Independence of the United States the one hundred and thirty-first.

THEODORE ROOSEVELT

By the President:

ELIHU ROOT

Secretary of State.

Aug. 12, 1907.

Proclamations,
35 Stat., Part 2, 2150.

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

Lower Brule Indian
Reservation, S. Dak.
Preamble.
34 Stat., 124

Whereas the Act of Congress, approved April 21, 1906 (34 Stat., 124), provided that all of the west half of Townships one hundred and six, one hundred and seven, one hundred and eight, one hundred and nine and one hundred and ten north, Range seventy-seven west of the fifth principal meridian, and Fractional Townships one hundred and six, one hundred and seven, one hundred and eight, one hundred and nine and one hundred and ten north, Range seventy-eight West of the fifth principal meridian, and Fractional Township one hundred and ten north, Range seventy-nine west fifth principal meridian except sections sixteen and thirty-six in each of said townships, and such parts of said lands as are held under allotments to Indians,

shall be disposed of under the general provisions of the homestead laws of the United States, and shall be opened to settlement and entry at not less than their

appraised value by proclamation of the President, which proclamation shall prescribe the manner in which these lands shall be settled upon, occupied and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, or enter any of said lands, except as prescribed in such proclamation until after the expiration of sixty days from the time when the same are opened to settlement and entry.

And whereas all of the lands subject to settlement, entry and sale under said act have been duly appraised as appears from a schedule thereof hereto attached,

Now, therefore, I, Theodore Roosevelt, President of the United States, by virtue of the power and authority in me vested by said Act of Congress, do hereby prescribe and proclaim that all of said lands subject to sale and disposal under said act will be opened to settlement, entry and disposition under the general provisions of the homestead laws, and of the said Act of April 21, 1906, in the manner hereinafter prescribed and not otherwise.

Any qualified person desiring to make entry of any of these lands shall execute in person within the limits of the Pierre, South Dakota, land district an affidavit showing his qualifications to enter and means of identifying him (forms of such affidavits to be furnished by the officers of the land department). The affidavit must be presented in a sealed envelope, in person or by ordinary and not registered mail, at the district land office located at Pierre, South Dakota, during office hours between 9 o'clock A. M. on October 7, 1907, and 4:30 o'clock P. M. on October 12, 1907. Thereafter at 9 A. M. on October 14, 1907, there shall be taken or drawn impartially from the envelopes so filed, such number as may be necessary to carry into effect the provisions of the Proclamation, and the order of drawing such envelopes shall determine the order in which applicants shall be permitted to make entry of these lands between October 20th, 1907, and December 20th, 1907.

Those successful as a result of the drawing must present formal application to enter within the time fixed and assigned for making such application; show present qualifications; make the required payments under the act of April 21, 1906, and otherwise comply with the law.

Any person filing more than one affidavit, or in other than his true name, shall be denied any privilege he might otherwise have secured under this drawing, except that any honorably discharged soldier or sailor entitled to the benefits of section 2304 of the Revised Statutes of the United States, as amended by the act of March 1, 1901 (31 Stat., 847), may be represented by an agent of his own selection for the purpose of executing the affidavit herein required, due authority therefor being shown, but no person will be permitted to act as agent for more than one such soldier or sailor.

Envelopes showing on the outside distinctive marks of any character shall be eliminated from the drawing.

The plan herein provided for governing the manner of opening these lands shall have operation and control the order in which all entries of the lands are allowed until December 20, 1907, upon which date any portion of the lands then remaining undisposed of will be subject to settlement, occupation, and entry under the provisions of the homestead law and the act of April 21, 1906, in like manner as if no special preliminary plan had been provided for.

All persons are especially admonished from attempting to settle upon, occupy, or improve any of these lands prior to December 20, 1907, except those making entry in accordance with the terms of this Proclamation.

The Secretary of the Interior shall make and publish such rules and regulations as may be necessary and proper to carry into full

Ceded lands opened to settlement.

34 Stat., 124.

Affidavits of applicants.

Drawings.

Requirements.

Forfeiture.

Soldiers' and sailors' rights not affected. R. S., sec. 2304, p. 422. 31 Stat., 847.

Restriction.

Disposal of remaining lands.

34 Stat., 124.

Occupancy, etc.

Regulations.

force and effect the manner of settlement, occupation, and entry as herein provided for.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this 12th day of August in the year of our Lord one thousand nine hundred and seven and of [SEAL.] the Independence of the United States the one hundred and thirty-second.

THEODORE ROOSEVELT

By the President:

ALVEY A. ADEE
Acting Secretary of State.

Nov. 16, 1907.

Proclamations.
35 Stat., Part 2, 2162.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Gila Cliff-Dwellings National Monument, N. Mex. Preamble. 34 Stat., 3123, 3126.

WHEREAS, the group of cliff-dwellings, known as the Gila Hot Springs Cliff-Houses, which is situated upon public land in the Mogollon Mountains, within the Gila National Forest, in the Territory of New Mexico, is of exceptional scientific and educational interest, being the best representative of the Cliff-Dwellers' remains of that region, and it appears that the public interest would be promoted by reserving these ruins as a National Monument, with as much land as may be necessary for the proper protection thereof:

National monument, New Mexico. 34 Stat., 225.

Now, therefore, I, Theodore Roosevelt, President of the United States of America, by virtue of the power in me vested by section two of the Act of Congress, approved June eighth, nineteen hundred and six, entitled, "An Act For the preservation of American antiquities," do proclaim that there are hereby reserved from appropriation and use of all kinds under all of the public land laws, subject to all prior valid adverse claims, and set apart as a National Monument, all the tracts of land, in the Territory of New Mexico, known as the Gila Cliff-Dwellings National Monument on the diagram forming a part hereof.

Forest uses not affected.

The reservation made by this proclamation is not intended to prevent the use of the lands for forest purposes under the proclamation establishing the Gila National Forest, but so far as the two reservations are consistent they are equally effective. In all respects in which they may be inconsistent the National Monument hereby established shall be the dominant reservation.

Reserved from settlement, etc.

Warning is hereby given to all unauthorized persons not to appropriate, injure or destroy any feature of this National Monument or to locate or settle upon any of the lands reserved by this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 16th day of November, in the year of our Lord one thousand nine hundred and seven, [SEAL.] and of the Independence of the United States the one hundred and thirty-second.

THEODORE ROOSEVELT

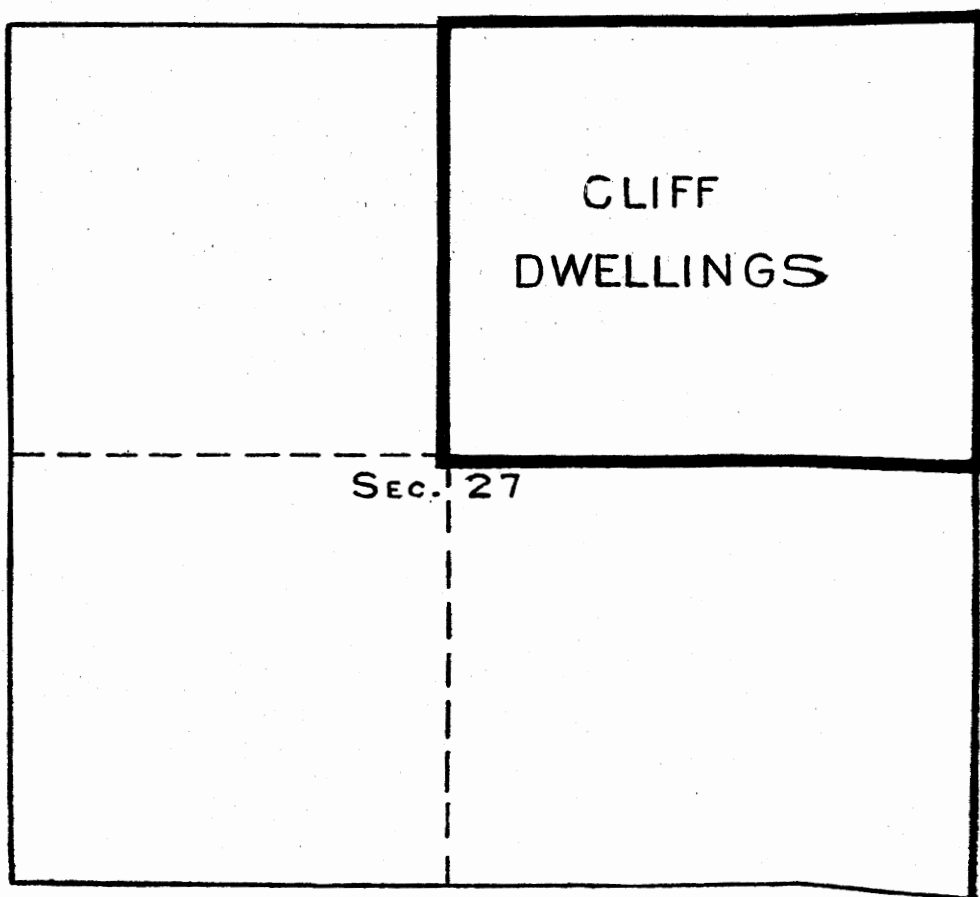
By the President:

ELIHU ROOT
Secretary of State.

**GILA CLIFF-DWELLINGS
NATIONAL MONUMENT
WITHIN GILA NATIONAL FOREST
NEW MEXICO**

EMBRACING N.E. $\frac{1}{4}$ OF SEC. 27, T. 12 S. R. 14 W.
NEW MEXICO PRINCIPAL MERIDIAN AND **BASE**
FOREST SERVICE U.S. DEPT. OF AGRICULTURE
1907

— NATIONAL MONUMENT BOUNDARY



[DIAGRAM FORMING A PART OF PROCLAMATION
DATED NOVEMBER 16, 1907.]

Dec. 19, 1907.

Proclamations.
35 Stat., Part 2, 2168.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA,

A PROCLAMATION

Tonto National Mon-
ument, Arizona.
Preamble.

WHEREAS, two prehistoric ruins of ancient cliff dwellings situated upon public lands of the United States, and located in the region commonly known as the Tonto Drainage Basin, about two miles south of the Salt River Reservoir, Gila County, Arizona, are of great ethnologic, scientific and educational interest, and it appears that the public interests would be promoted by reserving these relics of a vanished people as a National Monument with as much land as may be necessary for the proper protection thereof;

National monument,
Arizona.

34 Stat., 225.

Now, therefore, I, Theodore Roosevelt, President of the United States of America, by virtue of the power in me vested by section two of the Act of Congress approved June 8, 1906, entitled "An Act for the Preservation of American Antiquities," do hereby set aside as the Tonto National Monument, subject to any valid interest or rights, the prehistoric cliff dwelling ruins and one section of land upon which same are located, situated in Gila County, Arizona, more particularly described as follows, to wit:

Description.

Section thirty-four, unsurveyed, in township four north, range twelve east of the Gila and Salt River Meridian, Arizona, as shown upon the diagram hereto attached and made a part of this Proclamation.

Reserved from settle-
ment, etc.

Warning is hereby expressly given to all unauthorized persons not to appropriate, excavate, injure or destroy any of the prehistoric ruins or remains thereof declared to be a National Monument, or to locate or settle upon any of the lands reserved and made a part of said monument by this Proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 19th day of December in the year of our Lord one thousand nine hundred and seven,
[SEAL.] and of the Independence of the United States the one hundred and thirty-second.

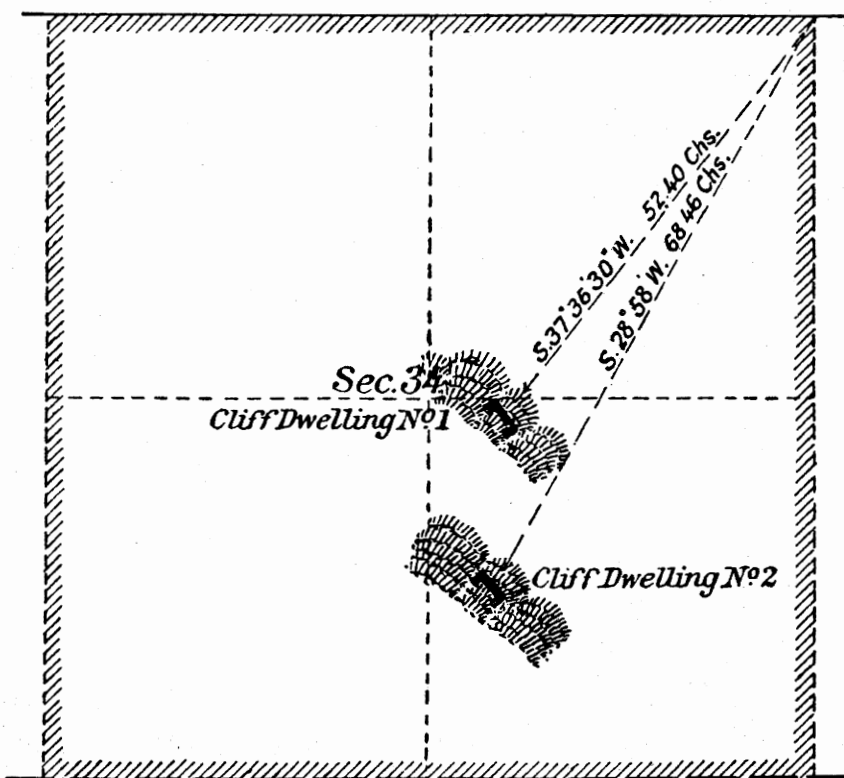
THEODORE ROOSEVELT

By the President:

ELIHU ROOT

Secretary of State.

TONTO NATIONAL MONUMENT
Unsurveyed Sec. 34
T. 4 N., R. 12 E.
Gila and Salt River Meridian
ARIZONA
Containing 640 acres



DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
Richard A. Ballinger, Commissioner

[DIAGRAM ATTACHED TO AND MADE A PART OF THE PROCLAMATION
DATED DECEMBER 19, 1907.]

Aug. 24, 1908.

Proclamations.
35 Stat., Part 2, 2203.

Rosebud Indian Res-
ervation, S. Dak.
Preamble.
34 Stat., 1230.

Opening lands for
settlement Mar. 1, 1909.

Date of opening.

Registration.

Applications.

Forfeiture.

Soldiers and sailors'
rights not affected.
R. S., sec. 2304, p.
422.
31 Stat., 847.

Drawings.

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

Whereas by the Act approved March 2, 1907 (34 Stat., 1230), the Congress directed that all that part of the Rosebud Indian Reservation lying south of the Big White river, and east of Range 25 west, of the Sixth Principal Meridian, except all Sections 16 and 36, which were granted to the state of South Dakota, and excepting also such parts thereof as have been or shall hereafter be either allotted to Indians, selected by said state, or reserved for townsite purposes, be disposed of under the general provisions of the homestead laws of the United States, and be opened to settlement, entry and occupation only in such manner as the President might prescribe by proclamation;

Now, therefore, I, Theodore Roosevelt, President of the United States, by virtue of the power and authority vested in me by said Act of Congress, do hereby prescribe, proclaim and make known that all of said lands which shall remain unallotted to Indians, unselected by said state and unreserved for townsites, on the first day of March, A. D. 1909, will be opened to settlement and entry, under the general provisions of the homestead laws, and of said Act of Congress, in the manner herein prescribed as follows, and not otherwise:

1. Any person who is qualified to make a homestead entry may, between 9:00 o'clock a. m., on Monday, October 5, and 4:30 o'clock p. m., on Saturday, October 17, 1908, and not thereafter, present to James W. Witten, Superintendent of the Opening, or to some person acting for him, at either the town of Dallas or the town of Gregory, in Gregory county, South Dakota, either by ordinary mail or otherwise, but not by registered mail, a sealed envelope which bears no distinctive marks indicating the name of the applicant, and which contains his application for registration, hereinafter prescribed.

2. All applications for registration must be made on forms prescribed and furnished by the General Land Office, and must show that the applicant is qualified to make homestead entry, and state his age, height, weight and postoffice address; and be sworn to at one of the following named towns, Chamberlain, Dallas, Gregory or Presho, in the state of South Dakota, or O'Neill or Valentine, in the state of Nebraska, before a United States Commissioner, Judge or Clerk of a Court of Record, or a Notary Public, authorized under the laws of said states to administer oaths in said towns.

3. Any person filing more than one affidavit, or in any other than his true name, shall be denied the privilege he might have otherwise secured, under this drawing, except, that any honorably discharged soldier or sailor entitled to the benefits of Section 2304 of the Revised Statutes of the United States, as amended by the Act of March 1, 1901 (31 Stat., 847), may be represented by an agent of his own selection, for the purpose of executing and presenting his application for registration, due authority therefor being shown, but no person shall be permitted to act as agent for more than one such soldier or sailor, and the agents of all soldiers and sailors must execute the affidavits required of them at one of the towns named above, and present the same in the same manner in which persons who are not soldiers are required to present their applications.

Envelopes showing, on the outside, distinctive marks of any character, indicating the name of the person whose application is inclosed therein, shall be eliminated from the drawing.

4. Beginning at 10:00 a. m., on October 19, 1908, and continuing thereafter as long as may be necessary, there shall be impartially taken and drawn from the whole number of envelopes so presented,

such number of them as may be necessary to carry into effect the provisions of this Proclamation; and the applications for registration contained in the envelopes so drawn shall, when they are correct in form and execution, be numbered serially in the order in which they are drawn, and the number thus assigned shall fix and control the order in which applications to enter may be presented, after the lands shall become subject to entry.

5. Immediately after the drawing, a list of the successful applicants, showing the number assigned to each of them, will be conspicuously posted at the place of registration, and furnished to the press for publication as a matter of news, and a notice will be promptly mailed to each person whose name is drawn and numbered, informing him of the number assigned to him, and of the date on which he must apply to enter, and later he will, in due time, be furnished with a copy of the regulations controlling the method of entry, and be supplied with a map showing the lands subject to entry. The notice will be mailed to the postoffice address given by the applicant in his application for registration, except in cases where the applicant requests otherwise, and any applicant who changes his postoffice address before November 1, 1908, should, at once, inform the Superintendent of the Opening of the change.

Notice to successful applicants.

6. Commencing at 9:00 a. m., on March 1, 1909, and continuing thereafter on such dates as may be fixed by the Secretary of the Interior, persons holding numbers assigned to them under this Proclamation will be permitted to present their applications to enter (or their declaratory statements, in cases where the applicant is entitled to make entry as a former soldier), in the order in which their applications for registration were drawn and numbered.

Presentation of applications to enter.

7. If any person fails to apply to enter or to file a declaratory statement, if he is entitled to do so, as a former soldier, on the day assigned to him for that purpose, or, if he presents more than one application for registration, or presents an application in any other than his true name, he will forfeit his right to enter any of said lands prior to September 1, 1909.

Forfeiture.

8. None of these lands shall become subject to settlement or entry prior to September 1, 1909, except in the manner prescribed herein, and all persons are admonished not to make any settlement prior to that date, on any lands not covered by entries made by them under this Proclamation.

Occupancy.

9. The Secretary of the Interior shall make and publish such rules and regulations as may be necessary and proper to carry into full force and effect the manner of settlement, occupation and entry, as herein provided for, and he shall, prior to the first day of March, reserve from said land such tracts for townsite purposes as, in his opinion, may be required for the future public interests.

Regulations.

In witness whereof I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington this 24th day of August in the year of our Lord one thousand nine hundred and eight, and of the Independence of the United States the one hundred and thirty-third.

THEODORE ROOSEVELT

By the President:

ALVEY A. ADEE

Acting Secretary of State.

Mar. 2, 1909.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

Proclamations.
35 Stat., Part 2, 2236.

A PROCLAMATION

Sitgreaves National
Forest, Ariz.
Preamble.

WHEREAS, an Executive Order signed July first, nineteen hundred and eight, directed that parts of the Black Mesa National Forest and the Tonto National Forest be known as the Sitgreaves National Forest;¹

White Mountain
Apache Reservation.

And whereas, it appears that the public good will be promoted by including in the Sitgreaves National Forest certain lands within the Territory of Arizona, shown on the diagram hereto attached and forming a part hereof, which are in part covered with timber, and which constitute a part of the White Mountain Apache Indian Reservation, established by Executive Order dated November ninth, eighteen hundred and seventy one, and modified by subsequent Orders;

Boundaries enlarged.

30 Stat., 36.

Now, therefore, I, Theodore Roosevelt, President of the United States of America, by virtue of the power in me vested by the Act of Congress, approved June fourth, eighteen hundred and ninety-seven, entitled, "An Act Making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for other purposes," do proclaim that the said lands are hereby added to the Sitgreaves National Forest and that the boundaries of said National Forest are now as shown on the two parts of the said diagram, and such National Forest so enlarged shall, except as hereinafter provided, be subject to all the laws affecting National Forests including the mineral land laws of the United States; *Provided*, that nothing herein shall, for the term of twenty-five years from the date hereof, operate to terminate or abridge the rights of the Secretary of the Interior and of the Commissioner of Indian Affairs, under existing laws, to allot to individual Indians any of such of the above described lands as were included in the said White Mountain Apache Indian Reservation by the said Executive Orders modified as aforesaid; to use any of such lands or the timber thereon for Agency, school, or other tribal purposes; to permit the use of any of such lands for grazing purposes; to permit the free use by individual Indians of timber and stone from any of said lands necessary for domestic use upon their allotments; to dispose of the proceeds arising from grazing as provided for by law for other Indian funds; and to dispose of the dead timber standing or fallen upon such lands; *Provided further*, that said powers and rights of the Secretary of the Interior and Commissioner of Indian Affairs or permittees under or through them or either of them, and of individual Indians, except as to allotments to such Indians, shall be subject to such rules and regulations as the Secretary of Agriculture may from time to time prescribe for the protection of the National Forest; and said powers and rights shall not be construed to apply to any land except such parts of said White Mountain Apache Indian Reservation as are included in the Forest by this proclamation, and all said powers and rights except the rights of individual Indians and their heirs to hold and enjoy their allotments, shall cease and determine twenty-five years after the date hereof, and thereafter the occupancy and use of the unallotted parts of said lands shall in all respects be subject to the laws governing National Forests.

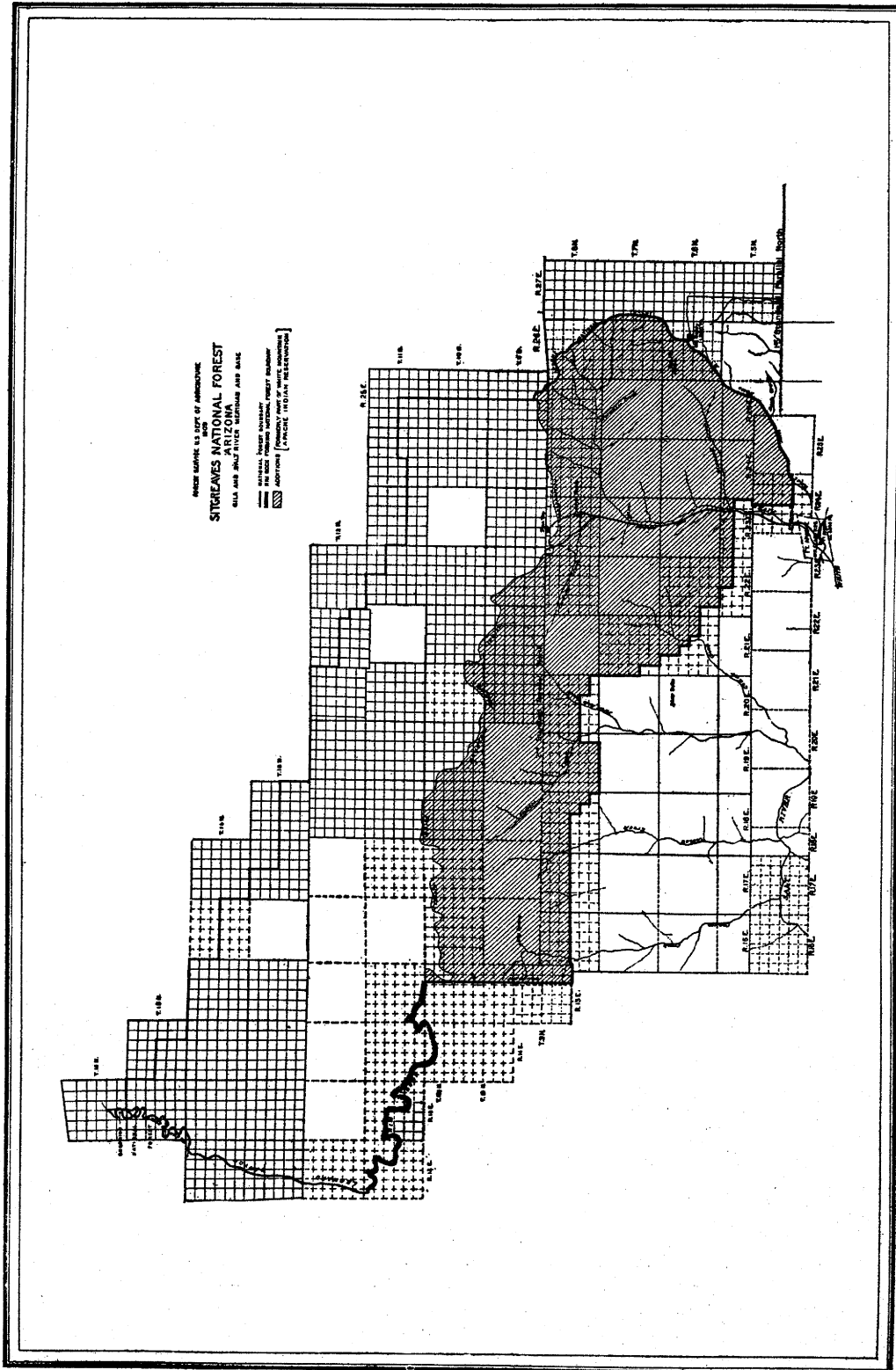
Provisos.
Allotments to In-
dians, etc.White Mountain
Apache Indian Reser-
vation.Use of grazing land,
etc.

Regulations.

Restriction.

Prior rights not af-
fected.

The withdrawal made by this proclamation shall, as to all lands which are at this date legally appropriated under the public land laws or reserved or used for Indian Agency, school, or church purposes, or reserved for any public purpose other than for Indian occupancy and use under such Executive Orders, be subject to, and shall not interfere with, or defeat legal rights under such appropriation, or prevent the use for such public purpose of lands so reserved, so long



as such appropriation is legally maintained, or such reservation remains in force.

Agricultural lands.
34 Stat., Part 1, 233.

This proclamation shall not prevent the settlement and entry of any lands heretofore opened to settlement and entry under the Act of Congress approved June eleventh, nineteen hundred and six, entitled, "An Act to provide for the entry of Agricultural lands within forest reserves."

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this second day of March, in the year of our Lord one thousand nine hundred and nine,
[SEAL.] and of the Independence of the United States the one hundred and thirty-third.

THEODORE ROOSEVELT

By the President:
ROBERT BACON
Secretary of State.

Mar. 2, 1909.

Proclamations.
35 Stat., Part 2, 2239.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Alamo National Forest, N. Mex.
Preamble.

WHEREAS, an Executive Order signed July second, nineteen hundred and eight, consolidated the Guadalupe and Sacramento National Forests under the name of the Alamo National Forest;

Mescalero Apache Indian Reservation.

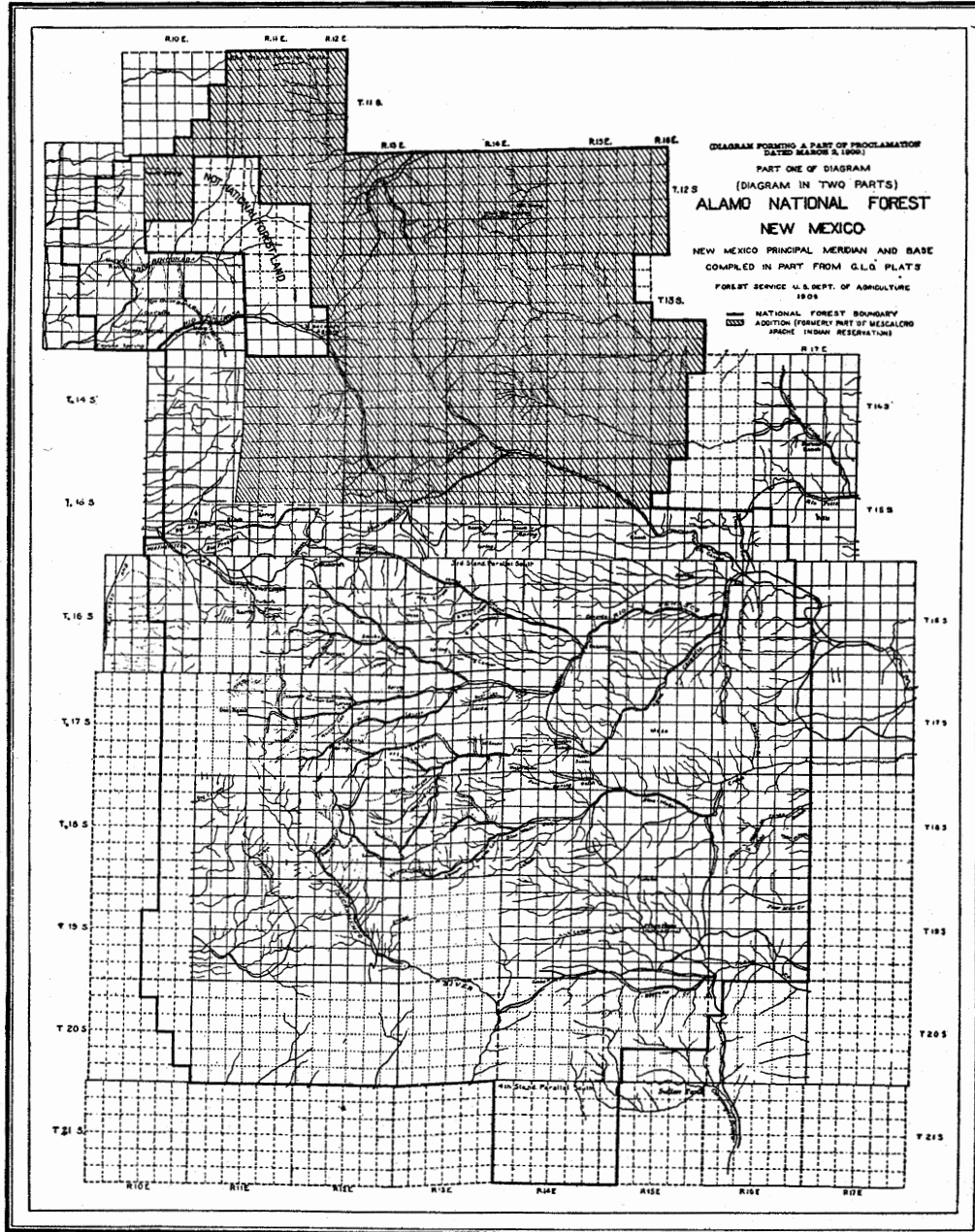
And whereas, it appears that the public good will be promoted by including in the Alamo National Forest certain lands within the Territory of New Mexico, shown on the diagram hereto attached and forming a part hereof, which are in part covered with timber, and which constitute a part of the Mescalero Apache Indian Reservation, established in the first instance by Executive Order dated May twenty-ninth, eighteen hundred and seventy-three, and finally established as to its present boundaries by Executive Order dated March twenty-fourth, eighteen hundred and eighty-three;

Boundaries enlarged.
30 Stat., 36.

Now, therefore, I, Theodore Roosevelt, President of the United States of America, by virtue of the power in me vested by the Act of Congress, approved June fourth, eighteen hundred and ninety-seven, entitled "An Act Making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for other purposes," do proclaim that the said lands are hereby added to the Alamo National Forest and that the boundaries of said National Forest are now as shown on the two parts of the said diagram, and such National Forest so enlarged shall, except as hereinafter provided, be subject to all the laws affecting National Forests including the mineral land laws of the United States; *Provided*, that, nothing herein shall, for the term of twenty-five years from the date hereof, operate to terminate or abridge the rights of the Secretary of the Interior and of the Commissioner of Indian Affairs, under existing laws, to allot to individual Indians any of such of the above described lands as were included in the said Mescalero Apache Indian Reservation by the said Executive Order modified as aforesaid; to use any of such lands or the timber thereon for Agency, school, or other tribal purposes; to permit the use of any of such lands for grazing purposes; to permit the free use by individual Indians of timber and stone from any of said lands necessary for domestic use upon their allotments; to dispose of the proceeds arising from grazing as provided for by law for other Indian funds; and to dispose of the dead timber standing

Provisos.
Use for Indians.

or fallen upon such lands; *Provided further*, that said powers and rights of the Secretary of the Interior and Commissioner of Indian Affairs or permittees under or through them or either of them, and of individual Indians, except as to allotments to such Indians, shall be subject to such rules and regulations as the Secretary of Agriculture, etc.

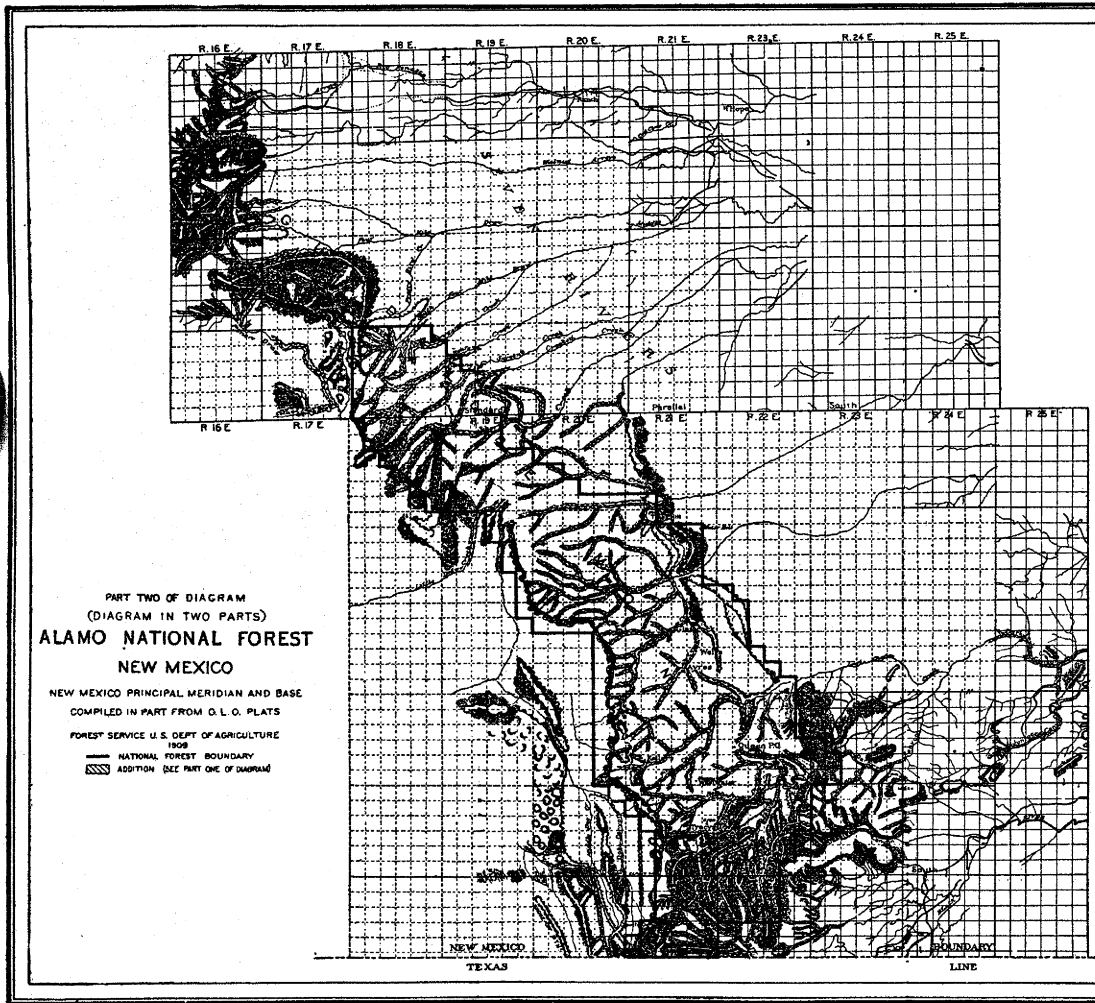


ture may from time to time prescribe for the protection of the National Forest; and said powers and rights shall not be construed to apply to any land except such parts of said Mescalero Apache Indian Reservation as are included in the Forest by this proclamation, and all said powers and rights except the rights of individual Indians and Restriction.

their heirs to hold and enjoy their allotments, shall cease and determine twenty-five years after the date hereof, and thereafter the occupancy and use of the unallotted parts of said lands shall in all respects be subject to the laws governing National Forests.

Prior rights not affected.

The withdrawal made by this proclamation shall, as to all lands which are at this date legally appropriated under the public land laws or reserved or used for Indian Agency, school, or church purposes, or reserved for any public purpose other than for Indian occupancy and use under such Executive Orders, be subject to, and



shall not interfere with, or defeat legal rights under such appropriation, or prevent the use for such public purpose of lands so reserved, so long as such appropriation is legally maintained, or such reservation remains in force.

Agricultural lands.
34 Stat., 233.

This proclamation shall not prevent the settlement and entry of any lands heretofore opened to settlement and entry under the Act of Congress approved June eleventh, nineteen hundred and six, entitled, "An Act to provide for the entry of Agricultural lands within forest reserves."

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this second day of March, in the year of our Lord one thousand nine hundred and nine, [SEAL.] and of the Independence of the United States the one hundred and thirty-third.

THEODORE ROOSEVELT

By the President:
ROBERT BACON
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Mar. 2, 1909.

Proclamations.
35 Stat., Part 2, 2240.

WHEREAS, an Executive Order dated June twenty-sixth, nineteen hundred and eight, directed that, on and after July first, nineteen hundred and eight, the Taos National Forest and a part of the Jemez National Forest be consolidated under the name of the Carson National Forest;

Carson National Forest, N. Mex. Preamble.
34 Stat., 3262.

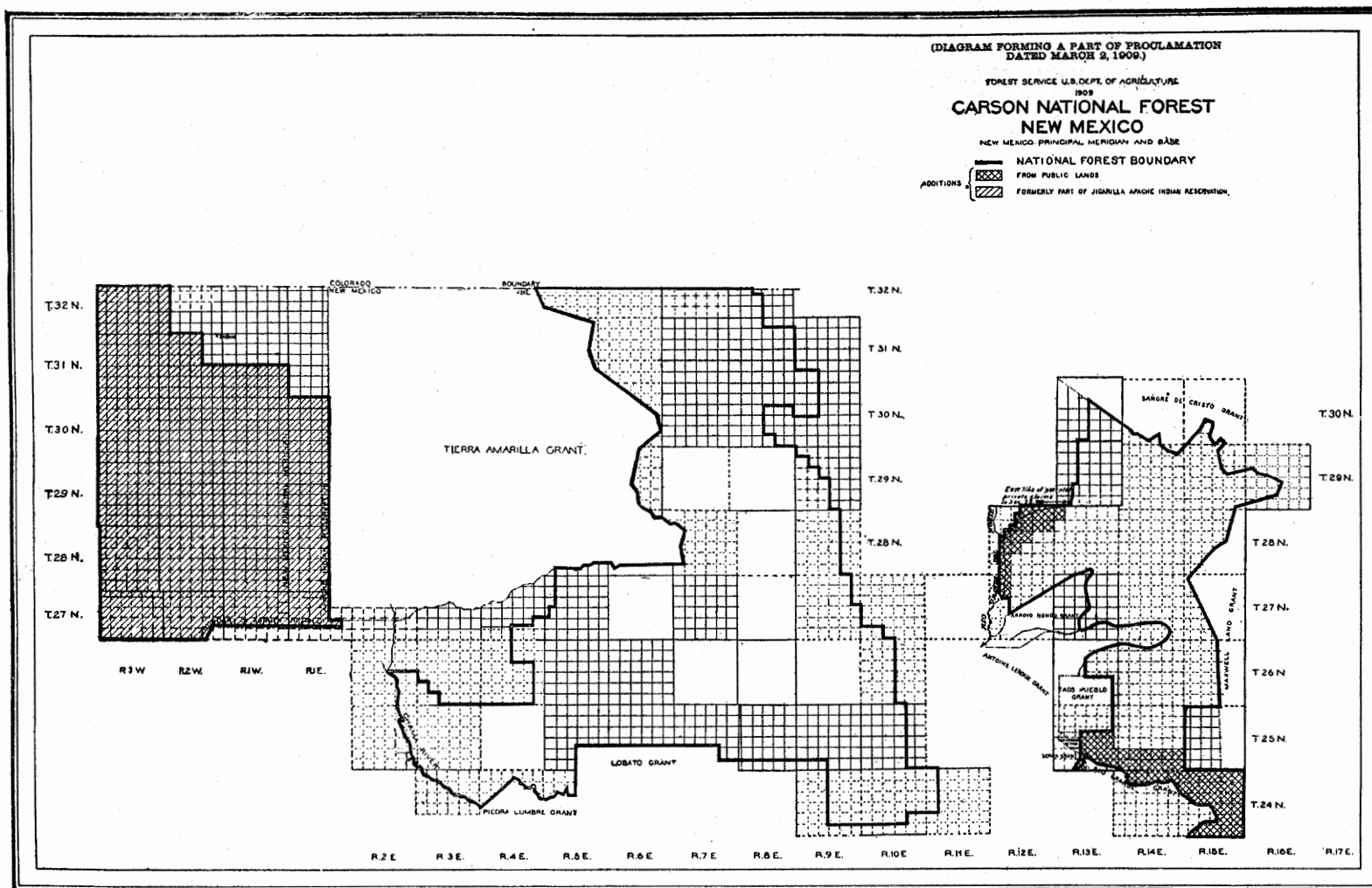
And whereas, it appears that the public good will be promoted by adding to the Carson National Forest certain lands within the Territory of New Mexico, shown on the diagram hereto attached and forming a part hereof, which are in part covered with timber; and which tracts consist of certain lands not heretofore reserved, together with certain lands which constitute a part of the Jicarilla Apache Indian Reservation, established by Executive Order dated February eleventh, eighteen hundred and eighty-seven, and enlarged by Executive Orders dated November eleventh, nineteen hundred and seven, and January twenty-eighth, nineteen hundred and eight.

Boundaries enlarged.
30 Stat., 36.

Now, therefore, I, Theodore Roosevelt, President of the United States of America, by virtue of the power in me vested by an Act of Congress, approved June fourth, eighteen hundred and ninety-seven, entitled, "An Act Making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight and for other purposes," do proclaim that said lands are hereby added to the Carson National Forest and that the boundaries of said National Forest are now as shown on said diagram, and such National Forest so enlarged shall, except as hereinafter provided, be subject to all the laws affecting National Forests, including the mineral land laws of the United States; *Provided*, that nothing herein shall, for the term of twenty-five years from the date hereof, operate to terminate or abridge the rights of the Secretary of the Interior and of the Commissioner of Indian Affairs, under existing laws, to allot to individual Indians any of such of the above described lands as were included in the said Jicarilla Apache Indian Reservation by the said Executive Order, modified as aforesaid; to use any of such lands or the timber thereon for Agency, school, or other tribal purposes; to permit the free use by individual Indians of timber and stone from any of the said lands necessary for domestic use upon their allotments; to dispose of the proceeds arising from grazing as provided for by law for other Indian funds; and to dispose of the merchantable timber on the unallotted portion of said lands; *Provided further*, that said powers and rights of the Secretary of the Interior and Commissioner of Indian Affairs or permittees under or through them or either of them, and of individual Indians, except as to allotments to such Indians, shall be subject to such rules and regulations

Provisos.
Use for Indians.

Regulations, etc.



as the Secretary of Agriculture may from time to time prescribe for the protection of the National Forest; and said powers and rights shall not be construed to apply to any land except such parts of said Jicarilla Apache Indian Reservation as are included in the Forest by this proclamation, and all said powers and rights except the rights of individual Indians and their heirs to hold and enjoy their allotments, shall cease and determine twenty-five years after the date hereof, and thereafter the occupancy and use of the unallotted parts of said lands shall in all respects be subject to the laws governing National Forests.

The withdrawal made by this proclamation shall, as to all lands which are at this date legally appropriated under the public land laws or reserved or used for Indian Agency, school, or church purposes, or reserved for any public purpose other than for Indian occupancy and use under such Executive Orders, be subject to, and shall not interfere with, or defeat legal rights under such appropriation, or prevent the use for such public purpose of lands so reserved, so long as such appropriation is legally maintained, or such reservation remains in force.

Prior rights not affected.

This proclamation shall not prevent the settlement and entry of any lands heretofore opened to settlement and entry under the Act of Congress approved June eleventh, nineteen hundred and six, entitled, "An Act to provide for the entry of Agricultural lands within forest reserves".

Agricultural lands.
34 Stat., Part 1, 233.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this second day of March, in the year of our Lord one thousand nine hundred and nine,
[SEAL.] and of the Independence of the United States the one hundred and thirty-third.

THEODORE ROOSEVELT

By the President:
ROBERT BACON
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

Mar. 2, 1909.

A PROCLAMATION

Proclamations.
35 Stat., Part 2, 2242.

WHEREAS, it appears that the public good will be promoted by utilizing as a National Forest certain unreserved public lands, within the Territory of New Mexico, which are in part covered with timber or undergrowth; and certain public lands within said Territory, in part covered with timber and undergrowth, which constitute a part of the Zuni Indian Reservation, established by Executive Order dated March sixteenth, eighteen hundred and seventy-seven, and modified by subsequent Executive Orders; and certain public lands within the Territories of New Mexico and Arizona, in part covered with timber and undergrowth, which constitute a part of the Navajo Indian Reservation included in the extension made to said Reservation by Executive Order dated January sixth, eighteen hundred and eighty, and subsequent Executive Orders; all of which said lands are separately shown upon two parts of a diagram hereto attached and forming a part hereof.

Zuni National Forest, Ariz. and N. Mex. Preamble.

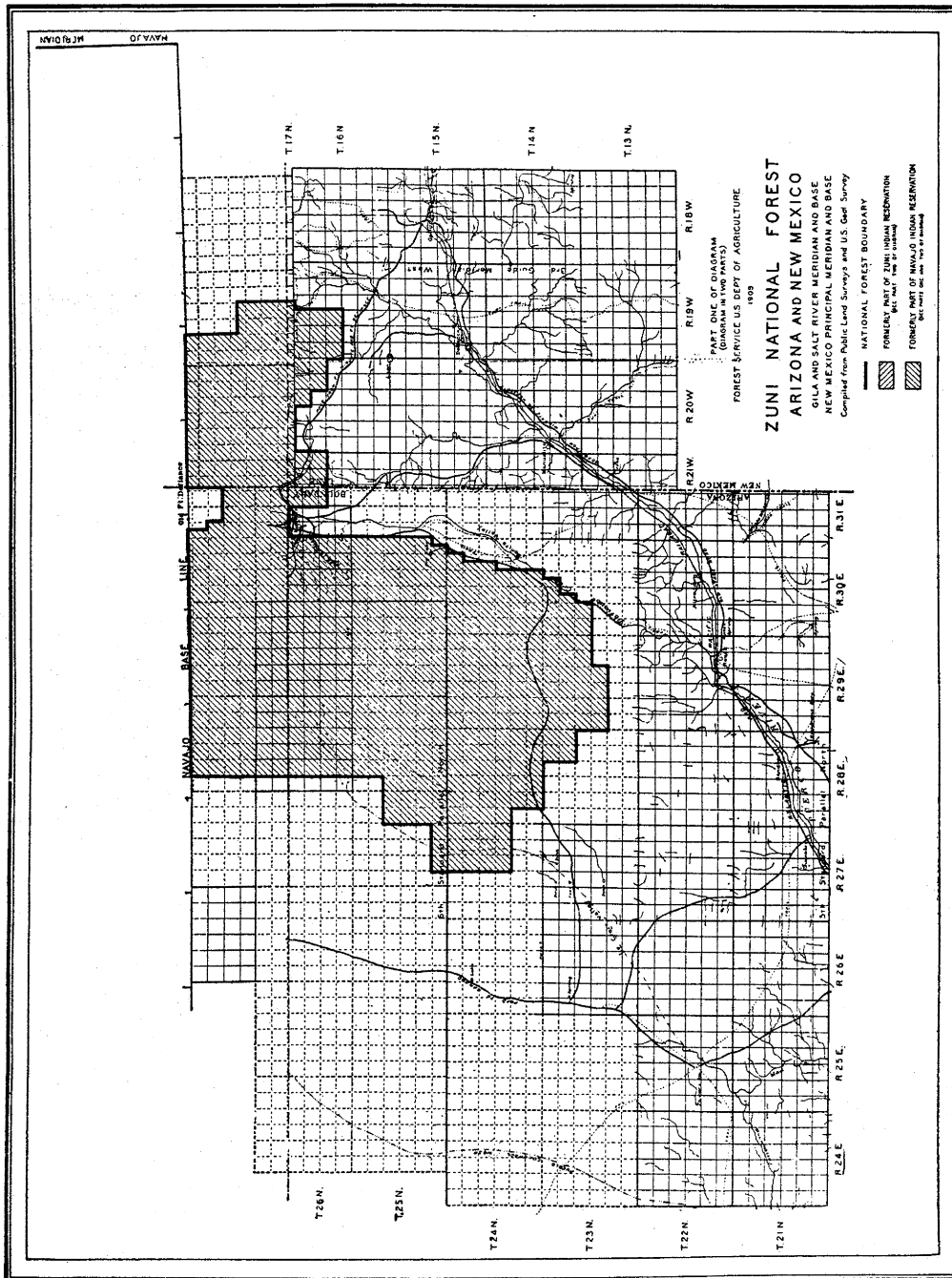
Zuni Reservation.

Navajo Reservation.

Now, therefore, I, Theodore Roosevelt, President of the United States of America, by virtue of the power in me vested by section twenty-four of the Act of Congress, approved March third, eighteen hundred and ninety-one, entitled, "An Act to repeal timber-culture laws, and for other purposes," do proclaim that there are hereby reserved from settlement or entry and set apart as a public reservation,

National Forest, Arizona and New Mexico.
26 Stat., 1103.

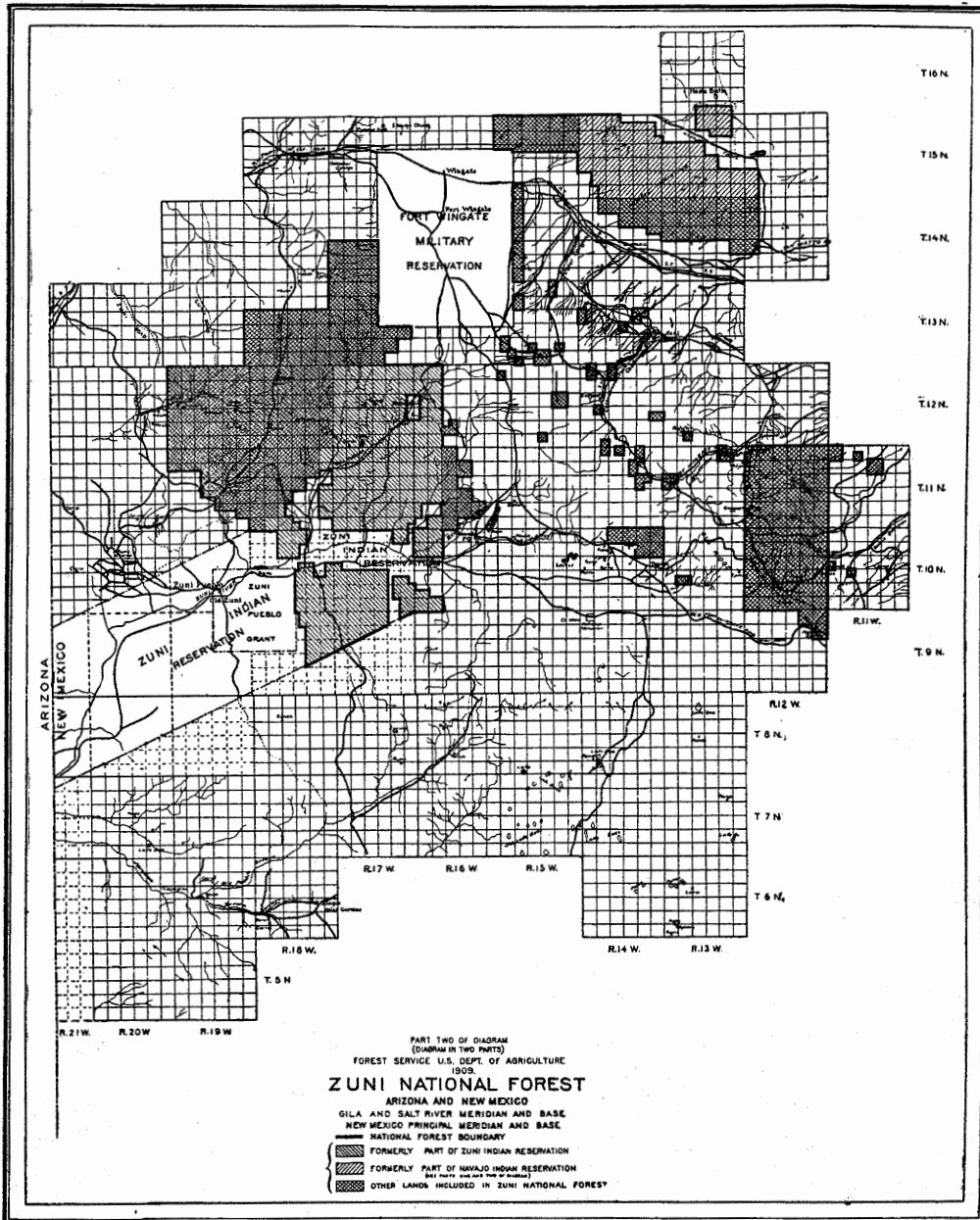
for the use and benefit of the people, all the tracts of lands, in the Territories of Arizona and New Mexico, shown as the Zuni National Forest on the two parts of the said diagram, and such National Forest



Provisos.
Use for Indians.

shall, except as hereinafter provided, be subject to all the laws affecting National Forests including the mineral land laws of the United States; *Provided*, that nothing herein shall, for the term of twenty-five years from the date hereof, operate to terminate or abridge the

rights of the Secretary of the Interior and of the Commissioner of Indian Affairs, under existing laws, to allot to individual Indians any of such of the above described lands as were included in said Zuni and Navajo Indian Reservations by the said Executive Orders, modified as aforesaid; to use any of such lands or the timber thereon for Agency,



school, or other tribal purposes; to permit the use of any of such lands for grazing purposes; to permit the free use by individual Indians of timber and stone from any of said lands necessary for domestic use upon their allotments; to dispose of the proceeds arising from grazing as provided for by law for other Indian funds; and to dispose of the dead timber standing or fallen upon such lands; *Provided further,*

Regulations, etc.

that said powers and rights of the Secretary of the Interior and Commissioner of Indian Affairs or permittees under or through them or either of them, and of individual Indians, except as to allotments to such Indians, shall be subject to such rules and regulations as the Secretary of Agriculture may from time to time prescribe for the protection of the National Forest; and said powers and rights shall not be construed to apply to any land except such parts of said Zuni Indian Reservation and Navajo Indian Reservation as are included in the Forest by this proclamation, and all said powers and rights except the rights of individual Indians and their heirs to hold and enjoy their allotments, shall cease and determine twenty-five years after the date hereof, and thereafter the occupancy and use of the unallotted parts of said lands shall in all respects be subject to the laws governing National Forests.

Prior rights not affected.

The withdrawal made by this proclamation shall, as to all lands which are at this date legally appropriated under the public land laws or reserved or used for Indian Agency, school, or church purposes, or reserved for any public purpose other than for Indian occupancy and use under such Executive Orders, be subject to, and shall not interfere with, or defeat legal rights under such appropriation, or prevent the use for such public purpose of lands so reserved, so long as such appropriation is legally maintained, or such reservation remains in force.

Agricultural lands.

This proclamation shall not prevent the settlement and entry of any lands heretofore opened to settlement and entry under the Act of Congress approved June eleventh, nineteen hundred and six, entitled, "An Act to provide for the entry of Agricultural lands within forest reserves."

34 Stat., 233.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this second day of March, in the year of our Lord one thousand nine hundred and nine,
[SEAL.] and of the Independence of the United States the one hundred and thirty-third.

THEODORE ROOSEVELT

By the President:
ROBERT BACON
Secretary of State.

Mar. 2, 1909.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

Proclamations.
35 Stat., Part 2, 2243.

A PROCLAMATION

Trinity National Forest, Cal.
Preamble.
34 Stat., Part 1, 3235.

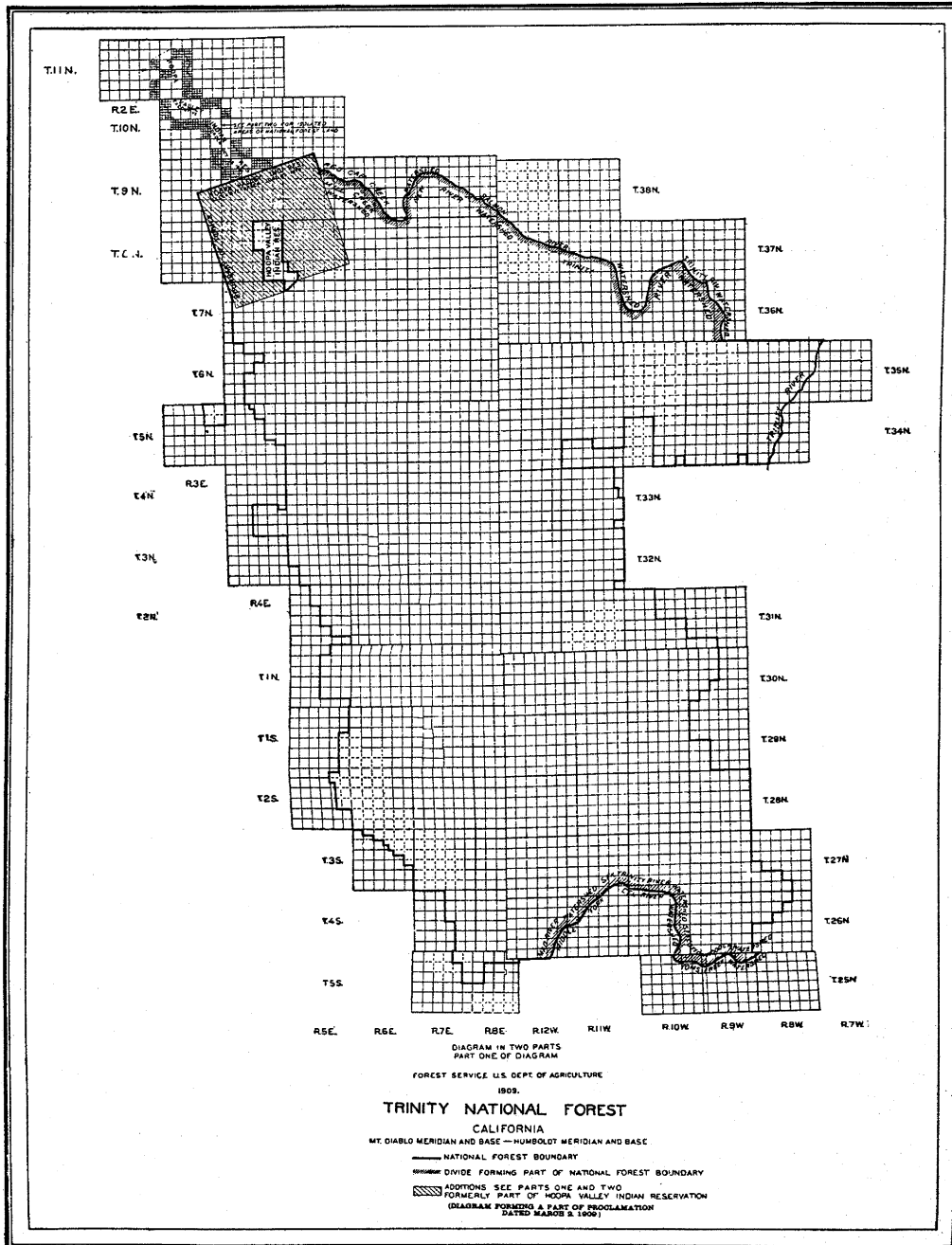
WHEREAS, an Executive Order dated July second, nineteen hundred and eight, changed the boundaries of the Trinity National Forest to embrace portions of the Trinity, Shasta, Klamath, and Stony Creek National Forests;

And whereas, it appears that the public good will be promoted by including in the Trinity National Forest certain lands within the State of California, shown on the diagram hereto attached and forming a part hereof, which are in part covered with timber, and which constitute a part of the Hoopa Valley Indian Reservation, established by Executive Order dated June twenty-third, eighteen hundred and seventy-six, and modified by subsequent Orders;

Boundaries enlarged.
26 Stat., 1103.

Now, therefore, I, Theodore Roosevelt, President of the United States of America, by virtue of the power in me vested by the Act of Congress, approved June fourth, eighteen hundred and ninety-seven, entitled, "An Act Making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen

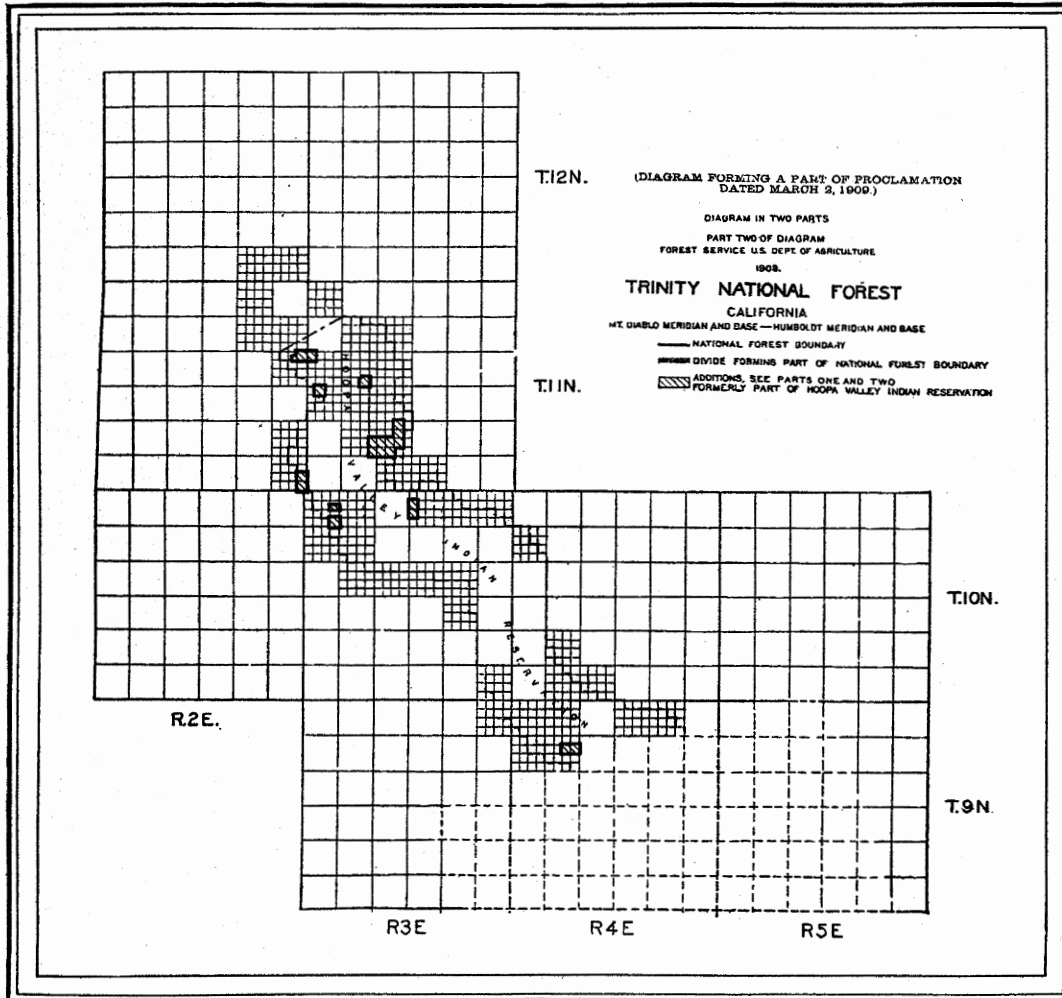
hundred and ninety-eight, and for other purposes," do proclaim that the said lands are hereby added to the Trinity National Forest and that the boundaries of said National Forest are now as shown on the two parts of the said diagram, and such National Forest so enlarged



shall, except as hereinafter provided, be subject to all the laws affecting National Forests, including the mineral land laws of the United States; *Provided*, that nothing herein shall, for the term of twenty-five years from the date hereof, operate to terminate or abridge the

Provisos.
Use for Indians.

rights of the Secretary of the Interior and of the Commissioner of Indian Affairs, under existing laws, to allot to individual Indians any of such of the above described lands as were included in the said Hoopa Valley Indian Reservation by the said Executive Order modified as aforesaid; to use any of such lands or the timber thereon for Agency, school, or other tribal purposes; to permit the use of any of such lands for grazing purposes; to permit the free use by individual Indians of timber and stone from any of said lands necessary for domestic use upon their allotments; to dispose of the proceeds arising from grazing as provided for by law for other Indian



Regulations, etc.

funds; and to dispose of the dead timber standing or fallen upon such lands; *Provided further*, that said powers and rights of the Secretary of the Interior and Commissioner of Indian Affairs or permittees under or through them or either of them, and of individual Indians, except as to allotments to such Indians, shall be subject to such rules and regulations as the Secretary of Agriculture may from time to time prescribe for the protection of the National Forest; and said powers and rights shall not be construed to apply to any land except such parts of said Hoopa Valley Indian Reservation as are included in the Forest by this proclamation, and all said powers and rights

except the rights of individual Indians and their heirs to hold and enjoy their allotments, shall cease and determine twenty-five years after the date hereof, and thereafter the occupancy and use of the unallotted parts of said lands shall in all respects be subject to the laws governing National Forests.

The withdrawal made by this proclamation shall, as to all lands which are at this date legally appropriated under the public land laws or reserved or used for Indian Agency, school, or church purposes, or reserved for any public purpose other than for Indian occupancy and use under such Executive Orders, be subject to, and shall not interfere with, or defeat legal rights under such appropriation, or prevent the use for such public purpose of lands so reserved, so long as such appropriation is legally maintained, or such reservation remains in force.

Prior rights not affected.

This proclamation shall not prevent the settlement and entry of any lands heretofore opened to settlement and entry under the Act of Congress approved June eleventh, nineteen hundred and six, entitled, "An Act to provide for the entry of Agricultural lands within forest reserves."

Agricultural lands.
34 Stat., 233.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this second day of March, in the year of our Lord one thousand nine hundred and nine,
[SEAL] and of the Independence of the United States the one hundred and thirty-third

THEODORE ROOSEVELT

By the President:

ROBERT BACON

Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

Mar. 2, 1909.

A PROCLAMATION

Proclamations.
35 Stat., Par. 2, 2244.

WHEREAS, an Executive Order signed July first, nineteen hundred and eight, directed that a part of the Black Mesa National Forest be known as the Apache National Forest;

Apache National Forest, Ariz. Preamble.

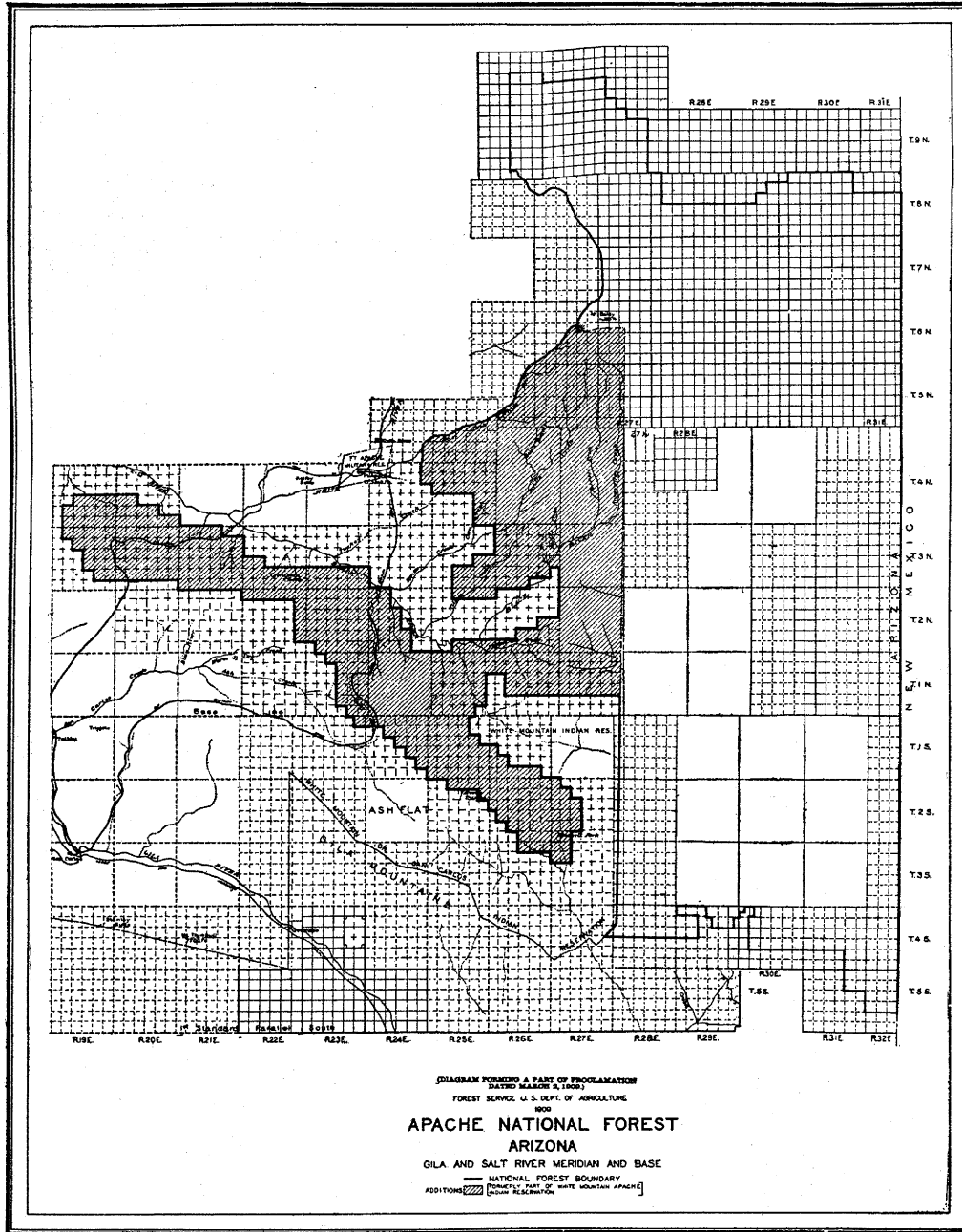
And whereas, it appears that the public good will be promoted by including in the Apache National Forest certain lands within the Territory of Arizona, shown on the diagram hereto attached and forming a part hereof, which are in part covered with timber, and which constitute a part of the White Mountain Apache Indian Reservation, established by Executive Order dated November ninth, eighteen hundred and seventy-one, and modified by subsequent Orders;

Now, therefore, I, Theodore Roosevelt, President of the United States of America, by virtue of the power in me vested by the Act of Congress, approved June fourth, eighteen hundred and ninety-seven, entitled, "An Act Making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for other purposes," do proclaim that the said lands are hereby added to the Apache National Forest and that the boundaries of said National Forest are now as shown on the said diagram, and such National Forest so enlarged shall, except as hereinafter provided, be subject to all the laws affecting National Forests including the mineral land laws of the United States; *Provided*, that, nothing herein shall, for the term of 25 years from the date hereof, operate to terminate or abridge the rights of the Secre-

National Forest, Arizona.
30 Stat., 36.

Provisos.
Use for Indians.

tary of the Interior and of the Commissioner of Indian Affairs, under existing laws, to allot to individual Indians any of such of the above described lands as were included in the said White Mountain Apache Indian Reservation by the said Executive orders modified as afore-



said; to use any of such lands or the timber thereon for Agency, school, or other tribal purposes; to permit the use of any of such lands for grazing purposes; to permit the free use by individual Indians of timber and stone from any of said lands necessary for domestic use upon their allotments; to dispose of the proceeds arising

from grazing as provided for by law for other Indian funds; and to dispose of the dead timber standing or fallen upon such lands; *Provided further*, that said powers and rights of the Secretary of the Interior and Commissioner of Indian Affairs or permittees under or through them or either of them, and of individual Indians, except as to allotments to such Indians, shall be subject to such rules and regulations as the Secretary of Agriculture may from time to time prescribe for the protection of the National Forest; and said powers and rights shall not be construed to apply to any land except such parts of said White Mountain Apache Indian Reservation as are included in the Forest by this proclamation, and all said powers and rights except the rights of individual Indians and their heirs to hold and enjoy their allotments, shall cease and determine twenty-five years after the date hereof, and thereafter the occupancy and use of the unallotted parts of said lands shall in all respects be subject to the laws governing National Forests.

Regulations, etc.

The withdrawal made by this proclamation shall, as to all lands which are at this date legally appropriated under the public land laws or reserved or used for Indian Agency, school, or church purposes, or reserved for any public purpose other than for Indian occupancy and use under such Executive Orders, be subject to, and shall not interfere with, or defeat legal rights under such appropriation, or prevent the use for such public purpose of lands so reserved, so long as such appropriation is legally maintained, or such reservation remains in force.

Prior rights not affected.

This proclamation shall not prevent the settlement and entry of any lands heretofore opened to settlement and entry under the Act of Congress approved June eleventh, nineteen hundred and six, entitled, "An Act to provide for the entry of Agricultural lands within forest reserves."

Agricultural lands.
34 Stat., Part 1, 233.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this second day of March, in the year of our Lord one thousand nine hundred and nine, and
[SEAL.] of the Independence of the United States the one hundred and thirty-third.

THEODORE ROOSEVELT

By the President:

ROBERT BACON

Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

Mar. 2, 1909.

A PROCLAMATION

Proclamations.
35 Stat., Part 2, 2249.

WHEREAS, an Executive Order signed July second, nineteen hundred and eight, established the Sequoia National Forest out of portions of the Sierra National Forest;

Sequoia National
Forest, Cal.
Preamble.

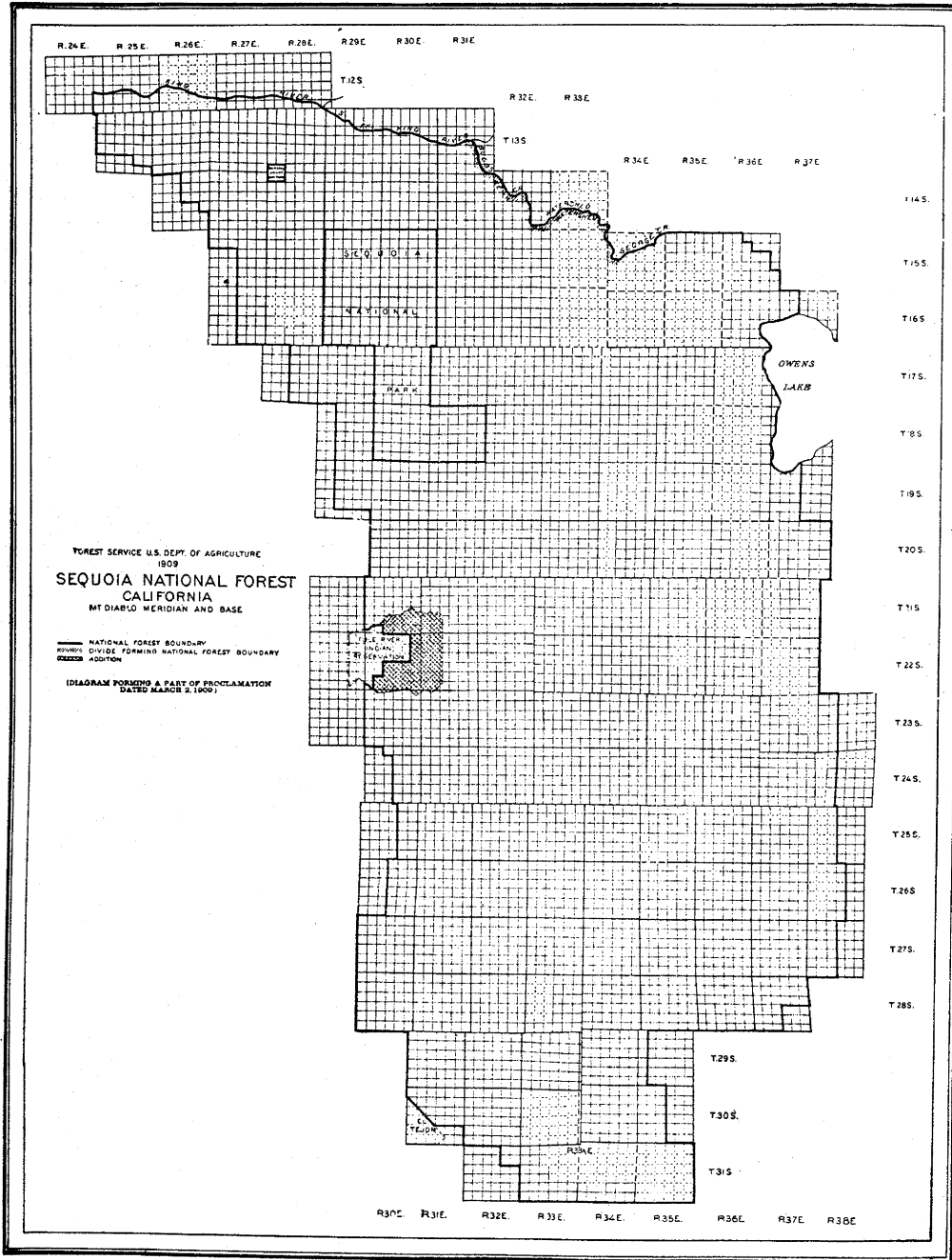
And whereas, it appears that the public good will be promoted by including in the Sequoia National Forest certain lands within the State of California, shown on the diagram hereto attached and forming a part hereof, which are in part covered with timber, and which constitute a part of the Tule River Indian Reservation, established by Executive Order dated October third, eighteen hundred and seventy-three, and modified by Executive Order dated August third, eighteen hundred and seventy-eight;

Tule River Reserva-
tion.

Now, therefore, I, Theodore Roosevelt, President of the United States of America, by virtue of the power in me vested by the Act

National Forest, Cali-
fornia.
30 Stat., 36.

of Congress, approved June fourth, eighteen hundred and ninety-seven, entitled, "An Act Making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for other purposes," do pro-



claim that the said lands are hereby added to the Sequoia National Forest and that the boundaries of said National Forest are now as shown on the said diagram, and such National Forest so enlarged shall, except as hereinafter provided, be subject to all the laws affecting National Forests including the mineral land laws of the

United States; *Provided*, that, nothing herein shall, for the term of 25 years from the date hereof, operate to terminate or abridge the rights of the Secretary of the Interior and of the Commissioner of Indian Affairs, under existing laws, to allot to individual Indians any of such of the above described lands as were included in said Tule River Indian Reservation by the said Executive Order, modified as aforesaid; to use any of such lands or the timber thereon for Agency, school, or other tribal purposes; to permit the use of any of such lands for grazing purposes; to permit the free use by individual Indians of timber and stone from any of said lands necessary for domestic use upon their allotments; to dispose of the proceeds arising from grazing as provided for by law for other Indian funds; and to dispose of the dead timber standing or fallen upon such lands; *Provided further*, that said powers and rights of the Secretary of the Interior and Commissioner of Indian Affairs or permittees under or through them or either of them, and of individual Indians, except as to allotments to such Indians, shall be subject to such rules and regulations as the Secretary of Agriculture may from time to time prescribe for the protection of the National Forest; and said powers and rights shall not be construed to apply to any land except such parts of said Tule River Indian Reservation as are included in the Forest by this proclamation, and all said powers and rights except the rights of individual Indians and their heirs to hold and enjoy their allotments, shall cease and determine twenty-five years after the date hereof, and thereafter the occupancy and use of the unallotted parts of said lands shall in all respects be subject to the laws governing National Forests.

Provisos.
Use for Indians.

Regulations, etc.

The withdrawal made by this proclamation shall, as to all lands which are at this date legally appropriated under the public land laws or reserved or used for Indian Agency, school, or church purposes, or reserved for any public purpose other than for Indian occupancy and use under such Executive Orders, be subject to, and shall not interfere with, or defeat legal rights under such appropriation, or prevent the use for such public purpose of lands so reserved, so long as such appropriation is legally maintained, or such reservation remains in force.

Prior rights not
affected.

This proclamation shall not prevent the settlement and entry of any lands heretofore opened to settlement and entry under the Act of Congress approved June eleventh, nineteen hundred and six, entitled, "An Act to provide for the entry of Agricultural lands within forest reserves," and Acts amendatory thereof.

Agricultural lands.
34 Stat., part 1, 233.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this second day of March, in the year of our Lord one thousand nine hundred and nine,
[SEAL.] and of the Independence of the United States the one hundred and thirty-third.

THEODORE ROOSEVELT

By the President:
ROBERT BACON
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

Mar. 20, 1909.

36 Stat., Part 2, 2491.

A PROCLAMATION

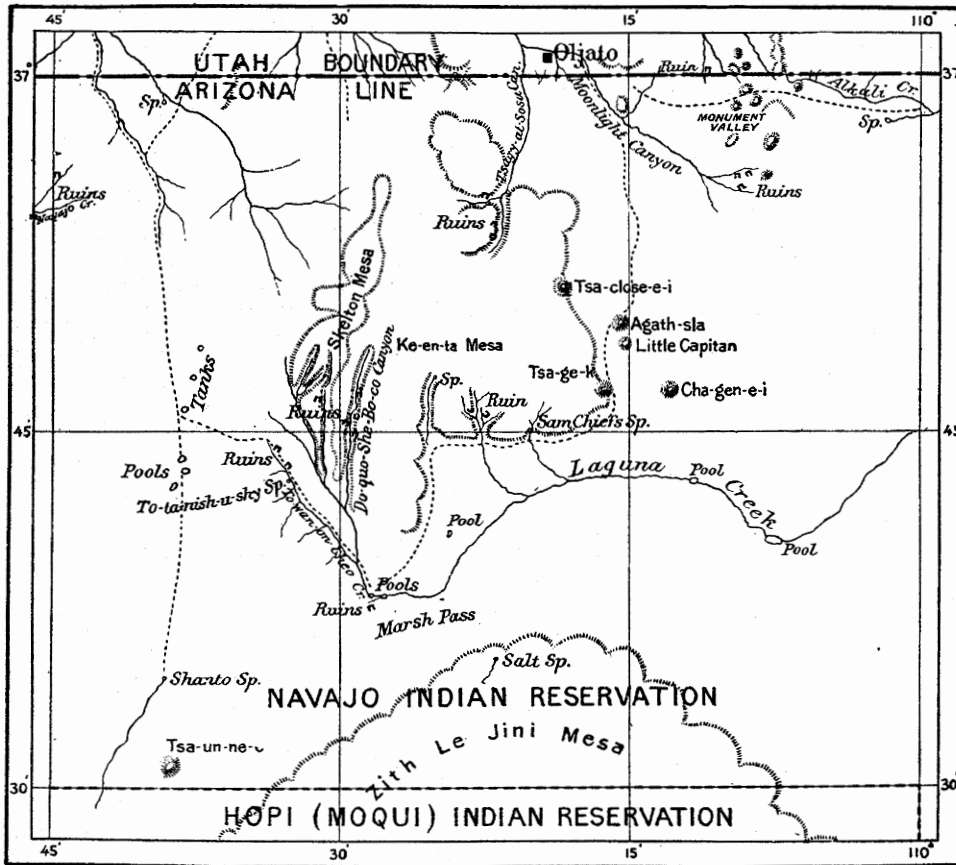
WHEREAS, a number of prehistoric cliff dwellings and pueblo ruins, situated within the Navajo Indian Reservation, Arizona, and which are new to science and wholly unexplored, and because of their isolation and size are of the very greatest ethnological, scientific and

Navajo National
Monument, Ariz.
Preamble.

NAVAJO NATIONAL MONUMENT

Embracing all cliff-dwelling and pueblo ruins between the parallel of latitude 36°30' North and 37 North and longitude 110° West and 110°45' West From Greenwich with 40 acres of land in square form around each of said ruins

ARIZONA



DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
Fred Dennett, Commissioner

educational interest, and it appears that the public interest would be promoted by reserving these extraordinary ruins of an unknown people, with as much land as may be necessary for the proper protection thereof:

Now, therefore, I, William H. Taft, President of the United States of America, by virtue of the power in me vested by Section two of the Act of Congress approved June 8, 1906, entitled, "An Act for the Preservation of American Antiquities," do hereby set aside as the Navajo National Monument all prehistoric cliff dwellings, pueblo and other ruins and relics of prehistoric peoples, situated upon the Navajo Indian Reservation, Arizona, between the parallels of latitude thirty-six degrees thirty minutes North, and thirty-seven degrees North, and between longitude one hundred and ten degrees West and one hundred and ten degrees forty-five minutes West from Greenwich, more particularly located along the arroyas, canyons and their tributaries, near the sources of and draining into Laguna Creek, embracing the Bubbling Spring group, along Navajo Creek and along Moonlight and Tsagt-at-sosa canyons, together with forty acres of land upon which each ruin is located, in square form, the side lines running north and south and east and west, equidistant from the respective centers of said ruins. The diagram hereto attached and made a part of this proclamation shows the approximate location of these ruins only.

Warning is hereby expressly given to all unauthorized persons not to appropriate, excavate, injure or destroy any of the ruins or relics hereby declared to be a National Monument, or to locate or settle upon any of the lands reserved and made a part of said Monument by this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this 20th day of March in the year of our Lord one thousand nine hundred and nine, and [SEAL.] of the Independence of the United States the one hundred and thirty-third.

WM H TAFT

By the President:
P C KNOX
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

I, William H. Taft, President of the United States of America, by virtue of the power and authority vested in me by the Acts of Congress hereinafter named, do hereby prescribe, proclaim and make known that all the nonmineral, unreserved lands classified as agricultural lands of the first class, agricultural lands of the second class and grazing lands within the Flathead Indian Reservation in the State of Montana under the Act of Congress approved April 23, 1904 (33 Stat. L., 302), which have not been withdrawn under the Act of Congress approved June 17, 1902 (32 Stat. L., 388); all the nonmineral unreserved lands classified as agricultural lands within the Spokane Indian Reservation in the State of Washington under the Act of Congress approved May 29, 1908 (35 Stat. L., 458); and all the nonmineral, unreserved lands classified as agricultural lands, grazing lands and timbered lands in the Coeur d'Alene Indian Reservation in the State of Idaho under the Act of Congress approved June 21, 1906 (34 Stat. L., 335), shall be disposed of under the provisions of the homestead laws of the United States and said Acts of Congress

National Monument,
Ariz.
34 Stat., 225.

Description.

Reserved from settle-
ment, etc.

May 22, 1909.

Proclamations.
36 Stat., Part 2, 2494.

Indian reservations
opened.

Flathead, Mont.
33 Stat., 302.
32 Stat., 388.

Spokane, Wash.
35 Stat., p. 458.

Coeur d'Alene, Idaho.
34 Stat., p. 335.

and be opened to settlement and entry in the following manner and not otherwise:

- Registration.** 1. All persons qualified to make a homestead entry may, on and after the fifteenth day of July and prior to and including the fifth day of August, 1909, but not theretofore or thereafter, present to James W. Witten, Superintendent of the Opening, at the City of Coeur d'Alene in the State of Idaho, by ordinary mail, but not in person or by registered mail or otherwise, sealed envelopes containing their applications for registration for lands in any or all of said Reservations, but no envelope should contain more than one application and no person should present more than one application for lands in the same Reservation.
- Applications.** 2. All applications for registration must be on forms furnished by the General Land Office and they must show the name, post office address, age, height and weight of the applicant and be sworn to by him on or after July 15 and prior to and including August 5, 1909, before some notary public designated by said Superintendent.
- Places designated.** 3. Applications for registration must be sworn to at the following places and not elsewhere. Applications for Flathead lands must be sworn to at either Kalispell or Missoula, Montana, for Spokane lands at Spokane, Washington, and for Coeur d'Alene lands at Coeur d'Alene, Idaho.
- Soldiers' and sailors' applications.** 4. Persons who are honorably discharged after ninety days service in the army or navy of the United States, during the War of the Rebellion, the Spanish-American War or the Philippine Insurrection, or their widows or minor orphan children, may present their applications for registration, either in person or through their duly appointed agents, but no person can act as agent for more than one such applicant and all applications presented by agents must be signed, sworn to and presented by them at the same places and in the same manner in which other applicants are required to present their applications.
- Drawings.** 5. Beginning at ten o'clock a. m. on August 9, 1909, at the City of Coeur d'Alene in the State of Idaho and continuing thereafter from day to day, Sundays excepted, as long as may be necessary, there shall be impartially taken and selected indiscriminately from the whole number of envelopes so presented such number thereof as may be necessary to carry into effect the provisions of this Proclamation, and the applications for registration contained in the envelopes so selected shall, when correct in form and execution, be numbered serially in the order in which they are selected, beginning with number one for the lands within each of said Reservations, and the numbers thus assigned shall fix and control the order in which the persons named therein may make entry after the lands shall become subject to entry.
- Notice of successful applicants.** 6. A list of the successful applicants, showing the number assigned to each of them, will be conspicuously posted and furnished to the press for publication as a matter of news, and a proper notice will be promptly mailed to each person to whom a number is assigned.
- Presentation of entry applications.** 7. Beginning at nine o'clock a. m. on April 1, 1910, and continuing thereafter on such dates as may be fixed by the Secretary of the Interior, persons holding numbers assigned to them under this Proclamation will be permitted to present their applications to enter (or file their declaratory statements in cases where they are entitled to file declaratory statements) at the land office for any land district in which their numbers entitle them to make entry, in the order in which their applications for registration were selected and numbered, but no person can present more than one application to enter or file more than one declaratory statement.
- Forfeiture.** 8. If any person fails to apply to enter, or to file a declaratory statement if he is entitled to do so, on the day assigned him for that

purpose, or if he presents more than one application for registration for lands within the same Reservation, or presents an application in any other than his true name, he will forfeit his right to make entry or filing under this Proclamation.

9. None of the lands opened to entry under this Proclamation shall become subject to settlement or entry prior to the first day of September, 1910, except in the manner prescribed herein; and all persons are admonished not to make any settlement prior to that date on lands not covered by entries or filings made by them under this Proclamation. On September 1, 1910, all of said lands which have not then been entered under this Proclamation will become subject to settlement and entry under the general provisions of the homestead laws and the said Acts of Congress.

10. The Secretary of the Interior shall make and prescribe such rules and regulations as may be necessary and proper to carry this Proclamation and the said Acts of Congress into full force and effect.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 22nd day of May, in the year of our Lord one thousand nine hundred and nine and of [SEAL.] the Independence of the United States the one hundred and thirty-third.

WM H TAFT

By the President:

P C KNOX

Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

I, William H. Taft, President of the United States of America, by virtue of the power and authority vested in me by the Act of Congress approved May 29, 1908, (35 Stat. L., 460), do hereby prescribe, proclaim and make known that all the nonmineral, unallotted unreserved lands within the Cheyenne River and Standing Rock Indian Reservations in the States of South Dakota and North Dakota which have been or may be classified under said Act of Congress into agricultural land of the first class, agricultural land of the second class, grazing land and timber land shall be disposed of under the general provisions of the homestead laws of the United States and of said Act of Congress, and be opened to settlement and entry, and be settled upon, occupied and entered in the following manner, and not otherwise:

1. All persons qualified to make a homestead entry may, on and after October 4, 1909, but not theretofore, and prior to and including October 23, 1909, but not thereafter, present to James W. Wittcn, Superintendent of the opening, at the City of Aberdeen, South Dakota, by ordinary mail, but not in person or by registered mail or otherwise, sealed envelopes containing their applications for registration but no envelope must contain more than one application; and no person can present more than one application in his own behalf and one as agent for a soldier, sailor, widow or minor orphan child, as hereinafter provided.

2. All applications for registration must show the applicant's name, postoffice address, age, height and weight, and be sworn to by them at either Aberdeen, LeBeau, Lemmon, Mobridge or Pierre, South Dakota, or at Bismarck, North Dakota before some Notary Public designated by the Superintendent.

3. Persons who were honorably discharged after ninety days' service in the Army or Navy of the United States, during the War of the

Occupancy.

Regulations.

Aug. 19, 1909.

Proclamations.
36 Stat., Part 2, 2500.

Opening of Cheyenne
River and Standing
Rock Indian Reser-
vations, S. Dak. and N.
Dak.
35 Stat., 460.

Registration.

Applications.

Soldiers' and sailors'
applications.

Rebellion, the Spanish-American War, or the Philippine Insurrection, or their widows or minor orphan children, may make their applications for registration, either in person or through their duly appointed agents, but no person can act as agent for more than one such applicant and all applications presented by agents must be signed, sworn to and presented by them at one of the places named and in the same manner in which other applicants are required to swear to and present their applications.

Drawings.

4. Beginning at ten o'clock a. m. on October 26, 1909, at the said City of Aberdeen and continuing thereafter from day to day, Sundays excepted, as long as may be necessary, there shall be impartially taken and selected indiscriminately from the whole number of envelopes so presented such number thereof as may be necessary to carry into effect the provisions of this Proclamation, and the applications for registration contained in the envelopes so selected shall, when correct in form and execution, be numbered serially in the order in which they are selected, beginning with number one and the numbers thus assigned shall fix and control the order in which the persons named therein may make entry after the lands shall become subject to entry.

Notice to successful applicants.

5. A list of the successful applicants, showing the number assigned to each of them, will be conspicuously posted and furnished to the press for publication as a matter of news, and a proper notice will be promptly mailed to each person to whom a number is assigned.

Presentation of applications to enter.

6. Beginning at nine o'clock a. m. on April 1, 1910, and continuing thereafter on such dates as may be fixed by the Secretary of the Interior, persons holding numbers assigned to them under this Proclamation will be permitted to present their applications to enter (or file their declaratory statements in cases where they are entitled to file declaratory statements) at the land office for any land district in which their numbers entitle them to make entry, in the order in which their applications for registration were selected and numbered, but no person can present more than one application to enter or file more than one declaratory statement.

Forfeiture of right.

7. If any person fails to apply to enter, (or to file a declaratory statement if he is entitled to do so), on the day assigned him for that purpose, or if he presents more than one application for registration or presents an application in any other than his true name, he will forfeit his right to make entry or filing under this Proclamation.

Date of settlement.

8. None of the lands opened to entry under this Proclamation shall become subject to settlement or entry prior to the first day of September, 1910, except in the manner prescribed herein; and all persons are admonished not to make any settlement prior to that date on lands not covered by entries or filings made by them under this Proclamation. On September 1, 1910, all of said lands which have not been entered under this Proclamation will become subject to settlement and entry under the general provisions of the homestead laws and the said Act of Congress.

Regulations.

9. The Secretary of the Interior shall make and prescribe such rules and regulations as may be necessary and proper to carry this Proclamation and the said Act of Congress into full force and effect.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 19th day of August, in the year of our Lord one thousand nine hundred and nine, and [SEAL.] of the Independence of the United States the one hundred and thirty-fourth.

WM H TAFT

By the President:

ALVEY A. ADEE

Acting Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA,

Nov. 1, 1909.

A PROCLAMATION

Proclamations.
36 Stat., Part 2, 2503.

WHEREAS, one of the largest and most important of the early Spanish church ruins, commonly known as the Gran Quivira, together with numerous Indian pueblo ruins in its vicinity, situated in Socorro County, New Mexico, are of great historical interest, and it appears that the public interest would be promoted by reserving these ruins with as much public land as may be necessary for the proper protection thereof,

Gran Quivira National Monument,
N. Mex.
Preamble.

Now, therefore, I, William H. Taft, President of the United States of America, by virtue of the power in me vested by Section Two of the Act of Congress approved June 8, 1906, entitled, "An Act for the Preservation of American Antiquities", do hereby set aside as the Gran Quivira National Monument the Spanish church ruin and the Indian pueblo ruins situated in unsurveyed Township One South, Range Eight East of the New Mexico Principal Meridian, New Mexico, and located within and embracing all of the North half of the North half of Section Three of said township, containing one hundred and sixty acres of land, more or less, as shown upon the diagram hereto attached and made a part of this proclamation.

National Monument,
New Mexico.

34 Stat., 225.

Description.

Warning is hereby expressly given to all unauthorized persons not to appropriate, excavate, injure or destroy any of the ruins or relics hereby declared to be a National Monument or to locate or settle upon any of the lands reserved and made a part of said monument by this proclamation.

Reserved from settlement, etc.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 1st day of November, in the year of our Lord one thousand nine hundred and nine,
[SEAL.] and of the Independence of the United States the one hundred and thirty-fourth.

WM H TAFT

By the President:

P C KNOX

Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

Dec. 10, 1909.

A PROCLAMATION.

Proclamations.
36 Stat., part 2, 2504.

WHEREAS, by Executive Order of June 22, 1892, certain lands in Sections nine and sixteen, Township five South, Range Eight East, Gila and Salt River Base and Meridian in the Territory of Arizona, were withdrawn under the Act of Congress approved March 2, 1889, entitled, "An Act to make appropriations for sundry civil expenses of the Government for the fiscal year ending June thirty, eighteen hundred and ninety, and for other purposes," and it appears that the land located in said Section nine does not contain any of said Ruin, and that the additional land in said Section sixteen contains a part of said Ruin and should be reserved for the protection thereof;

Casa Grande Ruin
Reservation, Ariz.
Preamble.
25 Stat., p. 961.

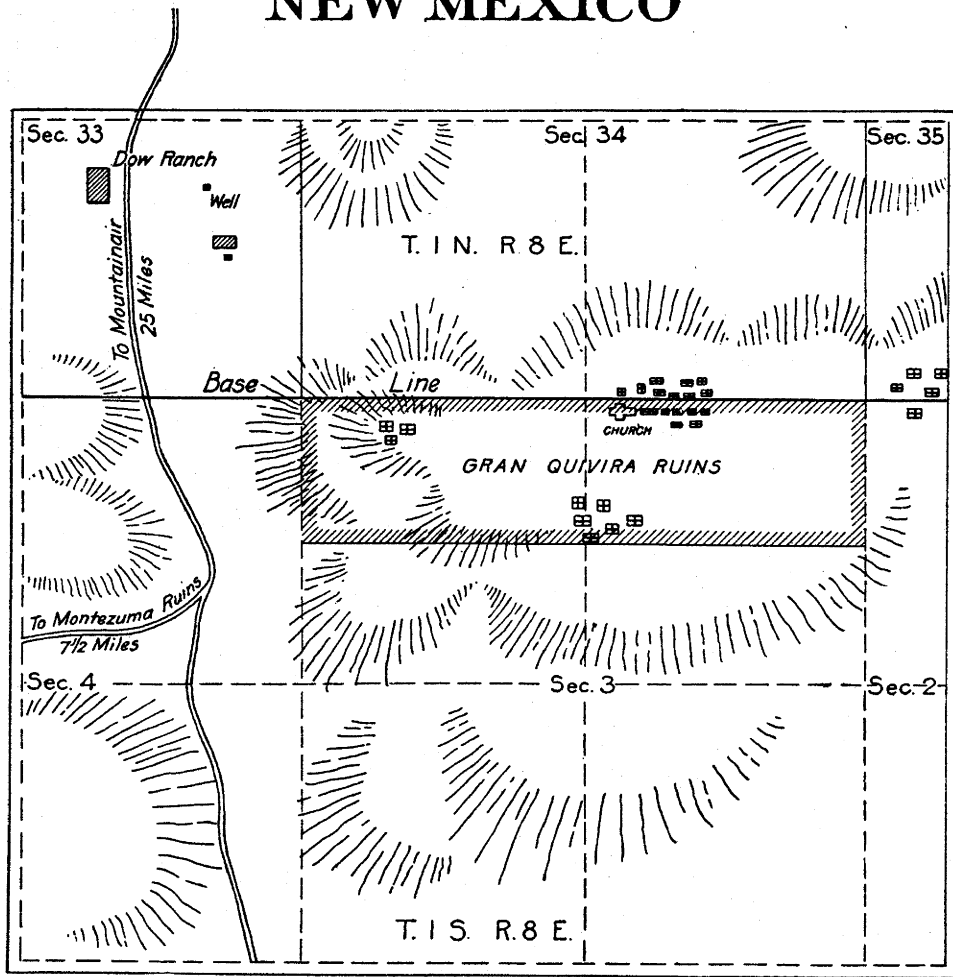
Now, therefore, I, WILLIAM H. TAFT, President of the United States of America, by virtue of the power in me vested by said Act of March 2, 1889, do restore to the public domain the southwest quarter of the southeast quarter and the south half of the southwest quarter of said Section nine, and do hereby reserve from appropriation and use of all kinds under the public land laws, subject to any valid adverse claims, the north half, the north half of southwest

Location corrected.

GRAN QUIVIRA NATIONAL MONUMENT

*Embracing unsurveyed N² of N² of Sec. 3,
T. 1 S., R. 8 E., New Mexico Principal Meridian.*

NEW MEXICO



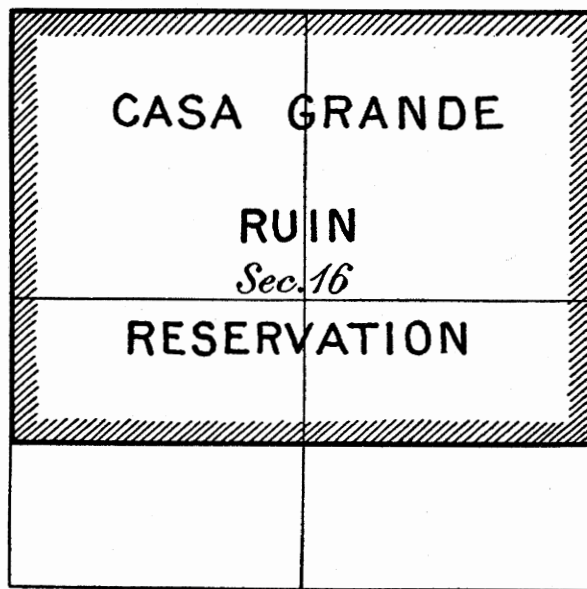
Monument Boundary

DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
Fred Dennett, Commissioner.

CASA GRANDE RUIN RESERVATION ARIZONA

Embracing the north half, the north half of the south-west quarter and the north half of the south-east quarter of Section sixteen, Township 5 South, Range 8 East, Gila and Salt River Mer.

/////// Reservation boundary



DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
Fred Dennett, Commissioner

quarter and the north half of the southeast quarter of said Section sixteen, as shown upon the diagram hereto attached and made a part of this proclamation.

Reserved from settlement, etc.

Warning is hereby expressly given to all unauthorized persons not to excavate, appropriate, injure or destroy any of the objects hereby reserved, nor to settle upon any of the lands contained within the boundaries of this reservation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this 10th day of December in the year of our Lord one thousand nine hundred and nine,
[SEAL.] and of the Independence of the United States the one hundred and thirty-fourth.

WM H TAFT

By the President:

P C KNOX
Secretary of State.

July 1, 1910.

Proclamations.
36 Stat., Part 2, 2716.

Cheyenne and Arapahoe Indian Reservation, Okla.
Opening of lands to settlement.
36 Stat., Part 1, 533.

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION

I, William H. Taft, President of the United States of America, by virtue of the power and authority vested in me by the Act of Congress approved June seventeenth, one thousand nine hundred and ten (Public No. 215), do hereby proclaim and make known that all the lands within what was formerly the Cheyenne and Arapahoe Indian Reservation, in the State of Oklahoma, and described in the said act of Congress, which in the judgment of the Secretary of the Interior are no longer needed or necessary, for the purposes for which they were originally reserved, shall be opened to entry and disposed of upon sealed bids or at public auction, at the discretion of the said Secretary, under the general provisions of the homestead laws of the United States, and of said act of Congress, on and after November fifteenth, one thousand nine hundred and ten, at the City of El Reno, in the State of Oklahoma, to the highest bidder, under rules and regulations adopted by the said Secretary.

Done at the City of Washington this 1st day of July, in the year of our Lord one thousand nine hundred and ten, and of
[SEAL.] the Independence of the United States the one hundred and thirty-fourth.

WM H TAFT

By the President.

HUNTINGTON WILSON
Acting Secretary of State.

Sept. 9, 1910.

Proclamations.
36 Stat., Part 2, 2742.

Crow Indian Reservation, Mont.
Preamble.
33 Stat., 361.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Whereas the Act of the Congress directing the disposal of lands within a specified part of the Crow Indian Reservation, in the State of Montana, approved April 27, 1904 (33 United States Statutes at Large, 352) provides among other things:

That when, in the judgment of the President, no more of the land herein ceded can be disposed of at said price, he may by proclamation, to be repeated at his discretion, sell from time to time the remaining land subject to the provisions of the homestead law or otherwise as he may deem most advantageous, at such price or prices, in such manner, upon such conditions, with such restrictions, and upon such terms as he may deem best for all the interests concerned;

And, whereas, in my judgment, no more of said lands can be disposed of at the price named in said Act, except such of them as have been withdrawn under the Reclamation Act; and it being believed that said undisposed of lands can be most advantageously disposed of in the manner hereinafter prescribed;

Now, therefore, I, William H. Taft, President of the United States of America, do hereby proclaim and direct that all of the unentered nonmineral, unreserved lands affected by said act which have not been withdrawn under the Reclamation Act, and which are not embraced in any valid existing right initiated under the public land laws be offered for sale at public auction under the supervision of James W. Witten, Superintendent of the Opening and Sale of Indian Lands, at the city of Billings, in the State of Montana, on October 15, 1910, and thereafter, in legal subdivisions approximating three hundred and twenty acres each, as near as may be, except in cases where the owners or purchasers of lands adjacent to offered tracts shall request the offering of such adjacent tracts in smaller legal subdivisions.

No person will be permitted to purchase more than four quarter sections, or at a less price than two dollars per acre, and the purchaser of each tract must pay one-fifth of the purchase price thereof before 4.30 o'clock on the sale day following the date on which such purchase is made, or if the purchase is made on the last day of the sale said payment must be made before 4.30 o'clock on that date. The remainder of the purchase money may be paid in four equal annual installments in one, two, three, and four years after the date of the sale. If any purchaser shall at any time fail to make any payment when it becomes due all rights under his purchase, and all moneys theretofore paid thereunder will be forfeited. All lands offered but not sold at the sale herein directed shall thereafter be subject to purchase at private sale in the areas under the terms, conditions and limitations mentioned in this proclamation at two dollars per acre.

The Secretary of the Interior, and the Superintendent of the sale as emergencies arise, may make and prescribe such rules and regulations not in conflict herewith as the proper conducting of the sale may require, and the superintendent of the sale may reject any and all bids, and may indefinitely postpone the sale or adjourn it from time to time as occasion may demand.

In witness, whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 9th day of September, in the year of our Lord one thousand nine hundred and ten, [SEAL.] and of the Independence of the United States the one hundred and thirty-fifth.

WM H TAFT

By the President
HUNTINGTON WILSON
Acting Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

WHEREAS, it is believed that the following described land, to wit:

Lot three of section two, in township twenty-two north, of range twenty-four west, of the Montana Meridian, in the State of Montana, is a natural and prospective center of population:

NOW THEREFORE, I, WILLIAM HOWARD TAFT, President of the United States of America, by virtue of the power in me vested

Opening of lands to settlement.

Restrictions.

Payments.

Disposal of unsold lands.

Regulations.

Feb. 15, 1912.

Proclamations.
37 Stat., Part 2, 1730.

Flathead Indian Reservation, Mont.
Preamble.

Lot reserved for townsite in.
33 Stat., 302.

by the Act of Congress entitled "An Act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation in the State of Montana, and the sale and disposal of all surplus lands after allotment", approved April 23, 1904 (33 Stats. 302), and by sections 2380 and 2381 of the Revised Statutes of the United States, do hereby declare and make known that the land above described is hereby reserved as a townsite, to be disposed of by the United States under the terms of the Statutes applicable thereto.

Rev. Stat., 2380, 2381.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this fifteenth day of February, in the year of our Lord one thousand nine hundred and [SEAL.] twelve, and of the independence of the United States the one hundred and thirty-sixth.

WM H TAFT

By the President:

HUNTINGTON WILSON

Acting Secretary of State.

Mar. 14, 1912.

Proclamations.

37 Stat., Part 2, 1733.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA,

A PROCLAMATION

Navajo National Monument, Ariz. Preamble. 36 Stat., 2491.

WHEREAS, the Navajo National Monument, Arizona, created by proclamation dated March 20, 1909, after careful examination and survey of the prehistoric cliff dwelling pueblo ruins, has been found to reserve a much larger tract of land than is necessary for the protection of such of the ruins as should be reserved, and therefore the same should be reduced in area to conform to the requirements of the act authorizing the creation of National Monuments;

34 Stat., 225.

Area diminished.

34 Stat., 225.

Now, therefore, I, William H. Taft, President of the United States of America, by virtue of the power in me vested by Section two of the act of Congress entitled, "An Act for the Preservation of American Antiquities", approved June 8, 1906, do hereby set aside and reserve, subject to any valid existing rights, as the Navajo National Monument, within the Navajo Indian Reservation, two tracts of land containing one hundred and sixty acres each, and within which are situated prehistoric ruins known as "Betata Kin" and "Keet Seel," respectively, and one tract of land, containing forty acres, and within which is situated a prehistoric ruin known as "Inscription House". The approximate location of these tracts is shown upon the diagram which is hereto attached and made a part of this proclamation.

Reserved from settlement, etc.

Warning is hereby expressly given to all unauthorized persons not to appropriate, excavate, injure or destroy any of the ruins or relics hereby declared to be a National Monument, or to locate or settle upon any of the lands reserved and made a part of this Monument by this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this 14th day of March, in the year of our Lord one thousand nine hundred and twelve, and [SEAL.] of the Independence of the United States the one hundred and thirty-sixth.

WM H TAFT

By the President:

HUNTINGTON WILSON

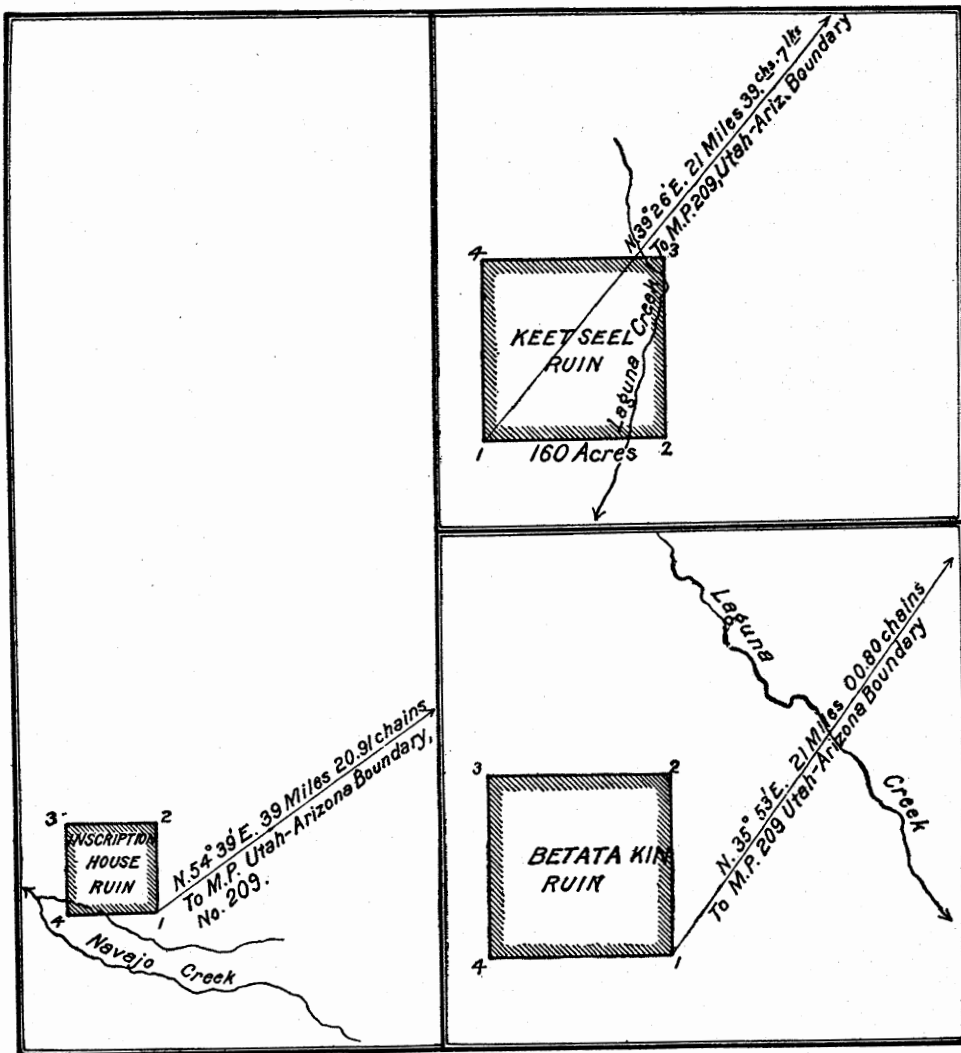
Acting Secretary of State.

Second Proclamation
NAVAJO NATIONAL MONUMENT

Embracing the Keet Seel and Betata Kin Ruins, located in two small tracts of 160 Acres each, along Laguna Creek, and Inscription House Ruins on Navajo Creek in a 40 acre tract, all within the Navajo Indian Reservation.

ARIZONA

Total area 360 Acres



Monument Boundary

DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
Fred Dennett, Commissioner

Aug. 9, 1912.

Proclamations.
37 Stat., Part 2, 1759.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Crow Indian Reser-
vation, Mont.
Preamble.
33 Stat., 361.
36 Stat., 2742.

Whereas the Proclamation issued under the Act of Congress approved April twenty-seventh, nineteen hundred and four, (thirty-third United States Statutes at Large, three hundred and fifty-two), on September ninth, nineteen hundred and ten, directed the sale of certain lands in the ceded portion of the Crow Indian Reservation in the State of Montana;

And Whereas certain portions of said lands were not sold at said sale because of a lack of satisfactory bids:

Sale of undisposed
of ceded lands.

Now, Therefore, I, William H. Taft, President of the United States of America, do hereby proclaim and direct that all of the unentered unsold, nonmineral lands in said portion of said reservation which are not at that time embraced in any reservation, withdrawal, or valid, existing claim, shall, on October twenty-first, nineteen hundred and twelve, and thereafter, be offered for sale at public auction under the supervision of the Secretary of the Interior or such person as he may designate as superintendent of such sale, at the city of Billings, in the State of Montana, in legal subdivisions approximating three hundred and twenty acres each, as nearly as may be, except in cases where homestead entrymen, or the owners of lands patented under the homestead laws, shall request the offering of smaller legal subdivisions adjacent to the lands held by them.

Restrictions.

No person will be permitted to purchase more than four quarter sections of said lands, or more than such area as will, when added to the lands heretofore purchased by him at said sale, not exceed four quarter sections, or at a less price than one dollar and fifty cents per acre, and each purchaser must pay not less than one-fifth of the purchase price thereof before four-thirty o'clock, P. M., on the sale day following the day on which such purchase is made. The remainder of the purchase money may be paid in four equal, annual installments in one, two, three and four years after the date of the sale. If any purchaser shall at any time fail to make any payment when it becomes due, all rights under his purchase and all moneys theretofore paid thereunder will be forfeited.

Payments.

Remaining lands at
private sale.

All lands offered but not sold at the sale herein directed shall thereafter be subject to purchase at private sale in the areas, at the price and under the terms, conditions and limitations herein prescribed after said sale has been finally closed.

Regulations.

The Secretary of the Interior and the Superintendent of the sale may, as emergencies arise, make and prescribe such rules and regulations not in conflict herewith as the proper conducting of the sale may require, and the Superintendent of the sale may reject any and all bids and may indefinitely postpone the sale, or adjourn it from time to time, as occasion may require.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this ninth day of August, in the year of our Lord nineteen hundred and twelve, and of [SEAL.] the independence of the United States the one hundred and thirty-seventh.

WM H TAFT

By the President.
P C KNOX
Secretary of State.

PART III.

EXECUTIVE ORDERS RELATING TO INDIAN RESERVES FROM JULY 1, 1902, TO SEPTEMBER 4, 1913.¹

ARIZONA.

CAMP M'DOWELL RESERVATION, ARIZ.

WHITE HOUSE, *September 15, 1903.*

It is hereby ordered that so much of the land of the Camp McDowell abandoned military reservation as may not have been legally settled upon nor have valid claims attaching thereto under the provisions of the act of Congress approved August 23, 1894 (28 Stat. L., 491), be, and the same is hereby, set aside and reserved for the use and occupancy of such Mojave-Apache Indians as are now living thereon or in the vicinity and such other Indians as the Secretary of the Interior may hereafter deem necessary to place thereon.

The lands so withdrawn and reserved will include all tracts to which valid rights have not attached under the provisions of the said act of Congress, and in addition thereto all those tracts upon the reservation containing Government improvements which were reserved from settlement by the said act of Congress, and which consist of (1) the immediate site of the old camp, containing buildings and a good artesian well; (2) the post garden; (3) the United States Government farm; (4) the lands lying north of the old camp, and embracing or containing the old Government irrigation ditch; and (5) the target practice grounds.

THEODORE ROOSEVELT.

It is hereby ordered that the following-described lands in Arizona, viz: Secs. 4, 6, 8, 16, fractional 20, W. $\frac{1}{2}$ of 22, SW. $\frac{1}{4}$ of SW. $\frac{1}{4}$ of 26, and fractional secs. 28 and 34, T. 16 N., R. 21, fractional sec. 12, T. 16 N., R. 22, secs. 6, 8, W. $\frac{1}{2}$ of 16, 18, 20, 28, 30, 32, and W. $\frac{1}{2}$ of 34, T. 17 N., R. 21, sec. 2, fractional 4, fractional 10, 12, 14, fractional 22, fractional 24, and fractional 36, T. 17 N., R. 22, W. $\frac{1}{2}$ of sec. 18 and sec. 30, T. 18 N., R. 21, secs. 2, 12, 14, 24, 26, fractional 28, fractional 34, 36, and all of secs. 10 and 22, not included within the present boundaries of the Fort Mojave Indian Reservation, T. 18 N., R. 22, and all of the S. $\frac{1}{2}$ of sec. 34, not included within the present boundaries of the Fort Mojave Indian Reservation, T. 19 N., R. 22, all west of the Gila and Salt River meridian, be, and the same are hereby, withdrawn from settlement and entry and set apart as an addition to the present Fort Mojave Indian Reservation in Arizona, for the use and occupation of the Fort Mojave and such other Indians as the Secretary of the Interior may see fit to settle thereon: *Provided*, That nothing herein shall affect any existing valid rights of any person to the lands described.

WM. H. TAFT.

THE WHITE HOUSE, *December 1, 1910.*
(No. 1267.)

It is hereby ordered that Executive Order No. 1267, dated December 1, 1910, adding certain land to the Fort Mojave Indian Reservation be, and the same is hereby, canceled; and it is hereby ordered that the following-described lands in Arizona, viz: Fractional secs. 4 and 6, secs. 8 and 16, fractional sec. 20, W. $\frac{1}{2}$ of 22, SW. $\frac{1}{4}$ of SW. $\frac{1}{4}$ of 26 and fractional secs. 28 and 34, T. 16 N., R. 21, fractional sec. 12, T. 16 N., R. 22, fractional sec. 6, sec. 8, W. $\frac{1}{2}$ of 16, fractional secs. 18 and 20, sec. 28, fractional 32 and W. $\frac{1}{2}$ of 34, T. 17 N., R. 21, sec. 2, fractional secs. 4, 10, and 12, sec. 14, fractional

¹ For Executive orders issued previous to 1902, see Vol. I, p. 801.

22 and 24, T. 17 N., R. 22, fractional W. $\frac{1}{2}$ of sec. 18 and fractional sec. 30, T. 18 N., R. 21, fractional sec. 2, secs. 12, 14, 24, and 26, fractional secs. 28, 34, and 36, and all of secs. 10 and 22, not included within the present boundaries of the Fort Mojave Indian Reservation, T. 18 N., R. 22, and all of the S. $\frac{1}{2}$ of sec. 34, not included within the present boundaries of the Fort Mojave Indian Reservation, T. 19 N., R. 22, all west of the Gila and Salt River meridian, be, and the same are hereby, withdrawn from settlement and entry and set apart as an addition to the present Fort Mojave Indian Reservation in Arizona, for the use and occupation of the Fort Mojave and such other Indians as the Secretary of the Interior may see fit to settle thereon: *Provided*, That nothing herein shall affect any existing valid rights of any person to the lands described.

WM. H. TAFT.

THE WHITE HOUSE, *February 2, 1911.*
(No. 1296.)

It is hereby ordered that the following land in Arizona, being a part of those withdrawn by Executive Order of December 12, 1882, for use of the Papago Indians, be, and hereby are, restored to the public domain: Section 16 and sections 19 to 36, inclusive, in township 5 south of range 5 west of the Gila and Salt River meridian.

WM. H. TAFT.

THE WHITE HOUSE, *June 17, 1909.*
(No. 1090.)

It is hereby ordered that Executive Order of November 15, 1883, creating a reservation for use of the "Pima and Maricopa Indians," be, and the same is hereby, amended so as to make such reservation available for use of the Pima and Maricopa Indians and such other Indians as the Secretary of the Interior may see fit to settle thereon.

WM. H. TAFT.

THE WHITE HOUSE, *May 8, 1911.*
(No. 1349.)

Executive Order of June 14, 1879, temporarily withdrawing from sale and settlement for Indian uses all of townships 1 and 2 north, ranges 5 and 6 east, in Arizona, lying south of the Salt River, is hereby amended so as to withdraw permanently from settlement, entry, sale, or other disposition all that part of section 35 in township 2 north, range 5 east, of the Gila and Salt River meridian, lying south of the Salt River, for use of the Pima and Maricopa Indians and such other Indians as the Secretary of the Interior may see fit to settle thereon, subject to any existing valid rights of any persons thereto.

WM. H. TAFT.

THE WHITE HOUSE, *October 23, 1911.*
(No. 1426.)

It is hereby ordered that the following-described lands in Pinal County, Ariz., be, and they are hereby, reserved from settlement, entry, sale, or other disposal and set aside as an addition to the Gila River Indian Reservation, Ariz., subject to any valid existing rights of any persons thereto:

Township 5 south, range 7 east, Gila and Salt River meridian.

Section 1, lots 5, 6, 7, 8, 9, and 10, SW. $\frac{1}{4}$; S. $\frac{1}{2}$ of NW. $\frac{1}{4}$, and the west 160 acres of the SE. $\frac{1}{4}$ of section 1.

Section 12, E. $\frac{1}{2}$ of NW. $\frac{1}{4}$, NW. $\frac{1}{4}$ of NW. $\frac{1}{4}$, W. $\frac{1}{2}$ of NE. $\frac{1}{4}$, NW. $\frac{1}{4}$ of SE. $\frac{1}{4}$, and lots 2, 3, 4, and 9.

Township 5 south, range 8 east, Gila and Salt River meridian.

Section 6, lots 6 and 7, E. $\frac{1}{2}$ of SW. $\frac{1}{4}$, S. $\frac{1}{2}$ of SE. $\frac{1}{4}$.

Section 7, lot 1, NE. $\frac{1}{4}$ of NW. $\frac{1}{4}$ and N. $\frac{1}{2}$ of NE. $\frac{1}{4}$.

WM. H. TAFT.

THE WHITE HOUSE, *July 31, 1911.*
(No. 1387.)

Under authority of the act of Congress approved June 25, 1910 (36 Stat., 847), and on the recommendation of the Secretary of the Interior it is hereby ordered that all of township 5 south, range 7 east, Gila and Salt River meridian, Arizona, except such portions thereof as have been heretofore reserved and set aside as an addition to the Gila River Indian Reservation, be temporarily withdrawn from settlement, location, sale, or entry, except as provided in said act, and be reserved for classification.

WM. H. TAFT.

THE WHITE HOUSE, *December 16, 1911.*
(No. 1447.)

It is hereby ordered that the following-described tract of country in the Territories of Arizona and New Mexico, viz:

Commencing at a point where the east line of the Navajo Indian Reservation, as at present constituted, intersects the north boundary of township 23 north, range 13 west, New Mexico meridian; thence due east to the northeast corner of township 23 north, range 5 east; thence south to the southeast corner of township 17 north, range 5 east, New Mexico meridian; thence west to the first guide meridian; thence south on the said guide meridian to the southeast corner of township 15 north, range 9 west; thence west to the southwest corner of township 15 north, range 14 west; thence north to the northwest corner of township 15 north, range 14 west; thence due west to the boundary line between the Territories of Arizona and New Mexico; thence south on the boundary line between the Territories of Arizona and New Mexico to the northeast corner of township 23 north, range 31 east; thence west to the northwest corner of township 23 north, range 29 east; thence south to the northwest corner of township 21 north, range 29 east; thence west to the northwest corner of township 21 north, range 29 east; thence west to the northwest corner of township 21 north, range 26 east; thence south to the southeast corner of township 21 north, range 25 east; thence west to the southwest corner of township 21 north, range 22 east; thence due north to the southern boundary of the Navajo Reservation, as at present constituted, be, and the same is hereby, withdrawn from sale and settlement and set apart for the use of the Indians as an addition to the present Navajo Reservation: *Provided*, That this withdrawal shall not affect any existing valid rights of any person.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *November 9, 1907.*
(No. 709.)

Whereas it is found that the Executive order of November 9, 1907, setting apart certain lands in Arizona and New Mexico as an addition to the Navajo Indian Reservation, conflicts in part with Executive order of November 11, 1907, setting apart certain lands as an addition to the Jicarilla Indian Reservation, N. Mex., said Executive order is hereby so amended that the description of the tract of land set apart as an addition to the Navajo Reservation shall read as follows:

Beginning at a point on the eastern boundary of the Navajo Reservation where it intersects what would be, if extended, the township line between townships 23 and 24 north; thence east along said township line between townships 23 and 24 north to the northeast corner of township 23 north, range 6 west, New Mexico meridian; thence south to the northeast corner of township 21 north, range 6 west; thence east to the northeast corner of township 21 north, range 5 west; thence south to the southeast corner of township 17 north, range 5 west; thence west to the first guide meridian west; thence south on said guide meridian to the southeast corner of township 15 north, range 9 west; thence west along the township line between townships 14 and 15 north to the northwest corner of township 15 north, range 14 west; thence west along the township line between townships 15 and 16 north to the boundary line between the Territories of Arizona and New Mexico; thence south on said boundary line to the northeast corner of township 23 north, range 31 east, Gila and Salt River meridian, Arizona; thence west on the township

line between townships 23 and 24 north to the northwest corner of township 23 north, range 29 east; thence south to the northwest corner of township 21 north, range 29 east; thence west on the township line between townships 21 and 22 north to the northwest corner of township 21 north, range 26 east; thence south to the southeast corner of township 21 north, range 25 east; thence west on the fifth standard parallel north to the southwest corner of township 21 north, range 22 east; thence north on the range line between ranges 21 and 22 east to its intersection with the south boundary of the Hopi (Moqui) Indian Reservation, Ariz.; thence east to the southeast corner of said Hopi (Moqui) Reservation; thence north on the 110° of longitude west to the south boundary of the Navajo Reservation, Ariz.; thence east along the said south boundary to the boundary line between Arizona and New Mexico; thence continuing east along the boundary line of the Navajo Reservation, N. Mex., to the southeast corner of said reservation; thence north along the east boundary of said Navajo Reservation to the place of beginning.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 28, 1908.*
(No. 744.)

ZUNI NATIONAL FOREST, ARIZONA AND NEW MEXICO.

Under authority of the act of Congress of June 4, 1897 (30 Stat., 11, at 34 and 36), and upon recommendation of the Secretary of Agriculture, it is hereby ordered that on and after March 1, 1912, the boundaries of the Zuni National Forest, Arizona and New Mexico, as proclaimed March 2, 1909, and modified by subsequent proclamation of July 1, 1910, be further modified by excluding therefrom those parts of the Zuni and of the Navajo Indian Reservations included in said national forest by the said proclamation of March 2, 1909, except those parts of the said Navajo Indian Reservation described in Executive order No. 1284 of January 16, 1911, and included in said Zuni National Forest by said proclamation of March 2, 1909, which are hereby retained as national forest land.

The purpose of this exclusion is to restore in all respects the Zuni Indian Reservation and that part of the Navajo Indian Reservation not affected by Executive order No. 1284 of January 16, 1911, to the status existing prior to the said proclamation of March 2, 1909, as though the inclusion of the lands within the Zuni National Forest had not been ordered, and said Indian reservations are hereby fully recreated and restored to that status, with the exception above mentioned.

WM. H. TAFT.

THE WHITE HOUSE, *February 17, 1912.*
(No. 1482.)

It is hereby ordered that the following described lands in Pima County, Ariz., be, and they are hereby, reserved from settlement, entry, sale, or other disposal and set aside for school, agency, and other necessary uses for the benefit of the Papago Indians, subject to any valid existing rights of any persons thereto:

SE. $\frac{1}{4}$ of the SE. $\frac{1}{4}$ of sec. 25, T. 17 S., R. 4 E.; S. $\frac{1}{2}$ of NE. $\frac{1}{4}$ of SW. $\frac{1}{4}$ of SW. $\frac{1}{4}$; S. $\frac{1}{2}$ of SW. $\frac{1}{4}$ of SW. $\frac{1}{4}$ and NW. $\frac{1}{4}$ of SW. $\frac{1}{4}$ of SW. $\frac{1}{4}$ of sec. 30, T. 17 S., R. 5 E.

Beginning at SW. corner of the NW. $\frac{1}{4}$ of the SW. $\frac{1}{4}$ of section 30, T. 17 S., R. 5 E.; thence east 2.5 chains; thence north 20 chains; thence west 2.5 chains; thence south 20 chains to the place of beginning.

N. $\frac{1}{2}$ of the NW. $\frac{1}{4}$ of sec. 7, T. 21 S., R. 6 E., of the Gila and Salt River meridian, Arizona.

WM. H. TAFT.

THE WHITE HOUSE, *June 16, 1911.*
(No. 1374.)

It is hereby ordered that the following described lands in the State of Arizona, viz, all of sections 1 and 12, in township 1 north, range 4 east, of the Gila and Salt River meridian, be, and the same are hereby, withdrawn from settlement, entry,

and sale and set apart as an addition to the Salt River Indian Reservation: *Provided*, That nothing herein shall affect any existing valid rights of any person to the lands prescribed.

WM. H. TAFT.

THE WHITE HOUSE, *October 20, 1910.*
(No. 1256.)

It is hereby ordered that Executive order of June 14, 1879, creating a reservation for use of the "Pima and Maricopa Indians" be, and the same is hereby, amended so as to make said reservation available for use of the Pima and Maricopa Indians and such other Indians as the Secretary of the Interior may see fit to settle thereon.

WM. H. TAFT.

THE WHITE HOUSE, *March 22, 1911.*
(No. 1322.)

Executive order of June 14, 1879, temporarily withdrawing from sale and settlement for Indian uses so much of townships 1 and 2 north, ranges 5 and 6 east, in Arizona, lying south of the Salt River, is hereby amended so as to permanently withdraw from settlement, entry, sale, or other disposition all those tracts lying south of the Salt River in secs. 25, 26, 34, and 36, except the SE. $\frac{1}{4}$ of the SE. $\frac{1}{4}$ of sec. 34, in township 2 north, range 5 east of the Gila and Salt River meridian, for the use of the Pima and Maricopa Indians, and such other Indians as the Secretary of the Interior may see fit to settle thereon, subject to any existing valid rights of any persons thereto.

WM. H. TAFT.

THE WHITE HOUSE, *September 28, 1911.*
(No. 1416.)

DECEMBER 22, 1902.

It is hereby ordered that all that portion of the White Mountain or San Carlos Indian Reservation in the Territory of Arizona lying within the following described boundaries be, and the same hereby is, restored to the public domain, to wit: Commencing at the southwestern corner of the reservation where the same is cut by the Gila River; thence in a northerly direction along the western boundary 13 miles to a point; thence due east to the Gila River; thence down the Gila River in a southerly and southwesterly direction to the place of beginning.

T. ROOSEVELT.

APACHE NATIONAL FOREST, ARIZONA.

Under authority of the act of Congress of June 4, 1897 (30 Stat., 11 at 34 and 36), and upon recommendation of the Secretary of Agriculture, it is hereby ordered that on and after March 1, 1912, the boundaries of the Apache National Forest, Ariz., as proclaimed March 2, 1909, and modified by subsequent proclamation of September 26, 1910, be further modified by excluding therefrom all that part of the White Mountain Apache Indian Reservation included in said Apache National Forest by said proclamation of March 2, 1909, and not transferred to the Crook National Forest, Ariz., by proclamation of September 26, 1910.

The purpose of this exclusion is to restore the White Mountain Apache Indian Reservation in all respects to the status existing prior to the said proclamation of March 2, 1909, as though the inclusion of the lands within the Apache National Forest had not been ordered, and said Indian reservation is hereby fully re-created and restored to that status.

WM. H. TAFT.

THE WHITE HOUSE, *February 17, 1912.*
(No. 1475.)

CROOK NATIONAL FOREST, ARIZ.

Under authority of the act of Congress of June 4, 1897 (30 Stats., 11 at 34 and 36), and upon recommendation of the Secretary of Agriculture, it is hereby ordered that on and after March 1, 1912, the boundaries of the Crook National Forest, Ariz., as proclaimed September 26, 1910, be modified by excluding therefrom that part of the White Mountain Apache Indian Reservation included in the Apache National Forest by proclamation of March 2, 1909, and transferred to this, the said Crook National Forest, by proclamation of September 26, 1910.

The purpose of this exclusion is to restore the White Mountain Apache Indian Reservation in all respects to the status existing prior to the said proclamation of March 2, 1909, as though the inclusion of the lands within the Crook National Forest had not been ordered, and said Indian reservation is hereby fully re-created and restored to that status.

WM. H. TAFT.

THE WHITE HOUSE, *February 17, 1912.*
(No. 1477.)

SITGREAVES NATIONAL FOREST, ARIZ.

Under authority of the act of Congress of June 4, 1897 (30 Stat., 11 at 34 and 36), and upon recommendation of the Secretary of Agriculture, it is hereby ordered that on and after March 1, 1912, the boundaries of the Sitgreaves National Forest, Ariz., proclaimed March 2, 1909, and modified by subsequent proclamation of August 24, 1910, be further modified by excluding therefrom all that part of the White Mountain Apache Indian Reservation included in the said Sitgreaves National Forest by the said proclamation of March 2, 1909.

The purpose of this exclusion is to restore the White Mountain Apache Indian Reservation in all respects to the status existing prior to the said proclamation of March 2, 1909, as though the inclusion of the lands within the Sitgreaves National Forest had not been ordered, and said Indian reservation is hereby fully recreated and restored to that status.

WM. H. TAFT.

THE WHITE HOUSE, *February 17, 1912.*
(No. 1479.)

It is hereby ordered that the following-described land, to wit, the northwest quarter of the northeast quarter and the west half of the northeast quarter of the northeast quarter of section 26, township 18 north of range 13 west of the Gila and Salt River meridian, be, and the same is hereby, reserved from entry, sale, settlement, or other disposition, for use of the Walapai Indians, subject to any valid, existing right of any person to the land described herein.

WM. H. TAFT.

THE WHITE HOUSE, *June 2, 1911.*
(No. 1368.)

It is hereby ordered that Executive Order No. 1538, dated May 28, 1912, be, and the same hereby is, amended so as to eliminate therefrom the following described lands now reserved for the Maricopa band or village of Papago Indians, to-wit:

Township 4, Range 2, S. $\frac{1}{2}$ of section 15;
Township 4, Range 3, NE. $\frac{1}{4}$ of section 19; NE. $\frac{1}{4}$ and E. $\frac{1}{2}$ of NW. $\frac{1}{4}$ of section 29;
NE. $\frac{1}{4}$ and N. $\frac{1}{2}$ of NW. $\frac{1}{4}$ of section 33;
Township 5, Range 2, all of township excepting sections 1 and 12;
Township 5, Range 3, S. $\frac{1}{2}$ of sections 25, 26 and 27;
Township 5, Range 4, E. $\frac{1}{2}$ of sections 15, 22 and 27; SW. $\frac{1}{4}$ of section 27; and
S. $\frac{1}{2}$ of sections 28, 29 and 30.

All South and East of the Gila and Salt River principal Meridian, in Arizona.

WM H TAFT

THE WHITE HOUSE, *September 2, 1912.*
(No. 1598.)

It is hereby ordered that Executive Order No. 1538, dated May 28, 1912, be, and the same hereby is, amended so as to eliminate therefrom the S. $\frac{1}{2}$ of Section 13, Township 4 South of Range 2 East of the Gila and Salt River Meridian in Arizona.

That part of Executive Order No. 1598, dated September 2, 1912, eliminating the S. $\frac{1}{2}$ of Section 15, Township 4 South, Range 2 East of the Gila and Salt River Meridian from withdrawal for Indian purposes is hereby revoked.

WM H TAFT

THE WHITE HOUSE, *October 8, 1912.*
(No. 1621.)

It is hereby ordered that the lands in Ts. 17 S., Rs. 4 and 5 E., and T. 21 S., R. 6 E., Gila and Salt River Meridian, in the State of Arizona, reserved for use of the Papago Indians by Executive Order No. 1374, dated June 16, 1911 are hereby restored to the public domain, and in lieu thereof the following three described tracts of unsurveyed land, in said State, all east of the Gila and Salt River Meridian, containing an approximate aggregate area of 4224.84 acres, be, and the same are hereby, withdrawn from settlement, entry, sale, or other disposition, and reserved for school, agency, and other necessary uses for the benefit of the Papago or other Indians, in said State, subject to any prior valid rights of any persons thereto, namely:

1. A tract of land which, by protraction of the regular surveys from the standard corner of Ts. 20 S., Rs. 4 and 5 E., established in the survey of the Fourth Standard Parallel South, would appear to be, when surveyed, lots 1, 2, 3 and 4, sec. 30, T. 17 S., R. 5 E., containing an approximate area of one hundred and forty-eight and twenty-four hundredths (148.24) acres.

2. A tract of land which, by protraction of the regular surveys from the established fractional south boundary of T. 19 S., R. 7 E., would appear to be, when surveyed, the south halves of secs. 3 and 4; the SE. $\frac{1}{4}$ of sec. 5; the NE. $\frac{1}{4}$ of sec. 8; all of secs. 9, 10, 15 and 16; the N. $\frac{1}{2}$ of sec. 21, and the NW. $\frac{1}{4}$ of sec. 22, all in T. 19 S., R. 7 E., containing an approximate area of four thousand (4000) acres.

3. A tract of land which, by protraction of the regular surveys from the established east boundary of T. 21 S., R. 6 E., would appear to be, when surveyed, lot 1, and the NE. $\frac{1}{4}$ of the NW. $\frac{1}{4}$ of sec. 7, T. 21 S., R. 6 E., containing an approximate area of seventy-six and sixty hundredths (76.60) acres.

WM H TAFT

THE WHITE HOUSE, *December 5, 1912.*
(No. 1655.)

It is hereby ordered that the Lots 1 (39.48 acres) and 2 (39.48 acres) and the S. $\frac{1}{4}$ of the NE. $\frac{1}{4}$ of Section 2, Township 21 North, Range 28 East of the Gila and Salt River Meridian in Arizona, be, and they are hereby, withdrawn from settlement, entry, sale, or other disposition and set aside for use of Navajo Indians: Provided, that the withdrawal hereby shall be subject to any prior valid existing rights of any persons to the lands described.

WM H TAFT

THE WHITE HOUSE, *February 10, 1913.*
(No. 1699.)

It is hereby ordered that the following described lands in Arizona be, and they are hereby, withdrawn from settlement, entry, sale, or other disposition, and set aside as an addition to the Gila River Indian Reservation in Arizona: Provided, That the withdrawal hereby made shall be subject to any existing valid rights of any persons to the lands described.

Township 4, Range 4.
Sections 13, 14, 15, 23, 24, 25, 26, and 35; E. $\frac{1}{2}$ of Section 17; NE. $\frac{1}{4}$ of Section 20; N. $\frac{1}{2}$ of Section 21, and N. $\frac{1}{2}$ of Section 22.

Township 5, Range 4.

Sections 1 and 2.

All south and east of the Gila and Salt River base and meridian.

WOODROW WILSON

THE WHITE HOUSE, *June 2, 1913.*
(No. 1782.)

Under the authority of act of Congress approved June 25, 1910 (36 Stat., 847), and on the recommendation of the Secretary of the Interior, the public lands in Township 41 North, Range 2 West, Gila and Salt River Meridian, Arizona, are hereby temporarily withdrawn from settlement, location, sale, or entry, for the purpose of classifying said lands, and pending the enactment of legislation for the proper disposition thereof;

Provided: That this order shall not supersede, nor in any wise affect Departmental orders including a portion of said lands within the boundaries of the Kaibab Indian Reservation.

WOODROW WILSON

THE WHITE HOUSE, *June 11, 1913.*
(No. 1786.)

It is hereby ordered that Executive Order No. 1540, dated May 29, 1912, reserving certain tracts of land in Arizona from settlement, entry, sale or other disposition for use of the Walapai Indians be, and the same is hereby, revoked.

WOODROW WILSON

THE WHITE HOUSE, *18 July, 1913.*
(No. 1798.)

CALIFORNIA.

GREENVILLE SCHOOL, CAL.

It is hereby ordered that the southeast quarter of section 31, township 27 north, range 10 east, Mount Diablo meridian, California, be, and the same is hereby, reserved and set apart for Indian school purposes, the same to form a part of the land of the Greenville (Cal.), Indian Industrial Training School.

T. ROOSEVELT.

THE WHITE HOUSE, *November 26, 1902.*

TRINITY NATIONAL FOREST, CAL.

Under authority of the act of Congress of June 4, 1897 (30 Stat., 11 at 34 and 36), and upon recommendation of the Secretary of Agriculture, it is hereby ordered that on and after March 1, 1912, the boundaries of the Trinity National Forest, Cal., as proclaimed March 2, 1909, and modified by subsequent proclamation of December 16, 1910, be further modified by excluding therefrom all that part of the Hoopa Valley Indian Reservation included in the said Trinity National Forest by said proclamation of March 2, 1909.

The purpose of this exclusion is to restore the Hoopa Valley Indian Reservation in all respects to the status existing prior to the said proclamation of March 2, 1909, as though the inclusion of the lands within the Trinity National Forest had not been ordered, and said Indian reservation is hereby fully recreated and restored to that status.

WM. H. TAFT.

THE WHITE HOUSE, *February 17, 1912.*
(No. 1480.)

RESTORATION—SAN BERNARDINO MERIDIAN.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by Executive order dated December 27, 1875, sections 5 and 6, township 15 south, range 2 east, San Bernardino meridian, California, were with certain other tracts of land withdrawn from the public domain and reserved for the use of the Capitan Grande Band or Village of Mission Indians; and

Whereas the commission appointed under the provisions of the act of Congress approved January 12, 1891, entitled "An act for the relief of the Mission Indians in the State of California" (U. S. Stat. L., vol. 26, p. 712), selected for the said Capitan Grande Band or Village of Indians certain tracts of land and intentionally omitted and excluded from such selection the said sections 5 and 6, township 15 south, range 2 east; and

Whereas the report and recommendations of the said commission were approved by Executive order dated December 29, 1891, which order also directed that "All of the lands mentioned in said report are hereby withdrawn from settlement and entry until patents shall have issued for said selected reservations, and until the recommendations of said commission shall be fully executed, and, by the proclamation of the President of the United States, the lands or any part thereof shall be restored to the public domain;" and

Whereas a patent was issued March 10, 1894, to the said Indians for the lands selected by the commission as aforesaid and which patent also excluded the said sections 5 and 6, township 15 south, range 2 east; and

Whereas it appears that on the 10th day of March, 1895, Joseph J. Henderson entered upon the southeast quarter of the southeast quarter, section 5, township 15 south, range 2 east, San Bernardino meridian, for the purpose of taking the land under the homestead law, and can not make the requisite filings on the land occupied by him until it shall have been formally restored to the public domain, and that no good reason appears to exist for the further reservation of said sections 5 and 6 for the said band of Indians:

Now, therefore, I, Theodore Roosevelt, President of the United States, by virtue of the power in me vested, do hereby declare and make known that Executive orders dated December 27, 1875, and December 29, 1891, are so far modified as to except from their provision sections 5 and 6, township 15 south, range 2 east, San Bernardino meridian, and the said sections are hereby restored to the public domain.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this 15th day of May in the year of our Lord, 1905, and of the Independence of the United States the one hundred and twenty-ninth.

[SEAL.]

By the President:

FRANCIS B. LOOMIS,
Acting Secretary of State.

T. ROOSEVELT.

It is hereby ordered that the north half of the northeast quarter of section 29, township 8 south, range 21 east of the Mount Diablo meridian, be, and the same is hereby, withdrawn from settlement, entry, sale, or other disposition, for Indian use, subject to any valid existing rights of any person thereto.

WM. H. TAFT.

THE WHITE HOUSE, *April 24, 1912.*
(No. 1522.)

It is hereby ordered that Executive order dated August 25, 1877, setting aside certain described land in the State of California for Indian purposes, be, and the same hereby is, revoked in so far as it relates to the south half of section 20, township 3 south of range 1 east of the San Bernardino meridian.

THE WHITE HOUSE, *July 7, 1910.*
(No. 1224.)

WM. H. TAFT.

It is hereby ordered that Executive orders of August 25, 1877, March 9, 1881, and December 29, 1891, reserving certain described lands in the State of California for Indian purposes be, and the same are hereby, modified and amended in so far as to restore to the public domain for the purpose of settlement and entry the tracts described as follows:

The southwest quarter of the northeast quarter, west half of the southeast quarter and southeast quarter of the southwest quarter of section 28, township 2 south, range 1 east of the San Bernardino meridian.

The north half and the southeast quarter of section 18; the north half of the northeast quarter and southeast quarter of the northeast quarter of section 20, township 3 south, range 2 east of the San Bernardino meridian.

THE WHITE HOUSE, *February 20, 1912.*
(No. 1485.)

WM. H. TAFT.

ORDER OF WITHDRAWAL.

It is hereby ordered that the following described lands be, and the same are hereby withdrawn from settlement, location, sale, or entry and reserved for public purposes, to wit, for a reservoir site to be used in connection with the irrigation of lands of the Indians on the San Pasqual Reservation, Cal., subject to all provisions, limitations, exceptions, and conditions contained in the act of Congress entitled, "An act to authorize the President of the United States to make withdrawals of public lands in certain cases," approved June 25, 1910.

Township 11 south, range 1 west, S. B. M., the southwest quarter (or lots 11, 12, 13, and 14) of section 14.

WM. H. TAFT,
President.

APRIL 15, 1911.

Referred to the Commissioner of the General Land Office for appropriate action.

WALTER L. FISHER,
Secretary of the Interior.

It is hereby ordered that the unsurveyed island in the Pacific Ocean about three-quarters of a mile north of the mouth of Smith River, in California, in section 17, township 18 north, range 1 west of the Humboldt base and meridian, designated on the official plats of survey as Hunters Rock, and on the United States Coast and Geodetic Chart No. 5900 as Prince Island, be, and the same hereby is, reserved from all forms of disposal and set aside for use of the Smith River Indians, and for such other purposes as the Secretary of the Interior may direct or authorize; this withdrawal being subject to any prior valid existing rights of any persons.

WM. H. TAFT.

THE WHITE HOUSE, *March 11, 1912.*
(No. 1495.)

SEQUOIA NATIONAL FOREST, CAL.

Under authority of the act of Congress of June 4, 1897 (30 Stat. 11 at 34 and 36), and upon the recommendation of the Secretary of Agriculture, it is hereby ordered that on and after March 1, 1912, the boundaries of the Sequoia National Forest, California, as proclaimed March 2, 1909, and modified by subsequent proclamation of July 1, 1910, be further modified by excluding therefrom all that part of the Tule River Indian Reservation included in said Sequoia National Forest by said proclamation of March 2, 1909.

The purpose of this exclusion is to restore the Tule River Indian Reservation in all respects to the status existing prior to the said proclamation of March 2, 1909, as though the inclusion of the lands within the Sequoia National Forest had not been ordered, and said Indian reservation is hereby fully re-created and restored to that status.

WM. H. TAFT.

THE WHITE HOUSE, *February 17, 1912.*
(No. 1478.)

It is hereby ordered that the lot 2, containing 33.40 acres, of sec. 5, T. 1 N., R. 16 E., and the lot 7, containing 0.18 of an acre, of sec. 32, T. 2 N., R. 16 E., of the Mount Diablo meridian, in California, be, and the same are hereby, reserved from settlement, entry, sale, or other disposition, and set aside for Indian use, subject to any prior valid existing claim of any persons thereto.

WM. H. TAFT.

THE WHITE HOUSE, *April 13, 1912.*
(No. 1517.)

It is hereby ordered that the following-described lands in the State of California be, and they are hereby, reserved from settlement, entry, sale, or other disposal, and set aside for allotment purposes to the Indians located thereon, and for such other uses as may be lawful for the benefit of the Indians:

T. 7 S., R. 32 E., Mount Diablo meridian, S. $\frac{1}{2}$ of SW. $\frac{1}{4}$ of sec. 14; S. $\frac{1}{2}$ of SE. $\frac{1}{4}$; SE. $\frac{1}{4}$ of SW. $\frac{1}{4}$ and SW. $\frac{1}{4}$ of NW. $\frac{1}{4}$ of sec. 15; NW. $\frac{1}{4}$, N. $\frac{1}{2}$ of SW. $\frac{1}{4}$, and E. $\frac{1}{2}$ of sec. 23; SW. $\frac{1}{4}$ of NW. $\frac{1}{4}$, S. $\frac{1}{2}$ of SW. $\frac{1}{4}$, and NW. $\frac{1}{4}$ of SW. $\frac{1}{4}$ of sec. 24.

T. 10 S., R. 34 E., Mount Diablo meridian, S. $\frac{1}{2}$ of sec. 20; SE. $\frac{1}{4}$ of NE. $\frac{1}{4}$ of sec. 32; SW. $\frac{1}{4}$ of NW. $\frac{1}{4}$ of sec. 33.

T. 11 S., R. 34 E., Mount Diablo meridian, SW. $\frac{1}{4}$ of NW. $\frac{1}{4}$, SW. $\frac{1}{4}$, of sec. 9; W. $\frac{1}{2}$ of SW. $\frac{1}{4}$ of sec. 21; NW. $\frac{1}{4}$ of SE. $\frac{1}{4}$ of sec. 28; W. $\frac{1}{2}$ of NE. $\frac{1}{4}$, NW. $\frac{1}{4}$, and N. $\frac{1}{2}$ of SE. $\frac{1}{4}$ of sec. 33.

T. 12 S., R. 34 E., Mount Diablo meridian, W. $\frac{1}{2}$ of SE. $\frac{1}{4}$ of sec. 9; and all of sec. 34 except the NE. $\frac{1}{4}$ of NE. $\frac{1}{4}$.

The reservation made hereby shall not interfere with or defeat any prior legal appropriation of the lands for public purposes.

Any tracts occupied and improved by any person and listed upon application of the occupant under authority of the act of June 11, 1906 (Thirty-fourth United States Statutes at Large, p. 233), are hereby excepted from the provisions of this order.

WM. H. TAFT.

THE WHITE HOUSE, *March 11, 1912.*
(No. 1496.)

It is ordered that the following described lands in the State of California, be and they are hereby, temporarily reserved from settlement, entry, sale, or other disposition until their suitability for allotment purposes to homeless Paiute or other Indians living on or adjacent thereto may be fully investigated:

T. 4, R. 31: Secs. 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, and 35; T. 5, R. 31: Secs. 1, 2, 11, 12, 13, 14; E. $\frac{1}{2}$, NW. $\frac{1}{4}$, and E. $\frac{1}{2}$ of SW. $\frac{1}{4}$ of sec. 15; E. $\frac{1}{2}$ of sec. 22; sec. 23, 24, 25, 26; E. $\frac{1}{2}$ of E. $\frac{1}{2}$ of sec. 27; all of sec. 35 except W. $\frac{1}{2}$ of SW. $\frac{1}{4}$; T. 4, R.

32; W. $\frac{1}{2}$ of SW. $\frac{1}{4}$ of sec. 1, all of secs. 2 to 11, inclusive; W. $\frac{1}{2}$ of NW. $\frac{1}{4}$ of sec. 12, and secs. 13, 14, 15, and secs. 17 to 35, inclusive; T. 5, R. 32: Secs. 1 to 11, inclusive; N. $\frac{1}{2}$ of N. $\frac{1}{2}$, SW. $\frac{1}{4}$ of NW. $\frac{1}{4}$, W. $\frac{1}{2}$ of SW. $\frac{1}{4}$ of sec. 12; NW. $\frac{1}{4}$; NE. $\frac{1}{4}$ of SW. $\frac{1}{4}$; and W. $\frac{1}{2}$ of SW. $\frac{1}{4}$ of sec. 13; secs. 14, 15, 17, to 22, inclusive; all of sec. 23 except SE. $\frac{1}{4}$ of SE. $\frac{1}{4}$; NW. $\frac{1}{4}$ of sec. 24; SW. $\frac{1}{4}$ of sec. 25; SW. $\frac{1}{4}$ of NE. $\frac{1}{4}$; SE. $\frac{1}{4}$; W. $\frac{1}{2}$ of sec. 26; secs. 27 to 35, inclusive; T. 6, R. 32: Secs. 1 to 11, inclusive; all of sec. 12, except SE. $\frac{1}{4}$ of SE. $\frac{1}{4}$; W. $\frac{1}{2}$ of NE. $\frac{1}{4}$ and W. $\frac{1}{2}$ of sec. 13; secs. 14, 15, 17, and 18; NW. $\frac{1}{4}$ of SW. $\frac{1}{4}$ and N. $\frac{1}{2}$ of sec. 20; NW. $\frac{1}{4}$ and N. $\frac{1}{2}$ of NE. $\frac{1}{4}$ of sec. 22; NW. $\frac{1}{4}$ of NW. $\frac{1}{4}$ of sec. 23; all south and east of the Mount Diablo base and meridian.

The reservations made hereby are subject to the rights of way granted to the Mono Power Co. and Owens River Water & Power Co. under authority of the act of February 15, 1901 (31 Stat. L., 790); and shall not interfere with or defeat any prior legal appropriation of the lands for any purposes.

Any tracts occupied and improved by any person, and listed upon application of the occupant under authority of the act of June 11, 1906 (34th United States Statutes at Large, p. 233), are hereby excepted from the provisions of this order.

WM. H. TAFT.

THE WHITE HOUSE, *May 9, 1912.*
(No. 1529.)

It is hereby ordered that the SE. $\frac{1}{4}$ of the SW. $\frac{1}{4}$ and the SW. $\frac{1}{4}$ of the SE. $\frac{1}{4}$ of Section 29 and the W. $\frac{1}{2}$ of the NE. $\frac{1}{4}$ of Section 32, Township 10 South, Range 34 East, Mount Diablo Meridian in California, be, and the same are hereby, temporarily reserved from settlement, entry, sale, or other disposition until their suitability for allotment purposes to homeless Paiute or other Indians living on or adjacent thereto may be fully investigated, subject to any prior valid existing rights of any persons thereto.

Any tracts occupied and improved by any person and listed upon application of the occupant under authority of the Act of June 11, 1906 (34 U. S. Stats. L., Page 233), are hereby excepted from the provisions of this order.

WM H TAFT

THE WHITE HOUSE, *September 7, 1912.*
(No. 1603.)

It is hereby ordered that the following described land in Nevada County, California, be and the same hereby is, withdrawn from entry, sale or other disposition and set aside for the Nevada or Colony tribe of Indians residing near Nevada City, California, namely:

The NE. $\frac{1}{4}$ of the SE. $\frac{1}{4}$ and Lot 6 of the SE. $\frac{1}{4}$ of the SE. $\frac{1}{4}$ of Section 2, Township 16 North, Range 8 East, Mt. Diablo Base and Meridian, containing 75.48 acres.

Provided that nothing herein shall affect any valid existing rights of any person or persons.

WOODROW WILSON

THE WHITE HOUSE, *May 6, 1913.*
(No. 1772.)

FLORIDA.

It is hereby ordered that the following described lands in the State of Florida be, and they are hereby withdrawn from settlement, entry, sale, or other disposal, and set aside as a reservation for the Seminole Indians in southern Florida, provided that this withdrawal is subject to any existing valid rights or claims of any persons:

SW. $\frac{1}{4}$ of sec. 21; SE. $\frac{1}{4}$ of NE. $\frac{1}{4}$ of sec. 23; S. $\frac{1}{2}$ of NW. $\frac{1}{4}$ of sec. 24; N. $\frac{1}{2}$ of NW. $\frac{1}{4}$, sec. 25; NE. $\frac{1}{4}$ of NE. $\frac{1}{4}$, sec. 26; N. $\frac{1}{2}$ of NW. $\frac{1}{4}$, sec. 27; E. $\frac{1}{2}$ of NE. $\frac{1}{4}$ and NW. $\frac{1}{4}$ of SE. $\frac{1}{4}$, sec. 28, SW. $\frac{1}{4}$ of SE. $\frac{1}{4}$ and SW. $\frac{1}{4}$ of sec. 29, and SE. $\frac{1}{4}$ of sec. 30, T. 51 S., R. 32 E.

All of sec. 1 except the W. $\frac{1}{2}$ of lot 2 of NW. $\frac{1}{4}$; all of sec. 3; E. $\frac{1}{2}$ of sec. 11; N. $\frac{1}{2}$ of NW. $\frac{1}{4}$, SW. $\frac{1}{4}$ of NW. $\frac{1}{4}$ and E. $\frac{1}{2}$ of SW. $\frac{1}{4}$ of sec. 11; NE. $\frac{1}{4}$, E. $\frac{1}{2}$ of SE. $\frac{1}{4}$, NE. $\frac{1}{4}$ of NW. $\frac{1}{4}$, and SW. $\frac{1}{4}$ of sec. 12, T. 39 S., R. 37 E.

SE. $\frac{1}{4}$ of SW. $\frac{1}{4}$ of sec. 23, and NW. $\frac{1}{4}$ of NE. $\frac{1}{4}$ of sec. 25, T. 50 S., R. 40 E.

NE. $\frac{1}{4}$ of SW. $\frac{1}{4}$ of sec. 20, T. 50 S., R. 41 E.

SW. $\frac{1}{4}$ of NE. $\frac{1}{4}$; NW. $\frac{1}{4}$ of SE. $\frac{1}{4}$; E. $\frac{1}{2}$ of NW. $\frac{1}{4}$; SW. $\frac{1}{4}$ of NW. $\frac{1}{4}$, and N. $\frac{1}{2}$ of SW. $\frac{1}{4}$ of sec. 1; and E. $\frac{1}{2}$ of SE. $\frac{1}{4}$ of sec. 2, T. 51 S., R. 41 E. of the Tallahassee meridian.

WM. H. TAFT.

THE WHITE HOUSE, *June 28, 1911.*
(No. 1379.)

IDAHO.

It is hereby ordered that the following described land in the State of Idaho, viz: NW. $\frac{1}{4}$ of sec. 22, T. 46 N., R. 5 W., of the Boise meridian be, and the same is hereby, withdrawn from settlement, entry, and sale, and set apart as an addition to the Indian school and agency site on the Coeur d'Alene Reservation, Idaho, until such time as it shall be no longer needed and used for this purpose: *Provided*, That nothing herein shall affect any existing valid rights of any persons to the land described.

WM. H. TAFT.

THE WHITE HOUSE, *December 13, 1910.*
(No. 1271.)

It is hereby ordered that the following described lands in the State of Idaho, viz: All that part of T. 15 S., R. 4 E., Boise meridian, lying and being west of a line formed by extending the east boundary line of the Duck Valley Indian Reservation through the said township, be, and the same are hereby withdrawn from settlement, entry, and sale, and set apart as an addition to the Duck Valley Indian Reservation: *Provided*, That nothing herein shall affect any existing valid rights of any person to the lands described.

WM. H. TAFT.

THE WHITE HOUSE, *July 1, 1910.*
(No. 1220.)

MONTANA.

DISPOSAL OF LANDS IN THE FLATHEAD INDIAN RESERVATION, STATE OF MONTANA.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it is believed that the following-described land, to wit:

Lot 3 of sec. 2, in T. 22 N., R. 24 W., of the Montana meridian, in the State of Montana, is a natural and prospective center of population:

Now, therefore, I, William Howard Taft, President of the United States of America, by virtue of the power in me vested by the act of Congress entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation in the State of Montana, and the sale and disposal of all surplus lands after allotment," approved April 23, 1904 (33 Stats., 302), and by sections 2380 and 2381 of the Revised Statutes of the United States, do hereby declare and make known that the land above described is hereby reserved as a town site, to be disposed of by the United States under the terms of the statutes applicable thereto.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this fifteenth day of February, in the year of our Lord one thousand nine hundred and twelve, and of the independence of the United States the one hundred and thirty-sixth.

[SEAL.]

By the President:

WM. H. TAFT.

HUNTINGTON WILSON, *Acting Secretary of State.*

(No. 1182.)

It is ordered, That the NE. $\frac{1}{4}$ of the SW. $\frac{1}{4}$ of sec. 31, T. 19 N., R. 23 W., Montana principal meridian, in the Flathead Indian Reservation, Mont., be, and the same is hereby, withdrawn from settlement, location, sale, and entry, and reserved for examination and classification, subject to all of the provisions, limitations, exceptions, and conditions contained in the act of June 25, 1910 (36 Stats., 847).

WM. H. TAFT.

THE WHITE HOUSE, *April 13, 1912.*

(No. 1518.)

FORT SHAW SCHOOL RESERVATION, MONT.

WAR DEPARTMENT, *Washington, D. C., July 21, 1905.*

THE PRESIDENT: The military reservation of Fort Shaw, Mont., declared by Executive order of January 11, 1870, and embracing an area of about 29,843 acres, has become useless for military purposes. By order of the Secretary of War, dated April 25, 1892 (G. O., No. 30, Headquarters of the Army, 1892), the military post of Fort Shaw, Mont., including the entire reservation, were, under authority of the act of Congress, approved July 31, 1882 (22 Stats., 181), set aside for Indian school purposes and turned over to the custody and control of the Secretary of the Interior "so long as it may not be required for military occupations."

By order of the Interior Department, dated July 6, 1893, 4,999.50 acres of the land embraced within the military reservation were reserved for the use of the Fort Shaw Indian School; and by order of the Secretary of the Interior, dated July 6, 1905, there has been added from such lands to the school reserve, as made by said order of July 6, 1893, a tract situated immediately west of the school reserve containing 4,364 acres, as described in letter of the Acting Commissioner of Indian Affairs, dated June 28, 1905, addressed to the Secretary of the Interior. It appears, therefore, that a portion only (9,363.5 acres) of the military reserve is needed for Indian school purposes—the remainder of the reserve (20,479.5 acres) being useless for either military or Indian school purposes.

At the suggestion of the Secretary of the Interior and upon the recommendation of the Chief of Staff, United States Army, I have the honor to recommend that the entire reservation, except the portion (9,363.5 acres) which has been set aside for the Fort Shaw Indian School, as set forth above, be placed under the control of the Secretary of the Interior, under authority of the act of Congress, approved July 5, 1884 (23 Stats., 103), for disposition as provided therein or as may be otherwise provided by law.

Inasmuch as the entire reservation has become useless for military purposes, it is further recommended that the portion of the military reserve which has been set aside for the Fort Shaw Indian School be also placed under the control of the Secretary of the Interior, the same, however, to be held in reserve for Indian school purposes.

Very respectfully,

ROBERT SHAW OLIVER, *Acting Secretary of War.*

WHITE HOUSE, *July 22, 1905.*

The recommendations made within by the Acting Secretary of War are approved.

The Secretary of the Interior will cause this action to be noted on the records of the General Land Office.

T. ROOSEVELT.

It is hereby ordered that the SE. $\frac{1}{4}$ of the SW. $\frac{1}{4}$ of Section 9, Township 18 North, Range 21 West, Montana Meridian, containing 40 acres, be, and the same is hereby withdrawn from entry and set apart for administrative purposes in connection with the affairs of the Flathead Indians in the State of Montana: Provided, however, that this withdrawal shall not affect the valid prior rights of any persons to the lands described.

WM H TAFT

THE WHITE HOUSE, *Jany. 14, 1913.*
(No. 1682.)

NEVADA.

MOAPA RESERVATION, NEV.

WHITE HOUSE, *July 31, 1903.*

It is hereby ordered that the following-described tracts of land be, and the same are hereby, withdrawn from sale and settlement and set apart as an addition to the Moapa River or Paiute Indian Reservation in southeastern Nevada for the use of the Paiute Indians:

Lot 4, containing 38.75 acres, and lot 5, containing 11.62 acres, in sec. 36, T. 14 S., R. 65 E.

Lot 3, containing 39.20 acres, and lot 4, containing 13.71 acres, in sec. 31, T. 14 S., R. 66 E

THEODORE ROOSEVELT.

ADDITION TO PINE RIDGE RESERVATION, S. DAK.

WHITE HOUSE, *January 25, 1904.*

It is hereby ordered that the tract of country in the State of Nebraska "withdrawn from sale and set aside as an addition to the present Sioux Indian Reservation in the Territory of Dakota" by Executive order dated January 24, 1882, be, and the same hereby is, restored to the public domain.

THEODORE ROOSEVELT.

PINE RIDGE SCHOOL RESERVATION, S. DAK.

WHITE HOUSE, *February 20, 1904.*

It is hereby ordered that the Executive order of January 25, 1904, restoring to the public domain the tract of country in the State of Nebraska which was "withdrawn from sale and set aside as an addition to the present Sioux Indian Reservation in the Territory of Dakota" by Executive order dated January 24, 1882, is hereby modified and amended so as to permanently reserve from entry and settlement, and to constitute a part of the Pine Ridge Sioux Indian Reservation in South Dakota, the section of land embracing the Pine Ridge Boarding School irrigation ditch and the school pasture, which when surveyed is supposed will constitute sec. 24, T. 35 N., R. 45 W.; and said lands are hereby reserved and set aside for said purpose.

THEODORE ROOSEVELT.

It is hereby ordered that the following-described lands in New Mexico, viz: Beginning at the northeast corner of T. 26 N., R. 4 W.; thence east along the township line between Tps. 26 and 27 N. to the northwest corner of T. 26 N., R. 5 W.; thence due south to the southeast corner of T. 22 N., R. 5 W.; thence east on the township line between Tps. 21 and 22 N. to the southeast corner of T. 22 N., R. 1 W.; thence north to the northeast corner of T. 23 N., R. 2 W.; thence west to the southeast corner of T. 24 N., R. 4 W.; thence north to the southeast corner of T. 26 N., R. 4 W.; thence east to the southeast corner of T. 26 N., R. 3 W.; thence north to the southeast corner of T. 27 N., R. 3 W.; thence east along the southern boundary of the present Jicarilla Indian Reservation to the range line between Rs. 1 and 2 W., in T. 27 N., be,

and the same are hereby, withdrawn from sale and settlement, and set apart for Indian purposes, for the use of the Indians of the Jicarilla Indian Reservation: *Provided*, That this withdrawal shall not affect any existing valid rights of any party.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *November 11, 1907.*
(711.)

Whereas it is found that Executive order of November 11, 1907, setting apart certain lands for the use of the Indians of the Jicarilla Indian Reservation, N. Mex., conflicts in part with Executive order of November 9, 1907, setting apart certain lands as an addition to the Navajo Indian Reservation, N. Mex., said Executive order is hereby so amended that the description of the tract of land thereby set apart for the purpose named therein shall read as follows:

Beginning at a point on the south boundary of the Jicarilla Indian Reservation on the range line between Tps. 26 and 27 N., Rs. 2 and 3 W., New Mexico principal meridian; thence west on said boundary to the southwest corner of the reservation; thence continuing west on the township line between Tps. 26 and 27 N. to the northwest corner of T. 26 N., R. 5 W.; thence east along the township line between Tps. 21 and 22 N. to the northeast corner of T. 21 N., R. 4 W.; thence continuing east over unsurveyed lands along what would be, if established, the township line between Tps. 21 and 22 N. to what would be, if established, the southeast corner of T. 22 N., R. 2 W.; thence north over unsurveyed lands to what will be when established the northeast corner of T. 23 N., R. 2 W.; thence west over unsurveyed lands along what would be, if established, the township line between Tps. 23 and 24 N. to what would be, if established, the southeast corner of T. 24 N., R. 4 W.; thence north over unsurveyed lands to the southeast corner of T. 25 N., R. 4 W.; thence continuing north along the east line of T. 25 N., R. 4 W., to the southeast corner of T. 26 N., R. 4 W.; thence east over unsurveyed lands along what would be, if established, the township line between Tps. 25 and 26 N. to what would be, if established, the southeast corner of T. 26 N., R. 3 W.; thence north to the place of beginning.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 28, 1908.*
(No. 743.)

It is hereby ordered that the S. $\frac{1}{2}$ of the SE. $\frac{1}{4}$ and the NE. $\frac{1}{4}$ of the SW. $\frac{1}{4}$ of Section 25, Township 30 North of Range 58 East of the Mount Diablo Meridian, in the State of Nevada, be, and they are hereby, reserved from settlement, entry, sale or other disposition, and set aside for Indian allotment purposes, subject to any prior valid existing rights of any persons thereto.

WM H TAFT

THE WHITE HOUSE, *September 16, 1912.*
(No. 1606.)

It is hereby ordered that the following described tracts of land, aggregating 89.70 acres, namely, the Lots 3 and 4 and the NE. $\frac{1}{4}$ of the NW. $\frac{1}{4}$ of Section 1, Township 15 South of Range 65 East of the Mount Diablo Meridian in Nevada, be, and the same are hereby, reserved from settlement, entry, sale or other disposition, and set aside as an addition to the Moapa River Indian Reservation: *Provided*, That the withdrawal hereby made shall be subject to any prior valid rights of any persons to the lands described herein.

WM H TAFT

THE WHITE HOUSE, *October 28, 1912.*
(No. 1632.)

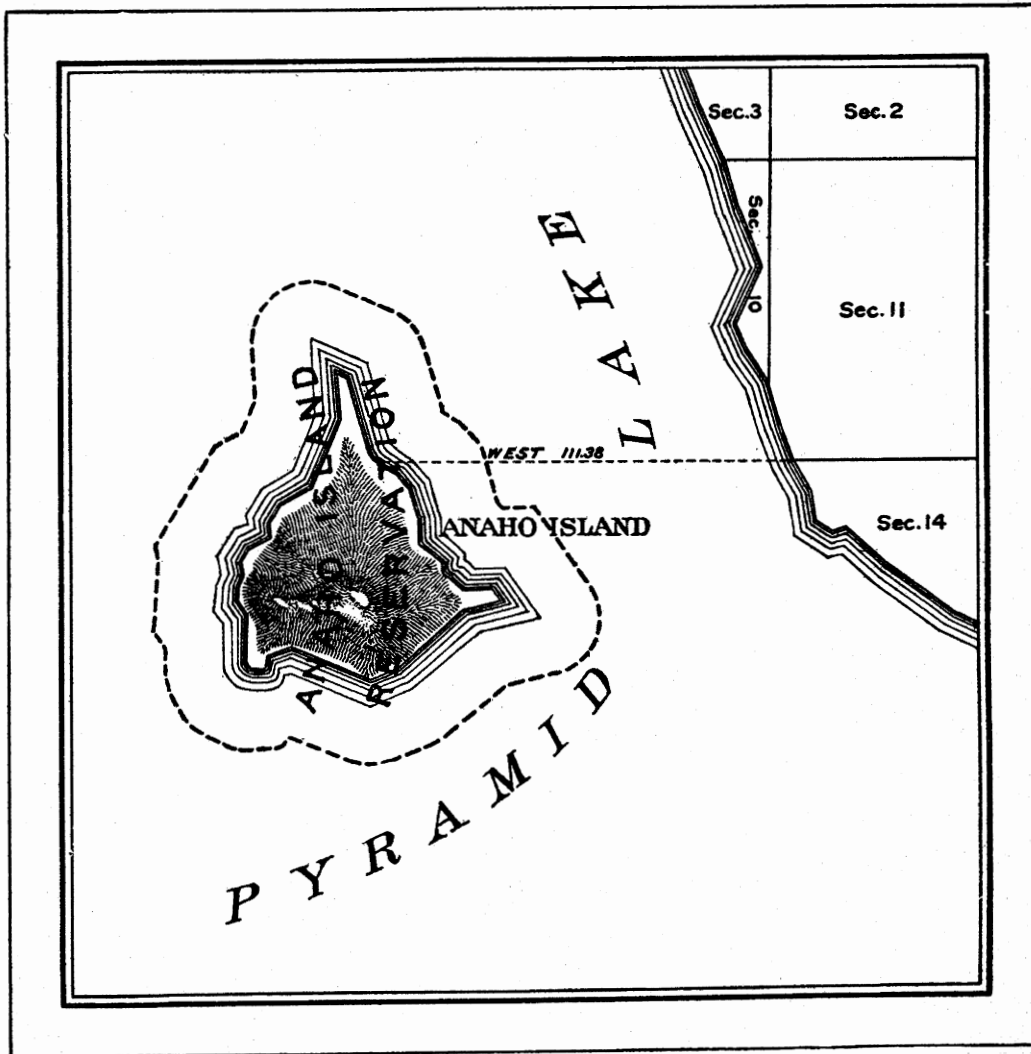
Executive Order number 1632, dated October 28, 1912, making an addition to the Moapa River Indian reservation, in Nevada, is hereby cancelled, and it is ordered that the following described lands, containing 128.37 acres, be, and they

ANAHO ISLAND RESERVATION

For Protection of Native Birds

NEVADA

*Embracing an Island in Pyramid Lake, in Secs. 9, 15, and 16
T. 24 N. R. 22 E. M. D. M. containing 247.73 acres as
segregated by broken line and designated
"ANAHO ISLAND RESERVATION"*



DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
Clay Tallman, Commissioner

are hereby, reserved from settlement, sale, or other disposition, and set aside as an addition to the said Indian reservation:

Lots 2, 3, and 4, of Section 1, Township 15, Range 65;
SE. $\frac{1}{4}$ of the SW. $\frac{1}{4}$ of Section 31, Township 14, Range 66;
all south and east of the Mount Diablo base and meridian in Nevada.

The withdrawal hereby made shall be subject to any prior valid rights of any persons to the lands described herein.

WM H TAFT

THE WHITE HOUSE, *Nov. 26th, 1912.*
(No. 1649.)

It is hereby ordered that the following described lands in Nevada, be, and they are hereby, withdrawn from entry, sale or other disposition, and set aside for Paiute and Shoshoni Indians, and such other Indians as the Secretary of the Interior may settle thereon, namely:

Township 42 N., R. 26 E., M. D. M., in Nevada.

Sections 16 and 17; fractional section 18, except S. $\frac{1}{2}$ of NE. $\frac{1}{4}$ and N. $\frac{1}{2}$ of SE. $\frac{1}{4}$; fractional section 19; section 20, except S. $\frac{1}{2}$ of NE. $\frac{1}{4}$, SE. $\frac{1}{4}$ NW. $\frac{1}{4}$, NE. $\frac{1}{4}$ of SW. $\frac{1}{4}$ and N. $\frac{1}{2}$ of SE. $\frac{1}{4}$; section 21, except SW. $\frac{1}{4}$ of NE. $\frac{1}{4}$ and SE. $\frac{1}{4}$ of NW. $\frac{1}{4}$; section 29; fractional section 30, except N. $\frac{1}{2}$ of NE. $\frac{1}{4}$, SE. $\frac{1}{4}$ of NE. $\frac{1}{4}$, and lot 8; fractional section 31, except Lots 6, 9 and 10, and SW. $\frac{1}{4}$ of SE. $\frac{1}{4}$; fractional section 32; containing in all 5,025.98 acres.

The withdrawal hereby made shall be subject to any prior valid rights of any persons to the lands described.

WM H TAFT

THE WHITE HOUSE, *Jan'y. 14, 1913.*
(No. 1681.)

It is hereby ordered that Anaho Island, located in Pyramid Lake, within the Pyramid Lake Indian Reservation, and embracing parts of sections nine, fifteen and sixteen, in township twenty-four north, range twenty-two east, of Mount Diablo meridian, Nevada, as segregated by the broken line upon the diagram hereto attached and made a part of this order, is hereby reserved and set apart for the use of the Department of Agriculture as a preserve and breeding ground for native birds. It is unlawful for any person to hunt, trap, capture, wilfully disturb, or kill any bird of any kind whatever, or take the eggs of any such bird within the limits of this reserve, except under such rules and regulations as may be prescribed by the Secretary of Agriculture. Warning is expressly given to all persons not to commit any of the acts herein enumerated, under the penalties of section eighty-four, United States Criminal Code, approved March 4, 1909 (35 Stat., 1088).

This reserve to be known as Anaho Island Reservation.

WOODROW WILSON

THE WHITE HOUSE, *September 4, 1913.*
(No. 1819.)

NEW MEXICO.

CARSON NATIONAL FOREST, N. MEX.

Under authority of the act of Congress of June 4, 1897 (30 Stat., 11 at 34 and 36), and upon recommendation of the Secretary of Agriculture, it is hereby ordered that on and after March 1, 1912, the boundaries of the Carson National Forest, N. Mex., as proclaimed March 2, 1909, and modified by subsequent proclamation of August 24, 1910, be further modified by excluding therefrom all that part of the Jicarilla Apache Indian Reservation included in the said Carson National Forest by the said proclamation of March 2, 1909.

The purpose of this exclusion is to restore the Jicarilla Apache Indian Reservation in all respects to the status existing prior to the said proclamation of March 2, 1909, as though the inclusion of the lands within the Carson National Forest had not

been ordered, and said Indian reservation is hereby fully recreated and restored to that status.

WM. H. TAFT.

THE WHITE HOUSE, *February 17, 1912.*
(No. 1476.)

It is hereby ordered that all lands within the Mescalero Apache Indian Reservation, N. Mex., embraced in small holdings claims Nos. 484 and 486, T. 13 S., R. 12 E., New Mexico principal meridian, as shown on the records of the General Land Office and the blue print attached herewith, be and the same are hereby restored to the public domain.

WM. H. TAFT.

THE WHITE HOUSE, *March 1, 1910.*
(No. 1172.)

ALAMO NATIONAL FOREST, N. MEX.

Under authority of the act of Congress of June 4, 1897 (30 Stat., 11 at 34 and 36), and upon recommendation of the Secretary of Agriculture, it is hereby ordered that on and after March 1, 1912, the boundaries of the Alamo National Forest, N. Mex., as proclaimed March 2, 1909, and modified by subsequent proclamation of October 20, 1910, be further modified by excluding therefrom all of that part of the Mescalero Apache Indian Reservation included in the said Alamo National Forest by the said proclamation of March 2, 1909.

The purpose of this exclusion is to restore the Mescalero Apache Indian Reservation in all respects to the status existing prior to the said proclamation of March 2, 1909, as though the inclusion of the lands within the Alamo National Forest had not been ordered, and said Indian reservation is hereby fully recreated and restored to that status.

WM. H. TAFT.

THE WHITE HOUSE, *February 17, 1912.*
(No. 1481.)

It is hereby ordered that the unallotted lands in Tps. 17, 18, 19, 20, and 21 N., Rs. 5, 6, 7, and 8 W., and Tps. 22 and 23 N., Rs. 6, 7, and 8 W. of the New Mexico principal meridian, withdrawn from sale and settlement and set apart for the use of the Indians as an addition to the Navajo Reservation by Executive orders dated November 9, 1907, and January 28, 1908, be, and the same are hereby, restored to the public domain, except the following-described lands, embracing 110 unapproved allotments, namely:

The SW. $\frac{1}{4}$ of sec. 23, T. 17 N., R. 5 W.; the S. $\frac{1}{2}$ of sec. 35, T. 18 N., R. 5 W.; sec. 23 and the N. $\frac{1}{2}$ of sec. 25, T. 19 N., R. 5 W.; the W. $\frac{1}{2}$ of sec. 5 and the E. $\frac{1}{2}$ of sec. 6, T. 20 N., R. 6 W., unsurveyed; the NW. $\frac{1}{4}$ of sec. 3, the NE. $\frac{1}{4}$ of sec. 4, the S. $\frac{1}{2}$ of sec. 5, the NW. $\frac{1}{4}$ of sec. 8, sec. 17, the N. $\frac{1}{2}$ of sec. 19, sec. 20, and the SE. $\frac{1}{4}$ of sec. 31, T. 21 N., R. 6 W.; the W. $\frac{1}{2}$ of sec. 33, the S. $\frac{1}{2}$ of sec. 34, and the W. $\frac{1}{2}$ of sec. 35, T. 22 N., R. 6 W.; the N. $\frac{1}{2}$ of sec. 3, sec. 4, the W. $\frac{1}{2}$ and the SE. $\frac{1}{4}$ of sec. 7, the SE. $\frac{1}{4}$ of sec. 8, sec. 9, the W. $\frac{1}{2}$ of sec. 16, secs. 17 and 18, the N. $\frac{1}{2}$ and the SE. $\frac{1}{4}$ of sec. 19, sec. 20, the W. $\frac{1}{2}$ of sec. 21, the E. $\frac{1}{2}$ of sec. 22, sec. 23, the NW. $\frac{1}{4}$ of sec. 28, the N. $\frac{1}{2}$ of sec. 29, and the NE. $\frac{1}{4}$ of sec. 30, T. 20 N., R. 7 W.; the W. $\frac{1}{2}$ of sec. —, the SE. $\frac{1}{4}$ of sec. 19, the SW. $\frac{1}{4}$ of sec. 20, the N. $\frac{1}{2}$ and the SE. $\frac{1}{4}$ of sec. 24, the E. $\frac{1}{2}$ of sec. 25, the SW. $\frac{1}{4}$ of sec. 26, the S. $\frac{1}{2}$ of sec. 27, the SE. $\frac{1}{4}$ of sec. 28, the NW. $\frac{1}{4}$ of sec. 29, the NE. $\frac{1}{4}$ of sec. 30, the E. $\frac{1}{2}$ of sec. 33, sec. 34, and the W. $\frac{1}{2}$ of sec. 35, T. 21 N., R. 7 W., and secs. 1 and 12 and the SE. $\frac{1}{4}$ of sec. 11, T. 21 N., R. 8 W. of the New Mexico principal meridian.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 30, 1908.*
(No. 1000.)

It is hereby ordered that all lands not allotted to Indians or otherwise reserved within the townships in New Mexico added to the Navajo Reservation by Executive orders of November 9, 1907, and January 28, 1908, lying west of the first guide meridian west, be and the same hereby are restored to the public domain.

WM. H. TAFT.

THE WHITE HOUSE, *January 16, 1911.*
(No. 1284.)

It is hereby ordered that the following-described lands in New Mexico, being a part of the lands restored to the public domain by Executive order of January 16, 1911, be, and the same hereby are, reserved from entry, sale, or other disposition, for Indian purposes:

Sec. 6, of T. 22 N., R. 9 W.; NW. $\frac{1}{4}$ of sec. 20, T. 14 N., R. 12 W.; SE. $\frac{1}{4}$, E. $\frac{1}{2}$ W. $\frac{1}{2}$, and SW. $\frac{1}{4}$, SW. $\frac{1}{4}$, sec. 31, T. 23 N., R. 9 W.; W. $\frac{1}{2}$, sec. 20, all of sec. 30, and W. $\frac{1}{4}$ of sec. 32, T. 17 N., R. 12 W.; N. $\frac{1}{4}$ of sec. 20, T. 16 N., R. 15 W. of the New Mexico principal meridian; *Provided*, That nothing herein shall affect any valid existing rights of any person.

WM. H. TAFT.

THE WHITE HOUSE, *May 24, 1911.*
(No. 1359.)

It is hereby ordered that the following-described lands in New Mexico, being a part of the lands heretofore set aside as an executive reservation for the Navajo Indians and eliminated from said reservation by Executive order of January 16, 1911, be, and the same are hereby, restored to the status existing before said order of January 16, 1911, the purpose being to admit of the consummation of an exchange under the act of April 21, 1904 (33 Stats. at Large, p. 211), initiated prior to said elimination, viz: All odd-numbered sections in T. 22 N., R. 11 and 12 W., New Mexico principal meridian; and it is further ordered that upon completion of said exchange and after allotment to the Indians, any remaining lands shall be opened to disposition by the Secretary of the Interior in such manner and after such notice as he may prescribe.

WM. H. TAFT.

THE WHITE HOUSE, *February 17, 1912.*
(No. 1483.)

It is hereby ordered that the following-described lands in New Mexico, namely: T. 16 N., R. 1 E., Jemez meridian, excepting any tract or tracts the title to which has passed out of the United States Government or to which valid legal rights have attached, be, and the same are, hereby withdrawn from sale and settlement and set apart as a reservation for the use and benefit of the Indians of the Jemez Pueblo.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 19, 1906.*

Executive order of December 19, 1906, withdrawing T. 16 N., of R. 1 E., Jemez meridian, for the benefit of the Indians of the Jemez Pueblo, is hereby amended to read as follows:

It is hereby ordered that the following described lands in New Mexico, namely, T. 16 N., R. 1 E., New Mexico principal meridian, excepting any tract or tracts the title to which has passed out of the United States Government, or to which valid legal rights have attached, be, and the same are, hereby withdrawn from sale and settlement and set apart as a reservation for the use and benefit of the Indians of the Jemez Pueblo.

WM. H. TAFT.

THE WHITE HOUSE, *September 1, 1911.*
(No. 1406.)

It is hereby ordered that the following described tract of country in the Territory of New Mexico, to wit:

Beginning at the southwest corner of the Laguna Pueblo grant, as located by the survey thereof approved by the Court of Private Land Claims on August 22, 1899; thence due west to a point on the east boundary of the Acoma Pueblo grant, confirmed as Report "B" by the act of Congress approved December 22, 1858; thence north along the east boundary of said Acoma grant to its intersection with the south boundary of the Santa Ana grant or purchase, confirmed to the pueblo of Laguna as tract No. 5 of Report No. 30 by the act of Congress approved June 21, 1860; thence in a southeasterly direction along the south boundary of said Santa Ana purchase to the southeast corner thereof; thence north along the east boundary of said purchase to the northeast corner thereof; thence in a northwesterly direction along the north boundary of said purchase to its intersection with the east boundary of the aforesaid Acoma grant; thence north along the east boundary of said grant to its intersection with the south boundary of the Cubero grant, as located by the survey thereof approved by the Court of Private Land Claims on June 24, 1898; thence east along the south boundary of said Cubero grant to the southeast corner thereof; thence north along the east boundary of said grant to its intersection with the south boundary of the Paguete grant or purchase, confirmed to the Pueblo of Laguna as tract No. 1 of the aforesaid Report No. 30; thence east along the south boundary of said Paguete grant or purchase to the northwest corner of the San Juan grant or purchase, confirmed to the Pueblo of Laguna as tract No. 3 of said Report No. 30; thence south along the west boundary of said San Juan grant or purchase to the northwest corner of the El Rito grant or purchase, confirmed to the Pueblo of Laguna as tract No. 2 of said Report No. 30; thence south along the west boundary of said El Rito grant or purchase to a point thereon due east of the southeast corner of the Laguna Pueblo grant; thence west to the southeast corner of said grant; thence north along the east boundary of said grant to the northeast corner thereof; thence west along the north boundary of said grant to the southwest corner thereof; thence south along the west boundary of said grant to the southwest corner thereof, the place of beginning, be, and the same is hereby, set apart as a reservation for the use and occupation of the Pueblo Indians of New Mexico belonging to the Pueblo Laguna: *Provided*, That nothing herein shall affect any existing valid rights of any person to the lands described.

WM. H. TAFT.

THE WHITE HOUSE, *July 1, 1910.*
(No. 1221.)

WHITE HOUSE, *September 4, 1902.*

It is hereby ordered that all that portion of the public domain in the Territory of New Mexico which, when surveyed, will be embraced in the following sections, viz, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33, in T. 19 N., R. 10 E., New Mexico principal meridian, be and the same is hereby set apart as a reservation for the use and occupation of the Indians of the Nambe Pueblo: *Provided*, That any tract or tracts included within said sections to which valid rights have attached under the laws of the United States are hereby excluded from the reservation hereby created: *And provided further*, That if at any time the lands covered by any valid claim shall be relinquished to the United States, or the claim lapse, or the entry be canceled for any cause whatever, such lands shall be added to and become a part of the reservation hereby set apart for the Pueblo of Nambe.

THEODORE ROOSEVELT.

SANTA CLARA PUEBLO, N. MEX.

WHITE HOUSE, *July 29, 1905.*

It is hereby ordered that all that portion of the public domain in the Territory of New Mexico embracing the following sections and fractional sections, viz: S. $\frac{1}{4}$ sec. 1, all of secs. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and N. $\frac{1}{4}$ secs. 17, 18, 23, and 24 of T. 20 N., R. 7 E.; all of sec. 31 and S. $\frac{1}{4}$ sec. 32, of T. 21 N., R. 7 E.; all

of secs. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 16, 17, 18, and N. $\frac{1}{2}$ secs. 13, 19, and 20 of T. 20 N., R. 6 E.; all of secs. 33, 34, 35, 36, and S. $\frac{1}{2}$ secs. 25, 26, 27, and 32, T. 21 N., R. 6 E.; all of secs. 1, 2, 11, 12, 13, 14, and N. $\frac{1}{2}$ of secs. 23 and 24, and that east part of secs. 3, 10, and 15 not included in the land grant, Baca location No. 1, on the west, of T. 20 N., R. 5 E., and so much of the S. $\frac{1}{2}$ sec. 6 and the N. $\frac{1}{2}$ sec. 19 and of secs. 7 and 18 of T. 20 N., R. 8 E., as may be required to connect the proposed reservation with the west boundary of the Pueblo grant of Santa Clara, be, and the same is hereby, set apart as a reservation for the use and occupation of the Pueblo Indians of New Mexico belonging to the Pueblo of Santa Clara: *Provided, however,* That any tract or tracts to which valid existing rights have attached under the laws of the United States providing for the disposition of the public domain are hereby excepted and excluded from the reservation hereby created: *And provided further,* That if at any time the lands covered by any valid claim shall be relinquished to the United States or the claim lapse, or the entry be canceled for any cause whatever, such lands shall be added to and become a part of the reservation for the Pueblo of Santa Clara, as herein provided for.

THEODORE ROOSEVELT.

It is hereby ordered that the SE. $\frac{1}{4}$ of Section 18, Township 18 North of Range 10 West, of the New Mexico Principal Meridian be, and the same hereby is, withdrawn from all forms of settlement and entry and set apart as a reservation for use of the Navajo Indians in common: *Provided that the withdrawal hereby made shall be subject to any valid prior rights of any persons to the land described.*

WM H TAFT

THE WHITE HOUSE, *February 10, 1913.*
(No. 1700.)

It is hereby ordered that Section 10 of Township 17 North, Range 13 West, of the New Mexico Principal Meridian in New Mexico, be, and the same is hereby reserved from all forms of settlement, entry or other disposal, and set aside for use of Navajo Indians living in the vicinity of Crownpoint, New Mexico, provided that this withdrawal is subject to any prior valid right or claim of any persons to the land withdrawn, and to New Mexico coal land withdrawal No. 6, by Executive Order of May 18, 1911.

WOODROW WILSON

THE WHITE HOUSE, *May 6, 1913.*
(No. 1774.)

OKLAHOMA.

RESTORATION OF KIOWA SCHOOL LANDS.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas in the opening of the Kiowa, Comanche, Apache, and Wichita Indian lands in the Territory of Oklahoma, by proclamation dated July 4, 1901, pursuant to section 6 of the act of Congress approved June 6, 1900 (31 Stat., 672, 676), the N. $\frac{1}{2}$ NW. $\frac{1}{4}$ and the SW. $\frac{1}{4}$ NW. $\frac{1}{4}$ of sec. 32, T. 2 N., R. 11 W. of the Indian principal meridian, containing 120 acres, was reserved for the use of the Fort Sill Indian boarding school of Kiowa agency;

And whereas it appears that said land is no longer required for use by said school, and that it adjoins the city of Lawton, Oklahoma Territory, and the city authorities of said city desire to make entry thereof for park purposes under the act of Congress approved September 30, 1890 (26 Stat., 502);

Now, therefore, I, Theodore Roosevelt, President of the United States, by virtue of the power in me vested by section 6 of said act of Congress of June 6, 1900, do hereby

declare and make known that said land is hereby restored to the public domain, to be disposed of to said city, for park purposes under said act of Congress approved September 30, 1890.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this 29th day of March in the year of our Lord one thousand nine hundred and four, and of the Independence of the United States the one hundred and twenty-eighth.

[SEAL.]

THEODORE ROOSEVELT.

By the President:

JOHN HAY, *Secretary of State.*

SOUTH DAKOTA.

DISPOSAL OF SIOUX LANDS.

A PROCLAMATION BY THE PRESIDENT.

Whereas a proclamation was issued February 10, 1890, by the President, making known and proclaiming the acceptance of the Sioux act approved March 2, 1889 (25 Stats., 888), by the different bands of the Sioux Nation of Indians, and the consent thereto by them as required by the said act:

And whereas the proclamation contains the following clause:

That there is also reserved as aforesaid the following tract within which the Cheyenne River Agency school and certain other buildings are located, to wit: Commencing at a point in the center of the main channel in the Missouri River opposite Deep Creek, about 3 miles south of the Cheyenne River; thence due west $5\frac{1}{2}$ miles; thence due north to the Cheyenne River; thence down said river to the center of the main channel thereof to a point in the center of the Missouri River due east or opposite the mouth of said Cheyenne River; thence down the center of the main channel of the Missouri River to the place of beginning.

And whereas a proclamation was issued February 7, 1903, by the President, declaring said lands subject to disposal under the provisions of the said act, except 160 acres of land reserved and set apart for the use of St. John's Mission School.

And whereas due notice has been received that the Domestic and Foreign Missionary Society no longer desires the use of the lands set apart for the St. John's Mission School by the Secretary of the Interior, and excepted from disposal in the proclamation of February 7, 1903, as aforesaid, said lands being described as follows:

Beginning at the northwest corner of sec. 29, T. 9 N., R. 29 E., at a stake and four witness holes, and running east 40 chains to a stake and stones, near the west bank of the Missouri River; thence south along said river to the center of said section, 40 chains; thence west 40 chains to a stake and two witness holes; thence north 40 chains to the place of beginning, and containing 160 acres, more or less.

Now, therefore, I, Theodore Roosevelt, President of the United States, by virtue of the power in me vested, do declare the said tract of land subject to disposal under the provisions of said act.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this 30th day of March, in the year of our Lord, one thousand nine hundred and four, and of the Independence of the United States the one hundred and twenty-eighth.

[SEAL.]

THEODORE ROOSEVELT.

By the President:

JOHN HAY, *Secretary of State.*

It is hereby ordered that the following described tracts in Tripp County, South Dakota, namely: Lot 5, containing 14.82 acres, and Lot 6, containing 17.58 acres, in Section 23, Township 103 N., R. 75 W., 5th principal meridian in South Dakota,

be, and they are hereby, reserved from settlement, entry, sale or other disposition, and set aside for Indian school and administrative purposes; subject to any prior valid rights of any persons.

THE WHITE HOUSE, *July 6, 1912.*
(No. 1558.)

WM H TAFT

UTAH.

NAVAHO RESERVATION, UTAH.

WHITE HOUSE, *March 10, 1905.*

It is hereby ordered that the following described lands situated in the State of Utah, be, and the same are hereby, withheld from sale and settlement and set apart for Indian purposes, as an addition to the Navaho Indian Reservation, viz: Beginning at the mouth of Montezuma Creek (in Utah); running thence due east to the Colorado State line; thence south along the Colorado State line to the San Juan River; thence down the San Juan River to the place of beginning: *Provided*, That any tract or tracts within the region of country described as aforesaid, which are settled upon or occupied, or to which valid rights have attached under existing laws of the United States prior to the date of this order, are hereby excluded from the reservation.

THEODORE ROOSEVELT.

CANCELLATION OF LANDS SET APART IN UTAH.

WHITE HOUSE, *May 15, 1905.*

The Executive order of March 10, 1905, setting apart certain lands in Utah as an addition to the Navaho Indian Reservation, is hereby canceled, and in lieu thereof it is hereby ordered that the following-described lands situated in said State be, and the same are hereby, withheld from sale and entry and set apart for Indian purposes, as an addition to the said Indian reservation, viz: Beginning at the corner to secs. 25 and 30, 31, and 36, on the range line between Rs. 23 and 24 E., in T. 40 S., running east on the north boundary of secs. 31 to 36, inclusive, in T. 40 S., Rs. 24 and 25 E., and secs. 31 to 34, inclusive, T. 40 S., R. 26 E., to the Colorado State line; thence south along the Colorado State line to the San Juan River; thence down the San Juan River to the meander corner to fractional secs. 31 and 36, on the range line between Rs. 23 and 24 E.; thence north on said range line to the place of beginning: *Provided*, That any tract or tracts within the region of country described as aforesaid, which are settled upon or occupied, or to which valid rights have attached under existing laws of the United States prior to the date of this order, are hereby excluded from the reservation.

T. ROOSEVELT.

It is hereby ordered that block 77, in the town site of Randlett, Utah, as per plat approved by the Secretary of the Interior, December 2, 1905, under the provisions of sections 2380 and 2381, Revised Statutes, located in sec. 7, T. 3 S., R. 2 E., United States meridian, be withdrawn from sale or other disposition and temporarily set apart to the Protestant Episcopal Church for missionary and cemetery purposes for the benefit of the Ute Indians, so long as used therefor: *Provided, however*, That when no longer so used by the said church it shall continue in a state of public reservation for church and cemetery purposes for the Ute Indians.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 5, 1906.*

It is hereby ordered that the SW. $\frac{1}{4}$ of the NE. $\frac{1}{4}$ and the NW. $\frac{1}{4}$ of the SE. $\frac{1}{4}$ of sec. 11, T. 5 S., R. 8 W., Salt Lake meridian, in the county of Tooele, State of Utah, be, and the same hereby are, reserved from settlement, entry, sale, or other disposal and set aside for school, agency, and other necessary uses for the benefit of Indians

on the public domain in the State of Utah, subject, however, to any valid existing rights of any persons thereto.

WM. H. TAFT.

THE WHITE HOUSE, *January 17, 1912.*
(No. 1465.)

With the exception of the lands hereinafter described as to be retained for military purposes, all the lands comprised within the military reservation of Fort Duchesne, Utah, as reserved by Executive Order dated September 1, 1887 (G. O. 59, A. G. O., September 3, 1887), from lands within the limits of the Uintah Indian Reservation (created by Executive Order dated October 3, 1861, and Act of Congress approved May 5, 1864), are hereby withdrawn from the reservation for military purposes and are placed under the full jurisdiction and control of the Department of the Interior.

The lands which will be embraced in the following subdivisions of township 2 south, range 1 east, when the public system of surveys is extended over the reservation and which include the buildings of the post of Fort Duchesne, are retained in reservation for military purposes, viz:

The southwest quarter of the southwest quarter of section 23, containing 40 acres; the south half of the northwest quarter of the southwest quarter of section 23, containing 20 acres; the southwest quarter of the northeast quarter of the southwest quarter of section 23, containing 10 acres; the west half of the southeast quarter of the southwest quarter of section 23, containing 20 acres; the northwest quarter of the northwest quarter of section 26, containing 40 acres, and the west half of the northeast quarter of the northwest quarter of section 26, containing 20 acres. Total area, 150 acres.

WM H TAFT

THE WHITE HOUSE, *August 19th, 1912.*
(No. 1579.)

WASHINGTON.

It is hereby ordered that lot 3, containing 44.30 of sec. 10, T. 15 N., R. 4 W. of the Willamette meridian in the State of Washington, reserved for the use and occupation of the Chehalis Indians, by order of the President, dated October 1, 1886, be, and the same is hereby, restored to the public domain.

It is hereby directed that the Secretary of the Interior allot to Perry Yukton, an enrolled member of the Chehalis Tribe, the land above described, in accordance with the provisions of section 4, of the act of Congress approved February 8, 1887 (24 Stat. L., 388), as amended by the act of February 28, 1891 (26 Stat. L., 794).

WM. H. TAFT.

THE WHITE HOUSE, *November 11, 1909.*
(No. 1135.)

A new survey having been made by First Lieut. James Huston, Tenth Cavalry, of the military reservation of Fort Washakie, Wyo., reserved by Executive order of May 21, 1887 (G. O. No. 37, Headquarters of the Army, A. G. O., May 26, 1887), as determined from the old corner monuments, except that corner II has been moved so as to exclude the part of the reservation encroached upon in the construction of buildings pertaining to the Indian school, the reservation as made by said Executive order of May 21, 1887, is hereby modified, in accordance with said new survey so as to include all lands, and those only, within metes and bounds described as follows:

Commencing at a point 3,861 feet south 2° 30' east of the flagstaff of Fort Washakie, Wyo., and running thence north 75° 30' east, 11,890 feet to corner II; thence north 26° 15' west, 7,060 feet to corner III; thence south 83° 15' west, 13,125 feet to corner IV; thence south 23° 00' west, 6,435 feet to corner V; thence north 87° 45' east, 3,234 feet to corner VI; thence south 61° 30' east, 4,450 feet to corner I, the place of beginning. All bearings are true.

This modification is made subject to the proviso in said Executive order of May 21, 1887, that—

The use and occupancy of the land in question be subject to such right, title, and interest as the Indians have in and to the same, and that it be vacated whenever the interest of the Indians shall require it, upon notice to that effect to the Secretary of War.

T. ROOSEVELT.

THE WHITE HOUSE, *January 31, 1906.*

MEMORANDUM REGARDING THE POWER OF THE PRESIDENT TO SET ASIDE BY PROCLAMATION OR EXECUTIVE ORDER PUBLIC LANDS FOR INDIAN RESERVATIONS AND OTHER PUBLIC PURPOSES, AND THE RIGHT OF THE PRESIDENT TO REVOKE SUCH ORDER.

PROVISIONS OF LAW.

1. The power of the Executive is vested in the President by the first section of the second article of the Constitution of the United States.

2. By the fourth section of the act of Congress of April 24, 1820 (3 Stat. L., 567), making further provision for the sale of the public lands, commonly known as the law establishing the "cash land system," authority is conferred on the President to offer the public lands for sale by proclamation "at such time or times as the President shall by his proclamation designate for the purpose," etc.

3. Under this delegated authority proclamations have been issued and sales held from time to time, and in those proclamations terms were inserted to the effect that "lands appropriated by law for the use of schools, military, or other purposes be excluded from sale."

It appears that these laws have in practice been regarded as designed to exclude all interests that have an inception under law or pursuant to law, and excluding from such sales *reservations for military, naval, or other public uses*.

4. The earliest provision of law found authorizing the President to set aside lands for a public purpose is that contained in the act of April 12, 1792 (1 Stat. L., 252, footnote), wherein the President was authorized to set aside lands at Fort Washington for the accommodation of a garrison.

There follow immediately afterwards the several acts of the Congress regarded as recognizing the authority of the President to make reservations of the public lands for such public purposes as are contained in his authority as the Executive expressed in section 1, Article II, of the Constitution.

5. Act of March 26, 1804, section 6 (2 Stat. L., 280), authorizing the President to reserve for the future disposal of the United States certain salt springs in Indian Territory.

6. Act of April 21, 1806, section 11 (2 Stat. L., 394), authorizing the President to reserve in each township in the western district of the Territory of Orleans for the support of schools within the same all sections of land "number sixteen," and to reserve also certain salt springs and lands contiguous thereto for future disposal by the United States.

7. Act of March 31, 1807, section 5 (2 Stat. L., 449), authorizing the President to reserve for the future disposal of the United States certain lead mines in the then Indian Territory.

8. Act of February 10, 1811, section 10 (2 Stat. L., 621), authorizing the President to reserve from sale sections numbered 16 in the Territory of Louisiana for the support of schools within the same, and to reserve also certain salt springs and lead mines and land contiguous thereto for the future disposal of the United States.

9. Act of March 3, 1811, section 10 (2 Stat. L., 665), authorizing the President to reserve in the Territory of Louisiana sections numbered 16 for the support of schools within the same, and to reserve also certain salt springs and lead mines and lands contiguous thereto for the future disposal of the United States.

10. Act of March 3, 1815, section 5 (3 Stat. L., 229), authorizing the President to reserve sections numbered 16 on the public lands of the United States south of the State of Tennessee, for the support of schools within the same, etc.

11. Act of March 5, 1816, section 1 (3 Stat. L., 256), authorizing the President to reserve from sale sections numbered 16 and certain salt springs and lead mines within the then Indian Territory.

12. Act of May 29, 1830, section 4 (4 Stat. L., 421), commonly known as the "preemption law," in which the following language is used:

Nor shall the right of preemption, contemplated by this act, extend to any land which is reserved from sale by act of Congress, or by order of the President, or which may have been appropriated for any purpose whatsoever.

In this act is found the first express exclusion used in the acts of the Congress from interference with lands reserved *by order of the President*.

13. Act of June 28, 1832, section 1 (4 Stat. L., 550), authorizing the President to reserve certain lots and buildings in St. Augustine and Pensacola for public purposes.

14. Act of June 26, 1834, section 4 (4 Stat. L., 687), authorizing the sale of public lands in Illinois, Missouri, and Wisconsin, and authorizing the President to reserve school and other reservations as he may desire to retain for military posts, *any law of Congress heretofore existing to the contrary notwithstanding*.

15. Act of September 4, 1841 (5 Stat. L., 456), wherein it is said that the right of preemption is expressly excluded from "lands included in any reservation by any treaty, law, or proclamation of the President of the United States or reserved for salines or other purposes.

16. Act of March 3, 1853 (10 Stat. L., 246), declaring that all public lands in California shall be subject to preemption and to be offered at public sale with certain specified exceptions, and with the general exception, to wit, "*reserved by competent authority*."

It would appear that the stipulations in the aforementioned acts of 1830 and 1841 (4 Stat. L., 421, and 5 Stat. L., 456) expressly indicate that competent authority is by the President.

17. Act of March 3, 1853 (10 Stat. L., 258), wherein there are excluded from disposal certain lands, to wit, mineral, "or lands reserved for any public purpose whatsoever."

18. Act of March 3, 1863 (12 Stat. L., 754), wherein it is made the duty of the President to reserve town sites from the public lands, either surveyed or unsurveyed town sites on the shores of harbors, at the juncture of rivers, important portages, or any natural or productive centers of population.

19. Act of March 3, 1863 (12 Stat. L., 819), authorizing reservation for Indians.

20. Act of April 8, 1864 (13 Stat. L., 39), authorizing Indian reservation in California.

21. Act of October 21, 1869 (18 Stat. L., 689), authorizing the President to reserve military posts and set aside permanent reservations.

Discussion of and recognition by the courts of the authority of the President to make reservations of the public lands.

Perhaps the most conspicuous case in which this authority is recognized is that of *Crisar v. McDowell* (6 Wall., 381).

In this case it was contended by the plaintiff that the lands involved could only be reserved from sale and set apart for public purposes under the direct sanction of an act of the Congress.

The Supreme Court of the United States, in considering this recited objection to the authority of the President, said:

From an early period in the history of the Government it has been the practice of the President to order from time to time, as the exigencies of the public service required, parcels of land belonging to the United States to be reserved from sale and set apart for public uses.

The authority of the President in this respect has been recognized in numerous acts of the Congress as heretofore cited, particularly in the preemption act of May 29, 1830, *supra*.

As Article IV, section 3, of the Constitution, provides that—

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

the authority of the President can not be interpreted to be anything more than an assumed or delegated power which by long and uninterrupted usage has never been denied either legislatively or judicially, but on the contrary has been legislatively and judicially repeatedly recognized.

The theory of the courts passing upon this question appears to have been that the President in the exercise of his executive powers stands in a position to protect and administer the public domain until Congress can act. It has proceeded to such an extent that it constitutes in fact a part of the land laws of the United States, exists *ex necessitate rei*, as *indispensable to the public welfare*, and, viewed in that light, by different laws of the Congress and decisions of the courts, has been regarded and referred to as an existing, undisputed, and well-settled power of the Executive.

Not only may the President set aside and reserve parts of the public domain, but the heads of the executive departments may do so, and such acts will be presumed to be the acts of the Executive. (*United States v. Briggs*, 9 Howard; *Wasely v. Chapman*, 101 U. S., 755; *Wilcox v. Jackson*, 13 Peters, 498.)

In the case of the *United States v. Briggs*, supra, the Supreme Court of the United States considered the statute of March 1, 1817 (3 Stat. L., 347), conferring authority on the Secretary of the Navy, under direction of the President, to reserve live oak and cedar lands, with penalty for destroying trees, *as authorizing the protection of all timber on public lands.*

Authority of the President to restore to the public domain reservations created by Executive order.

Having thus considered the power of the President to set aside lands and parcels of lands of the public domain under his authority as the Executive of his delegated authority, consideration will next be given to whether he may restore such lands when the exigency which required them to be set aside has passed, or the public exigency requires that they should be restored.

This question was considered by the General Land Office in the decision given in 14 Land Decisions, 209, wherein it was said that a reservation of forest lands created by the President under section 24 of the act of March 3, 1891 (26 Stat. L., 1095), may be restored by him to the public domain, and that no act of Congress is required.

The reasoning shown in the decision cited is to the effect that section 24 of the act of March 3, 1891, supra, is in the nature of a discretionary statute; that the location and extent and time of creating the reservations are left wholly within the discretion of the President, and that to await action by the Congress for the restoration of the land would result in a loss to the public. Acting on what was believed to be the intent of the Congress, it was held that Congress recognized the principle that the President has the power to withdraw public lands and to restore them to the public domain as the public good may demand.

Associate Justice McLean rendered a decision in 1855 in the case of the *United States v. Railroad Bridge Co.* (6 McLean, 517), wherein was cited the act of March 3, 1819 (3 Stat. L., 520), which provided—

That the Secretary of War be, and he is hereby, authorized, under the discretion of the President of the United States, to cause to be sold such military sites, belonging to the United States, as may have been found, or become useless for military purposes.

Commenting upon the case, the court, after considering the contentions of the Attorney General and referring to the act of the Congress of April 28, 1828, said:

Now from this act it does not follow that where the Government reserves its own land from sale, for any public purpose, that a special act of Congress, after its abandonment, is necessary for the sale of it. The President, under a general power given him by the act of 1809, selected a part of the land on Rock Island for a military site, on which Fort Armstrong was built. And when he finds the place no longer useful as a military post or for any other public purpose, he has a right to abandon it and notify the land offices where the reservation was entered. The entry on the books of the land offices within which the reserved site is situated, and the occupancy of the place by the Government, are the only evidence of the reservation. And when this evidence is withdrawn, and the site is abandoned, the reserve falls back into the mass of the public lands subject to be sold under the general law.

The language of the court is plain and unequivocal, and seems to recognize the power of the Executive, through his subordinates, to restore *public* land which has been withdrawn for military or other purposes under the acts of the Congress to the public domain.

Attention is called to the fact that this decision was rendered prior to the passage of the act of June 12, 1858, supra, which did not embrace lands reserved under law for public purposes other than military.

In the case of *Grisar v. McDowell*, supra, the court (p. 371 of decision), in discussing the action of the President, who, on November 5, 1850, made a reservation of certain lands on the bay of San Francisco, and on December 31, 1851, modified the order creating the reservation, said:

Nor is it of any consequence that the modification was made, as asserted, to avoid a possible contest with an adverse claimant to a portion of the original reservation. The reason which may have governed the President can not affect the validity of his action. *He possessed the same authority in 1851 to modify the reservation of 1850, by enlarging or reducing it, that he possessed to make the reservation in the first instance.*

The underscoring is not contained in the opinion of the court, but is herein made as indicating the logical conclusion that the authority to reduce the area of a reservation implied the authority to restore the land thus released to the status it occupied prior to the reservation, *unless that power is restricted by law*.

Secretary Lamar, in restoring to entry lands which had been withdrawn as the indemnity limits of the Atlantic & Pacific Railroad Co., used this language:

On a full consideration of the whole subject, I conclude that the withdrawal for indemnity purposes, if permissible under the law, was solely by virtue of Executive authority, and may be revoked by the same authority; that such revocation would not be a violation of either law or equity. (6 L. D., 91.)

It was decided in regard to certain lands in the Holy Cross Forest Reserve, in an opinion of October 24, 1906, approved by the then Secretary of the Interior (35 L. D., 262), that lands within a forest reserve not known to contain valuable mineral deposits, may be appropriated to such uses as may be necessary to carry out the aims and to accomplish the ends contemplated in the establishment of the reserve.

In the case of forest reservations, the Congress has not only empowered the President to set aside "public land bearing forests," but has given him the power to revoke, amend, and restore tracts once set aside for forest purposes to the public domain. (Act of June 4, 1897, 30 Stat. L., 34.)

There appears never to have been a general law authorizing the President to set aside lands by Executive order for the use of Indians. It has simply been a practice and method of administration which has long been recognized both legislatively and judicially.

It has been decided that the President has power to make a reservation for occupation by Indians from public domain lying within the limits of a State, and that a reservation for the use of Indians is a public use. (17 A. G. Ops. 259, and cases therein cited.)

Said the Attorney General in the opinion just cited:

The regulation of the relations of the Government with Indian tribes is a great public interest, and their settlement upon reservations has been considered a matter of great importance. A reservation from the public lands, therefore, for Indian occupation may well be regarded as a public use.

In the opinion of Judge Hillyer, United States District Court for the District of Nevada, in the case of the United States *v. Leathers* (6 Sawyer, 17), is given a thorough review of the legislation relating to the "Indian country," and it is decided that the Pyramid Lake Indian Reservation in the State of Nevada, *created by Executive order*, is Indian country.

Having thus considered historically, both by the acts of the Executive, the acts of the Congress, and the decisions of several courts of last resort, the question of the power of the President over the public lands, in conclusion attention is called to what Endlich says in his treatise on the interpretation of statutes (sec. 161, p. 223):

It is presumed that the legislature does not intend to deprive the Crown of any prerogative or right of property, unless it expresses its intention to do so in explicit terms or makes the inference irresistible.

From the foregoing the conclusion is reached that the Executive has by prerogative or delegated authority the power to set aside public lands for public purposes under his control by proclamation or Executive order.¹

Having the power to set aside the public lands for purposes indicated, the Executive possesses the same power to withdraw, modify, revoke, or extend, by proclamation or Executive order, unless prohibited by statute, reservations similarly created by him.

The Congress and the courts have from the early days of the Republic recognized, sustained, and upheld this power, until the practice has grown to be recognized as a part of the public land laws of the United States.

¹Donnelly *v. U. S.*, 228 U. S., 243.

PART IV.

FIRST INDIAN DEED TO WILLIAM PENN, 1682.

This Indenture, made the fifteenth day of July, in the years of our Lord, according to English Accompt, one Thousand Six Hundred Eightye Two, Between Idquahon, Ieanottowe, Idquoquequon, Sahoppe for himselfe and Okonikon, Merkekowon Orecton for Nannacussey, Shaurwawghon, Swanpisse, Nahoosey, Tomakhickon, Westkekitt & Tohawsis, Indyan Sachamakers of y^e one pte, And William Penn, Esq^r, Chief Proprietor of the Province of Pennsylvania of the other pte: Witnesseth that for and in Consideracon of the sumes and particulars of Goods, merchandizes, and vtensills herein after mentioned and expressed, (That is to say,) Three Hundred and fifty ffathams of Wampam, Twenty white Blankits, Twenty ffathams fo Strawd waters, Sixty ffathams of Duffields, Twenty Kettles, fflower whereof large, Twenty Gunns, Twenty Coates, fferty Shirts, fferty payre of Stockings, fferty Howes, fferty Axes, Two Barrells of Powder, Two Hundred Barres of Lead, Two Hundred Knives, Two Hundred small Glasses, Twelve payre of Shooes, fferty Copper Boxes, fferty Tobacco Tonngs, Two small Barrells of Pipes, fferty payre of Sissors, fferty Combes, Twenty fflower pounds of Red Lead, one Hundred Aules, Two handfulls of fish-hooks, Two handfulls of needles, fferty pounds of Shott, Tenne Bundles of Beads, Tenne small Saws, Twelve drawing knives, fflower anchers of Tobacco, Two anchers of Rumme, Two anchers of Syder, Two anchers of Beere, And Three Hundred Gilders, by the said William Penn, his Agents or Assigns, to the said Indyan Sachmakers, for the use of them and their People, at and before Sealing and delivery hereof in hand paid and delivered, whereof and wherewith they the said Sachemakers doe hereby acknowledge themselves fully satisfied, Contented and paid. The said Indyan Sachmakers, (parties to these presents,) As well for and on behalfe of themselves as for and on the behalfe of their Respective Indyans or People for whom they are concerned, Have Granted, Bargained, sold and delivered, And by these presents doe fully, clearly and absolutely Grant, bargayne, sell and deliver vnto the sayd William Penn, his Heirs and Assigns forever, All that or Those Tract or Tracts of Land lyeing and being in the Province of Pennsylvania aforesaid, Beginning at a certaine white oake in the Land now in the tenure of John Wood, and by him called the Gray Stones over against the ffalls of Dellaware River, And soe from thence up by the River side to a corner marked Spruce Tree with the letter P at the ffoot of a mountayne, And from the sayd corner marked Spruce Tree along by the Ledge or ffoot of the mountaines west north west to a corner white oake, marked with the letter P, standing by the Indyan Path that Leads to an Indyan Towne called Playwickey, and near the head of a Creek called Towsissinck, And from thence westward to the Creek called Neshammonys Creek, And along by the sayd Neshammonyes Creek unto the River Dellaware, alias Makeriskhickon; And soe bounded by the sayd mayne River to the Sayd first mentioned white oake in John Wood's Land; And all those Islands called or knowne by the severall names of Mattinicunk Island, Sepassincks Island, and Orecktons Island, lyeing or being in the sayd River Dellaware, Togeather alsoe with all and singular Isles, Islands, Rivers, Rivoletts, Creeks, Waters, Ponds, Lakes, Plaines, Hills Mountaynes, Meadows, Marrishes, Swamps, Trees, Woods, Mynes, minerals and Appurtennces whatsoever to the sayd Tract or Tracts of Land belonging or in any wise Apperteyning; And the reversion and reversions, Remaindr. and remaindrs. thereof, And all the Estate, Right, Tytle, Interest, vse, pperty, Clayme and demand whatsoever, as well as them the sayd Indyan

Sachamakers (Ptyes to these presents) as of all and every other the Indyans concerned therein or in any pte. or Pcel. thereof. To have and to hold the sayd Tract or Tracts of Land, Islands, and all and every other the sayd Granted premises, with their and every of their Appurtennces vnto the sayd William Penn, his Heires and Assigns forever, To the only pper vse & Behoofe of the sayd William Penn, his Heirs and Assignes, forevermore. And the sayd Indyan Sachamakers and their Heirs and successors, and every of them, the sayd Indyan Sachamakers and their Heires and successors, and every of them, the sayd Tract or Tracts of Land, Islands, and all and every other the sayd Granted pmisses, with their and every of their Appurtennces unto the sayd William Penn, his Heires and Assignes forever, against them the sayd Indyan Sachamakers, their Heires and successors, and against all and every Indyan and Indyans and their Heires and successors, Clayming or to Clayme, any Right, Tytle or Estate, into or out of the sayd Granted pmisses, or any pte. or pcel. thereof, shall and will warrant and forever defend by these presents; In witness whereof the said Prtyes. to these present Indentures Interchangeably have sett their hands and seals the day and yeare ffirst above written, 1682.

The (x) mark of
KOWOCKHICKON

The (x) mark of
ATTOIREHAM,
WM MARKHAM,

Deputy Govr. to Wm. Penn, Esq.

Sealed and Delivered in ye presence of

LASSE COCK
PIEOWJICOM
RICH. NOBLE
THOS. REVELL

First day of August, 1682.

Att ye house of Capt. Lasse Cock.

Wee, whose names are underwritten, for our Selves and in name and behalfe of the rest of the within mentioned Shackamachers, in respect of a mistake in the first bargaine betwixt us and the within named Wm. Penn, of the number of tenn gunns more than are mentioned in the within deed when we should then have received, doe now acknowledge the receipt of the saide tenn gunns from the said Wm. Penn; And whereas in the said deed there is certaine mention made of three hundred and fiffe fathom Wampum, not expressing the quality thereof, wee yrfore for our Selves, and in behalfe also do declare the same to be one halfe whyt wampum and the other halfe black wampum; And we, Peperappamand, Pyterhay and Eytepamatpetts, Indian Shachamakers, who were the first owners of ye Land called Soepassincks, & of ye island of ye same name, and who did not formerlie Sign and Seal ye within deed, nor were present when the same was done, doe now by signing and sealing hereof Ratefie, approve and confirm ye within named deed and the ye partition of ye Lands within mentioned writen and confirm thereof in all ye points, clauses, and articles of ye same, and doe declare our now sealing hereof to be as valid, effectual and sufficient for ye conveyance of ye whole Lands, and of here within named to ye sd. Wm. Penn, his heirs and assigns, for evermore, as if we had their with the other named Shachamakers signed and sealed in ye same.

The (x) mark of
NOMNE SOHAM.
WM. MARKHAM.

Sign and Sealed and delivered in p'nce of us,

REDTHARNVELLEON,
LASS COCK.

[A duplicate of this is also in the office without the addition of August 1st, 1682, some portions very indistinct. See Smith's Laws, vol. 11, p. 109.]

ARTICLES OF AGREEMENT BETWEEN THE CHIEFS, ETC., OF THE SIX NATIONS OF INDIANS AND THE COMMISSIONERS OF PENNSYLVANIA.

Be it remembered, by all whom it may concern:

That, on the ninth day of January, in the year of our Lord 1789, in open and public council, we, the undersigned chiefs, warriors, and others, representing the following named tribes of the Six Nations, to-wit; the Ondawagas, or Senacas, Cayugas, Tuscaroras, Onondagas, and Oneidas, for, and in behalf of ourselves, our tribes, our and their heirs and successors, on the one part, and Richard Butler and John Gibson, Esqrs. commissioners for, and on behalf of the State of Pennsylvania, (Onas) on the other part, did make, and conclude upon the following articles, viz:

January 9, 1789. Un-
ratified.—American
State Papers, Indian
Affairs, Vol. 4, p. 512.

ARTICLE 1. That, as soon as these articles are signed, interchangeably, by the aforesaid chiefs and commissioners, the said chiefs will execute a deed of conveyance to the State of Pennsylvania, for a tract of country, as shall hereafter be described.

ARTICLE 2. The signing chiefs do acknowledge the right of the soil, and jurisdiction to, in, and over, that tract of country, bounded on the south, by the north line of the State of Pennsylvania; on the east, by the west boundary of the State of New York, agreeable to the cession of that State, and the State of Massachusetts, to the United States; and on the north, by the margin of Lake Erie, including Presqu' Isle, and all the bays and harbors along the margin of said lake Erie, from the west boundary of Pennsylvania to where the west boundary of the State of New York may cross, or intersect, the south margin of the said Lake Erie; to be vested in the said State of Pennsylvania, agreeably to an act of Congress, dated the 6th day of June last, 1788.

ARTICLE 3. The said chiefs do agree that the said State of Pennsylvania shall, and may, at any time they may think proper, survey, dispose of, and settle, all that part of the aforesaid country, lying, and being west of a line running along the middle of the Conowago river, from its confluence with the Alleghany river into the Chadochque lake, thence along the middle of said lake, to the north end of the same, thence a meridian line from the north end of the said lake, to the margin, or shore, of lake Erie.

ARTICLE 4. The said chiefs do agree, that the navigation, or water communication, of the said Conowago river, and the Chadochque lake, shall be free to the citizens of the State of Pennsylvania, in common with themselves; but that neither party shall build, or erect dams, over or across the Conowago river, so as to obstruct the passage of boats or canoes, up and down the same to the Alleghany river.

ARTICLE 5. That, as several villages, belonging to the signing chiefs and their people, are now living on the said Conowago creek, and in other parts of the country, supposed to be within the tract of country west of the west line of the State of New York, and east of the line through the waters, as described in the third article: and as they have no country to remove to, from where they now live, the said chiefs do reserve for their own and their people's residence, hunting and fishing, all that part of the tract of country described in the second article, passing from the Alleghany river, along the middle of the Conowago creek, the Chadochque lake, and a meridian line from the north end of said lake to lake Erie.

ARTICLE 6. The said chiefs do engage for, and in behalf of themselves and their tribes, to give protection to the citizens of the said State of Pennsylvania, and others who may come to trade or transact business, under proper authority, among them, and to live peaceably with all the citizens of the United States.

ARTICLE 7. The said Richard Butler and John Gibson, Esqrs. commissioners, for, and in behalf of the State of Pennsylvania, *do agree* to the aforesaid articles, in their true intent and meaning; and they further engage, on the faith of the State of Pennsylvania, that the aforesaid chiefs, and the people of their tribes, shall have full and peaceable liberty to hunt and fish within any part of the country first above described, they demeaning themselves peaceably towards the inhabitants. But the said chiefs, or their successors, shall not, at any time hereafter, directly, or indirectly, lease, rent, or make sale of, any part, or parcel, of the tract here reserved, for their use and residence, to any other State, person, or persons.

In testimony of the above articles being duly, openly, and fairly agreed and concluded upon, the chiefs and commissioners aforesaid, have interchangeably set their hands, and affixed their seals, the day and year first above written.

| | | | |
|-----------------------|---------------------------------------|---|-------|
| Senecas | Gyantwachia, or the Corn-planter, | + | L. S. |
| | Gyashota, or the Big Cross, | + | L. S. |
| | Kanassee, or the New Arrow, | + | L. S. |
| | Achiout, or the Half Town, | + | L. S. |
| | Anachkout, or the Wasp, | + | L. S. |
| | Chishekoa, or the Wood Bug, | + | L. S. |
| | Sessewa, or the Big Bale of a Kettle, | + | L. S. |
| | Sciawhowa, or the Council Keeper | + | L. S. |
| | Tewanias, or the Broken Twig, | + | L. S. |
| | Souachshowa, or the Full Moon, | + | L. S. |
| Tuscarora Chief | Cachunewasse, or Twenty Canoes, | + | L. S. |
| Senecas | Hichonquash, or Tearing Asunder, | + | L. S. |
| | Cageahgea, or Dogs about the Fire, | + | L. S. |
| | Sawedowa, or the Blast, | + | L. S. |
| | Kiondashowa, or Swimming Fish, | + | L. S. |
| Onandago Chief | Oncahye, or the Dancing Feather, | + | L. S. |
| Cayugas | Soahaes, or Falling Mauntain, | + | L. S. |
| | Otachsaka, or Broken Tomahawk, | + | L. S. |
| Oneida Chief | Tekahiefs, or the Long Tree, | + | L. S. |
| Seneca Chief | Onesechter, or the Leaded Man, | + | L. S. |
| Munsey Chiefs | Kiatulahoh, or the Snake, | + | L. S. |
| | Aqueia, or the Bandy Legs, | + | L. S. |
| Senecas | Kiandoch-gowa, or Big Tree, | + | L. S. |
| | Owenewah, or Thrown-in-the-water, | + | L. S. |

N. B.—The two Munseys signed as being residents on the land, but not owners.
R. BUTLER.

In the presence of

AR. ST. CLAIR,
 JAMES HARMAR, *Lt. Col. Com. 1st U. S. Regt. and Brig. Gen. by brevet.*
 DAVID ZEIGLER, *Captain 1st U. S. Regt.*
 WINTHROP SARGENT.
 JOHN TRACEY.
 N. McDOWELL, *Ensign.*
 JACOB MELCHER, *Cadet in 1st U. S. Regiment.*
 JOSEPH NICHOLSON.

Be it remembered, that, on the 30th day of May, in the year of our Lord 1792, and in the 16th year of the independence of the United States of America, came, personally, Joseph Nicholson, one of the witnesses within named, before me, James Biddle, Esq. president of the courts of common pleas, in the district consisting of the city and county of Philadelphia, and counties of Bucks, Montgomery and Delaware, and made oath, on the Holy Evangelists of Almighty God, that he was present, and saw the twenty-four grantors, and two Commissioners, in the within deed named, make the signatures, or marks, to the said deed, and seal and deliver the same, as their act and deed, voluntarily and freely; and that the said deponent subscribed his name as a witness to the execution thereof; and that he also saw the other seven witnesses subscribe their names within written, respectively, to the same deed, and that the name, Joseph Nicholson, thereunto subscribed, is of his own proper handwriting.

In testimony whereof, I have hereunto set my hand and seal, at Philadelphia, the same day and year aforesaid.

JAMES BIDDLE.
 JOSEPH NICHOLSON.

Enrolled in the Rolls Office for the State of Pennsylvania, in Commission Book No. 1, page 309.

Witness my hand and seal of office, the 19th of June, 1794.

MATHEW IRWIN, M. R.

A true copy from the original.

JAMES TRIMBLE, *Deputy Secretary.*

SECRETARY'S OFFICE, *Philadelphia, June 30th, 1794.*

**DEED FROM THE SIX NATIONS OF INDIANS TO THE STATE OF
PENNSYLVANIA.**

Know all men by these presents, that we, the undersigned chiefs, warriors, and others, representing the following-named tribes of the Six Nations, to wit: the
 January —, 1789. Ondawagas, or Senecas, Cayugas, Tuscaroras, Onondagas and Oneidas, for, and in consideration, of the sum, of two thousand dollars, to us in hand paid, by Richard Butler and John Gibson, Esquires, Commissioners for, and in behalf of, the State of Pennsylvania, the receipt whereof we do hereby acknowledge, and we, for ourselves, our tribes, our and their heirs and successors, are therewith fully paid and satisfied: have granted, bargained, sold, and assigned over, and, by these presents, do grant, bargain, sell, remise, release, quit claim, and assign over, unto the said State of Pennsylvania, all our and their right, title, claim, and interest of, in, and to, all that tract of country situate, lying, and being, within the territory of the United States, bounded on the south by the north line or boundary of the State of Pennsylvania, on the east by the western line or boundary of the State of New York, agreeably to an act of cession of the said State of New York and the State of Massachusetts, to the United States; and on the north, by the southern shore, or margin of lake Erie, including Presqu' Isle, and all the bays and harbors along the shore or margin of the said lake Erie, from the west boundary of the said State of Pennsylvania, to where the west line, or boundary, of the State of New York, may cross or intersect the southern shore, or margin, of the said lake Erie: to have and to hold the said tract, as above described, with all its appurtenances and advantages, to the only proper use and behoof of the said State of Pennsylvania, forever, under, and subject to the provisos and reservations made and agreed upon in behalf of ourselves and our tribes, their heirs and successors, mentioned in certain articles of agreement, made and concluded with the aforesaid Richard Butler and John Gibson, Esquires, commissioners for, and in behalf of, the said State of Pennsylvania; which articles were signed by the aforesaid chiefs and commissioners interchangeably, before the executing and signing of this deed.

In testimony whereof, we, the said chiefs, have hereunto set our hands and seals, this... day of January, in the year of our Lord 1789.

| | | | |
|-----------------------|---------------------------------------|---|-------|
| Senecas | Gyantwachia, or the Corn-planter, | + | L. S. |
| | Gyashota, or the Big Cross, | + | L. S. |
| | Kanassee, or the New Arrow, | + | L. S. |
| | Achiout, or the Half Town, | + | L. S. |
| | Anachkout, or the Wasp, | + | L. S. |
| | Chishekoa, or the Wood Bug, | + | L. S. |
| | Sessewa, or the Big Bale of a Kettle, | + | L. S. |
| | Sciawhowa, or the Council Keeper, | + | L. S. |
| | Tewanias, or the Broken Twig, | + | L. S. |
| | Souachshowa, or the Full Moon, | + | L. S. |
| | Cachunevasse, or Twenty Canoes, | + | L. S. |
| Tuscarora Chief | Hichonquash, or Tearing Asunder, | + | L. S. |
| Senecas | Cageahgea, or Dogs about the Fire, | + | L. S. |
| | Sawedowa, or the Blast, | + | L. S. |
| | Kiondashowa, or Swimming Fish, | + | L. S. |
| Onandaga Chief | Oncahye, or the Dancing Feather, | + | L. S. |
| Cayugas Chiefs | Soahaes, or Falling Mountain, | + | L. S. |
| | Otachsaka, or Broken Tomahawk, | + | L. S. |
| Oneida Chief | Tekahiefs, or the Long Tree, | + | L. S. |
| Seneca Chief | Onesechter, or the Leading Man, | + | L. S. |
| Munsey Chiefs | Kiatulahoh, or the Snake, | + | L. S. |
| | Aqueia, or Bandy Legs, | + | L. S. |
| Senecas | Kiandoch-gowa, or Big Tree, | + | L. S. |
| | Owenewah, or Thrown-into-the-water, | + | L. S. |

N. B.—The two Munsey's signed as being residents on the land, but not owners.

R. BUTLER.

In the presence of

AR. ST. CLAIR.

JOS. HARMAR, *Lieut. Col. Com. 1st U. S. Regt. and Brig. Gen. by brevet.*

DAVID ZEIGLER, *Captain 1st U. S. Regiment.*

WINTHROP SARGENT.

JOHN TRACEY.

N. MCDOWELL, *Ensign.*

JACOB MELCHER, *Cadet 1st U. S. Regiment.*

JOSEPH NICHOLSON.

Be it remembered, that, on the 29th day of October, in the year of our Lord 1790, and in the fifteenth year of the independence of the United States of America came personally, Joseph Nicholson, one of the witnesses within named, before the Hon. Thomas McKean, Esq. Doctor of Laws, chief justice of the Supreme Court of the State of Pennsylvania, and made oath, on the Holy Evangelists of Almighty God, that he was present, and saw the twenty-four grantors, in the within deed named, make the signatures or marks to the said deed, and seal and deliver the same, as their act and deed, voluntarily, and freely; and that the said deponent subscribed his name as a witness to the execution thereof; and that he also saw the other seven witnesses subscribe their names within written, respectively, to the same deed; and that the name, Joseph Nicholson, thereto subscribed, is of his own proper hand-writing.

In testimony whereof, I have hereunto set my hand and seal, at Philadelphia, the same day and year aforesaid,

THOMAS MCKEAN.

Recorded in the office for the recording of deeds, &c. for the city and county of Philadelphia, in Deed Book, No. 31, page 184.

Witness my hand, and seal of office, the 5th day of May, 1792.

MATHEW IRWIN, *Rec.*

A true copy from the original.

JAMES TRIMBLE, *Deputy Secretary.*

SECRETARY'S OFFICE, *Philadelphia, June 30, 1794.*

TREATY WITH THE TUSCARORA NATION OF INDIANS, 1803.

Gentlemen of the Senate:

The Tuscarora Indians, having an interest in some lands within the State of North Carolina, asked the superintendence of the Government of the United States over a treaty to be held between them and the State of North Carolina, respecting these lands. William Richardson Davie was appointed a commissioner for this purpose, and a treaty was concluded under his superintendence. This, with his letter on the subject, is now laid before the Senate for their advice and consent, whether it shall be ratified.

TH: JEFFERSON.

FEBRUARY 21, 1803.

ARTICLES OF A TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE TUSCARORA NATION OF INDIANS.

Whereas a large part of the Tuscarora nation of Indians reside at so remote a distance from the State of North Carolina that they are unable to derive any benefit from the lands, the use of which had been granted to the nation by the Legislature of that State, so long as they should occupy and live upon the same:

December 4, 1802.—
Unratified. American
State Papers, Indian
Affairs, p. 685.

And whereas the legislature of the State of North Carolina, in directing the use of the said lands, had heretofore permitted certain leases to be made of part thereof, and difficulties have arisen in the payment and receipt of the rents becoming due thereon:

And whereas, for the purpose of preventing any disputes that might arise respecting the future occupancy of said lands, or the direction of the use thereof, and to remove the difficulties aforesaid, the President of the United States, by and with the advice and consent of the Senate thereof, hath appointed William Richardson Davie, of North Carolina, commissioner on the part of the United States, for the purposes aforesaid; and the said William Richardson Davie, on the part of the United States, and the undersigned chiefs, in their own names, and in behalf of the whole Tuscarora nation, have agreed to the following articles, namely:

ARTICLE 1. In consideration of the agreement, on the part of the Legislature of the State of North Carolina, that they will, by certain acts of the General Assembly of said State, facilitate the collection of the rents due, or to become due, on the leases of said lands heretofore made: And on the condition that an act or acts of the General Assembly of the said State shall be passed, authorizing the said Tuscarora nation, or the chiefs thereof, in behalf of said nation, to lease, on such terms as they may deem proper, the undemised part of the lands allotted to them in the county of Bertie, in the said State, as well as other parts thereof, now under lease, or leases, for years, so that the term or terms of the leases made of the whole, or any part thereof, may extend to the 12th day of July, which shall be in the year of our Lord one thousand nine hundred and sixteen:

And upon condition, also, that the Legislature of the said State shall, by an act or acts, for the purpose, remove, as far as the same can be done by legislative interposition, any difficulties or disputes that might arise respecting the future occupancy of said lands, either by the Indians of the said tribe or nation of Tuscaroras, or their lessees and assigns, until the said twelfth day of July, which shall be in the year of our Lord one thousand nine hundred and sixteen; and also declare and enact, that the occupancy and possession of the tenants, under the said leases, heretofore confirmed by act or acts of the General Assembly, and such leases as may be made under the act or acts made in pursuance of this treaty, shall be held and deemed, in all cases whatsoever, the occupancy and possession of the said Tuscarora nation, to all intents and purposes, as if they, the said nation, or the Indians thereof, or any of them, actually resided on said land:

The undersigned chiefs, in their own names, and in behalf of the whole of the Tuscarora nation, hereby stipulate and agree, that, from and after the said twelfth day of July, which shall be in the year of our Lord one thousand nine hundred and sixteen, all the right, interest, and claim, of the said nation, or any of the Indians thereof, by act of the General Assembly of the State of North Carolina, or otherwise, to the use, possession, or occupancy, of a certain tract of land, allotted to them by the Legislature of the said State, situated in the county of Bertie, in the State aforesaid, bounded and described as follows, viz: Beginning at the mouth of Quitsnoy swamp, running up the said swamp four hundred and thirty poles, to a scrubby oak, near the head of said swamp, by a great spring; then north ten degrees, east eight hundred and fifty poles, to a persimmon tree, in Roquis swamp, and along the swamp and pocoson, main course north fifty-seven degrees west, two thousand six hundred and forty poles, to a hickory on the east side of the Falling run or Deep creek, and down the various courses of the said run, to Moratlock, or Roanoke river; then down the river to the first station; shall cease and determine, and shall be held and deemed extinguished for ever.

ARTICLE 2. This treaty shall be considered as a final and permanent adjustment and settlement of all differences, disputes, and claims, between the State of North Carolina and the said Tuscarora nation of Indians, as soon as the conditions stipulated in the foregoing article shall be fulfilled on the part of the State of North Carolina, and the treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate of the United States.

In witness of all and every thing herein contained, the said William Richardson Davie, and the undersigned chiefs, in behalf of themselves and the Tuscarora nation, have hereunto set their hands and seals.

Done at the city of Raleigh, in the State of North Carolina, on the fourth day of December, in the year one thousand eight hundred and two.

W. R. DAVIE. (L. S.)
And a number of Indians.

HALIFAX, *February 3, 1803.*

SIR: The severity of the season, and the badness of the roads, prevented my return from South Carolina to this place, before the 21st of January; and I have delayed forwarding the treaty made with the chiefs of the Tuscarora nation of Indians, until I should receive the act passed by the Legislature of North Carolina, to carry the treaty into effect. They are both herewith enclosed, and the commissioners have been appointed by the Governor, agreeably to the provisions of the said act of Assembly.

The agents of the State chose the form of the first article, as you will find in the treaty, stipulating for the final extinguishment of the Indian claim, in preference to a cession of the lands, on the ground that the Indians had only a kind of usufructuary possession granted to them, so long as they should live upon the same; and that the legal title was, and had always been, in the State; they were substantially the same in effect, and it seems a matter of no moment to the Government of the United States, which mode was preferred.

By your letter of the 28th of December, 1801, I was informed that the President approved of the arrangement I had made in the business of the Tuscarora lands. I am happy that the benevolent views of the Government, with respect to this nation of Indians, are now completely effected; they will dispose of their lands at their real value, and a little will also operate an extinguishment of their claim, without any expense to the State or the United States.

I have the honor to be, &c.

W. R. DAVIE.

An act for the relief of the Tuscarora nation of Indians.

Whereas the Indians composing the Tuscarora nation, have, by their chief, Sacarusa, and others, regularly deputed and authorized, requested the concurrence of the General Assembly of the State, to enable them to lease or demise, for a number of years, the residue of their lands, situate in the county of Bertie, in such manner that the whole of the leases on said land shall terminate at the same period:

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the said chief, Sacarusa, Longboard, and Samuel Smith, or a majority of them, be, and they are hereby, authorized to lease and to farm let the undemised residue of the lands allotted to the Tuscarora nation, in Bertie county, for a term of years, that shall expire and end when the lease made by the Tuscarora nation to Robert Jones and others in the year one thousand seven hundred and sixty-six, shall end and expire; and, also, to extend the term or terms of the leases already made or granted for a shorter term, to a term or terms which shall expire at the same time with said lease, made in the year one thousand seven hundred and sixty-six, in such parcels, and on such rents and conditions, as may be approved by the commissioners appointed in pursuance of this act, and which may best promote the interest and convenience of the said Indian nation.

And whereas some difficulties have arisen, respecting the receipt and payment of the rents, on some of the present leases,

Be it further enacted, That the said chiefs, or a majority of them, be, and they are hereby, authorized to make such alterations, by covenant and agreement, respecting the payment and receipt of any of the rents due, or that may become due, on any of the existing leases, as the commissioners appointed in pursuance of this act, or a majority of them, shall approve.

Whereas the said Indian chiefs are ignorant of the usual forms of business, and may want advice and assistance, in transacting the business respecting their lands: For remedy whereof, and to prevent their being injured,

Be it further enacted, That the Governor shall appoint three commissioners, for the purpose of carrying the provisions of this act into effect; and no lease, grant, demise, covenant, or agreement, made by said Indian chiefs, as aforesaid, respecting said lands, or the rents thereof, shall be good or valid in law, unless the same shall be approved by said commissioners, or a majority of them; and such approbation shall be expressed in writing, and annexed or endorsed on such lease, covenant or agreement, and registered in the Register's office of the county of Bertie, together with said lease or agreement; and the said commissioners shall receive the sum of twenty-five shillings per day, for their compensation and expenses, to be paid out of the money received by the said chiefs, on leasing said lands.

And be it further enacted, That the occupancy and possession of the tenants, under the said leases, heretofore confirmed by act or acts of the General Assembly, and such leases as may be made under this act, shall be held and deemed, in all cases whatsoever, the occupancy and possession of the said Tuscarora nation, to all intents and purposes, as if the said nation, or the Indians thereof, or any of them, actually resided on said lands.

Whereas the said chiefs, Sacarusa, Longboard, and Samuel Smith, being duly and fully authorized and empowered by the said Tuscarora nation, have consented that the Indian claim, to the use, possession, and occupancy of said land, shall cease to be extinguished, when the said lease, made in the year one thousand seven hundred and sixty-six, to Robert Jones and others, shall expire,

Be it enacted, That, from and after the twelfth day of July, which shall be in the year one thousand nine hundred and sixteen, the whole of the lands allotted to the said Tuscarora Indians, by an act of the General Assembly, passed at Newbern, on the fifteenth day of October, in the year of our Lord one thousand seven hundred and forty-eight, shall revert to, and become the property of, the State, and the Indian claim thereto shall, from that time, be held and deemed forever extinguished.

And be it further enacted, That, after the said lands shall revert to the State, if the same, or any part thereof, shall be vacant, the same shall not be liable to the entries of any person or persons, without an express act of the Legislature to that effect: *Provided, always,* That it shall not be lawful for any person or persons to make any entry or entries on the said lands, after the passing of this act: *Provided, always,* That nothing in this act contained shall be construed so as to affect the title of any individual: *Provided, nevertheless,* That no lot or parcel of lands, laid off under the direction of said commissioners, shall exceed two hundred acres. *And provided further,* That no lease shall be made, but by public auction, of which due notice shall be given in the Halifax and Edenton newspapers.

Read three times, and ratified in General Assembly, the sixteenth day of December, Anno Domini 1802.

JO. RIDDICK, S. S.
S. CABARRUS, S. H. C.

STATE OF NORTH CAROLINA:

SECRETARY'S OFFICE, 6th January, 1803.

This certifies that the foregoing act of the General Assembly, entitled "An act for the relief of the Tuscarora nation of Indians," is a true copy, taken from the original, deposited in this office.

Given under my hand, at Raleigh, the date aforesaid.

WILL. WHITE, Secretary.

AGREEMENT WITH THE GROS VENTRES TRIBE OF INDIANS, 1868.

ARTICLES OF AGREEMENT AND CONVENTION MADE AND CONCLUDED AT FORT HAWLEY, MONTANA TERRITORY, ON THE 13TH DAY OF JULY, IN THE YEAR OF OUR LORD EIGHTEEN HUNDRED AND SIXTY-EIGHT, BY AND BETWEEN W. J. CULLEN, COMMISSIONER DULY APPOINTED AND AUTHORIZED ON THE PART OF THE UNITED STATES, AND THE CHIEFS, HEADMEN, AND DELEGATES REPRESENTING THE GROS VENTRES TRIBE OF INDIANS, THEY BEING DULY AUTHORIZED FOR SUCH PURPOSE BY THEIR TRIBE.

ARTICLE I.

July 13, 1868. Unratified. Perpetual peace, friendship, and amity shall hereafter exist between the United States and the Gros Ventres Tribe of Blackfeet Indians, parties to this treaty

ARTICLE II.

The aforementioned tribe of Indians do hereby mutually, jointly, and severally agree and covenant that they will maintain peaceful and friendly relations towards the whites, and that they will in the future abstain from all hostilities whatever against each other, and cultivate mutual good will and friendship, not only among themselves, but towards any other tribe or tribes that may dwell upon the reserved land, as in Article III described and set forth, or adjacent thereto.

ARTICLE III.

We, the chiefs, headmen, and delegates of the Gros Ventres Tribe of Indians, being by our said tribe authorized and directed, do hereby cede and relinquish to the United States all the lands now or at any time heretofore claimed or possessed by them wherever situated, (said lands being more particularly described in the third and fourth articles of a treaty made between the United States and the Blackfeet Nation and other tribes of Indians, dated October 17, 1855) except all that portion of country described as follows, namely:

Commencing at a point where the parallel of 48° north latitude intersects the dividing ridge of the main chain of the Rocky Mountains; thence in an easterly direction to the nearest source of the Teton River; thence down said river to its junction with the Missouri River; thence down the Missouri River to the mouth of Milk River; thence due north to the 49th parallel of north latitude; thence west on said parallel to the main range of the Rocky Mountains; thence southerly along said range to the place of beginning, which last said described tract or portion of country is hereby reserved to and set apart for the said Blackfeet Nation and Gros Ventres Tribe of Indians for their occupancy, possession, and enjoyment, excepting, and it is hereby provided and agreed that in the event of a treaty being made by the United States with the Crow Tribe of Indians whereby it may be stipulated that the said Crows shall remove to and live on the land hereinbefore described and reserved to the use and benefit of the Gros Ventres Tribe of Indians, and under the supervision and control of the same agent, and occupying and using in common all agency buildings, together with the services of each of the employees as may be deemed practicable, said Indians shall be permitted to do so, and shall be treated in all respects by Gros Ventres Tribe of Indians as owners in common of said lands, and entitled to all privileges and benefits thereto pertaining, the same in all respects as though they were parties to this treaty; and the said Indians, parties to this treaty, do hereby further agree that so soon as suitable agency buildings are erected they will settle permanently upon said reservation and do all in their power to encourage agricultural pursuits among their people.

ARTICLE IV.

The said tribe of Indians consent and agree for the purpose of establishing traveling thoroughfares through said tract of country so reserved and set apart as afore-

said, and the better to enable the President to execute the provisions of this treaty, roads of any and every description, military posts, bridges, and lines of telegraph, houses for agencies, mission schools, shops, mills, stations and for any other purpose, may be constructed out of any material thereon found, and permanently use as much land as may be necessary for the various purposes above enumerated, including the use of wood for fuel and land for grazing; and that said lines of travel and the navigation of all streams, shall be forever free to citizens of the United States, and the United States are hereby bound to protect said Indians against depredations and other unlawful acts which white men traveling on or passing through said reservation may commit.

ARTICLE V.

No white person, unless in the employment of the United States or duly licensed to trade with the Blackfeet Nation or Gros Ventres Tribe of Indians or members of the families of such persons, shall be permitted to reside or make any settlement upon any part of said tract or portion of country so reserved and set apart as aforesaid, nor shall said Indians alienate, sell, or in any manner dispose of any portion thereof except to the United States.

ARTICLE VI.

The said tribe of Indians, parties to this treaty, desire to exclude from the tract of country reserved to their use, as hereinbefore stated and set forth, the use of ardent spirits or other intoxicating liquor, and to prevent their people from drinking or using the same. Therefore, it is provided that any Indian or half-breed belonging to said tribe who is guilty of bringing such liquor into the Indian country, or drinks the same, may have his or her proportion of the annuities, hereinbefore mentioned, withheld from him for such time as the President may determine, and they shall likewise be liable to the same punishment as white persons for the same offense under the laws of the United States.

ARTICLE VII.

The said Gros Ventres Tribe of Indians, parties to this treaty, hereby acknowledge their dependence upon the United States and their obligation to obey the laws thereof, and they further agree and obligate themselves to submit to and obey said laws, and all other laws which shall be made by Congress for their government and the punishment of offenses, and they agree to exert themselves to the utmost of their ability in enforcing all those laws, under the direction of the Superintendent of Indian Affairs or agent, and they pledge and bind themselves to preserve friendly relations with the citizens of the United States, and to commit no injuries to or depredations on their persons or property; they also agree to deliver to the proper officer or officers of the United States all offenders against the treaties, laws, or regulations of the United States who may be within the limits of the country hereby reserved and set apart as aforesaid, whenever required to do so by the said officer or officers. And the said Indians, parties to this treaty, agree that they will not make war upon any other tribes, except in self-defense, but will submit all matters of difference between themselves and other Indians to the United States for adjustment, and will abide thereby, and if any of the Indians, parties to this treaty, commit depredations upon any other Indians within the jurisdiction of the United States, the same rule shall prevail in regard to compensation and punishment as in cases of depredations against citizens of the United States.

ARTICLE VIII.

In consideration of the foregoing agreements, stipulations, and cessions, and on condition of their faithful observance by the said tribe of Indians, parties to this treaty, the United States agree to expend annually for the Gros Ventres Tribe of

Indians, in addition to the goods and provisions distributed at the time of signing of this treaty, for and during the term of twenty years from and after the ratification of this treaty, the several sums and for the purpose following, to-wit:

For the support of one physician and for the purchase of medicines, \$800; for one blacksmith, \$500; for one school teacher and the necessary books and stationery for the school, \$450; for the instruction of said Indians in farming and the purchase of seeds, etc., \$600; and for annuity payments, the sum of \$25,000, to be expended in such useful goods, provisions and other articles as the Secretary of the Interior, at his discretion, may from time to time determine: Provided, That so much of said annual sum of twenty-five thousand dollars as the Secretary of the Interior shall deem proper may be expended in stock animals and agricultural implements, and in establishing and instructing in agricultural and mechanical pursuits such of said Indians as shall be disposed thereto, and in the employment of mechanics for and providing care and support for the sick and infirm and helpless orphans of their numbers, and in any other respect promoting their civilization and improvement. And to enable the said tribe of Indians, parties to this treaty, to enter upon a civilized career, free from all indebtedness, the United States further agree that, in addition to the annuities above stipulated to be paid to all such persons as may be entitled thereto, such sum or sums as the tribe of Indians may be justly indebted to them in, or by reason of such person having furnished goods, provisions or supplies to said tribe of Indians, or by reason of depredations heretofore committed upon the property of such persons by said Indians, not exceeding in all the sum of twenty-five thousand dollars.

ARTICLE IX.

The half-breeds of said tribe and those persons, citizens of the United States, who have intermarried with Indian women of said tribe, and continue to maintain domestic relations with them, shall not be compelled to remove to said reservation, but shall be allowed to remain undisturbed upon the lands hereinbefore ceded and relinquished to the United States, and they shall be allowed each to select from said ceded lands 160 acres of land (not mineral), including, as far as possible, their present homesteads, the boundaries of the same to be made to conform, as far as practicable, to the United States surveys, and when so selected the President of the United States shall issue to each of said persons so selecting the same a patent for such quarter section of land, with such restrictions on the power of alienation as in his discretion he may see fit to impose; and until such patent shall issue, there shall be no power of alienation of said lands by any person for whose benefit such selections are authorized to be made; and it is further understood and agreed that the half-breeds of said tribe shall share equally per capita with the Indians aforementioned in the distribution of annuity goods, and that the said tribe of Indians shall have the right to select and appoint a proper and suitable person to assist in the distribution of annuity goods and see that they are distributed fairly and equally.

ARTICLE X.

It is understood and agreed by and between the parties to this treaty that if any of the Indians, parties hereto, shall violate any of the stipulations herein contained, the United States may withhold for such length of time as the President and Congress may determine, any portion or all of the annuities to be paid to said tribes under the provisions of this treaty.

ARTICLE XI.

This treaty shall be obligatory upon the contracting parties whenever the same shall be ratified by the President and Senate of the United States, and shall continue in force for twenty years from and after the said date, unless sooner violated and broken by said Indians.

In witness whereof, the said W. J. Cullen, commissioner on the part of the United States, and the undersigned chiefs, headmen and delegates of the aforesaid tribe of Indians, parties to this treaty, have hereunto set their hands and seals at the place and on the day and year hereinbefore written.

| | |
|---|---------|
| W. J. CULLEN, <i>Special Commissioner</i> . | [SEAL.] |
| SILLING SQUAW (his x mark), | [SEAL.] |
| WHITE EAGLE (his x mark), | [SEAL.] |
| LITTLE WHITE CALF (his x mark), | [SEAL.] |
| WAR EAGLE BONNET (his x mark), | [SEAL.] |
| WEASEL HORSE (his x mark), | [SEAL.] |
| LEFT HAND SISINABOIN (his x mark), | [SEAL.] |
| STAR ROBE (his x mark), | [SEAL.] |
| BULL'S HEAD (his x mark), | [SEAL.] |

HEADMEN.

| | |
|-----------------------------|---------|
| IRON COLLAR (his x mark), | [SEAL.] |
| BIG BEAVER (his x mark), | [SEAL.] |
| THUNDER CHIEF (his x mark), | [SEAL.] |
| BLACKBIRD (his x mark), | [SEAL.] |
| BULL ROBE (his x mark), | [SEAL.] |
| YOUNG BEAR (his x mark), | [SEAL.] |
| BEAR SHIRT (his x mark), | [SEAL.] |
| TALL EAGLE (his x mark), | [SEAL.] |
| WHITE MOON (his x mark), | [SEAL.] |

Executed in the presence of—

OLAN O. CULLEN, *Secretary*.
 ALFRED T. VAUGHAN.
 J. T. BEIDLER.
 ALEX CULBERTSON, *United States Interpreter*.
 LOUIS REVIER (his x mark), *Interpreter*.
 CYPRIEN MOTT.
 GEORGE W. BOYD.
 HONORE LAFLAN.

AGREEMENT WITH THE SHAWNEE TRIBE OF INDIANS, 1867.

Articles of agreement made and concluded at Washington, D. C., this 2d day of March, eighteen hundred and sixty-seven, between the United States, represented by Louis V. Bogy, Commissioner of Indian Affairs, W. H. Watson, special March 2, 1867.
Unratified. commissioner, Thomas Murphy, superintendent of Indian affairs for Kansas, and H. L. Taylor and Henry Shanklin, United States Indian agents, and the Shawnee Tribe of Indians, represented by Graham Rogers and Charles Tucker, John White, and Samuel Hill.

Whereas it is desirable that the Shawnees, now resident in Kansas, who do not desire to become citizens of the United States, should be provided with a new reservation in the Indian country south of Kansas; and

Whereas a certain portion of the Shawnees, who had rights to lands reserved to them for a limited period by the treaty of November 2d, 1854, have heretofore, for various reasons, been unable to enter into the enjoyments of those rights, but now desire to avail themselves of such rights in order to secure a permanent home: Therefore, it is agreed—

ARTICLE I.

The rights of "Absentee Shawnees" to lands set apart for them by the second article of the treaty of Nov. 2, 1854, are conceded to exist as if they had availed themselves of such rights within the time limited, and the land set apart for them shall be disposed of for their benefit as hereinafter mentioned; and if any such absentees have made selections of land, such selections shall be confirmed, and the allottees shall be placed among the list of severalty Indians as contemplated in this treaty.

ARTICLE II.

On or before June 1, 1867, a register shall be taken by the agent of the tribe for those who have been recognized as belonging to his agency, and for the Absentee Shawnees by the agent of the Wichita Agency, which register shall show the names, ages, and sex by families of all the Shawnees, and whether they hold land in severalty or in common, and in either case, whether they claim upon the lands reserved for the bands of Black Bob and Long Tail in the treaty of 1854, or upon the absentee lands. All selections made under said treaty shall be noted opposite the name of the party in whose behalf the selection is made, whether such selection has or has not been approved by the Secretary of the Interior, and the agent making the register shall note whether the adults registered are or are not capable of managing their own affairs. At the time of making such register each Shawnee of either sex over eighteen years of age shall be required to decide whether he or she will remove to the new reservation in the Indian country, or will remain with the view of dissolving his or her connection with the tribe, and the choice of each shall be noted upon the register, and minor children shall be counted with the families to which they belong. After such registers shall have been made by the agents and approved of by the Shawnee Council above mentioned, they shall make careful comparison of the same, in order to see that no person has been twice registered; and after all necessary corrections are made, they shall from both lists prepare one list, to be signed by them and forwarded to the Commissioner of Indian Affairs, and such register shall be taken as the guide in arrangements to be made for the benefit of the people under this treaty.

ARTICLE III.

In order that a suitable home may be found for the Shawnees, a delegation representing the tribe may accompany the commission which shall be appointed to visit the Indian country to select new reservations for Indians removing from Kansas, and upon the selection of such reservation, satisfactory to the people and approved by the Secretary of the Interior, and to contain not less than one hundred and sixty acres of land for each individual who shall have been registered as intending to remove thereto, such reservation shall be surveyed as to its exterior lines and marked with clearly defined limits, at the cost of the United States.

ARTICLE IV.

The land set apart by the second article of the Shawnee treaty of 1854 for Absentee Shawnees, and not already allotted, shall be appraised, at not less than two dollars and fifty cents per acre, by three appraisers, to be appointed by the Commissioner of Indian Affairs, one of whom shall be designated by the Shawnee council, and another by the Absentee Shawnees through their agent, and after such appraisal said lands shall be sold, under sealed bids invited by the Commissioner of Indian Affairs, at not less than the appraised value: *Provided*, That such persons as are residing upon the absentee lands at the date of the signing of this treaty, and have made improvements thereon, shall have the right to purchase the tract upon which they reside or have made improvements, in quantities not exceeding one hundred and sixty acres, in contiguous legal subdivisions, by paying the appraised value of said lands, at any time within ninety days after notice is published by the Commissioner of Indian Affairs of the approval of the appraisal, and filing of a copy of the same at the agency of the tribe; and after the said ninety days the absentee lands remaining unsold, with the improvements thereon, shall be sold to the highest bidder for cash, at not less than the appraised value, upon sealed bids as above mentioned: *Provided*, That in all cases improvements shall be separately appraised, and the amount for which said improvements shall be sold shall be paid to the person who has made them.

ARTICLE V.

The fund derived from the sale of the absentee lands shall be held as the property of the absentee Shawnees, and shall be used and expended for their benefit in the manner hereinafter provided.

ARTICLE VI.

As to that portion of the people who occupy lands set apart in common, under the second article of the treaty of 1854, for persons residing in Black Bob's settlement, who shall elect to remove to the new reservation, such of them as have not already made selections of land, under that treaty, in severalty, may do so, under the direction of the agent, to the extent of two hundred acres to each individual, mentioned in the Shawnee treaty of 1854 or his heirs, which selections shall be reported to the Secretary of the Interior, and, upon such report, shall be confirmed. Whereupon the lands so selected shall be appraised by three appraisers, to be appointed by the Commissioner of Indian Affairs, one of whom shall be designated by the Shawnee Council, and another by the class of Indians interested in the sale, which last selection of an appraiser shall be notified to the Commissioner of Indian Affairs through the agent. And after such appraisal, said lands shall be sold as provided in article four, for the benefit of the class of Indians interested; and the provisions of the next succeeding article, having reference to the method of selling lands respectively of competent and incompetent persons of the severalty Indians under the treaty of 1854, and to the use of the funds received by the United States from the proceeds thereof, shall apply to the persons of the class referred to in this article who shall have made or shall make selections of land.

The funds received by the United States from the sale of both the absentee and other lands shall be held (except such as are paid for improvements, which shall belong to the party who has made them) in order to refund to the United States the cost of the new reservation and such advances as may be made by the United States for the subsistence of the Indians for the first year at their new homes, such cost and advances to be charged in just proportions to the Indians in whose behalf the purchase of the new reservation and advances are made, and the balance remaining shall be distributed annually per capita, by the agent, with the advice of the chief and council, in stock, provisions, agricultural implements, and other articles necessary to the improvement and comfort of the Indians entitled thereto, being the classes respectively on whose behalf the lands were sold, such distribution to be made of the amount on hand on the 1st of April in each year until all the lands are sold and the proceeds distributed.

ARTICLE VII.

In relation to the Shawnees who have heretofore, under the treaty of 1854, received their lands in severalty who shall at the time of the register herein provided for, declare their desire to continue their tribal relations and go south, it shall be necessary, in order that they may do so and own individual rights in the new reservation contemplated in this treaty, that they shall contribute their share of the cost of said reservation, and to enable them to do this and to remove to the new home all restrictions shall be removed, after the date of the filing of the said register, for the sale of the lands of the persons herein referred to, for themselves and their families, as to that class who are reported as competent to manage their own affairs; and as to those reported as incompetent, their lands shall be sold by the agent at not less than the appraised value for the land and improvements, and the amount received therefor be paid to the Commissioner of Indian Affairs; and there shall be retained therefrom the sum ascertained to be their proportion of this class of persons of the cost of the new reservation, and the balance shall be expended by the agent under the advice of the chiefs and council, in agricultural implements, provisions, stock, and other articles necessary for the improvement, comfort, and benefit of the party for whom the land is sold, at his new home; and as to that new class who are reported as competent to manage their own affairs, they shall pay, as directed by the Commissioner of Indian Affairs, for each person, the proper share of the cost of the new reservation: *Provided*, That the said severalty Indians shall not be entitled to the expenditure in their behalf of any part of the amount to be expended for removal and subsistence upon the new reservation, they undertaking to remove and subsist themselves.

ARTICLE VIII.

In all cases of sales of land provided for under this treaty, patents shall be issued to the purchaser when the conditions of sale shall be fully complied with;

and whereas it is alleged that in some cases parties have purchased land of Indians in good faith and for a valuable consideration, although no such sales were valid under former treaties, it is provided that the Commissioner of Indian Affairs shall take measures to ascertain the facts in such cases, and upon his reporting to the Secretary of the Interior that such sales have been made, and that the Indians selling have received a fair compensation, such sales shall be confirmed; and whereas many deeds, heretofore made by Indians, have been suspended in the Interior Department, and not confirmed, it is agreed that careful enquiry shall be made, under the direction of the Commissioner of Indian Affairs, as to whether in these cases reasonable compensation has been received by the Indian owner, and where such reasonable compensation shall have been, or shall be, received, such deeds shall be approved.

ARTICLE IX.

At any time within five years after the ratification of this treaty those Shawnees who shall have elected to remain in Kansas and become citizens may do so, by appearing before the judge for the United States district court for Kansas and making proof that they are competent to manage their own affairs, and making the same declaration and taking the same oath as is required in case of the naturalization of aliens; upon which they shall receive certificates of the fact of making such declaration, oath, and proof, and upon filing the same in the office of the Commissioner of Indian Affairs they shall become citizens with the families of each of them, and all restrictions be withdrawn from the sale of land heretofore allotted to them; and women who are heads of families, and single women of adult age, may become citizens upon the same conditions.

ARTICLE X.

Within six months after the arrival of the people at their new home an election shall be held, at which a head chief and four councilmen shall be chosen to manage their affairs. Such election shall be held after 30 days' notice, all of the registered male members over 18 years of age being entitled to vote, and shall be conducted in their usual manner of conducting elections, under the direction of the agent of the tribe nearest to whose agency the Shawnees shall be located in the Indian country. The result of such election shall be certified to the Commissioner of Indian Affairs, and thereafter the persons so elected shall be recognized as the authorities of the tribe until, at intervals of two years, their places shall be filled by other Shawnees, elected in the same manner, except that after the first election the agent of the Shawnees shall conduct the election.

ARTICLE XI.

If at the end of five years any of the Shawnees who have elected to remain and become citizens shall not have perfected their citizenship, they shall be required to remove to the new home of the tribe, and their remaining lands and improvements shall be sold, under the direction of the Commissioner of Indian Affairs, to the best advantage possible, and the proceeds of the sales be applied for their benefit at their new homes.

ARTICLE XII.

It is agreed that rations on the journey and assistance in transportation shall be furnished by the United States without cost to the Indians to an amount not exceeding five thousand dollars, under the direction of the superintendent for Kansas, to such portion of the Shawnees as may need assistance in the removal to the new reservation; and the United States agree to advance a sum not to exceed twenty thousand dollars for the purpose of furnishing subsistence for the first year to those who remove.

ARTICLE XIII.

It shall be necessary for such of the Shawnees as now hold their lands in severalty and elect to continue their tribal relation to remove to the new home within three years after the ratification of this treaty, in default of which they shall lose the privilege of becoming members of the tribe under its new organization unless by the consent of the majority of the male adults of the tribe.

ARTICLE XIV.

Whereas it is alleged that certain sums of money belonging to the Shawnee orphan fund hitherto placed in the hands of a Government officer for distribution have not been paid to the Indians, it is agreed that if, upon examination, any such sum shall be found due and unpaid, a special appropriation shall be made of such sum in order that they may not suffer loss or longer delay.

ARTICLE XV.

The lands heretofore reserved for the mission school of the Indiana Yearly Meeting of Friends shall be reserved from sale so long as the said Society of Friends shall continue in good faith to support the school thereon, under their existing contract, for the benefit of such Shawnees as may continue to reside at their old homes, and such other Shawnee children as may be sent to said school by others of that tribe. Whenever the land shall cease to be thus occupied and used, it shall be appraised and sold at not less than its appraised value, and the proceeds of said sale shall be applied, under the direction of the Secretary of the Interior, with the consent of the chief and council, for the education of the Shawnee children: *Provided*, That the said Society of Friends shall, for ninety days after said appraisal, have the right to purchase the said land at the appraised value: *And provided further*, That after said school shall have been closed if there be any Shawnees remaining in Kansas not citizens of the United States they shall be entitled to their pro rata share of the income of the Shawnee school fund, to be expended for the education of their children.

ARTICLE XVI.

The lands set apart by treaty of 1854 for the American Baptist Mission School, which school has been abandoned by said association, and such portion of the five acres set apart for the Shawnee Methodist Church for church and burial purposes as shall not have been used as a burial place shall be sold, under direction of the Interior Department, for the benefit of the tribe; and the funds arising from the sale of said lands shall be paid to the head chief of the tribe at such times, in such sums, and for such purposes, in the interest of the tribe, as the council shall, through the agent, request.

ARTICLE XVII.

If, upon examination, it shall be found that allotments have heretofore been made to persons not entitled to the same, and that persons entitled thereto have been omitted, and the amount of land allotted by mistake exceeds the amount to which there is just claims, the lands so allotted by mistake shall be appraised and sold as provided in article four, and the avails thereof shall be used in the first place to pay to the person so entitled, or their heirs, their proportion of the average value of an allotment for each, to be estimated by the agent, and the balance, if any, shall be used for the benefit of the tribe, under direction of the Commissioner of Indian Affairs.

ARTICLE XVIII.

It is agreed that the claims of the Shawnees for losses, damages, and depredations upon their property during the late war, and which claims have been examined and approved in the Interior Department and reported upon favorably by the Secretary by letter to the Committee of Ways and Means of the House of Representatives, dated January 30, 1867, amounting to \$109,746.25, shall be allowed and paid, the same to be distributed by the Commissioner of Indian Affairs to the parties respectively entitled thereto.

ARTICLE XIX.

Whereas taxes have been levied by authority of the State of Kansas upon lands allotted to members of the Shawnee tribe, the right and justice of which taxation is not acknowledged by the Indians, and on which account they have suffered great vexation and expense, and which is now a matter in question in the Supreme Court of the United States, it is agreed that in case that court shall decide such taxes unlawful the Government of the United States will take measures to secure

the refunding of said taxes to those who have paid them; and if such taxes are decided to be lawful, then the Government will redeem the said lands from all taxes down to the date of any deeds approved by the Secretary of the Interior.

ARTICLE XX.

It is further agreed that the Shawnees shall be placed in all respects upon an equal footing in proportion to their numbers with all other residents of the tract of country in which their new reservation shall be situated, if the said country shall ever be organized into a Territory, to which organization the Shawnees agree, if it shall be the desire of the United States; and the Shawnees further agree to unite with the other tribes or nations of such country in such council as may be authorized or provided for to decide upon regulations for their mutual benefit, having a just representation in such council.

ARTICLE XXI.

It is agreed upon the part of the United States that no claims against the Shawnees shall be adjudicated and ordered by Congress to be paid from their funds until after a full opportunity shall have been given for the chiefs and council to be heard, by themselves or agents duly authorized.

ARTICLE XXII.

The Shawnees renew their pledges of devotion to the Government of the United States and invoke its protection, and the United States agree to protect and defend them in all their just rights.

ARTICLE XXIII.

Agency buildings shall be erected at the expense of the United States for the Shawnees in the Indian country after their removal thereto at a cost not to exceed eight thousand dollars.

ARTICLE XXIV.

The expenses of negotiating this treaty, not to exceed five thousand dollars, shall be paid by the United States.

In testimony whereof the aforementioned commissioners, on behalf of the United States, and the aforementioned chiefs, councillors, and delegates, on behalf of the Shawnees, have hereunto set their hands and seals the day and year first above written.

LEWIS V. BOGY, [SEAL.]
Commissioner of Indian Affairs.

W. H. WATSON, [SEAL.]
Special Commissioner.

THOMAS MURPHY, [SEAL.]
Superintendent Indian Affairs.

H. L. TAYLOR, [SEAL.]
United States Agent for Shawnees.

HENRY SHANKLIN, [SEAL.]
United States Agent, Wichita, etc.

GRAHAM ROGERS, [SEAL.]
CHARLES TUCKER, [SEAL.]

For Chiefs and Council.

JOHN WHITE (his x mark), [SEAL.]
Head Chief Absentee Shawnees.

SAMUEL HILL, [SEAL.]
Second Chief Absentee Shawnees.

In presence of—

CHARLES BLUEJACKET, *U. S. Interpreter.*

H. W. FARNSWORTH.

JAS. B. ABBOTT.

GEORGE B. JONES

AGREEMENT WITH THE RIVER CROW TRIBE OF INDIANS, 1868.

ARTICLES OF AGREEMENT AND CONVENTION MADE AND CONCLUDED AT FORT HAWLEY, MONTANA TERRITORY, ON THE 15TH DAY OF JULY, IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT, BY AND BETWEEN W. J. CULLEN, COMMISSIONER, DULY APPOINTED AND AUTHORIZED, ON THE PART OF THE UNITED STATES, AND THE CHIEFS, HEADMEN, AND DELEGATES REPRESENTING THE RIVER CROW TRIBE OF INDIANS, THEY BEING DULY AUTHORIZED FOR SUCH PURPOSES BY THEIR TRIBES.

ARTICLE I.

Perpetual peace, friendship, and amity shall hereafter exist between ^{July 15, 1868.} the United States and the River Crow Tribe of Indians, parties to this _{Unratified.} treaty.

ARTICLE II.

The aforementioned tribe of Indians do hereby mutually, jointly, and severally agree and covenant that they will maintain peaceful and friendly relations among themselves and cultivate mutual good-will and friendship, not only among themselves, but towards any other tribe or tribes that may dwell upon the reserved lands as in Article Third described and set forth, or adjacent thereto.

ARTICLE III.

We, the chiefs, headmen, and delegates of the River Crow Tribe of Indians, as hereinafter signed by us, and being by our said tribe thereunto authorized and directed, do hereby cede and forever relinquish and surrender to the United States all their right, title, claim, and interest in and to all lands claimed, held, or possessed by them wherever situated; said lands being more particularly described as follows, namely: Commencing at a point where the Powder River empties into the Yellowstone River; thence up said Powder River to its source, including all its tributaries; thence southerly in a straight line from the Pumplein Butte on Powder River to the Platte River, at or near the Red Butte; thence easterly to the base of the Rocky Mountains, intersecting the headwaters of the Missouri River; thence northeasterly in a straight line to the Muscleshell River; thence down said Muscleshell River to its junction with the Missouri River; thence down the Missouri to its junction with the Dry Fork; thence up said Dry Fork to its source; thence easterly to the place of beginning. And it is hereby agreed by the parties to this treaty that the said River Crow Tribe of Indians shall be located upon a certain tract of country reserved and set apart for the use and benefit of the Blackfeet Nation and Gros Ventres Tribe of Indians; said land being more particularly described and set forth in a treaty made and concluded at Fort Hawley, Montana Territory, July 13, 1868, between the United States and the Gros Ventres Tribe of Indians, whereby stipulations are made for the location of said Crow Indians on a reservation adjoining that of the Gros Ventres, to be under the supervision and control of the same agent, occupying and using in common all agency buildings, together with the services of such of the employees as may be deemed practicable, and to be treated in all respects as owners in common of said lands, and entitled to all the privileges and benefits thereto pertaining, the same in all respects as though they were parties to the Gros Ventres treaty, and the said River Crow Tribe of Indians shall be protected in such location against any annoyance or molestation on the part of the whites or Indians; and they do hereby agree that so soon as suitable agency buildings are erected they will settle permanently upon said reservation, and do all in their power to encourage agricultural pursuits among their people.

ARTICLE IV.

No white person, unless in the employment of the United States, or duly licensed to trade with the Indians located on the reserved land hereinbefore stated, or members of the families of such persons, shall be permitted to reside or make any settlement upon any portion of said tract or portion of country so reserved and set apart as aforesaid, nor shall the said Indians alienate, sell, or in any manner dispose of any portion thereof except to the United States.

ARTICLE V.

The said tribe of Indians, parties to this treaty, desire to exclude from the tract of country reserved as hereinbefore stated and set forth, the use of ardent spirits or other intoxicating liquor and to prevent their people from drinking or using the same; therefore, it is provided that any Indian or half-breed belonging to said tribe who is guilty of bringing such liquor into the Indian country, or who drinks the same, may have his or her proportion of the annuities hereinafter mentioned withheld from him or her for such time as the President may determine, and they shall likewise be liable to the same punishment as white persons for the same offense under the laws of the United States.

ARTICLE VI.

The Crow Tribe of Indians, parties to this treaty, hereby acknowledge their dependence upon the United States, and their obligation to obey the laws thereof; and they further agree and obligate themselves to submit to and obey said laws and all other laws which shall be made by Congress for their government and for the punishment of offenses; and they agree to exert themselves to the utmost of their ability in enforcing all those laws under direction of the Superintendent of Indian Affairs, or agent, and they pledge and bind themselves to preserve friendly relations with the citizens of the United States, and to commit no injuries to or depredations on their persons or property; they also agree to deliver to the proper officer or officers of the United States all offenders against treaties, laws, or regulations of the United States, and to assist in discovering, pursuing, and capturing all such offenders against the treaties, laws, or regulations of the United States who may be within the limits of the country reserved and set apart for the use of the said Crow and other tribes of Indians, whenever required to do so by said officer or officers. And the said Crow Tribe of Indians, parties to this treaty, agree that they will not make war upon any other tribe except in self-defense, but will submit all matters of difference between themselves and other Indians to the United States for adjustment, and will abide thereby; and if any of said Indians, parties to this treaty, commit depredations upon any other Indians within the jurisdiction of the United States, the same rule shall prevail in regard to compensation and punishment as in cases of depredations against citizens of the United States.

ARTICLE VII.

In consideration of the foregoing agreements, stipulations, and cessions, and on condition of their faithful observance by the said tribe of Indians, parties to this treaty, the United States agree to expend annually for the Crow Tribe of Indians, in addition to the goods and provisions distributed at the time of signing this treaty, for and during the term of twenty years, from and after the ratification of this treaty, the several sums and for the purposes following, to wit:

For the support of one physician and for the purchase of medicines, \$800.

For one blacksmith, \$500.

For one school teacher and the necessary books and stationery for the school, \$450.

For the instruction of said Indians in farming and for the purchase of seeds, etc., \$600; and for annuity payments the sum of twenty-five thousand dollars to be expended in such useful goods, provisions, and other articles as the Secretary of the Interior, at his discretion, may from time to time determine: *Provided*, That so much of said sum of twenty-five thousand dollars as the Secretary of the Interior may deem necessary may be expended in stock animals, and agricultural implements and in establishing and instructing in agricultural and mechanical pursuits such of said Indians as shall be disposed thereto, and in the employment of mechanics for them, and providing care and support for the sick and infirm and helpless orphans of their number, and in any other respect promoting their civilization and improvement. And to enable said tribe of Indians, parties to this treaty, to enter upon a civilized career, free from all indebtedness, the United States further agree that, in addition to the annuities above stipulated to be paid, to pay all such persons as may be entitled thereto such sum or sums as the said tribe of Indians may be justly indebted to them in, by reason of such persons having furnished goods, provisions, or supplies to said tribe of Indians, or by reason of depredations heretofore committed upon the property of such persons by said Indians, not exceeding in all the sum of twenty-five thousand dollars.

ARTICLE VIII.

The half-breeds of said tribe and those persons, citizens of the United States, who have intermarried with Indian women of said tribe, and continue to maintain domestic relations with them, shall not be compelled to remove to said reservation, but shall be allowed to remain undisturbed upon the lands hereinabove ceded and relinquished to the United States, and they shall be allowed each to select from said ceded lands one hundred and sixty acres of land (not mineral), including as far as possible their present homesteads, the boundaries of the same to be made to conform as far as practicable to the United States surveys; and when so selected the President of the United States shall issue to each of said persons so selecting the same a patent for such quarter section of land, with such restrictions on the power of alienation as in his discretion he may see fit to impose; and until such patent shall issue there shall be no power of alienation of said lands by any person for whose benefit such selections are authorized to be made; and it is further understood and agreed that the half-breeds of said tribe shall share equally per capita with the Indians aforementioned in the distribution of annuity goods, and that the said tribe of Indians shall have the right to select and appoint a proper and suitable person to assist in the distribution of annuity goods, and see that they are distributed fairly and equally.

ARTICLE IX.

It is understood and agreed by and between the parties to this treaty that if any of the Indian parties hereto shall violate any of the stipulations herein contained, the United States may withhold, for such length of time as the President and Congress may determine, any portion or all of the annuities agreed to be paid to said tribe under provisions of this treaty.

ARTICLE X.

This treaty shall be obligatory upon the contracting parties whenever the same shall be ratified by the President and Senate of the United States, and shall continue in force for twenty years, from and after the said date, unless sooner violated and broken by said Indians.

In testimony whereof, the said W. J. Cullen, commissioner on the part of the United States, and the undersigned chiefs, headmen, and delegates of the aforesaid tribe of Indians, parties to this treaty, have hereunto set their hands and seals at the place and on the day and year hereinbefore written.

| | |
|--|---------|
| W. J. CULLEN, <i>Commissioner</i> . | [SEAL.] |
| HORSE GUARD (his x mark). | [SEAL.] |
| WHITE SIDE (his x mark). | [SEAL.] |
| LITTLE SOLDIER (his x mark). | [SEAL.] |
| TWO WEASEL (his x mark). | [SEAL.] |
| TWO BELLY WOMAN (his x mark). | [SEAL.] |
| SPANIARD (his x mark). | [SEAL.] |
| MEDICINE HAIR (his x mark). | [SEAL.] |
| LINKEY (his x mark). | [SEAL.] |
| BULLS NOSE (his x mark). | [SEAL.] |
| LONG NECK (his x mark). | [SEAL.] |
| BULLS COCK (his x mark). | [SEAL.] |
| THE WOODCUTTER (his x mark). | [SEAL.] |
| WOLF POISON (his x mark). | [SEAL.] |
| THE EATING MAN (his x mark). | [SEAL.] |
| THE ONE THAT IS IN EVERY WAY (his x mark). | [SEAL.] |

Executed in the presence of—

TAHOB SNIDER, *Interpreter*.
 ALFRED S. VAUGHAN.
 M. T. HAMILTON.
 J. BEIDLER.
 DAVID HANEY.
 CAPTAIN STEV LEVI LEOTI.
 GEORGE W. BOYD.
 ALEX. CULBERTSON, *Interpreter*.
 OLUN O. CULLEN, *Secretary*.

PART V.

STATEMENT OF FUNDS OF INDIAN TRIBES HELD IN TRUST BY THE UNITED STATES GOVERNMENT.

Table showing interest-bearing tribal funds held in trust by the Government July 1, 1913.

| Tribe and fund. | Date of acts, resolutions, or treaties. | Statutes at Large. | | Amount in United States Treasury. | Annual interest at 3, 4, and 5 per cent. |
|---|---|--------------------|-------|-----------------------------------|--|
| | | Vol. | Page. | | |
| Apache, Kiowa, and Comanche fund..... | June 6, 1900 | 31 | 678 | \$965,514.93 | \$48,275.75 |
| | Mar. 3, 1901 | 31 | 1062 | | |
| Apache, Kiowa, and Comanche 4 per cent fund..... | June 5, 1906 | 34 | 213 | 2,951,403.18 | 118,056.13 |
| | June 28, 1906 | 34 | 550 | | |
| Blackfeet Reservation 4 per cent fund..... | Mar. 27, 1908 | 35 | 49 | 256,259.50 | 10,250.38 |
| | June 10, 1896 | 29 | 354 | | |
| Cherokee national fund..... | Apr. 1, 1880 | 21 | 70 | 194,331.80 | 9,716.59 |
| Cherokee orphan fund..... | do | 21 | 70 | 32,851.38 | 1,642.51 |
| Cherokee school fund..... | do | 21 | 70 | 270,530.41 | 13,526.52 |
| Cheyenne and Arapaho in Oklahoma fund..... | Mar. 3, 1891 | 26 | 1024 | 593,119.07 | 29,655.95 |
| Cheyenne and Arapaho in Oklahoma 3 per cent fund..... | June 17, 1910 | 36 | 533 | 103,472.71 | 3,104.18 |
| Cheyenne River Reservation 3 per cent fund..... | May 29, 1908 | 35 | 460 | 677,419.29 | 20,322.58 |
| | June 23, 1910 | 36 | 602 | | |
| Chickasaw national fund..... | Apr. 1, 1880 | 21 | 70 | 214,255.15 | 10,712.76 |
| Chippewa in Minnesota fund..... | Jan. 14, 1889 | 25 | 642 | 4,995,438.82 | 249,771.94 |
| | Feb. 26, 1896 | 29 | 17 | | |
| | June 27, 1902 | 32 | 400 | | |
| | May 29, 1908 | 35 | 455 | | |
| Choctaw orphan fund..... | Apr. 1, 1880 | 21 | 70 | 39,710.69 | 1,985.53 |
| Choctaw school fund..... | do | 21 | 70 | 49,472.70 | 2,473.63 |
| Choctaw 3 per cent fund..... | Mar. 1, 1907 | 34 | 1027 | 334,154.94 | 10,024.65 |
| Coeur d'Alene 3 per cent fund..... | June 21, 1906 | 34 | 335 | 386,916.57 | 11,607.50 |
| Confederated Band of Utes 4 per cent fund..... | Mar. 4, 1913 | 37 | 934 | 3,516,731.65 | 140,669.27 |
| Creek general fund..... | Apr. 1, 1880 | 21 | 70 | 2,472,946.15 | 123,647.31 |
| | May 27, 1902 | 32 | 249 | | |
| Crow 4 per cent fund..... | Apr. 27, 1904 | 33 | 352 | 100,000.00 | 4,000.00 |
| Crow 4 per cent hospital fund..... | do | 33 | 352 | 50,000.00 | 2,000.00 |
| Crow Creek 4 per cent fund..... | Mar. 2, 1895 | 28 | 888 | 28,850.44 | 1,154.02 |
| Fort Hall Reservation 4 per cent fund..... | June 6, 1900 | 31 | 672 | 2,504.78 | 100.19 |
| Fort Berthold Reservation 3 per cent fund..... | June 1, 1910 | 36 | 458 | 217,537.68 | 6,526.13 |
| Iowa fund..... | Apr. 1, 1880 | 21 | 70 | 170.81 | 8.54 |
| Kansas consolidated fund ¹ | July 1, 1902 | 32 | 638 | 126,957.61 | 6,347.88 |
| Kickapoo general fund..... | Apr. 1, 1880 | 21 | 70 | 89,115.65 | 4,455.78 |
| Kickapoo in Oklahoma fund..... | June 10, 1896 | 29 | 328 | 3,397.57 | 169.88 |
| Klamath fund..... | June 21, 1906 | 34 | 367 | 127,035.12 | 6,351.76 |
| L'Anse and Vieux de Sert Chippewa fund..... | Apr. 1, 1880 | 21 | 70 | 645.84 | 32.29 |
| Menominee fund..... | do | 21 | 70 | 153,039.38 | 7,651.97 |
| Menominee log fund..... | June 12, 1890 | 26 | 146 | 1,737,550.67 | 86,877.53 |
| Nez Percés of Idaho fund..... | Aug. 15, 1894 | 28 | 331 | 2,854.88 | 142.74 |
| North Carolina Cherokee, payment to..... | Aug. 15, 1876 | 19 | 197 | 14,790.96 | 739.55 |
| Omaha fund..... | June 10, 1872 | 17 | 391 | 15,804.75 | 790.24 |
| | Aug. 7, 1882 | 22 | 341 | | |
| | July 15, 1870 | 16 | 362 | | |
| Osage fund ¹ | May 19, 1872 | 17 | 90 | 6,697,722.86 | 334,886.14 |
| | June 16, 1880 | 21 | 292 | | |
| | Aug. 19, 1890 | 26 | 344 | | |
| Otoe and Missouri fund..... | Aug. 15, 1876 | 19 | 208 | 348,955.97 | 17,447.80 |
| Pawnee fund..... | Apr. 10, 1876 | 19 | 28 | 224,126.88 | 11,206.34 |
| Pine Ridge Reservation 3 per cent fund..... | Apr. 22, 1890 | 26 | 60 | 97,365.28 | 2,920.96 |
| | May 27, 1910 | 36 | 442 | | |
| Ponca fund..... | Mar. 3, 1881 | 21 | 422 | 66,125.12 | 3,306.25 |
| Potawatomi education fund..... | Apr. 1, 1880 | 21 | 70 | 40,063.14 | 2,003.16 |
| Potawatomi general fund..... | do | 21 | 70 | 46,085.41 | 2,304.27 |
| Potawatomi mills fund..... | do | 21 | 70 | 9,030.17 | 451.51 |
| Potawatomi of Kansas and Wisconsin fund..... | Apr. 4, 1910 | 36 | 289 | 180,758.00 | 9,037.90 |
| Puyallup 4 per cent school fund..... | Mar. 3, 1893 | 27 | 633 | 125,299.17 | 5,011.97 |
| Rosebud Reservation 3 per cent fund..... | Mar. 2, 1907 | 34 | 1,230 | 1,000,000.00 | 30,000.00 |
| Do..... | May 30, 1910 | 36 | 451 | 204,165.38 | 6,124.96 |
| Round Valley general fund ² | Oct. 1, 1890 | 26 | 658 | 699.69 | |
| | Mar. 3, 1891 | 26 | 1,006 | | |
| Sac and Fox of the Mississippi in Iowa fund..... | June 10, 1896 | 29 | 331 | 10,334.96 | 516.75 |
| Sac and Fox of the Mississippi in Oklahoma fund..... | Feb. 13, 1891 | 26 | 749 | 16,200.35 | 810.02 |
| Sac and Fox of the Mississippi fund, Iowa..... | Mar. 3, 1904 | 35 | 803 | 386,878.20 | 19,343.91 |
| | Apr. 4, 1910 | 36 | 289 | | |
| Sac and Fox of the Mississippi fund, Oklahoma..... | do | 35 | 803 | 497,036.02 | 24,851.80 |
| | do | 36 | 289 | | |

¹ The "Osage fund" and "Kansas consolidated fund" have been segregated and are carried on the books of the Indian Office to the credit of individual members of the tribes.

² The "Round Valley general fund" will bear no interest until the United States has been reimbursed for the amount appropriated in carrying out the provisions of the acts approved Oct. 1, 1890 (20 Stat. L., 658) and of Mar. 3, 1891 (26 Stat. L., 1006).

INDIAN TRUST FUNDS.

Table showing interest-bearing tribal funds held in trust by the Government July 1, 1913—Continued.

| Tribe and fund. | Date of acts, resolutions, or treaties. | Statutes at Large. | | Amount in United States Treasury. | Annual interest at 3, 4, and 5 per cent. |
|--|---|--------------------|-------|-----------------------------------|--|
| | | Vol. | Page. | | |
| Seminole general fund..... | Apr. 1, 1880 | 21 | 70 | \$1,000,000.00 | \$50,000.00 |
| Seminole school fund..... | July 1, 1898 | 30 | 568 | 500,000.00 | 25,000.00 |
| Seminole of Oklahoma fund..... | Mar. 3, 1909 | 35 | 806 | 528,770.00 | 26,438.50 |
| Seneca Tonawanda Band fund..... | Apr. 1, 1880 | 21 | 70 | 48,842.60 | 2,442.13 |
| Seneca and Shawnee fund..... | do..... | 21 | 70 | 1,565.31 | 78.26 |
| Seneca of New York fund..... | Mar. 3, 1909 | 35 | 800 | 11,931.22 | 596.56 |
| Shoshone and Bannock fund..... | July 3, 1882 | 22 | 149 | 6,521.83 | 326.09 |
| Siletz general fund..... | Aug. 15, 1894 | 28 | 324 | 13,948.76 | 697.44 |
| Sioux funds: | | | | | |
| Cheyenne River..... | Mar. 2, 1889 | 25 | 895 | 302,444.15 | 15,122.21 |
| Crow Creek..... | do..... | 25 | 895 | 148,262.64 | 7,413.13 |
| Flandreau..... | do..... | 25 | 895 | 36.33 | 1.82 |
| Lower Brule..... | do..... | 25 | 895 | 35,955.02 | 1,797.75 |
| Pine Ridge..... | do..... | 25 | 895 | 834,085.48 | 41,704.27 |
| Ponca..... | do..... | 25 | 895 | 458.00 | 22.90 |
| Rosebud..... | do..... | 25 | 895 | 689,030.56 | 34,451.53 |
| Santee..... | do..... | 25 | 895 | 122.85 | 6.14 |
| Standing Rock..... | do..... | 25 | 895 | 478,638.95 | 23,931.95 |
| Tongue River..... | do..... | 25 | 895 | 48,075.07 | 2,403.75 |
| Sisseton and Wahpeton fund..... | Mar. 3, 1891 | 26 | 1,039 | 603,719.36 | 30,185.97 |
| Standing Rock Reservation 3 per cent fund..... | May 29, 1908 | 35 | 463 | 200,560.95 | 6,016.83 |
| Stockbridge consolidated fund..... | Feb. 6, 1871 | 16 | 405 | 71,522.30 | 3,576.11 |
| Utah and White River Ute fund..... | May 24, 1888 | 25 | 157 | 18,499.01 | 924.95 |
| Umatilla general fund..... | Mar. 3, 1885 | 23 | 243 | 193,700.59 | 9,685.03 |
| Umatilla school fund..... | Aug. 5, 1882 | 22 | 297 | 22,078.71 | 1,103.93 |
| Ute 5 per cent fund..... | Apr. 29, 1874 | 18 | 41 | 455,493.67 | 22,774.68 |
| Winnebago fund, Nebraska..... | Mar. 3, 1909 | 35 | 798 | 344,932.19 | 17,246.61 |
| | July 1, 1912 | 37 | 187 | | |
| Winnebago fund, Wisconsin..... | do..... | 35 | 798 | 534,354.74 | 26,717.74 |
| | | 37 | 187 | | |
| Yankton Sioux fund..... | Aug. 15, 1894 | 28 | 319 | 276,504.33 | 13,825.22 |
| Total..... | | | | 38,045,686.30 | 1,767,506.92 |

PART VI.

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[The figures in brackets [] refer to the original page numbers of the treatise as they appear in Cyc.]

INDIANS.

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CROSS-REFERENCES.

For matters relating to—

- Adverse possession of Indian lands, see Adverse Possession, 1 Cyc., 1116.
- As slave, see Slaves, 36 Cyc., 49.
- Capacity of, to make will, see Wills, 40 Cyc., 999.
- Citizenship of Indian:
 - Child, see Citizens, 7 Cyc., 138.
 - Woman marrying citizen of United States, see Removal of Causes, 34 Cyc., 1251.
- Commerce with Indian tribes:
 - Power of Congress to regulate, see Commerce, 7 Cyc., 425.
 - What constitutes, see Commerce, 7 Cyc., 418.
- Contract for sale of Indian lands, see Vendor and Purchaser, 39 Cyc., 1216.
- Custom, as affecting marriage law of State where marriage takes place, see Marriage, 26 Cyc., 831.
- Depredation claim:
 - Generally, see United States, 39 Cyc., 752.
 - Finding on, see Courts, 11 Cyc., 978.
 - Judgment on, see Courts, 11 Cyc., 979.
 - Jurisdiction of Court of Claims over, see Courts, 11 Cyc., 971.
- Divorce among tribal Indians, see Divorce, 14 Cyc., 577.
- Domain of Cherokee Nation as territory of United States, see Territories, 38 Cyc., 193.
- Election precinct in territory allotted to Indians and persons of Indian descent, see Elections, 15 Cyc., 309.
- Extinguishment of Indian right of occupation, as affecting right of Federal Government to grant land, held in trust for Indians, to railroad for right of way, see Public Lands, 32 Cyc., 952.
- Game killed by Indians on reservation subject to seizure in another State, see Fish and Game, 19 Cyc., 1025.
- General grant of public land in designated section to State for school purpose, as including land occupied by, see Public Lands, 32 Cyc., 871.
- Grant of public land to Indian under Mexican law, see Public Lands, 32 Cyc., 1175.
- Indian lands:
 - Adverse possession of, see Adverse Possession, 1 Cyc., 1116.
 - Contract for sale of, see Vendor and Purchaser, 39 Cyc., 1216.
 - Grant of, for school purposes, see Public Lands, 32 Cyc., 871.
 - Mortgage on, see Mortgages, 27 Cyc., 1038.
 - Power of Congress to dispose of, see Public Lands, 32 Cyc., 813.
- Indictment for killing of Indian, see Homicide, 21 Cyc., 838.
- Interest on Indian claim against United States, see United States, 39 Cyc., 769.

- Jurisdiction of controversies to which Indians are parties, see Courts, 11 Cyc., 865.
 Mandamus to Secretary of Interior to approve selection of land by relator as adopted Indian, see Mandamus, 26 Cyc., 247.
 Marriage between, see Marriage, 26 Cyc., 831.
 Mortgage on unpatented Indian land in Canada, see Mortgages, 27 Cyc., 1038.
 Not white persons, see 40 Cyc., 927, text and note 66.
 Power of Congress to dispose of land occupied by, as public land, see Public Lands, 32 Cyc., 813.
 Presentment of false voucher for Indian disbursement, as offense against United States, see United States, 39 Cyc., 770.
 Public grant of land ceded by, see Public Lands, 32 Cyc., 871.
 Removal to Federal court of suit to which Indian is a party, see Removal of Causes, 34 Cyc., 1251.
 Reservation:
 As part of public domain, see Mines and Minerals, 27 Cyc., 545.
 Attached to county for judicial purposes, see Courts, 11 Cyc., 956.
 Grant of:
 Land included in Indian reservation in aid of railroad, see Public Lands, 32 Cyc., 952.
 Right of way to railroad through public land, as including Indian reservation, see Public Lands, 32 Cyc., 992.
 Levy by sheriff on property of debtor situated in, see Sheriffs and Constables, 35 Cyc., 1634.
 Patent for mineral land on Indian reservation, see Mines and Minerals, 27 Cyc., 545.
 Statute against cutting timber on public land inapplicable to, see Public Lands, 32 Cyc., 778.
 Subject to control of State for division into counties, see Territories, 38 Cyc., 198.
 Taxation of:
 Post trader on, see Taxation, 37 Cyc., 879.
 Property of person other than Indian located on, see Taxation, 37 Cyc., 719.
 Suit by Indian tribe in State court, see Courts, 11 Cyc., 935.
 Tribe, as a Territory, see Extradition (Interstate), 19 Cyc., 86.

I. DEFINITION.

"Indians" is the name given by the European discoverers of America to its aboriginal inhabitants.¹ The term "Indian," when used in a statute without any other limitation, should be held to include members of the aboriginal race, whether now sustaining tribal relations or otherwise.²

II. STATUS AND DISABILITIES.

*A. Who are Indians*³—1. *By birth*—(a) *Half-breeds*.—The question of the status of half-breeds which usually arises in the case of the offspring of a white father and an Indian mother has been the subject of conflicting decisions. The weight of authority is, adopting the common-law rule, that the child follows the condition of the father.⁴ But the child of a white citizen and of an Indian [113] mother, who is

¹ Bouvier L. Dict. And see *Fraze v. Spokane County*, 29 Wash., 278, 286; 69 Pac., 779; race of men inhabiting America when found by the Caucasian people.

² *Fraze v. Spokane County*, 29 Wash., 278, 286; 69 Pac., 779.

³ Membership in certain tribes: The citizenship court created by 32 U. S. Stat. L., 646, has exclusive jurisdiction to settle claims to membership in the Choctaw and Chickasaw Nations. *Dawes v. Cundiff* (Ind. T., 1904), 82 S. W., 228.

⁴ *Keith v. U. S.*, 8 Okla., 446; 58 Pac., 507; *U. S. v. Higgins*, 110 Fed., 609; *U. S. v. Hadley*, 99 Fed., 437; *U. S. v. Ward*, 42 Fed., 320; *Ex p. Reynolds*, 20 Fed. Cas., No. 11719; 5 Dill., 394. See also *Jeffries v. Ankeny*, 11 Ohio, 372. But see *Wall v. Williams*, 11 Ala., 826; *Miller v. Dawson, Dudley* (S. C.), 174.

Act of Congress: It is provided by act of Congress that all children born of a marriage heretofore solemnized between a white man and an Indian woman by blood and not by adoption, where said Indian woman is at this time or was at the time of her death recognized by the tribe, shall have the same rights and privileges to the property of the tribe to which the mother belongs or belonged at the time of her death, by blood, as any other member of the tribe. 30 U. S. Stat. L., 90.

Following the rule *partus sequitur ventrem*, applicable to the offspring of slaves, the illegitimate child of a Choctaw Indian by a colored woman who was a slave must be regarded as a negro and not an Indian. *Alberty v. U. S.*, 162 U. S., 499; 16 S. Ct., 864; 40 L. Ed., 1051.

In Canada a person of Indian blood from either parent is of Indian blood, although the mother may have lost her character as an Indian by her marriage. *Reg. v. Howson*, Terr. L. R., 492.

abandoned by his father, is nurtured and reared by the Indian mother in the tribal relation, and is recognized by the tribe as a member of it, falls under an exception to the general rule that the offspring follows the status of the father and becomes a member of the tribe of the mother.¹

(b) *Mixed bloods.*—The term “mixed bloods,” used in treaties and statutes, includes persons of half, or more or less than half, Indian blood, derived either from the father or from the mother. Such persons, if they live with the tribe, are Indians.²

2. *By adoption*—(a) *Of individuals.*—A tribe of Indians may admit aliens to membership in the tribe,³ and a person so adopted acquires all the rights and incurs all the obligations of a member of the tribe.⁴ He does not, however, lose his status as a citizen of the United States,⁵ nor does he become an “Indian” within the meaning of the statutes.⁶ The ordinary occasion for adoption is the marriage of one not an Indian to an Indian woman, but such marriage does not of itself make one a member of the tribe.⁷

(b) *Collective adoption of freedmen.*—The freedmen of the Cherokee Nation⁸ and of the Choctaw Nation⁹ have become members of the respective tribes by adoption, but the Chickasaw freedmen have never been adopted by that nation.¹⁰ [114] Colored persons never held as slaves in the Indian country have no more rights in the Indian country than other citizens of the United States.¹¹

B. Personal rights and disabilities—1. *Personal liberty.*—An Indian is not, by reason of his tribal relations, deprived of personal liberty.¹² He can not in time of peace be transported from one section of the country to another nor confined to a reservation against his will.¹³

2. *Citizenship*—(a) *In general.*—An Indian is not a citizen of the United States by birth, because not born “subject to the jurisdiction thereof.”¹⁴ He can not

¹ *Farrell v. U. S.*, 110 Fed., 942; 49 C. C. A., 183; *U. S. v. Higgins*, 103 Fed., 348; *U. S. v. Hadley*, 99 Fed., 437.

² *Wall v. Williams*, 11 Ala., 826; *Sloan v. U. S.*, 118 Fed., 283; *Farrell v. U. S.*, 110 Fed., 942; 49 C. C. A., 183; *Sloan v. U. S.*, 95 Fed., 193.

In Indiana, by legislative definition, the word “Indian” includes all persons of Indian descent, recognized as members of any tribe residing in that State, down to those having one-eighth Indian blood. *Doe v. Avaline*, 8 Ind., 6.

The term “mestizo” signifies the issue of a negro and an Indian. *Miller v. Dawson, Dudley (S. C.)*, 174.

Youths of Indian, negro, and white blood, but of more than one-half white blood, are whites. *Lane v. Baker*, 12 Ohio, 237 [citing *Jeffries v. Ankeny*, 11 Ohio, 372].

Indians by descent is a term applicable both to those of the full blood and of mixed white and Indian blood. *Campau v. Dewey*, 9 Mich., 381.

³ *Stiff v. McLaughlin*, 19 Mont., 300; 48 Pac., 232; *Delaware Indians v. Cherokee Nation*, 193 U. S., 127; 24 S. Ct., 342; 48 L. Ed., 646 [affirming 38 C. Cls., 234].

⁴ *Tuten v. Byrd*, 1 Swan (Tenn.), 108; *Tuten v. Martin*, 3 Yerg. (Tenn.), 452; *Morgan v. Fowler*, 2 Yerg. (Tenn.), 450; *Alberty v. U. S.*, 162 U. S., 499; 16 S. Ct., 864; 40 L. Ed., 1051; *U. S. v. Ragsdale*, 27 Fed. Cas., No. 16113; *Hempst.*, 479; *U. S. v. Rogers*, 27 Fed. Cas., No. 16187; *Hempst.*, 450 [affirmed in 4 How. (U. S.), 567; 11 L. Ed., 1105]; *U. S. v. Wirt*, 28 Fed. Cas., No. 16745; 3 Sawy., 161.

⁵ *French v. French (Tenn. Ch. App.)*, 1898, 52 S. W., 517; *Roff v. Burney*, 168 U. S., 218; 18 S. Ct., 60; 42 L. Ed., 442 (right to membership may be withdrawn); *Raymond v. Raymond*, 83 Fed., 721; 28 C. C. A., 38.

⁶ *Alberty v. U. S.*, 162 U. S., 499; 16 S. Ct., 864; 40 L. Ed., 1051; *Westmoreland v. U. S.*, 155 U. S., 545; 15 S. Ct., 243; 29 L. Ed., 255; *U. S. v. Rogers*, 4 How. (U. S.), 567; 11 L. Ed., 1105 [affirming 27 Fed. Cas. No. 16187; *Hempst.*, 450]; *U. S. v. Ragsdale*, 27 Fed. Cas., No. 16113; *Hempst.*, 479.

⁷ *Grinter v. Kansas Pac. R. Co.*, 23 Kans., 642; *Stiff v. McLaughlin*, 19 Mont., 300; 48 Pac., 232; *Nofire v. U. S.*, 164 U. S., 657; 17 S. Ct., 212; 41 L. Ed., 588.

Marriage with an Indian woman, except in the Five Civilized Tribes in the Indian Territory, is declared by act of Congress to confer no rights or privileges of membership in an Indian tribe. 25 U. S. Stat. L., 392.

⁸ *Alberty v. U. S.*, 162 U. S., 499; 16 S. Ct., 864; 40 L. Ed., 1051; *Journeycake v. Cherokee Nation*, 31 C. Cls., 140; *Whitmire v. Cherokee Nation*, 30 C. Cls., 138.

⁹ *Lucas v. U. S.*, 163 U. S., 612; 16 S. Ct., 1168; 48 L. Ed., 282.

¹⁰ *U. S. v. Choctaw Nation*, 38 C. Cls., 558 [affirmed in 193 U. S., 115; 24 S. Ct., 411; 48 L. Ed., 640].

¹¹ *U. S. v. Payne*, 8 Fed., 883; 2 McCrary, 289.

¹² *U. S. v. Crook*, 25 Fed. Cas., No. 14891; 5 Dill., 453.

While keeping the peace, and disobeying no law, the person of an Indian can not be the subject of arrest or imprisonment by anyone except at the peril of the offender. *Wiley v. Keokuk*, 6 Kans., 94.

Habeas corpus: An Indian is a person, within the meaning of the habeas-corpus act, and as such entitled to sue out a writ in the Federal courts. In re *Race Horse*, 70 Fed., 598; *U. S. v. Crook*, 25 Fed. Cas., No. 14891; 5 Dill., 453.

Indians under military guard on a reservation in 1878 were in a position unknown to the law, being neither citizens nor aliens, free nor slave; prisoners of war when there was no war. *Connors v. U. S.*, 33 C. Cls., 317.

¹³ *U. S. v. Crook*, 25 Fed. Cas., No. 14891; 5 Dill., 453. See also *Wiley v. Manatowah*, 6 Kans., 111; *Wiley v. Keokuk*, 6 Kans., 94.

¹⁴ *Crandall v. State*, 10 Conn., 339; *Crouse v. New York, etc., R. Co.*, 49 Hun (N. Y.), 576; 2 N. Y. Suppl., 453; *Elk v. Wilkins*, 112 U. S., 94; 5 S. Ct., 41; 28 L. Ed., 643; *U. S. v. Osborn*, 2 Fed., 58; 6 Sawy., 406; *McKay v. Campbell*, 16 Fed. Cas., No. 8840; 2 Sawy., 118.

As to citizenship of children of tribal Indians see *Citizens*, 7 Cyc., 133 et seq.

An emancipated slave of a Chickasaw Indian (“Chickasaw freedman”) born in Indian Territory was not a citizen of the United States. *Jackson v. U. S.*, 34 C. Cls., 441.

The pueblo or village Indians of New Mexico were citizens of Mexico and became citizens of the United States by the treaty of Guadalupe Hidalgo (9 U. S. Stat. L., 922). *Territory v. Delinquent Tax List (N. M., 1904)*, 76 Pac., 307; *U. S. v. Lucero*, 1 N. M., 422.

Every Indian in the Indian Territory is by statute a citizen of the United States. 31 U. S. Stat. L., 1447.

An Indian woman married to a citizen of the United States and living apart from her tribe and according to the habits of civilized life is a citizen. *Hatch v. Ferguson*, 57 Fed., 959.

In Massachusetts by statute all Indians within that Commonwealth are citizens thereof. *Mass. St. (1869) C.*, 463. See In re *Coombs*, 127 Mass., 278; *Danzell v. Webquish*, 108 Mass., 133.

In New York Indians are citizens of the State. *Jackson v. Goodell*, 20 Johns., 188; *Strong v. Waterman*, 11 Paige, 607.

In Ontario Indians are subjects, and the only immunity or disability which they possess relates to property acquired from the tribe, and the sale or purchase of spirituous liquors. An Indian otherwise qualified has an equal right with any other British subject to hold the position of reeve of a municipality. *Reg. v. White*, 5 Ont. Pr., 315.

The Eastern Band of Cherokees in North Carolina are not citizens of the United States, although they are recognized as citizens of that State. *U. S. v. Boyd*, 68 Fed., 577 [distinguishing *Cherokee Indians v. U. S.*, 117 U. S., 288; 6 S. Ct., 718; 29 L. Ed., 880].

make himself a citizen without the consent and coöperation of the government.¹ He may be naturalized, either individually² or through collective naturalization effected by treaty or statute.³

(b) *By allotment of lands.*—By statute every Indian born within the territorial limits of the United States to whom an allotment of lands in severalty has been made, or who has voluntarily taken up his residence apart from any Indian tribe and adopted the habits of civilized life, is now declared to be a citizen of the United States.⁴ Citizenship acquired by becoming an allottee under such [115] statute is not inconsistent with the continuance of the tribal existence, tribal relations, and tribal affiliations.⁵

3. *Right of suffrage.*—To entitle an Indian to vote it must be shown that he has become a citizen by virtue of some constitutional or statutory provision, with the terms of which he has complied.⁶

4. *Competency as witnesses and jurors.*—Indians are competent to testify, and are entitled to the same credit as white witnesses;⁷ and Indians belonging to the Five Civilized Tribes, not citizens of the United States, are competent grand jurors in the courts of the Indian Territory.⁸

5. *Validity of contracts.*—Contracts made by individual Indians, not prohibited by statute, are valid.⁹ A bond voluntarily executed to the United States to secure the performance of a contract made by the obligors with a number of tribal Indians employed by them is a valid obligation.¹⁰

6. *Custody, care, and education of children.*—The children of Indians are subject to parental authority, and can not be compelled to attend school without the consent of the parents.¹¹ The Government can not reclaim a child by habeas [116] corpus from one who has taken it from the agency with the approval of the parents.¹²

7. *Actions*—(a) *Actions by Indians*—(I) *In general.*¹³—A tribal Indian, not being a citizen of the United States, may not maintain suit as such in the Federal

¹ *Elk v. Wilkins*, 112 U. S., 94; 5 S. Ct., 41; 28 L. Ed., 643; *Paul v. Chilsquoie*, 70 Fed., 401; *U. S. v. Osborn*, 2 Fed., 58; 6 Sawy., 406. Compare *U. S. v. Elm*, 25 Fed. Cas., No. 15048; *Ex p. Kenyon*, 14 Fed. Cas., No. 7720; 5 Dill., 385.

² 26 U. S. Stat. L., 99. And see *Scott v. Sandford*, 19 How. (U. S.), 393; 15 L. Ed., 691. General naturalization law inapplicable: *In re Camille*, 6 Fed., 256; 6 Sawy., 541. *Stockbridge and Munsee Indians in Wisconsin* may be naturalized under the provisions of U. S. R. S. (1878) sec. 2312 [U. S. Comp. St. (1901), p. 1418].

³ *People v. Bray*, 105 Cal., 344; 38 Pac., 731; 27 L. R. A., 158. ⁴ 24 U. S. Stat. L., 390. And see the following cases: *Idaho*: *Carter v. Wann*, 6 Ida., 556; 57 Pac., 314; *Wa-La-Note-Tke-Tynin v. Cart*, 6 Ida., 85; 53 Pac., 106. *Kansas*: *Baldwin v. Letson*, 6 Kans. App., 11; 49 Pac., 619. *Nebraska*: *State v. Norris*, 37 Nebr., 299; 55 N. W., 1086. *North Dakota*: *State v. Denoyer*, 6 N. D., 586; 72 N. W., 1014. *United States*: *Bird v. Terry*, 129 Fed., 472 [affirmed in 129 Fed., 592]; *In re Celestine*, 114 Fed., 551.

⁵ *State v. Columbia George*, 39 Oreg., 127; 65 Pac., 604; *Frazier v. Spokane County*, 29 Wash., 278; 69 Pac., 779. ⁶ *State v. Norris*, 37 Nebr., 299; 55 N. W., 1086; *State v. Frazier*, 28 Nebr., 438; 44 N. W., 471; *State v. Denoyer*, 6 N. D., 586; 72 N. W., 1014; *Elk v. Wilkins*, 112 U. S., 94; 5 S. Ct., 41; 28 L. Ed., 643 [distinguishing *U. S. v. Elm*, 25 Fed. Cas., No. 15048]. ⁷ *In South Carolina* an Indian is not entitled to the elective franchise, under the laws restricting such privilege to white persons. *State v. York Dist.*, 1 Bailey (S. C.), 215.

⁸ *In Wisconsin* civilized persons of Indian descent, not members of any tribe, are entitled to vote if possessed of other requisite qualifications. *Hilgers v. Quinney*, 51 Wis., 62; 8 N. W., 17. ⁹ *In Canada* Indian electors resident on an Indian reserve have no right to vote on the question of the repeal of the Canada temperance act in the county in which the reserve is situated. *Re Metcalfe*, 17 Ont., 357.

¹⁰ *Coleman v. Doe*, 4 Sm. & M. (Miss.), 40; *Doe v. Newman*, 3 Sm. & M. (Miss.), 565; *Miller v. Dawson*, *Dudley* (S. C.), 174; *Shelp v. U. S.*, 81 Fed., 694; 26 C. C. A., 570; *Contra*, *Harris v. Doe*, 4 Blackf. (Ind.), 369. ¹¹ *Belief in Supreme Being and future state*: An Indian is a competent witness, where, although having no knowledge of any ceremony among his tribe binding a person to speak the truth, he had a full sense of the obligation to do so, and believed in a Supreme Being and a future state of reward or punishment. *Reg. v. Pah-mah-gay*, 20 U. C. Q. B., 195.

¹² *Carter v. U. S.*, 1 Ind. T., 342; 37 S. W., 204. ¹³ *In criminal trials*, where the accused is a citizen of the United States, none but citizens are competent jurors. 25 U. S. Stat. L., 783.

¹⁴ *Arkansas*: *Taylor v. Drew*, 21 Ark., 485; *Hicks v. Ewhartanah*, 21 Ark., 106 [distinguishing *Clark v. Closland*, 17 Ark., 43]. *Indiana*: *Ke-tuc-e-mun-guah v. McClure*, 122 Ind., 541; 23 N. E., 1080; 7 L. R. A., 782; *Godfrey v. Scott*, 70 Ind., 259. *Kansas*: *Jones v. Eisler*, 3 Kans., 134. *Maine*: *Murch v. Tomer*, 21 Me., 535. *Missouri*: *Whirlwind v. Von der Ahe*, 67 Mo. App., 628. *New York*: *Onondaga Nation v. Thacher*, 53 N. Y. App. Div., 561; 65 N. Y. Suppl., 1014 [affirming 29 Misc., 428; 61 N. Y. Suppl., 1027].

Washington: *Gho v. Jules*, 1 Wash. Terr., 325. *United States*: *Lowry v. Weaver*, 15 Fed. Cas. No. 8584; 4 McLean, 82. See 27 Cent. Dig. tit. "Indians," sec. 16.

Form of contract: Contracts with Cherokee Indians, including contracts between two Indians, must be in writing, with two subscribing witnesses, but the probate for registration need not be by both. *Colvord v. Monroe*, 63 N. C., 288; *Lovingood v. Smith*, 52 N. C., 601.

Proof of consideration: In contracts between Indians, as well as between an Indian and a white man, the consideration must be proven by two credible witnesses. *Pack v. Pack*, 9 Port. (Ala.), 297.

¹⁰ *U. S. v. Pumphrey*, 11 App. Cas. (D. C.), 44. ¹¹ *Peters v. Malin*, 111 Fed., 244; *In re Lelah-puc-ka-chee*, 98 Fed., 429. ¹² The marriage of a female Indian releases her from parental control. *In re Lelah-puc-ka-chee*, 98 Fed., 429. ¹³ An Indian mother who has surrendered her child to the custody of the officers of a mission school for a term of years can not reclaim the child until the expiration of that time, where it appears that he was being well cared for and educated. *In re Can-ah-couqua*, 29 Fed., 687.

Where a special school is provided for Indian children they have no right to attend other public schools in the same district. *Ammons v. Charlestown School Dist. No. 5*, 7 R. I., 596.

¹² *U. S. v. Imoda*, 4 Mont., 38; 1 Pac., 721.

¹³ For actions by and against tribes see *infra*, II, C, 4.

courts;¹ but may sue in such courts when authorized by statute.² He may sue in a State or Territorial court as may all persons irrespective of race or color.³ He may maintain ejectment,⁴ or an action for the diversion of water on the public domain,⁵ or, in the Indian Territory, for the recovery of land belonging to the tribe, where the chief fails to act,⁶ or to recover an allotment of land unlawfully denied him,⁷ or to redress any wrong committed outside the limits of his reservation against his person or property.⁸ In New York a Seneca Indian may bring suit to enforce a decree of the peacemaker's court.⁹ An Indian may assign his right of action to a white man.¹⁰ The United States may maintain an action in his behalf for property which has been issued to him by the Government.¹¹ He can not sue to enforce the operation of a treaty,¹² or to compel a public representative or agent of an Indian nation to pay the debts of his nation.¹³

(II) *Limitations and laches.*—It has been held that a statute of limitations will run against an Indian,¹⁴ and according to a lately decided and well-considered case, the fact that a litigant is a tribal Indian is not a complete bar to the defense of laches, although it is to be taken into account in determining the effect of his inaction.¹⁵ Civilized Indians entitled to participate per capita in a certain fund of which they have constructive notice are bound to ascertain whether their names are on the pay roll, if ample time is given them to do so, and when they do nothing and the fund is paid to Indians whose names are on the roll, payment a second time will not be required.¹⁶

[117] (b) *Actions against Indians.*—Where not prohibited by statute,¹⁷ Indians may be sued on contract.¹⁸

C. *Status of nations or tribes*—1. *In general*—(a) *Political status.*—The Indian nations or tribes are distinct, semi-independent political communities,¹⁹ owing a qualified subjection to the United States.²⁰ They may be defined as domestic, dependent nations.²¹ They are not foreign nations, nor states in the international

¹ Felix v. Patrick, 145 U. S., 317; 12 S. Ct., 862; 36 L. Ed., 719; Paul v. Chilsoquie, 70 Fed., 401; Karraho v. Adams, 14 Fed. Cas. No., 7614; 1 Dill., 344.

² Brought v. Cherokee Nation, 129 Fed., 192; 63 C. C. A., 350; Hargrove v. Cherokee Nation, 129 Fed., 186; 63 C. C. A., 276. And see Southern Kansas R. Co. v. Briscoe, 144 U. S., 133; 12 S. Ct., 538; 36 L. Ed., 377 [affirming 40 Fed., 273]; Gowen v. Harley, 56 Fed., 973; 6 C. C. A., 190.

³ Ingraham v. Ward, 56 Kans., 550; 44 Pac., 14; Wiley v. Keokuk, 6 Kans., 94 (action for assault and battery and false imprisonment); Swartzel v. Rogers, 3 Kans., 374; Whirlwind v. Von der Ahe, 67 Mo. App., 628; Lobdell v. Hall, 3 Nev., 507; Onondaga Nation v. Thacher, 53 N. Y. App. Div., 561; 65 N. Y. Suppl., 1014 [affirming 29 Misc., 428; 61 N. Y. Suppl., 1027]; Jemerson v. Kennedy, 55 Hun (N. Y.), 47; 7 N. Y. Suppl., 296.

Actions by individual Indians are not included in N. Y. Laws (1845), c. 150, sec. 2, providing that no execution shall issue for costs recovered against the Seneca Nation in an action instituted or defended by the attorney appointed for the tribe. Crouse v. New York, etc., R. Co., 49 Hun (N. Y.), 576; 2 N. Y. Suppl., 453.

⁴ Gooding v. Watkins (Ind. T., 1904), 82 S. W., 913; Price v. Cherokee Nation (Ind. T., 1904), 82 S. W., 893; Coleman v. Doe, 4 Sm. & M. (Miss.), 40.

⁵ Lobdell v. Hall, 3 Nev., 507.

⁶ 30 U. S. Stat. L., 495.

⁷ 28 U. S. Stat. L., 305. And see Hy-yu-tse-mil-kin v. Smith, 194 U. S., 401; 24 S. Ct., 676; 48 L. Ed., 1039; Parr v. U. S., 132 Fed., 1004; Patawas v. U. S., 132 Fed., 893; Sloan v. U. S., 95 Fed., 193.

⁸ Bem-way-bin-ness v. Ehelby, 87 Minn., 108; 91 N. W., 291; Y-ta-tah-wah v. Rebeck, 105 Fed., 257; Felix v. Patrick, 36 Fed., 457.

⁹ Jemerson v. Pierce, 102 N. Y. App. Div., 618; 92 N. Y. Suppl., 331.

¹⁰ Missouri Pac. R. Co. v. Cullers, 81 Tex., 382; 17 S. W., 19; 13 L. R. A., 542.

¹¹ McKnight v. U. S., 130 Fed., 659; 65 C. C. A., 37.

¹² Cayuga Indians v. State, 99 N. Y., 235; 1 N. E., 770.

¹³ Parks v. Ross, 11 How. (U. S.), 362; 13 L. Ed., 730.

¹⁴ New Orleans, etc., R. Co. v. Moyer, 39 Miss., 374; Seneca Nation v. Christie, 126 N. Y., 122; 27 N. E., 275.

¹⁵ Dunbar v. Green, 66 Kans., 557; 72 Pac., 243 [discussing and explaining Felix v. Patrick, 145 U. S., 317; 12 S. Ct., 862; 36 L. Ed., 719; and disapproving Laughton v. Nadeau, 75 Fed., 789].

¹⁶ Pam-to-pee v. U. S., 36 C. Cls., 427 [affirmed in 187 U. S., 371; 47 L. Ed., 221].

¹⁷ Hastings v. Farmer, 4 N. Y., 293; Singer Mfg. Co. v. Hill, 60 Hun (N. Y.), 347; 15 N. Y. Suppl., 27; Jackson v. King, 18 Johns. (N. Y.), 506; Dana v. Dana, 14 Johns. (N. Y.), 181; McKinnon v. Van Every, 5 Ont. Pr., 284.

¹⁸ Daugherty v. Bogy, 3 Ind. T., 197; 53 S. W., 542; Murch v. Tomer, 21 Me., 535; Stokes v. Rodman, 5 R. I., 405; Bryce v. Salt, 11 Ont. Pr., 112.

¹⁹ Jones v. Meehan, 175 U. S., 1; 20 S. Ct., 1; 44 L. Ed., 1; Stephens v. Cherokee Nation, 174 U. S., 445; 19 S. Ct., 722; 43 L. Ed., 1041; U. S. v. Kagama, 118 U. S., 375; 6 S. Ct., 1109; 30 L. Ed., 228; Eastern Band Cherokee Indians v. U. S., 117 U. S., 288; 6 S. Ct., 718; 29 L. Ed., 880; Elk v. Wilkins, 112 U. S., 94; 5 S. Ct., 41; 28 L. Ed., 643; Holden v. Joy, 17 Wall. (U. S.), 211; 21 L. Ed., 523; Worcester v. Georgia, 6 Pet. (U. S.), 515; 8 L. Ed., 483; Cherokee Nation v. Georgia, 5 Pet. (U. S.), 1; 8 L. Ed., 25.

²⁰ The pueblo Indians of New Mexico are not Indian tribes within the meaning of U. S. Rev. St. (1878) sec. 2118. U. S. v. Joseph, 94 U. S., 614; 24 L. Ed., 295.

²¹ The "Old Settlers," or Western Cherokees, are not a governmental body politic, nor have they a corporate existence nor any capacity to act collectively. U. S. v. Old Settlers, 148 U. S., 427; 13 S. Ct., 650; 37 L. Ed., 509.

The southwestern tribes of Apaches during the last fifty years have had no definable tribal identity, and have been little more than robber bands. Such bands, however, constitute a political entity, which must be recognized by the courts. Dobbis v. U. S., 33 C. Cls., 308.

The Alaska Indians are not within the policy of the Government by which Indian tribes are treated as free and independent within their respective territories, but are subject to such laws and regulations as the United States may adopt. In re Sah Quah, 31 Fed., 327.

The Indians residing in Maine, while they have a partial organization for tenure of property and local affairs, have no separate political organization, and are subject as individuals to the laws of the State. State v. Newell, 84 Me., 465; 24 Atl., 943.

In New York the different tribes of Indians within that State are not recognized as independent nations, but as citizens merely owing allegiance to the State government. Jackson v. Goodell, 20 Johns. (N. Y.), 188; Strong v. Waterman, 11 Paige (N. Y.), 607.

²² Ex p. Reynolds, 20 Fed. Cas., No. 11719; 5 Dill., 394.

²³ Cherokee Nation v. Georgia, 5 Pet. (U. S.), 1; 8 L. Ed., 25. See also U. S. v. Pumphrey, 11 App. Cas. (D. C.), 44.

sense,¹ nor states or territories within the meaning of the Constitution.² Their relation to the United States resembles that of a ward to his guardian.³

(b) *Powers*.—So far as is essential to constitute them separate nations, the rights of sovereignty have been conceded to them.⁴ They were formerly competent to make treaties,⁵ and although that right has been taken from them by [118] Congress, the treaties which have been made retain their validity.⁶ They may levy war and conclude peace.⁷ The several States of the Union and the United States have recognized in Indians a possessory right to the soil, but they have asserted an ultimate title in the land itself by which the Indian tribes are forbidden to sell or transfer it to other nations or peoples without the consent of this paramount authority.⁸

(c) *Supervision*.—They are not amenable to the laws of the State or Territory in which they reside.⁹ They are, however, subject to the plenary authority of the United States.¹⁰

2. *Change of tribal status*—(a) *Expatriation*.—It is one of the consequences of the imperfect sovereignty of the Indian nations that they can not alter or suspend their political relation as wards of the United States by removing from its boundaries.¹¹

(b) *Consolidation*.—Two or more tribes may consolidate and become merged into one,¹² and their action in so doing binds the Indians,¹³ and the United States Government¹⁴ in dealing with lands, property, and trust funds belonging to the tribe. A tribe may also admit individual members of another tribe into its membership,¹⁵ and Indians so admitted are thereafter bound by the constitution and laws of their adopted tribe.¹⁶

(c) *Division*.—A tribe may also be divided into separate bands by agreement among themselves or by act of the Government.¹⁷ The policy of the Government has been to accept such subdivisions as were adopted by the [119] Indians,¹⁸

¹ *Roche v. Washington*, 19 Ind., 53; 81 Am. Dec., 376; *U. S. v. Kagama*, 118 U. S., 375; 6 S. Ct., 1109; 30 L. Ed., 228; *Eik v. Wilkins*, 112 U. S., 94; 5 S. Ct., 41; 28 L. Ed., 643; *Cherokee Nation v. Georgia*, 5 Pet. (U. S.), 1; 8 L. Ed., 25; *U. S. v. Rogers*, 27 Fed. Cas., No. 16187; *Hempst.*, 450; *U. S. v. Ragsdale*, 27 Fed. Cas., No. 16113; *Hempst.*, 479.

² *Holden v. Joy*, 17 Wall. (U. S.), 211; 21 L. Ed., 523; *Cherokee Nation v. Southern Kans. R. Co.*, 33 Fed., 900; *Ex p. Morgan*, 20 Fed., 298.

³ The Cherokee Nation is a territory, within the meaning of *Battle Rev. c. 35*, sec. 8, relating to the record of deeds. *Whitsett v. Forehand*, 79 N. C., 230.

⁴ *U. S. v. Pumphrey*, 11 App. Cas. (D. C.), 44; *Jones v. Meehan*, 175 U. S., 1; 20 S. Ct., 1; 44 L. Ed., 1; *Stephens v. Cherokee Nation*, 174 U. S., 445; 19 S. Ct., 722; 43 L. Ed., 1041; *U. S. v. Kagama*, 118 U. S., 375; 6 S. Ct., 1109; 30 L. Ed., 228; *Cherokee Nation v. Georgia*, 5 Pet. (U. S.), 1; 8 L. Ed., 25.

⁵ *U. S. v. Shanks*, 15 Minn., 369; *Worcester v. Georgia*, 6 Pet. (U. S.), 515; 8 L. Ed., 483.

⁶ Right of local self-government: The Indian country is not within the exclusive jurisdiction of the United States, since the Indians have the right of local self-government. *Anonymous*, 1 Fed. Cas., No. 447; *Hempst.*, 413.

⁷ *Wood v. Missouri*, etc., R. Co., 11 Kans., 323; *Minter v. Shirley*, 45 Miss., 376; *Blackfeather v. U. S.*, 190 U. S., 368; 23 S. Ct., 772; 47 L. Ed., 1099; *Holden v. Joy*, 17 Wall. (U. S.), 211; 21 L. Ed., 523; *Wilson v. Wall*, 6 Wall. (U. S.), 83; 18 L. Ed., 727; *Worcester v. Georgia*, 6 Pet. (U. S.), 515; 8 L. Ed., 483; *Cherokee Nation v. Georgia*, 5 Pet. (U. S.), 1; 8 L. Ed., 25; *Porterfield v. Clark*, 2 How. (U. S.), 76; 11 L. Ed., 185; *Leighton v. U. S.*, 29 C. Cls., 288. See *infra*, II, D, 1.

⁸ U. S. Rev. St. (1878) sec. 2079. And see *Brown v. U. S.*, 32 C. Cls., 432.

⁹ *Montoya v. U. S.*, 180 U. S., 261; 21 S. Ct., 358; 45 L. Ed., 521 (a formal declaration of war by Congress unnecessary); *Marks v. U. S.*, 161 U. S., 297; 16 S. Ct., 476; 40 L. Ed., 766; *Cherokee Nation v. Georgia*, 5 Pet. (U. S.), 1; 8 L. Ed., 25; *Scott v. U. S.*, 33 C. Cls., 486; *Dobbs v. U. S.*, 33 C. Cls., 308; *Alire's Case*, 1 C. Cls., 238.

¹⁰ The principles of international law have been applied to hostilities with the Indian tribes so far as to accord to them the rights of belligerents. *Love v. U. S.*, 29 C. Cls., 332.

¹¹ When Indians have been allowed to surrender "as prisoners of war to an army in the field," the terms of such surrender characterize all that they did as the inevitable destruction of an Indian war. *Scott v. U. S.*, 33 C. Cls., 486.

¹² *U. S. v. Kagama*, 118 U. S., 375; 6 S. Ct., 1109; 30 L. Ed., 228; *Holden v. Joy*, 17 Wall. (U. S.), 211; 21 L. Ed., 523; *Worcester v. Georgia*, 6 Pet. (U. S.), 515; 8 L. Ed., 483.

¹³ *Worcester v. Georgia*, 6 Pet. (U. S.), 515; 8 L. Ed., 483; *Love v. Pamplin*, 21 Fed., 755.

¹⁴ *Tuttle v. Moore*, 3 Ind. T., 712; 64 S. W., 585; *U. S. v. Choctaw Nation*, 193 U. S., 115; 24 S. Ct., 411; 48 L. Ed., 640; *Lone Wolf v. Hitchcock*, 187 U. S., 553; 23 S. Ct., 216; 47 L. Ed., 299; *Stephens v. Cherokee Nation*, 174 U. S., 445; 19 S. Ct., 722; 43 L. Ed., 1041; *U. S. v. Kagama*, 118 U. S., 375; 6 S. Ct., 1109; 30 L. Ed., 228; *Kendall's Case*, 1 C. Cls., 261.

¹⁵ A Federal court has authority to issue a writ of habeas corpus, to run in the Indian Territory. *Ex p. Kenyon*, 11 Fed. Cas., No. 7720; 5 Dill., 385.

¹⁶ *Lowe v. U. S.*, 37 C. Cls., 413.

¹⁷ *U. S. v. Blackfeather*, 155 U. S., 218; 15 S. Ct., 63; 39 L. Ed., 126; *Cherokee Nation v. Journeycake*, 155 U. S., 196; 15 S. Ct., 55; 39 L. Ed., 120.

¹⁸ *Delaware Indians v. Cherokee Nation*, 38 C. Cls., 234 [affirmed in 193 U. S., 127; 24 S. Ct., 342; 48 L. Ed., 616]; *Whitmore v. Cherokee Nation*, 30 C. Cls., 138.

¹⁹ *Delaware Indians v. Cherokee Nation*, 193 U. S., 127; 24 S. Ct., 342; 48 L. Ed., 646; *Journeycake v. Cherokee Nation*, 28 C. Cls., 281.

²⁰ *Delaware Indians v. Cherokee Nation*, 193 U. S., 127; 24 S. Ct., 342; 48 L. Ed., 646; *Choctaw Nation v. U. S.*, 179 U. S., 494; 21 S. Ct., 149; 45 L. Ed., 291.

²¹ *Delaware Indians v. Cherokee Nation*, 193 U. S., 127; 24 C. Cls., 342; 48 L. Ed., 646.

²² *Mashing-go-me-sia v. State*, 36 Ind., 310; *Cherokee Indians v. U. S.*, 117 U. S., 288; 6 S. Ct., 718; 29 L. Ed., 880; *Allred v. U. S.*, 36 C. Cls., 280; *Dobbs v. U. S.*, 33 C. Cls., 308; *McKee v. U. S.*, 33 C. Cls., 99; *Tully v. J. S.*, 32 C. Cls., 1.

²³ *Eastern Band of Cherokees*: The Cherokee Indians east of the Mississippi do not form a nation. As individuals they severed their connection with the Cherokee Nation. Their organization by the Indian Office under the name of the Eastern Band was for the purpose of facilitating business with the Government, and is at most a social organization. *Cherokees v. U. S.*, 20 C. Cls., 449 [affirmed in 117 U. S., 288; 6 S. Ct., 718; 29 L. Ed., 880]. But compare *U. S. v. Boyd*, 83 Fed., 547; 27 C. C. A., 592, holding that the political departments of the Government have recognized the Eastern Band of Cherokee Indians as constituting a tribe; at least, as that word is used in the United States Constitution.

²⁴ *Tully v. U. S.*, 32 C. Cls., 1.

and when so recognized by the proper executive officers the courts are bound by their action.¹

(d) *Dissolution*.—A tribe may cease to exist by the complete withdrawal of its members from tribal relations;² but tribal relations are not terminated by the mere lapse of time and the allotment of a portion of the tribal lands in severalty,³ nor by the emigration of even a majority of the tribe, if the organization remains intact.⁴ So long as the tribal organization is recognized by the National Government, the fact that the habits and customs of the Indians have been changed by intercourse with the whites does not authorize the courts to disregard the tribal status.⁵

3. *Validity and effect of Indian laws and customs*—(a) *In general*.—Except when prohibited by statute, the Indian laws and customs control in all internal affairs of the tribes.⁶ Their laws and proceedings are on the same footing as those of other territories of the United States.⁷ The United States courts may not, without express authority from Congress, inquire into the method by which their laws are adopted;⁸ but such courts will not take judicial notice of the Indian laws; they must be pleaded and proven.⁹ United States courts are by act of Congress prohibited from enforcing, either at law or in equity, any laws of the Indian tribes in the Indian Territory; but where rights have been vested under such laws these courts are authorized to enforce those vested rights.¹⁰

(b) *Descent and distribution*.—The law governing the descent of lands and the distribution of the personal property of an intestate, where the tribal organization is still recognized by the Government, is the law of the tribe.¹¹

[120] (c) *Taxation by tribal government*.—A tribe has the ordinary powers of taxation over persons and property within its limits.¹² It may require a license before permitting noncitizens to engage in business or in the practice of a profession within its territorial limits.¹³

¹ Tully v. U. S., 32 C. Cls., 1.

² In re Narragansett Indians, 20 R. I., 715; 40 Atl., 347; Morrow v. Blevins, 4 Humphr. (Tenn.), 223; Eastern Band Cherokee Indians v. U. S., 117 U. S., 288; 6 S. Ct., 718; 29 L. Ed., 880; U. S. v. Boyd, 83 Fed., 547; 27 C. C. A., 592.

The Indians residing in Maine, whose tribal organization has ceased to exist, are not "Indian tribes," within the treaty-making powers of the Federal Government. State v. Newell, 84 Me., 465; 24 Atl., 943.

³ U. S. v. Flournoy Live-Stock, etc., Co., 71 Fed., 576.

⁴ Me-shing-go-me-sia v. State, 36 Ind., 310; Wau-pe-man-qua v. Aldrich, 28 Fed., 489.

⁵ The Kansas Indians, 5 Wall. (U. S.), 737; 18 L. Ed., 667; U. S. v. Holliday, 3 Wall. (U. S.), 407; 18 L. Ed., 182.

⁶ Alabama: Wall v. Williamson, 8 Ala., 48.

Indian Territory: Rush v. Thompson, 2 Ind. T., 557; 53 S. W., 333.

Mississippi: Turner v. Fish, 28 Miss., 306; Fisher v. Allen, 2 How., 611.

Missouri: Boyer v. Dively, 58 Mo., 510.

Tennessee: Blair v. Pathkiller, 2 Yerg., 407; Holland v. Pack, Peck, 151.

Texas: Jones v. Laney, 2 Tex., 342.

United States: U. S. v. Choctaw Indians, 193 U. S., 115; 24 S. Ct., 411; 48 L. Ed., 640; Worcester v. Georgia, 6 Pet., 515; 8 L. Ed., 483; U. S. v. Whaley, 37 Fed., 145; 13 Sawy., 548.

See 27 Cent. Dig. tit. "Indians," sec. 11.

Transactions outside of tribal territory: Such laws, however, do not apply to transactions between Indians of the tribe which take place outside the tribal territory. Ex p. Kenyon, 14 Fed. Cas., No. 7720; 5 Dill., 385.

⁷ Whitsett v. Forehand, 79 N. C., 230; U. S. v. Cox, 18 How. (U. S.), 100; 15 L. Ed., 299.

Necessity for President's approval: Acts and ordinances of the Creek or Cherokee Tribes are not now valid until approved by the President of the United States. 31 U. S. Stat. L., 1077. The same provision is made as to the Choctaws and Chickasaws in relation to certain classes of acts only by the Atoka agreement of 1898 (30 U. S. Stat. L., 512).

Ejectment to recover land and improvements may be maintained under acts of the Cherokee national council. Price v. Cherokee Nation (Ind. T., 1904), 82 S. W., 893.

⁸ Delaware Indians v. Cherokee Nation, 193 U. S., 127; 24 S. Ct., 342; 48 L. Ed., 646.

⁹ Ricknor v. Clabber (Ind. T., 1903), 76 S. W., 271; Rowe v. Henderson (Ind. T., 1903), 76 S. W., 250; Engleman v. Cable (Ind. T., 1902), 69 S. W., 894; Sass v. Thomas (Ind. T., 1902), 69 S. W., 893; Kelly v. Churchill (Ind. T., 1902), 69 S. W., 817; Campbell v. Scott, 3 Ind. T., 462; 58 S. W., 719; O'Brien v. Bugbee, 46 Kans., 1; 26 Pac., 428; Hockett v. Alston, 110 Fed., 910; 49 C. C. A., 180; Wilson v. Owens, 86 Fed., 571; 30 C. C. A., 257. See also Brashear v. Williams, 10 Ala., 630.

¹⁰ Boudinot v. Boudinot, 2 Ind. T., 107; 48 S. W., 1019.

¹¹ Nivens v. Nivens (Ind. T., 1903), 76 S. W., 114; 64 S. W., 604; Hannon v. Taylor, 57 Kans., 1; 45 Pac., 51; O'Brien v. Bugbee, 46 Kans., 1; 26 Pac., 428; Brown v. Steelo, 23 Kans., 672; Dole v. Irish, 2 Barb. (N. Y.), 639; Jones v. Meehan, 175 U. S., 1; 20 S. Ct., 1; 44 L. Ed., 49; Y-ta-fah-wah v. Rebock, 105 Fed., 257.

Presumption when no proof of laws of descent: In the absence of proof that a savage tribe of Indians have laws regulating the descent of property, the presumption arises that the property of a deceased person would belong to the first occupant. Brashear v. Williams, 10 Ala., 630.

Laws of Indians not pleaded: Where, in an action by an heir to recover Indian lands, the complaint alleged that plaintiff was a Quappaw Indian, and the answer contained no allegation that the laws of descent of such nation were different from those of the forum in which the trial was had, it was presumed that they were the same. Ricknor v. Clabber (Ind. T., 1903), 76 S. W., 271.

Wills under Indian laws: The will of a Wyandotte Indian, made and allowed in 1853 according to the laws, customs, and usages of the tribe, is valid and binding. Gray v. Coffman, 10 Fed. Cas., No. 5714; 3 Dill., 393. In Canada an Indian, male or female, may dispose of real or personal property by will. Johnson v. Jones, 15 Can. L. T., 48; 26 Ont., 109.

Administrators appointed by the Cherokee Nation have a right as such to maintain suit in the United States district court. U. S. v. Cox, 18 How. (U. S.), 100; 15 L. Ed., 299.

¹² Maxey v. Wright, 3 Ind. T., 243; 54 S. W., 807; Morris v. Hitchcock, 194 U. S., 384; 24 S. Ct., 712; 48 L. Ed., 1030.

For taxation of tribal lands see III, A, 6.

For taxation of allotted lands see III, C, 5.

For taxation of personal property see IV, F.

Enforcing collection: The United States courts in the Indian Territory have no jurisdiction to entertain an action for the collection of taxes imposed by the laws of the Creek Nation. Buster v. Wright, 135 Fed., 947; Crabtree v. Madden, 54 Fed., 426; 4 C. C. A., 408.

¹³ Zevely v. Weimer (Ind. T., 1904), 82 S. W., 941; Buster v. Wright, 135 Fed., 947.

(d) *Courts*.—Except where otherwise provided by statute the tribal courts have exclusive jurisdiction over suits between members of the tribe and over crimes committed by Indians against Indians.¹ The construction of statutes of the tribe is solely within their jurisdiction.² Their jurisdiction extends to members of the tribe by adoption.³ While it does not extend to citizens of the United States, such exemption is waived if not specially pleaded.⁴ The judgments of the tribal courts stand on the same footing and are entitled to the same faith and credit as the judgments of Territorial courts of the United States,⁵ but they may be impeached collaterally on the ground of lack of jurisdiction.⁶

4. *Actions by and against tribes*.—It is generally held that an Indian tribe can not sue or be sued in the courts of the United States or in a State court, except [121] where authority has been conferred by statute.⁷ A tribe must be made a party to any suit pending in the Federal court in the Indian Territory in which the property of the tribe is in any way affected by the issues.⁸ The United States may, as guardian of such Indians, maintain an action in their behalf.⁹ Where authority to sue has been conferred, a tribe may maintain an injunction to restrain the usurpation of official authority,¹⁰ but it can not maintain an action on a contract made in violation of law;¹¹ and a suit can not be brought by individuals in the name of the tribe,¹² nor by a portion of a tribe who have separated therefrom.¹³

5. *Contracts*.—Contracts between Indian tribes and agents or attorneys for services to be performed in reference to claims by such tribes against the United States can not be enforced unless made in accordance with the requirements of the act of Congress, requiring the approval of the Secretary of the Interior.¹⁴

D. *Treaties*.—1. *Validity and effect*.—A treaty with an Indian tribe has the same dignity and effect as a treaty with a foreign nation.¹⁵ It is a part of the law

¹ Ex p. Tiger, 2 Ind. T., 41; 47 S. W., 304; Nofire v. U. S., 164 U. S., 657; 17 S. Ct., 212; 41 L. Ed., 588; Talton v. Mayes, 163 U. S., 376; 16 S. Ct., 986; 41 L. Ed., 196; Alberty v. U. S., 162 U. S., 499; 16 S. Ct., 864; 40 L. Ed., 1051; Smith v. U. S., 151 U. S., 50; 14 S. Ct., 234; 38 L. Ed., 67; Ex p. Mayfield, 141 U. S., 107; 11 S. Ct., 939; 35 L. Ed., 635; Raymond v. Raymond, 83 Fed., 721; 28 C. C. A., 38. See also Crowell v. Young (Ind. T., 1902), 69 S. W., 829; Boudinot v. Boudinot, 2 Ind. T., 107; 48 S. W., 1019.

For criminal jurisdiction of Federal and State courts see IV, D, 2.
Jurisdiction not ousted by naturalization: Where a Cherokee court in the Indian Territory has acquired jurisdiction of an Indian in a criminal prosecution, such jurisdiction is not divested by the subsequent naturalization of defendant. Ex p. Kyle, 67 Fed., 306.

Peacemakers' court: The jurisdiction of the "peacemakers" of the Seneca Nation is limited to \$100 by N. Y. Laws (1847), c. 365, sec. 8. Jemmerson v. Kennedy, 55 Hun (N. Y.), 47; 7 N. Y. Suppl., 296. The supreme court of New York, in an action to enforce a decree in partition rendered by the peacemakers' court, can not go back of the decree to ascertain the relationship and interests of the parties which were determined by the decree. Jameson v. Pierce, 102 N. Y. App. Div., 618; 92 N. Y. Suppl., 331.

Tribes of Indians residing in New York have no jurisdiction to try their members for crimes committed within the reservation. Jackson v. Goodell, 20 Johns. (N. Y.), 188.

Acts of Congress: On this subject Congress has passed several acts. See 23 U. S. Stat. L., 385; 25 U. S. Stat. L., 783; 26 U. S. Stat. L., 96; 30 U. S. Stat. L., 518.

² Talton v. Mayes, 163 U. S., 376; 16 S. Ct., 986; 41 L. Ed., 196.
³ Nofire v. U. S., 164 U. S., 657; 17 S. Ct., 212; 41 L. Ed., 588; Alberty v. U. S., 162 U. S., 499; 16 S. Ct., 864; 40 L. Ed., 1051; Raymond v. Raymond, 83 Fed., 721; 28 C. C. A., 38.

⁴ Mehlin v. Ice, 56 Fed., 12; 5 C. C. A., 403.
⁵ Standley v. Roberts, 59 Fed., 838; 8 C. C. A., 305; Mehlin v. Ice, 56 Fed., 12; 5 C. C. A., 403.
⁶ Raymond v. Raymond, 1 Ind. T., 334; 37 S. W., 202.

⁷ Engleman v. Cable (Ind. T., 1902), 69 S. W., 894; Seneca Nation v. Christie, 126 N. Y., 122; 27 N. E., 275; Crouse v. New York, etc., R. Co., 49 Hun (N. Y.), 576; 2 N. Y. Suppl., 453; Seneca Nation v. Hammond, 3 Thomps. & C. (N. Y.), 347; Seneca Nation v. John, 16 N. Y. Suppl., 40; Seneca Nation v. Tyler, 14 How. Pr. (N. Y.), 109; Strong v. Waterman, 11 Paige (N. Y.), 607; In re Narragansett Indians, 20 R. I., 715; 40 Atl., 347; Thebo v. Choctaw, 66 Fed., 372; 13 C. C. A., 519.

In New York no provision has been made by law for bringing ejectment to recover possession of Indian lands, except in the case of the Senecas, and the Indians have no corporate name by which they can institute such a suit. Montauk v. Long Island R. Co., 28 N. Y. App. Div., 470; 51 N. Y. Suppl., 142. Seneca Indians in New York may sue and be sued as provided by State law. Jemmerson v. Kennedy, 55 Hun, 47; 7 N. Y. Suppl., 296; Jackson v. Reynolds, 14 Johns., 335.

⁸ 30 U. S. Stat. L., 495. And see Thompson v. Morgan (Ind. T., 1902), 69 S. W., 920; Casteel v. McNeeley (Ind. T., 1901), 64 S. W., 594.

The Creek Nation is a proper party to a suit by a telephone company to restrain persons from erecting telephones in a town in such nation, where the latter are taking possession of tribal lands in the town without authority. Muskogee Nat. Tel. Co. v. Hall (Ind. T., 1901), 64 S. W., 600.

⁹ U. S. v. Winans, 73 Fed., 72; U. S. v. Boyd, 68 Fed., 577.
¹⁰ Seneca Nation v. John, 16 N. Y. Suppl., 40.

¹¹ St. Regis Indians v. Drum, 19 Johns. (N. Y.), 127.
¹² Johnson v. Long Island R. Co., 162 N. Y., 462; 56 N. E., 992; Onondaga Nation v. Thacher, 29 Misc. (N. Y.), 428; 61 N. Y. Suppl., 1027 [affirmed in 53 N. Y. App. Div., 561; 65 N. Y. Suppl., 1014 (affirmed in 169 N. Y., 584; 62 N. E., 1098)].

¹³ People v. Land Office, 99 N. Y., 648; 1 N. E., 764; Cayuga Indians v. State, 99 N. Y., 235; 1 N. E., 770.

¹⁴ Rollins v. Cherokee Indians, 87 N. C., 228; In re Sanborn, 143 U. S., 222; 13 S. Ct., 577; 37 L. Ed., 429; Rollins v. U. S., 23 C. Cls., 106.

An exception to this rule arises, however, in the case of a specific appropriation for the payment for such services, as in 25 U. S. Stat. L., 756. U. S. v. Crawford, 47 Fed., 561.

Contracts with attorneys, for services rendered in securing a treaty from the United States, can not be enforced unless approved by the Secretary of the Interior and the Commissioner of Indian Affairs. Hanks v. Hendricks, 3 Ind. T., 415; 58 S. W., 669.

The power of the chief of a tribe to make a contract binding the tribe will be presumed where such authority has not been questioned, and the tribe has accepted the benefit of the contract. Rollins v. U. S., 23 C. Cls., 106.

¹⁵ Wood v. Missouri, etc., R. Co., 11 Kans., 323; U. S. v. New York Indians, 173 U. S., 464; 19 S. Ct., 487; 43 L. Ed., 769; Worcester v. Georgia, 6 Pet. (U. S.), 515; 8 L. Ed., 483; Turner v. American Baptist Missionary Union, 24 Fed. Cas., No. 14251; 5 McLean, 344. And see, generally, Treaties.

Abrogation by treaty with another government: The treaty of the Creek Nation with the rebel government abrogated the treaty with the United States, and the provisions of a later treaty reaffirming and reassuming all obligations existing under the earlier treaty, do not cover the period when the Creeks were in rebellion. Connor v. U. S., 19 C. Cls., 675.

Time of taking effect: Where a treaty provides that it should take effect when ratified by the President and Senate, it did not take effect until signed by the President, although it had been previously ratified by the Senate and accepted by the Indians. Shepard v. Northwestern L. Ins. Co., 40 Fed., 341. By the treaty of July 16, 1862, the tribal relations of the Ottawa Indians were to

[122] of the land, to be enforced by the courts,¹ and can not be disregarded by State legislation.² By such treaties the Indians may sell or acquire lands.³ When rights have vested under treaties Congress has no power to impair them.⁴ A prior treaty may, however, be superseded by an act of Congress.⁵

2. *Construction.*—The construction of an Indian treaty belongs to the courts as a matter of law.⁶ Its language is construed, not according to the technical meaning of its words to learned lawyers, but in the sense in which they would naturally be understood by the Indians.⁷ As between the United States and the Indians, treaties are liberally construed in favor of the Indians;⁸ but grants and reservations claimed under such treaties are strictly construed against the grantee or beneficiary.⁹ An admission in a treaty as to the limits of the territory occupied by the Indians is not conclusive on those who have previously acquired rights.¹⁰ A treaty declaring a general amnesty of all past offenses against the United States effects a pardon of all offenses against citizens of the United States.¹¹ And where it specifies offenses against citizens of the Cherokee Nation it includes offenses against a white man who had been adopted into that tribe.¹²

3. *Ratification.*—A treaty is valid, even though not formally ratified and proclaimed, where it has been acted upon and recognized by both parties.¹³ A proviso added to a treaty by the Senate is void if it was not included in the published copy or in the President's proclamation promulgating the treaty, and if there is no evidence of the assent of the President and the Indians thereto.¹⁴ A State or its agent is authorized to enter into a treaty or convention with an Indian tribe within its borders, for the extinguishment of the Indian title to land, provided it is entered into in the presence of and with the approval of a commissioner of the United States, appointed to attend the same; and such a treaty requires no ratification or proclamation by the Federal authorities.¹⁵

4. *Claims under treaties.*—In the adjustment of claims made by Indians or other beneficiaries under treaties or agreements with Indian tribes, the general principles of construction above set forth are observed.¹⁶ Where the Government pays out

cease, and they were to become citizens of the United States in five years. A subsequent treaty, negotiated before, but finally ratified as amended after, the expiration of the five years, related back to the date of negotiation, and was a valid treaty with an Indian tribe. *Wiggan v. Conolly*, 163 U. S., 56; 16 S. Ct., 914; 41 L. Ed., 69.

¹ *Maiden v. Ingersoll*, 6 Mich., 373; *Fellow v. Blacksmith*, 19 How. (U. S.), 366; 15 L. Ed., 684; *Worcester v. Georgia*, 6 Pet. (U. S.), 515; 8 L. Ed., 483; *In re Race Horse*, 70 Fed., 593; *Leighton v. U. S.*, 29 C. Cls., 283; *Kendall's Case*, 1 C. Cls., 261.

² *People v. Land Office Com'rs*, 99 N. Y., 643; 1 N. E., 764; *Fellows v. Denniston*, 23 N. Y., 420; *Love v. Pamplin*, 21 Fed., 755.

³ *Wood v. Missouri, etc., R. Co.*, 11 Kans., 323; *Minter v. Shirley*, 45 Miss., 376; *Holden v. Joy*, 17 Wall. (U. S.), 211; 21 L. Ed., 523; *U. S. v. Reese*, 27 Fed. Cas., No. 16137; 5 Dill., 405.

⁴ *Holden v. Joy*, 17 Wall. (U. S.), 211; 21 L. Ed., 523; *Wilson v. Wall*, 6 Wall. (U. S.), 83; 18 L. Ed., 727; *Mann v. Wilson*, 23 How. (U. S.), 457; 16 L. Ed., 584; *Mitchel v. U. S.*, 9 Pet. (U. S.), 711; 9 L. Ed., 283; *U. S. v. Reese*, 27 Fed. Cas., No. 16137; 5 Dill., 405.

⁵ See also *Choctaw Nation v. U. S.*, 21 C. Cls., 59.

⁶ *Webster v. Reid, Morr. (Iowa)*, 437; *Lone Wolf v. Hitchcock*, 187 U. S., 553; 23 S. Ct., 216; 47 L. Ed., 299; *Stephens v. Cherokee Nation*, 174 U. S., 445; 19 S. Ct., 722; 43 L. Ed., 1041; *Ward v. Race Horse*, 163 U. S., 504; 16 S. Ct., 1076; 41 L. Ed., 244; *The Cherokee Tobacco*, 11 Wall. (U. S.), 616; 20 L. Ed., 227.

⁷ *Harris v. Doe*, 4 Blackf. (Ind.), 369; *Wray v. Doe*, 10 Sm. & M. (Miss.), 452.

⁸ Court can not inquire into execution: A court can not inquire whether a treaty was properly executed, nor whether it was procured by undue influence (*Leighton v. U. S.*, 29 C. Cls., 283), or by fraud and deception (*Lone Wolf v. Hitchcock*, 187 U. S., 553; 23 S. Ct., 216; 47 L. Ed., 299).

⁹ Agreement of parties: Where the language of a treaty as to land is indefinite, and the natural objects called for uncertain, the parties to the treaty may settle the boundaries of the land forming the subject matter by agreement. *Lattimer v. Potect*, 14 Pet. (U. S.), 4; 10 L. Ed., 328.

¹⁰ *Jones v. Mehan*, 175 U. S., 1; 20 S. Ct., 1; 44 L. Ed., 49; *Choctaw Nation v. U. S.*, 119 U. S., 1; 7 S. Ct., 75; 30 L. Ed., 306; *In re Kansas Indians*, 5 Wall. (U. S.), 737; 13 L. Ed., 667; *Worcester v. Georgia*, 6 Pet. (U. S.), 515; 8 L. Ed., 483.

¹¹ *Choctaw Nation v. U. S.*, 119 U. S., 1; 7 S. Ct., 75; 30 L. Ed., 306; *In re Kansas Indians*, 5 Wall. (U. S.), 737; 13 L. Ed., 667.

¹² *Worcester v. Georgia*, 6 Pet. (U. S.), 515; 8 L. Ed., 483; *Meigs v. McClung*, 9 Cranch (U. S.), 11; 3 L. Ed., 639; *Navarre v. U. S.*, 33 C. Cls., 235; *Langford's Case*, 12 C. Cls., 338. Compare *U. S. v. Choctaw Nation*, 179 U. S., 494; 21 S. Ct., 149; 45 L. Ed., 291, holding that the obvious, palpable meaning of the language may not be disregarded because of the dependent character of the Indians; nor because the Indians may have been overreached; nor because the ordinary interpretation of the words will have the result of rendering the Government less liberal toward the tribe making the treaty than toward other tribes.

¹³ *Goodfellow v. Muckey*, 10 Fed. Cas., No. 5537; 1 McCrary, 238.

¹⁴ *Brooks v. Norris*, 6 Rob. (La.), 175.

¹⁵ *Garrison v. U. S.*, 30 C. Cls., 272.

¹⁶ *U. S. v. Ragsdale*, 27 Fed. Cas., No. 16113; *Hempst.*, 479.

¹⁷ *Moore v. U. S.*, 32 C. Cls., 593.

¹⁸ *New York Indians v. U. S.*, 170 U. S., 1; 18 S. Ct., 531; 42 L. Ed., 927, Mr. Justice Brown, delivering opinion of the court.

¹⁹ *Seneca Nation v. Christie*, 126 N. Y., 122; 27 N. E., 275.

²⁰ *Cook v. Biddle*, 2 Mich., 269; *U. S. v. Choctaw Nation*, 193 U. S., 115; 24 S. Ct., 411; 48 L. Ed., 640; *U. S. v. Blackfeather*, 155 U. S., 180; 15 S. Ct., 64; 39 L. Ed., 114; *U. S. v. Old Settlers*, 148 U. S., 427; 13 S. Ct., 650; 37 L. Ed., 509; *Blackfeather v. U. S.*, 28 C. Cls., 447; *Chickasaw Nation v. U. S.*, 22 C. Cls., 222; *Choctaw Nation v. U. S.*, 21 C. Cls., 59; *Navarre v. U. S.*, 33 C. Cls., 235.

²¹ *U. S. v. Choctaw Nation*, 179 U. S., 494; 21 S. Ct., 149; 45 L. Ed., 291, holding that the obvious, palpable meaning of the language may not be disregarded because of the dependent character of the Indians; nor because the Indians may have been overreached; nor because the ordinary interpretation of the words will have the result of rendering the Government less liberal toward the tribe making the treaty than toward other tribes.

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treaty funds without authority it may be held responsible for repayment,¹ but where payment is made to legally constituted representatives of the tribe the United States is not liable for their misappropriation of the funds.² Where the parties to a treaty agree upon an arbitrator of claims arising under it, the courts will not review his decisions.³

III. INDIAN LANDS.

A. Title and rights—1. Nature of title—(a) In general.—Indian tribes hold their right to the soil by virtue of aboriginal occupancy and possession.⁴ To sustain the title, their use and occupancy must have been actual, not merely desultory or constructive.⁵ Their title is a perpetual right of possession and occupancy, the fee remaining in the United States or in the State where the land is situated⁶ as [124] successor to the rights of the European discoverers.⁷ The United States, as original proprietor, has power to dispose of public lands even within an Indian reservation without the consent of the Indians.⁸

(b) Reservations and grants to tribes.—Where tribal Indians have been assigned lands and reservations as places of domicile, they have no vested rights therein, but simply a right to occupy at the will of the Government.⁹ Where they hold by grant, their title does not depend upon aboriginal possession, but its nature and extent are measured by the terms of the grant.¹⁰

(c) Land grants conflicting with Indian title.—The United States, or a State holding the fee, may, before a cession by the Indians, convey an unencumbered title in fee simple or a title subject to their right of possession;¹¹ but such inten-

¹ Oneida Indians v. U. S., 39 C. Cls., 116.

² U. S. v. Blackfeather, 153 U. S., 180; 13 S. Ct., 64, 39 L. Ed., 114.

³ U. S. v. Old Settlers, 148 U. S., 427; 13 S. Ct., 650; 37 L. Ed., 509; Chickasaw Nation v. U. S., 22 C. Cls., 222.

⁴ Holden v. Joy, 17 Wall. (U. S.), 211; 21 L. Ed., 523; Worcester v. Georgia, 6 Pet. (U. S.), 515; 8 L. Ed., 483. And see R. ex v. St. Catharines Milling, etc., Co., 13 Ont. App., 148 [affirming 10 Ont., 190].

Neither Spain nor Mexico recognized the primitive title of the Indians. Brooks v. Norris, 6 Rob. (La.), 175; Maes v. Gillard, 7 Mart. N. S., 314; Martin v. Johnson, 5 Mart. (La.), 655; Rebol v. Nero, 5 Mart. (La.), 490; U. S. v. Wilson, 1 Black (U. S.), 267; 17 L. Ed., 142; Hay v. U. S., 38 C. Cls., 455. Compare Byrne v. Alas, 74 Cal., 628; 16 Pac., 523.

⁵ Choctaw Nation v. U. S., 179 U. S., 494; 21 S. Ct., 149; 45 L. Ed., 295.

⁶ Minter v. Shirley, 45 Miss., 376; In re Narragansett Indians, 20 R. I., 715; 40 Atl., 347; Spaulding v. Chandler, 160 U. S., 394; 16 S. Ct., 360; 40 L. Ed., 469; Burtz v. Northern Pac. R. Co., 119 U. S., 55; 7 S. Ct., 100; 30 L. Ed., 330; U. S. v. Kagama, 118 U. S., 375; 6 S. Ct., 1109; 30 L. Ed., 228; U. S. v. Cook, 19 Wall. (U. S.), 591; 22 L. Ed., 210; Doe v. Wilson, 23 How. (U. S.), 457; 16 L. Ed., 584; U. S. v. Rogers, 4 How. (U. S.), 567; 11 L. Ed., 1105; Mitchell v. U. S., 9 Pet. (U. S.), 711; 9 L. Ed., 283; Worcester v. Georgia, 6 Pet. (U. S.), 515; 8 L. Ed., 483; Cherokee Nation v. Georgia, 5 Pet. (U. S.), 1; 8 L. Ed., 25; Johnson v. McIntosh, 8 Wheat. (U. S.), 543; 5 L. Ed., 681; Fletcher v. Peck, 6 Cranch (U. S.), 87; 3 L. Ed., 162; U. S. v. Four Bottles of Sour-Mash Whisky, 90 Fed., 720; U. S. v. Ragsdale, 27 Fed. Cas., No. 16113; Hempst., 479; U. S. v. Rogers, 27 Fed. Cas., No. 16187; Hempst., 450; Goodfellow v. Mulkey, 10 Fed. Cas., No. 5537; 1 McCrary, 238.

⁷ The colonies, on becoming States, succeeded to the rights of the crown to lands within their boundaries, and the exclusive right to extinguish the Indian title by purchase. Seneca Nation v. Christie, 126 N. Y., 122; 27 N. E., 275; Ogden v. Lee, 6 Hill (N. Y.), 546; Strong v. Waterman, 11 Paige (N. Y.), 607.

⁸ In New York the tenure of Seneca Indians residing on the Allegany and Cattaraugus Reservations is defined by the act of May 18, 1845, declaring that they hold and possess such reservations as a distinct community. Seneca Nation v. Tyler, 14 How. Tr., 109.

⁹ In Canada the Indians have the right of possession; the fee is in the province in which the lands are situate; but the Dominion Government retains the exclusive power of legislation over the lands while occupied by Indians. St. Catharines Milling, etc., Co. v. Reg., 13 Can. Sup. Ct., 577 [affirmed in 14 App. Cas., 46; 58 L. J. P. C., 54; 60 L. T. Rep. N. S., 197]; Reg. v. Johnson, 33 Can. L. J., 204; Burke v. Cormier, 10 Can. L. T., 382; 30 N. Brunsw., 142; Ontario Min. Co. v. Seybold, 31 Ont., 386; Reg. v. Johnson, 1 Grant Ch. (U. C.), 409; Reg. v. Strong, 1 Grant Ch. (U. C.), 392; Bown v. West, 1 U. C. Q. B. O. S., 287.

¹⁰ The Pueblo Indians of New Mexico have an indefeasible title to their lands, guaranteed by the treaty of Guadalupe Hidalgo (9 U. S. Stat. L., 922). U. S. v. Lucero, 1 N. M., 422.

¹¹ The right of eminent domain over Indian lands is in the United States, even where the Indians hold a fee-simple title by grant or treaty. Cherokee Nation v. Southern Kans. R. Co., 33 Fed., 900.

Provisional legislation respecting land within the Indian boundary, to take effect when the Indian title should be extinguished, was not prohibited by the constitution of Tennessee. George v. Gamble, 2 Overt. (Tenn.), 170.

¹² Breaux v. Johns, 4 La. Ann., 141; 50 Am. Dec., 555; Granger v. Avery, 64 Me., 292; Penobscot Tribe v. Veazie, 58 Me., 402; Holden v. Joy, 17 Wall. (U. S.), 211; 21 L. Ed., 523; Worcester v. Georgia, 6 Pet. (U. S.), 515; 8 L. Ed., 483; Johnson v. McIntosh, 8 Wheat. (U. S.), 543; 5 L. Ed., 681.

¹³ U. S. v. Alaska Packers' Assoc., 79 Fed., 152.

¹⁴ McMullen v. Hodge, 5 Tex., 34; Lone Wolf v. Hitchcock, 19 App. Cas. (D. C.), 315 [affirmed in 187 U. S., 553; 23 S. Ct., 216; 47 L. Ed., 299].

Winnebago Reservation lands in Nebraska are held by the United States in trust for the tribe and its members, and they are entitled to the use, benefits, rents, and profits thereof. Lemmon v. U. S., 106 Fed., 650; 45 C. C. A., 518.

¹⁵ John v. Sabattis, 60 Me., 473; U. S. v. De la Paz Valdez de Conway, 175 U. S., 60; 20 S. Ct., 13; 44 L. Ed., 72.

The title of the Cherokee Nation was obtained by grant from the United States, and is a base, qualified, or determinable fee, without the right of reversion, but only the possibility of reversion, in the United States, which in effect puts all the estate in the Indians. U. S. v. Old Settlers, 148 U. S., 427; 13 S. Ct., 650; 37 L. Ed., 509 [affirming 27 C. Cls., 1]; Payne v. Kansas, etc., R. Co., 46 Fed., 546; Cherokee Nation v. Southern Kansas R. Co., 33 Fed., 900; U. S. v. Rogers, 23 Fed., 658; U. S. v. Reese, 27 Fed. Cas., No. 16137; 5 Dill., 405.

The Delaware Indians and the Shawnee Indians acquired from the Cherokee Nation a right of occupancy for life, with the stipulation that their children thereafter born should be regarded as native Cherokees. They have equal rights with the native Cherokees in all the common property of the Cherokee Nation. U. S. v. Blackfeather, 155 U. S., 218; 15 S. Ct., 63; 39 L. Ed., 126; Cherokee Nation v. Journeycake, 155 U. S., 196; 15 S. Ct., 55; 39 L. Ed., 120; Delaware Indians v. Cherokee Nation, 38 C. Cls., 234 [modified in 193 U. S., 127; 24 S. Ct., 342; 43 L. Ed., 646].

A grant to Mohawk Indians, by the Governor of the Province of Quebec, under his seal and arms, conveyed no legal estate; not being under the great seal, and there being no grantee capable of holding. Doe v. Ramsay, 9 U. C. Q. B., 105.

¹⁶ Arkansas: Gaines v. Hale, 26 Ark., 168.

Iowa: Snell v. Dubuque, etc., R. Co., 78 Iowa, 88; 42 N. W., 588; 80 Iowa, 767; 45 N. W., 763; Dubuque, etc., R. Co. v. Des Moines Valley R. Co., 54 Iowa, 89; 6 N. W., 157.

Louisiana: Breaux v. Johns, 4 La. Ann., 141; 50 Am. Dec., 555.

New York: Jackson v. Hudson, 3 Johns., 375; 3 Am. Dec., 500.

[125] tion is not to be presumed,¹ or a grant in general terms.²

(d) *Rights of individual Indians in tribal lands.*—All Indian lands were originally communal property.³ Where land is conveyed to a tribe individual members of the tribe can acquire no vested interest in any specific tract,⁴ but they may have a right of perpetual occupancy in lands improved and occupied by them, under the laws of the tribe;⁵ and such interest may be transferred to another member of the tribe.⁶ A lease of pasture lands made by the Creek council to an Indian conveys a leasehold estate of all lands included within its exterior boundaries; and one taking up a farm therein is a trespasser.⁷

2. *Rights incident to Indian title*—(a) *Mines and mining rights.*—One who enters a mining claim within an Indian reservation acquires no rights thereby.⁸ But where such entry is authorized as to a particular reservation by act of Congress such claims as may be entered are thereby segregated from the reservation, and the Indian title is extinguished.⁹ Under the Choctaw constitution, any citizen of that nation who discovered a coal mine acquired an exclusive right to all coal within a radius of 1 mile;¹⁰ and the laws of the Chickasaw Nation provided for the formation of corporations to develop coal and other mines, with authority to contract with capitalists to develop and work the mines.¹¹ Under these provisions leases were made; but Congress abrogated existing leases and prohibited all persons from receiving royalties from such mines, and provided [126] that all coal within the nation should remain the common property of the tribes.¹² Such leases are now expressly prohibited by act of Congress.¹³ All leases of mineral lands must now be made under regulations promulgated by the Secretary of the Interior, and the royalties paid into the United States Treasury for the benefit of the tribes.¹⁴ In Canada the Indians have no rights to the royal mines and minerals; and the Dominion Government can make no stipulation with the Indians which would affect the rights of the Province in which the lands are situated.¹⁵

Virginia: *Marshall v. Clark*, 4 Call, 268.
 Wisconsin: *Veeder v. Guppy*, 3 Wis., 502.
 United States: *Lattimer v. Potcut*, 14 Pet., 4; 10 L. Ed., 328; *Buttz v. Northern Pac. R. Co.*, 119 U. S., 55; 7 S. Ct., 100; 30 L. Ed., 330; *Beecher v. Wetherby*, 95 U. S., 517; 24 L. Ed., 440; *Marsh v. Brooks*, 14 How., 513; 14 L. Ed., 522; *Clark v. Smith*, 13 Pet., 195; 10 L. Ed., 123; *California, etc., Land Co. v. Worden*, 85 Fed., 94. But compare *Danforth v. Wear*, 9 Wheat. (U. S.), 673; 6 L. Ed., 188.
 See 27 Cent. Dig. tit. "Indians," sec. 25.
 But see *Montgomery v. Doe*, 13 Sm. & M. (Miss.), 161; *Strother v. Cathey*, 5 N. C., 162; 3 Am. Dec., 683; *Gillespie v. Cunningham*, 2 Humphr. (Tenn.), 19.
 Entries and surveys made on Indian lands prior to their cession are void, and no rights are acquired under such entry. *Chinn v. Darnell*, 5 Fed. Cas., No. 2684; 4 McLean, 440.
¹ *Gaines v. Hale*, 26 Ark., 168; *Thredgill v. Pintard*, 12 How. (U. S.), 24; 13 L. Ed., 877.
² *Atlantic, etc., R. Co. v. Mungus*, 165 U. S., 413; 17 S. Ct., 348; 41 L. Ed., 770; *U. S. v. Missouri, etc., R. Co.*, 26 Fed. Cas., No. 15786; 1 McCrary, 624 [affirmed in 92 U. S., 760; 23 L. Ed., 645]; *U. S. v. Leavenworth, etc., R. Co.*, 26 Fed. Cas., No. 15582; 1 McCrary, 610 [affirmed in 92 U. S., 733; 23 L. Ed., 634]; *Langford's Case*, 12 C. Cls., 338.
³ *Journeycake v. Cherokee Nation*, 28 C. Cls., 281.
⁴ *Tuttle v. Moore*, 3 Ind. T., 712; 64 S. W., 585. See also *Rush v. Thompson*, 2 Ind. T., 557; 53 S. W., 333, individual Indians who purchase town lots segregated from the public domain obtain only the right of occupancy.
 Lands apportioned to Indians of the Choctaw and Chickasaw Nations are still public lands and not held by allottees in their individual capacity as tenants in common. *Dukes v. Goodall* (Ind. T., 1904), 82 S. W., 702.
⁶ *Crowell v. Young* (Ind. T., 1901), 64 S. W., 607 [modified in (Ind. T., 1902), 69 S. W., 829]; *James v. Smith*, 3 Ind. T. 447; 58 S. W., 714; *Payne v. Kansas, etc., R. Co.*, 46 Fed., 546. See also *Blacksmith v. Fellows*, 7 N. Y., 401 [affirmed in 19 How. (U. S.), 366; 15 L. Ed., 684].
 The right of possession is sufficient to support a lease of the portion held. *Wilcoxon v. Hybarger*, 1 Ind. T., 138, 38 S. W., 669.
 Rights of purchaser: A sale of such land by the Indian occupant to a citizen of the United States passes no title; but the purchaser thereby acquires rights sufficient to maintain ejectment against another Indian who has no claim to the land except that he is a member of the tribe. *Williams v. Works* (Ind. T., 1903), 76 S. W., 246; *Kelly v. Johnson*, 1 Ind. T., 184; 39 S. W., 352.
 Limitation upon amount of land held in possession: Under 32 U. S. Stat. L., 643, sec. 19, it is unlawful for a Chickasaw Indian to hold possession of more than three hundred and twenty acres of land. See *Gooding v. Watkins* (Ind. T., 1904), 82 S. W., 913.
 The statute of frauds applies to a contract relating to the interest of an Indian possessing lands of the Indian nation. *Rowe v. Henderson* (Ind. T., 1903), 76 S. W., 250.
⁶ *Reynolds v. Clowdus* (Ind. T., 1903), 76 S. W., 277; *Holford v. James* (Ind. T., 1903), 76 S. W., 261.
 No right to sell to a citizen of United States: A Creek citizen entitled to the possession of Indian lands has no authority to sell to a citizen of the United States the possession or right. *Denton v. Capital Town Site Co.* (Ind. T., 1904), 82 S. W., 852.
⁷ *Wasson v. Willison*, 3 Ind. T., 365; 58 S. W., 574.
⁸ *Kendall v. San Juan Silver Min. Co.*, 144 U. S., 658; 12 S. Ct., 779; 36 L. Ed., 583. And see *Mines and minerals*.
⁹ *U. S. v. Four Bottles Sour-Mash Whisky*, 90 Fed., 720.
¹⁰ *Ansley v. Ainsworth* (Ind. T., 1902), 69 S. W., 884; *McCurtain v. Grady*, 1 Ind. T., 107; 38 S. W., 65.
¹¹ *Laws Chickasaw Nation*, pp. 188, 190. And see *McBride v. Farrington*, 131 Fed., 797.
¹² 30 U. S. Stat. L., 498. And see *Ansley v. Ainsworth* (Ind. T., 1902), 69 S. W., 884.
¹³ 32 U. S. Stat. L., 655.
¹⁴ *Cherokee Nation v. Hitchcock*, 187 U. S., 294; 23 S. Ct., 115; 47 L. Ed., 183; *Southwestern Coal Co. v. McBride*, 185 U. S., 499; 22 S. Ct., 763; 46 L. Ed., 1010; *Atoka Coal, etc., Co. v. Adams*, 104 Fed., 471; 43 C. C. A., 651 [affirming 3 Ind. T., 189; 53 S. W., 539].
 Accrued royalties due to lessors under valid leases were not affected by these statutes. *Southwestern Coal Co. v. McBride*, 185 U. S., 499; 22 S. Ct., 763; 46 L. Ed., 1010; *Atoka Coal, etc., Co. v. Adams*, 104 Fed., 471; 43 C. C. A., 651.
 Action by the Secretary upon applications for leases under these acts is a matter of administration, cognizable solely by the executive department. *Cherokee Nation v. Hitchcock*, 187 U. S., 294; 23 S. Ct., 115; 47 L. Ed., 183.
¹⁵ *Ontario Min. Co. v. Seybold*, 31 Ont., 386.

(b) *Ferry and water rights.*—Where by treaty a reservation was made of certain rights of ferrage, to be sold and the proceeds paid over to the Indian tribe, the Indians retained equal rights with other persons to a landing at the mouth of a public highway.¹ The Seneca Nation can convey the right to use the waters of streams on their lands without consulting the persons owning the right of preëmption to the reservation.²

(c) *Cutting timber and hay.*—Timber standing on lands occupied by Indians can not be cut by them for the purpose of sale alone; but they may sell timber cut for the purpose of improving the land.³ The common-law doctrine that the cutting of standing trees is waste does not apply to Indians in the use of a large tract of land within a State, granted to them by the United States.⁴ Other persons may not cut timber on Indian lands,⁵ even when authorized by the Indians.⁶ Where a statute empowers the President to authorize the Indians to cut and sell the dead timber on a reservation, the amount which can be removed is limited by the President's order.⁷ Where a contract has been made under such law, the [127] government is bound by the acts of its superintendent or agent where his duty required the exercise of judgment and discretion as to what constituted a "dead and down" timber,⁸ but not where he allows the delivery of an amount in excess of the contract.⁹ Payments made for timber received in excess of the amount stated in the contract do not give the purchaser title thereto.¹⁰ A member of the Creek Nation who is entitled to cut hay from the common lands may employ a noncitizen for that purpose in consideration of receiving an interest therein.¹¹ Under a statute prohibiting the removal of hay from the Indian lands, the word "hay" includes hay from grass sown and cultivated, as well as from natural grass.¹²

(d) *Eminent domain and right of way.*—The United States may exercise the right of eminent domain in respect to Indian lands,¹³ and so may a State having the ultimate property in land within an Indian reservation.¹⁴ There can be no prescriptive right of way over Indian reservations, since a prescription implies a grant and can not exist where there is no power to grant.¹⁵ An act of Congress conferring on the Secretary of the Interior full authority to grant a right of way to telephone lines in the Indian Territory, and providing that no lines shall be constructed across Indian lands until authority is obtained from such secretary, is not unconstitutional as impairing vested rights, as to a company previously granted by an Indian nation the exclusive privilege of erecting telephone lines therein, respecting territory not occupied by it and on which it has expended no money.¹⁶

¹ Walker v. Armstrong, 2 Kans., 198.

² Wadsworth v. Buffalo Hydraulic Assoc., 15 Barb. (N. Y.), 83.

³ Fellows v. Lee, 5 Den. (N. Y.), 628; Labadie v. U. S., 6 Okla., 400; 51 Pac., 666; U. S. v. Cook, 19 Wall. (U. S.), 591; 22 L. Ed., 210; U. S. v. Pine River Logging, etc., Co., 89 Fed., 907; 32 C. C. A., 406; Fegan v. McLean, 29 U. C. Q. B., 202.

⁴ The presumption is against the authority of the Indians to cut and sell timber, since they have only a right of occupancy in their lands. Every purchaser from them is charged with notice of this presumption. U. S. v. Cook, 19 Wall. (U. S.), 591; 22 L. Ed., 210.

⁵ The refusal of the Interior Department to sanction negotiations for the sale of timber by the Eastern Band of Cherokee Indians is conclusive, in the absence of fraud. U. S. v. Boyd, 83 Fed., 547; 27 C. C. A., 592.

⁶ Oneida Indians in Wisconsin have the right to cut and use timber, and to sell sufficient to support themselves and families. U. S. v. Foster, 25 Fed. Cas., No. 15141; 2 Biss., 377.

⁷ Wheeler v. Me-shing-go-me-sia, 30 Ind., 402.

⁸ Boies v. Blake, 13 Me., 381; Seneca Nation v. Hammond, 6 Thomps. & C. (N. Y.), 595; Labadie v. U. S., 6 Okla., 400; 51 Pac., 666.

⁹ An action for seizing lumber cut on Indian lands, brought against a Commissioner of Indian Affairs, must be brought within six months from the seizure, not from the sale. Jones v. Bain, 12 U. C. Q. B., 550.

¹⁰ Seneca Nation v. Hammond, 3 Thomps. & C. (N. Y.), 347; Chandler v. Edson, 9 Johns. (N. Y.), 362.

¹¹ Pine River Logging, etc., Co. v. U. S., 186 U. S., 279; 22 S. Ct., 920; 46 L. Ed., 1164; U. S. v. Pine River Logging, etc., Co., 89 Fed., 907; 32 C. C. A., 406.

¹² What is dead timber: "Dead timber, standing or fallen," within the meaning of 25 U. S. Stat. L., 673, includes trees which are so vitally injured that a prudent landowner would cut them to preserve their value; it does not include uninjured trees merely because they stand among dead trees. U. S. v. Pine River Logging, etc., Co., 89 Fed., 907; 32 C. C. A., 406.

¹³ White labor prohibited: A rule of the commissioner providing that "no white labor shall be employed" in cutting and removing timber will not prevent a white man from recovering an agreed compensation for hauling logs sold to his employer under a contract approved by the Secretary. Citizens' State Bank v. Bonnes, 83 Minn., 1; 85 N. W., 718.

¹⁴ U. S. v. Bonness, 125 Fed., 485; 60 C. C. A., 321.

¹⁵ U. S. v. Pine River Logging, etc., Co., 89 Fed., 907; 32 C. C. A., 406.

¹⁶ Pine River Logging, etc., Co. v. U. S., 186 U. S., 279; 22 S. Ct., 920; 46 L. Ed., 1164 [affirming 105 Fed., 1004; 44 C. C. A., 685]; U. S. v. Pine River Logging, etc., Co., 89 Fed., 907; 32 C. C. A., 406.

¹⁷ Eddy v. Lafayette, 163 U. S., 456; 16 S. Ct., 1082; 41 L. Ed., 225 [affirming 49 Fed., 807; 1 C. C. A., 441].

¹⁸ Reg. v. Good, 9 Can. L. T., 396; 17 Ont., 725.

¹⁹ Cherokee Nation v. Southern Kans. R. Co., 135 U. S., 641; 10 S. Ct., 965; 34 L. Ed., 295 [reversing on other grounds 33 Fed., 900, right of way for a railroad telegraph and telephone line. And see Eminent domain, 15 Cyc., 564.

²⁰ Compensation: An act of Congress authorizing the use of lands in the Indian Territory for toll bridges is not unconstitutional because no provision is made therein for compensation to the owners of the land used, as the ultimate title in all such lands is in the United States. Dukes v. McKenna (Ind. T., 1902), 69 S. W., 832.

²¹ France v. Erie R. Co., 2 Hun (N. Y.), 513; 5 Thomps. & C., 12; O'Meara v. Alleghany Highway Comrs., 3 Thomps. & C. (N. Y.), 235. And see Eminent domain, 15 Cyc., 565.

²² Woodworth v. Raymond, 51 Conn., 70.

²³ Muskogee Nat. Tel. Co. v. Hall (Ind. T., 1901), 64 S. W., 600.

3. *Sale and lease of tribal lands*—(a) *In general*.—An Indian tribe or nation in the United States has no power of alienation of lands, except to the United States or the State in which the lands are situated, or with the consent of the United States or such State.¹ Nor can the individual members of the tribe convey to a foreigner their interest in lands belonging to the tribe.² A white man [128] can not acquire any title from Indians by purchase.³ Leases of tribal lands⁴ to others than members of the tribe made without the consent of the Secretary of the Interior are generally void.⁵ All leases of agricultural and grazing lands in the Indian Territory were abrogated by act of Congress,⁶ except where the lessee claimed under an improvement contract or lease, when he was allowed possession [129] long enough to compensate him for the improvements made.⁷ The same statute provided, however, that any Indian in possession of such amount of land as would be his reasonable share of the lands of his tribe may use it or rent it until allotment is made.⁸ In Canada the right of Indians to alienate their lands is also restricted.⁹

¹ California: *Sunol v. Hepburn*, 1 Cal., 254.
Indian Territory: *Tuttle v. Moore*, 3 Ind. T., 712; 64 S. W., 585.
Louisiana: *Martin v. Johnson*, 5 Mart., 655.

Massachusetts: *Lynn v. Nahant*, 113 Mass., 433.
New York: *Fellows v. Denniston*, 23 N. Y., 420; *Goodell v. Jackson*, 20 Johns., 693; 11 Am. Dec., 351.
United States: *Buttz v. Northern Pac. R. Co.*, 119 U. S., 55; 7 S. Ct., 100; 30 L. Ed., 330; *U. S. v. Kagama*, 118 U. S., 375; 6 S. Ct., 1109; 30 L. Ed., 228; *U. S. v. Cook*, 19 Wall., 591; 22 L. Ed., 210; *Mann v. Wilson*, 23 How., 457; 16 L. Ed., 584; *Mitchel v. U. S.*, 9 Pet., 711; 9 L. Ed., 283; *Worcester v. Georgia*, 6 Pet., 515; 8 L. Ed., 433; *Cherokee Nation v. Georgia*, 5 Pet., 1; 8 L. Ed., 25; *Johnson v. McIntosh*, 8 Wheat., 543; 5 L. Ed., 61.

See 27 Cent. Dig. tit. "Indians," sec. 28.

For cession of lands by treaty see III, B.

Consent of Congress: Chiefs can not sell tribal lands to individuals, even with the consent of the Secretary of the Interior; the consent of Congress is necessary. *Hale v. Wilder*, 8 Kans., 545.

Contracts for land void: Contracts made with Indians for their lands are not merely voidable, but void. *St. Regis Indians v. Drum*, 19 Johns. (N. Y.), 127.

² *Hicks v. Coleman*, 25 Cal., 122; 85 Am. Dec., 103; *Denton v. Capital Town Site Co.* (Ind. T., 1904), 82 S. W., 852; *Goodell v. Jackson*, 20 Johns. (N. Y.), 693; 11 Am. Dec., 351.

A mortgage of Cherokee lands by a Cherokee to a citizen of the United States is not such a sale as is prohibited by the Cherokee constitution and laws. *Crowell v. Young* (Ind. T., 1902), 69 S. W., 829.

³ *Turner v. Gilliland* (Ind. T., 1903), 76 S. W., 253; *Hockett v. Alston*, 3 Ind. T., 432; 58 S. W., 675; *Case v. Hall*, 2 Ind. T., 8; 46 S. W., 180.

⁴ See *Morris v. Hitchcock*, 21 App. Cas. (D. C.), 565 [affirmed in 194 U. S., 384; 24 S. Ct., 712; 48 L. Ed., 1030] (holding that the power of leasing must be exercised in subordination to the laws of the United States looking to the protection of the Indians from intruders on their lands; and subject to the remaining governmental powers of the Indian nation, including the power of taxation); *Wasson v. Willison*, 3 Ind. T., 365; 58 S. W., 574.

The Tuscarora Indians were authorized to lease their lands, since the grant to them was absolute and unconditional. *Sacarus v. King*, 4 N. C., 336. The act of 1824, by which the long leases for years made by the Tuscarora Indians were for certain purposes made real estate, had no effect upon the reversions expectant on those terms. *Burnett v. Thompson*, 51 N. C., 210.

Leases by Seneca Indians: The act of Congress (18 U. S. Stat. L., 330), validating leases made in violation of existing law by Seneca Indians, superseded the provisions of the treaty made with the Six Nations (7 U. S. Stat. L., 44, art. 2), and leases executed and renewed under its authority are valid. *Shongo v. Miller*, 169 N. Y., 586; 62 N. E., 1100.

Leases by Chickasaw Indians for a longer term than one year are void, under the Chickasaw laws. *Thomas v. Sass*, 3 Ind. T., 545; 64 S. W., 531; *Sass v. Thomas*, 3 Ind. T., 536; 64 S. W., 528.

A Chickasaw Indian in possession of his prospective allotment has a right to lay out a town and rent lots on such allotment, no political or legal subdivision being created. *U. S. v. Lewis* (Ind. T., 1903), 76 S. W., 299.

A lease of Choctaw land by one white man to another is valid as between the parties, although the land may be held by the lessor in violation of the law of the Choctaw Nation. *Walker Trading Co. v. Grady Trading Co.*, 1 Ind. T., 191; 39 S. W., 354.

Lands "bought and paid for," which may be leased under authority of 26 U. S. Stat. L., 794, include all lands which have been purchased by the Indians either by the payment of money, or by exchange or by the surrender of possession of other property. *Strawberry Valley Cattle Co. v. Chipman*, 13 Utah, 454; 45 Pac., 348.

Grantees of the lessors of Indian lands take the lands subject to the lease. *Joines v. Robinson* (Ind. T., 1903), 76 S. W., 107.

Surrender of possession by white lessee: The act of Congress (30 U. S. Stat. L., 495), known as the Curtis Act, giving the owner of improvements on a lot in the Indian Territory a preferred right to purchase, did not affect the obligation of a white lessee to surrender possession to the lessor at the termination of the lease. *Fraer v. Washington*, 125 Fed., 280; 60 C. C. A., 194.

Lease from one not a citizen of nation: An improvement contract or lease from one whose claim to citizenship in the Indian nation had been decided adversely is void; the tenant is not entitled to the value of his improvements, and the lessor can not maintain an action for the recovery of possession. *Casteel v. McNeeley* (Ind. T., 1901), 64 S. W., 594.

The authority of an Indian agent to remove intruders from the Indian country does not extend to the determination of a private controversy regarding the validity of a lease under which a noncitizen has gone into possession of Indian lands. Such contracts are for the consideration of the judicial, not the executive, department. *Stephens v. Quigley*, 126 Fed., 145; 61 C. C. A., 214.

⁶ Dakota: *Uhlig v. Garrison*, 2 Dak., 71; 2 N. W., 253.

Idaho: *Langford v. Monteith*, 1 Ida., 612.

Indian Territory: *Turner v. Gilliland* (1903), 76 S. W., 253.

Kansas: *Mayes v. Cherokee Strip Live Stock Association*, 58 Kans., 712; 51 Pac., 215. See also *Kansas, etc., Land, etc., Co. v. Thompson*, 57 Kans., 792; 43 Pac., 34.

Missouri: *Cherokee Strip Live Stock Association v. Cass Land, etc., Co.*, 133 Mo., 394; 40 S. W., 107.

New York: *St. Regis Indians v. Drum*, 19 Johns., 127.

Oklahoma: *Light v. Conover*, 10 Okla., 732; 63 Pac., 966.

Washington: *Coey v. Low*, 36 Wash., 10; 77 Pac., 1077.

United States: *U. S. v. Hunter*, 21 Fed., 615.

Cherokee lands: Ratification of contract by the Secretary of the Interior under U. S. Rev. Stat. (1878), sec. 2103, is not required in the case of a lease of lands by the Cherokee Nation. *Cherokee Strip Live Stock Association v. Cass Land, etc., Co.*, 138 Mo., 394; 40 S. W., 107.

⁷ 30 U. S. Stat. L., 504. And see *Owens v. Eaton* (Ind. T., 1904), 82 S. W., 746; *Swinney v. Kelley* (Ind. T., 1903), 76 S. W., 303.

⁸ *Swinney v. Kelley* (Ind. T., 1903), 76 S. W., 303; *Barton v. Huisey* (Ind. T., 1902), 69 S. W., 868; *Casteel v. McNeeley* (Ind. T., 1901), 64 S. W., 594.

⁹ *Hubbard v. Chism* (Ind. T., 1904), 82 S. W., 686; *U. S. v. Lewis* (Ind. T., 1903), 76 S. W., 299.

See *Boucher v. Montour*, 20 Quebec Super. Ct., 291, holding that the nullity of sales or leases of property on an Indian reserve is only relative and can only be invoked by the Indians; those who have dealt with the Indians can not avail themselves of it.

The buying or contracting to buy from Indians not merely any lands of which they are in actual possession, but any lands held by the Government for their use or benefit, is prohibited by 13 and 14 Vict., c. 74. *Reg. v. Baby*, 12 U. C. Q. B., 346.

A mortgage, made by an Indian living on a reserve, of land in the reserve is void. *Black v. Kennedy*, *Manitoba t. Wood*, 144.

A lease made by a chief as agent for a tribe, his authority and power to so act not appearing, conveyed nothing. *Doe v. Ramsay*, 9 U. C. Q. B., 105.

(b) *Judicial sales*.—A sale of tribal lands under execution is void unless specially authorized by act of Congress.¹ In the Indian Territory improvements on real estate may be sold, but only to citizens of the tribe in which the property is situated,² and only on judgments rendered by the tribal courts.³

4. *Trespass and settlement*.—Settlement upon lands belonging, secured, or granted by treaty to any Indian tribe is prohibited by statute.⁵ In the Indian Territory a person not a member of one of the Indian tribes or nations has no right to occupy land except by the consent of one who is a member.⁶ A tribe is authorized to bring suit to recover the possession of lands held by one wrongfully claiming to be a member of the tribe,⁷ and if the chief of the tribe fails to act, then any member of the tribe may bring suit.⁸ In a suit so brought it must appear by the complaint that the chief or governor has failed or refused to bring it.⁹ [130] The suit is based primarily on the right of the tribe, and it may be substituted as plaintiff.¹⁰ The tribal government can not forfeit improvements made on lands within the nation by a noncitizen.¹¹

5. *Town sites*.—An exception to the general laws relating to lands in the Indian Territory is established by statute¹² in the case of town sites which may be held by white men under lease¹³ or sold to them, the proceeds being paid to the Indians.¹⁴ The creation of such cities and towns, and the extinguishment of the Indian title to the land, do not affect the governmental rights of the Indians.¹⁵

6. *Taxation of tribal lands*.—Lands secured to Indians by treaty can not be taxed for any purpose by the State in which they lie.¹⁶ And where the tribe agrees to sell its lands and give possession at a future date there can be no taxation of the lands prior to the delivery of possession.¹⁷

B. Cession by treaties—1. *Cession by Indians to government*—(a) *In general*.—By treaties made with Indian tribes, the tribes have conveyed, and the State or General Government has acquired, the tribal lands or a portion of them.¹⁸

¹ *Hastings v. Whitmer*, 2 Ind. T., 335; 51 S. W., 967; *Pound v. Pullen*, 3 Yerg. (Tenn.), 338.

² 26 U. S. Stat. L., 95. And see *Hampton v. Mays* (Ind. T., 1902), 69 S. W., 1115; *Mays v. Frieberg* 3 Ind. T., 774; 49 S. W., 52. The special execution authorized in mechanic's lien cases by Ind. T. Annot. St. (1899) sec. 2884, is not affected by this statute.

³ *Hampton v. Mays* (Ind. T., 1902), 69 S. W., 1115; *Crowell v. Young* (Ind. T., 1901), 64 S. W., 607.

⁴ Indians by blood only are entitled to claim exemption from sale of improvements on judgments of other than Indian courts. *Hampton v. Mays* (Ind. T., 1902), 69 S. W., 1115.

⁵ For removal of trespassers on reservation see *infra*, IV, B, 2.

⁶ For prosecution for return after removal see *infra*, IV, C, 6.

⁷ U. S. Rev. Stat. (1878), sec. 2118. And see *Uhlrig v. Garrison*, 2 Dak., 71; 2 N. W., 253; *Francis v. Green*, 7 Ida., 668; 65 Pac., 362; *Robinson v. Caldwell*, 67 Fed., 391; 14 C. C. A., 448 [affirming 59 Fed., 653].

⁸ Cherokee neutral lands: Under the Cherokee treaty of July 19, 1866, an actual settler upon the "Neutral Lands" could sell his improvements and rights to another, and his grantee could make the required proof. *Langdon v. Joy*, 14 Fed. Cas., No. 8062; 4 Dill., 391; *Stroud v. Missouri River, etc.*, R. Co., 23 Fed. Cas., No. 13547; 4 Dill., 396.

⁹ Injunction will lie to prevent intrusions on Indian lands in New York. *Strong v. Waterman*, 11 Paige (N. Y.), 607.

¹⁰ Extension of the corporate limits of a city by the Territorial legislature over a portion of an Indian reservation is valid, where the act does not affect the title of the Indians or their rights of property. *King v. McAndrews*, 104 Fed., 430.

¹¹ Settlement before Indian title extinguished: Where proof of settlement and occupancy are accepted by Federal land officers the title thereby acquired is valid, although the settlement was made prior to the extinguishment of the Indian title. *Mankato v. Meagher*, 17 Minn., 265; *Carson v. Smith*, 5 Minn., 78; 77 Am. Dec., 639.

¹² *Holford v. James* (Ind. T., 1903), 76 S. W., 261; *Rogers v. Hill*, 3 Ind. T., 562; 64 S. W., 536; *Hockett v. Alston*, 3 Ind. T., 432; 58 S. W., 675; *Case v. Hall*, 2 Ind. T., 8; 46 S. W., 180.

¹³ 30 U. S. Stat. L., 495.

¹⁴ *Brought v. Cherokee Nation* (Ind. T., 1902), 69 S. W., 937.

¹⁵ Individual Indians can not sue as such to recover possession of lands held under a void improvement contract, such right of action being in the sovereign. *Casteel v. McNeely* (Ind. T., 1901), 64 S. W., 594.

¹⁶ *Brought v. Cherokee Nation* (Ind. T., 1902), 69 S. W., 937; *Daniels v. Miller* (Ind. T., 1902), 69 S. W., 925; *Hargrove v. Cherokee Nation*, 3 Ind. T., 478; 58 S. W., 667.

¹⁷ *Price v. Cherokee Nation* (Ind. T., 1904), 82 S. W., 893; *Brought v. Cherokee Nation*, 129 Fed., 192; 63 C. C. A., 350; *Hargrove v. Cherokee Nation*, 129 Fed., 186; 63 C. C. A., 276.

¹⁸ *Ansley v. McLoud* (Ind. T., 1904), 82 S. W., 908. But compare *Qonohoo v. Howard* (Ind. T., 1902), 69 S. W., 927.

¹⁹ 30 U. S. Stat. L., 500, 505, 508.

²⁰ *Ellis v. Fitzpatrick*, 118 Fed., 430; 55 C. C. A., 260 [affirming 3 Ind. T., 656; 64 S. W., 567]. See also *Fraer v. Washington* (Ind. T., 1902), 69 S. W., 835 (holding that a lessor to a noncitizen may recover possession in unlawful defainer on tendering the value of the improvements made by the tenant, at the expiration of the term); *Tye v. Chickasha Town Co.*, 2 Ind. T., 113; 48 S. W., 1021.

²¹ *Tuttle v. Moore*, 3 Ind. T., 712; 64 S. W., 585.

²² *Zevely v. Weimer* (Ind. T., 1904), 82 S. W., 941; *Maxe v. Wright*, 3 Ind. T., 243; 54 S. W., 807.

²³ *Allen County v. Simons*, 129 Ind., 193; 28 N. E., 420; 13 L. R. A., 512; *Me-shing-go-me-sia v. State*, 36 Ind., 310; *Fellows v. Denniston*, 23 N. Y., 420; *In re New York Indians*, 5 Wall. (U. S.), 761, 18 L. Ed., 708; *New Jersey v. Wilson*, 7 Cranch (U. S.), 164; 3 L. Ed., 303; *Wau-pa-man-qua v. Aldrich*, 28 Fed., 489.

²⁴ Pueblo Indian lands in New Mexico are taxable, the Pueblos not being tribal Indians. *Territory v. Delinquent Tax List* (N. Mex., 1904), 76 Pac., 307.

²⁵ Land in possession of a railroad company under a statute authorizing the company to contract with the Indians for the right of way is taxable. *People v. Beardsley*, 52 Barb. (N. Y.), 105.

²⁶ *In re New York Indians*, 5 Wall. (U. S.), 761; 18 L. Ed., 708. See also *Missouri River, etc.*, R. Co. v. *Morris*, 13 Kans., 302.

²⁷ Full payment before taxation: Indian lands sold under a deed conditioned to operate as a full conveyance only on receipt of the deferred payments were not subject to taxation prior to full payment. *Page v. Pierce County*, 25 Wash., 6; 64 Pac., 801.

²⁸ *Webster v. Cooke*, 23 Kans., 637; *Wood v. Missouri, etc.*, R. Co., 11 Kans., 323; *Minter v. Shirley*, 45 Miss., 376; *U. S. v. Choctaw, etc.*, R. Co., 3 Okla., 404; 41 Pac., 729; *Lone Wolf v. Hitchcock*, 187 U. S., 553; 23 S. Ct., 216; 47 C. C. A., 299; *Holden v. Joy*, 17 Wall. (U. S.), 211; 21 L. Ed., 523.

²⁹ Cession of Indian lands in Canada see *Ontario v. Canada*, 25 Can. Supreme Ct., 434 [affirmed in 1897] A. C., 199; 66 L. J. P. C., 11; 75 L. T. Rep. N. S., 522; *Ontario Min. Co. v. Seybold*, 31 Ont., 386.

³⁰ A reservation of land in a treaty of cession simply secures to those in whose favor the reservation is made a continuation of the right of occupancy, the ultimate title remaining in the United States. *Wheeler v. Me-shing-go-me-sia*, 30 Ind., 402.

(b) *Conditions*.—Such treaties may prescribe the terms and conditions upon which the lands are to be conveyed.¹

[131] (c) *Title and rights acquired*.—The title acquired by the Government is absolute and extinguishes all rights and interests of the Indians in the lands, unless there is an express reservation in the treaty.²

(d) *Grants to individuals*.—A good title to parts of the lands of an Indian tribe may be granted to individuals by a treaty between the United States and the tribe, without an act of Congress or a patent from the Executive.³

2. *Cession of lands to tribes by treaty*.⁴—Under treaties made with the Government Indian tribes have at various times secured grants or reservations of lands.⁵ Where a treaty contains a grant or reservation to Indians it operates as a grant *in presenti*, and the title vests by operation of the treaty;⁶ and a clause authorizing forfeiture on failure of condition can be taken advantage of only by legislative or judicial action.⁷ Both parties to the treaty are bound by its recognition of territorial rights,⁸ and by the boundaries described and the restrictions imposed by the terms of the treaty.⁹

3. *Sale under treaty provisions*.—Under treaties made with Indians the Government has in some instances accepted cessions of land to be sold for the benefit of the tribes making such treaties,¹⁰ and in such case the United States acts simply [132] as the agent or trustee of the tribe of Indians by which such a cession of land was made.¹¹

C. *Lands held by individual Indians*—1. *Allotments and grants*—(a) *In general*.—Allotments of tribal lands have been acquired by individual Indians under treaties¹² or by acts of Congress.¹³ Individual Indians may also acquire rights in

A quitclaim by a tribal council acknowledged by the State and acquiesced in by the tribe is valid. *In re Narragansett Indians* 20 R. I., 715; 40 Atl., 347.

A quitclaim by the Wichita and affiliated bands can not be made a condition of a decree for compensation due them on account of surplus lands. *U. S. v. Choctaw Nation*, 179 U. S., 494; 21 S. Ct., 149; 45 L. Ed., 291.

¹ *Wood v. Missouri, etc.*, R. Co., 11 Kans., 323; *Love v. Pamplin*, 21 Fed., 755.

Laws prohibiting sale of liquor may be continued in effect and extended over territory ceded by the provisions of a treaty; and such a stipulation operates *proprio vigore*. *U. S. v. Lariviere*, 93 U. S., 183; 23 L. Ed., 846.

Reservation of right to fish and place to camp: A cession by Chippewa Indians reserving the right to fish and a place for encampment did not extinguish the Indian title to the tract reserved. *Spalding v. Chandler*, 160 U. S., 394; 16 S. Ct., 360; 40 L. Ed., 469.

² *Choctaw Nation v. U. S.*, 179 U. S., 494; 21 S. Ct., 149; 45 L. Ed., 291. See also *Penobscot Tribe v. Veazie*, 58 Me., 402; *Strother v. Cathey*, 5 N. C., 162; 3 Am. Dec., 683.

³ *Jones v. Meehan*, 175 U. S., 1; 20 S. Ct., 1; 44 L. Ed., 49; *Best v. Polk*, 18 Wall. (U. S.), 112; 21 L. Ed., 805; *Holden v. Joy*, 17 Wall. (U. S.), 211; 21 L. Ed., 523; *Crews v. Burcham*, 1 Black (U. S.), 352; 17 L. Ed., 91; *U. S. v. Brooks*, 10 How. (U. S.), 442; 13 L. Ed., 489; *Mitchell v. U. S.*, 9 Pet. (U. S.), 711; 9 L. Ed., 283. See also *McKeon v. Tillotson*, 3 Abb. Dec. (N. Y.), 110.

Enforcement of a treaty requiring removal of the Indians from lands ceded by them for the benefit of individuals is a matter for the action of the Government. There is no private remedy available to the grantees. *Fellow v. Blacksmith*, 19 How. (U. S.), 366; 15 L. Ed., 684.

⁴ For reservations as residence for tribes see III, A, 1, (b).

For control of reservations see IV, B, 1.

⁵ *White v. Wright*, 83 Minn., 222; 86 N. W., 91; *Seneca Nation v. Hugaboom*, 132 N. Y., 492; 30 N. E., 963; *New York Indians v. U. S.*, 170 U. S., 1; 18 S. Ct., 531; 42 L. Ed., 927; *Holden v. Joy*, 17 Wall. (U. S.), 211; 21 L. Ed., 523; *U. S. v. Brooks*, 10 How. (U. S.), 442; 13 L. Ed., 489; *Marsh v. Brooks*, 8 How. (U. S.), 223; 12 L. Ed., 1056; *Prentice v. Stearns*, 20 Fed. Cas., 20 Fed. Cas., No. 16137; 5 Dill., 405. See also *Choctaw Nation v. U. S.*, 179 U. S., 494; 21 S. Ct., 149; 45 L. Ed., 291.

Reservation distinguished from cession: The reservation of a tract out of lands ceded by Indians to the United States is not a cession and retrocession and does not let in intervening rights. *California, etc., Land Co. v. Worden*, 85 Fed., 94; 87 Fed., 532.

⁶ *Webster v. Reid, Morr. (Iowa)*, 467; *Jones v. Meehan*, 175 U. S., 1; 20 S. Ct., 1; 44 L. Ed., 49; *U. S. v. New York Indians*, 173 U. S., 464; 19 S. Ct., 487; 43 L. Ed., 769; *New York Indians v. U. S.*, 170 U. S., 1; 18 S. Ct., 531; 42 L. Ed., 927.

⁷ *New York Indians v. U. S.*, 170 U. S., 1; 18 S. Ct., 531; 42 L. Ed., 927.

⁸ *Maiden v. Ingersoll*, 6 Mich., 373.

⁹ *Jordan v. Goldman*, 1 Okla., 406; 34 Pac., 371. See also *Seneca Nation v. Hugaboom*, 132 N. Y., 492; 30 N. E., 963.

Mistake in survey: Indians are entitled to compensation for land excluded from a tract ceded to them by a mistake in surveying and fixing the boundaries. *Choctaw Nation v. U. S.*, 119 U. S., 1; 7 S. Ct., 75; 30 L. Ed., 306.

A tribe is estopped to claim any lands ceded to them by a treaty which describes boundaries including lands not then within the limits of the United States, where by a subsequent treaty and grant, accepted by them without objection, they have received lands identical with those ceded by the earlier treaty, so far as such lands lay within the limits of the United States. *U. S. v. Choctaw Nation*, 179 U. S., 494; 21 S. Ct., 149; 45 L. Ed., 291.

Lands equal in value, but less in acreage, set apart under a treaty with the Chippewa Indians sufficiently fulfilled the conditions of the treaty, and the Indians are not entitled to recover the difference in acreage, under 30 U. S. Stat. L., 88. *Chippewa Indians v. U. S.*, 34 C. Cls., 426.

¹⁰ *Holden v. Joy*, 17 Wall. (U. S.), 211; 21 L. Ed., 523. See also *Choctaw Nation v. U. S.*, 119 U. S., 1; 7 S. Ct., 75; 30 L. Ed., 306.

Right of settlers on such lands: Under the treaty for the sale of the Cherokee neutral lands one who was an actual settler on said lands and had made improvements upon only one half of the quarter section was entitled to buy only that half upon which the improvements had been made. *Armstrong v. Missouri River, etc.*, R. Co., 1 Fed. Cas., No. 550; 5 Dill., 491.

Manner of making sale: The United States having undertaken by treaty to "expose to public sale to the highest bidder" the lands ceded to them by certain Indians and having disposed of a large part of the same at private sale are guilty of a violation of a trust, and the measure of damages for the violation is the difference between the amounts realized and the price fixed by statute for land open to entry and sale. *U. S. v. Blackfeather*, 155 U. S., 180; 15 S. Ct., 64; 39 L. Ed., 114 [reversing 28 C. Cls., 447]. Under the Chickasaw treaty of 1834 the President of the United States was vested with authority to sell certain lands for the benefit of the Chickasaw Indians in the manner which might be prescribed by him. Where the land was sold in a manner not authorized by the instructions of the president the sale was actually void and his approval of such unauthorized sale could not operate by way of estoppel on the rights of the beneficiaries. *Harris v. McKissack*, 34 Miss., 464.

¹¹ *McKeon v. Tillotson*, 3 Abb. Dec. (N. Y.), 110; *Chickasaw Nation v. U. S.*, 22 C. Cls., 222.

¹² *Minter v. Shirley*, 45 Miss., 376; *Sutton v. Moore*, 25 N. C., 66; *Doe v. Welsh*, 10 N. C., 155; *Blair v. Pathkiller*, 2 Yerg. (Tenn.), 407; *Stone v. U. S.*, 2 Wall. (U. S.), 525; 17 L. Ed., 765.

¹³ 24 U. S. Stat. L., 388; 26 U. S. Stat. L., 794. And see *Lone Wolf v. Hitchcock*, 187 U. S., 533; 23 S. Ct., 216; 47 L. Ed., 299; *Sloan v. U. S.*, 118 Fed., 283; *Sloan v. U. S.*, 95 Fed., 193.

Such acts are to be liberally construed to effect their purpose of encouraging the Indians to break up their tribal relations and adopt the habits of civilized life. *Sloan v. U. S.*, 118 Fed., 283.

Mineral lands are excepted from allotment to Indians under 27 U. S. Stat. L., 62, and prospectors and miners were not required to wait for the proclamation opening the tract before making explorations for minerals, although settlement upon agricultural lands was not permissible until the expiration of the time fixed by the statute. *Collins v. Bubbs*, 73 Fed., 735.

State or other lands, by special enactment;¹ and, if they have abandoned their tribal relations, may avail themselves of the homestead laws.² Lands belonging to Indians in common, where the tribal organization is extinct, may be partitioned and sold in accordance with the laws of the State where they are situated.³

(b) *Who entitled to allotments—(I) In general.*—All members of a tribe by blood, whether full blood, half breeds, or "mixed bloods," are entitled to share in the allotment of the tribal lands.⁴

(II) *Heads of Indian families.*—Where a treaty provides for reservations [133] or allotments to the "heads of Indian families,"⁵ such designation includes a white man married to an Indian woman.⁶ Where allotments are limited to Indians, but the amount to be allotted depends upon whether the allottee is the head of a family, the amount is determined by his status at the time of the allotment and not at the date of the act.⁷

(III) *Remedy for denial of right.*—Any person of Indian blood unlawfully excluded from an allotment of land may maintain an action therefor in the Circuit Court of the United States,⁸ and the judgment of such court has the same effect as the allowance of the allotment by the Secretary of the Interior.⁹ The United States is by statute¹⁰ a necessary party to the suit.¹¹

(c) *Location and patent.*—Reservees under a treaty take by the treaty, not by patent from the Government.¹² The title is complete when the location is made,¹³

¹ *Jameson v. Pierce*, 78 N. Y. App. Div., 9; 79 N. Y. Suppl., 3; *Colvord v. Monroe*, 63 N. C., 288. See also *McAlpin v. Henshaw*, 6 Kans., 176; *Jones v. Sherman*, 56 Miss., 559; *Walker v. Henshaw*, 16 Wall. (U. S.), 436; 21 L. Ed., 365.

² 18 U. S. Stat. L., 420 [U. S. Comp. St. (1901) p. 1419]; 23 U. S. Stat. L., 96 [U. S. Comp. St. (1901) p. 1420]. And see *Frazer v. Spokane County*, 29 Wash., 278; 69 Pac., 779.

³ *Telford v. Barney*, 1 Greene (Iowa), 575; *In re Coombs*, 127 Mass., 278; *Seneca Nation v. Lehley*, 55 Hun (N. Y.), 83; 8 N. Y. Suppl., 245; *Grinnell v. MacLean*, 16 Hun (N. Y.), 133; *Fowler v. Scott*, 64 Wis., 509; 25 N. W., 716.

⁴ *Campau v. Dewey*, 9 Mich., 381; *Seneca Nation v. Lehley*, 55 Hun (N. Y.), 83; 8 N. Y. Suppl., 245; *Smith v. He-yu-tse-mil-kin*, 110 Fed., 60; 119 Fed., 114; 55 C. C. A., 216 [affirmed in 194 U. S., 401; 24 S. Ct., 676; 48 L. Ed., 1039]; *Sloan v. U. S.*, 118 Fed., 283; *Sloan v. U. S.*, 95 Fed., 193.

⁵ Enrollment: Prior to 30 U. S. Stat. L., 503, and 31 U. S. Stat. L., 236, regarding the enrollment of Mississippi Choctaws, such an Indian who had not been on the rolls of the Choctaw Nation as a citizen thereof could not hold lands in the Choctaw and Chickasaw Nations. *Ikard v. Minter* (Ind. T., 1902), 69 S. W., 852.

⁶ Designation by chiefs: When a treaty provides that the parties to receive patents to lands reserved by the treaty shall be designated by the chief, his selection is binding upon the United States. *Lownsberry v. Rakestraw*, 14 Kans., 151; *Prentice v. Stearns*, 20 Fed., 819.

⁷ A child of Indian parents, who was not born on lands belonging to the tribe and never resided thereon, whose father is not shown to have been a member of the tribe, and whose mother resides with her husband and children elsewhere, is not entitled to share in the division of the Herring Pond tribal lands, under Mass. Stat. (1869), c. 463, sec. 3. *Danzell v. Webquish*, 108 Mass., 133.

⁸ A release of Indian citizenship by an Indian to the State did not affect his title to lands subsequently acquired as an Indian, under a treaty between his tribe and the United States. *Newman v. Doe*, 4 How. (Miss.), 522.

⁹ Subsequent acquirement of membership in tribe: A person of mixed blood who did not reside on the reservation at the time of the passage of the allotment act, but who came there prior to the time when the tribe gave the consent required to render the act effective, was not entitled to the benefit of the act unless his application for membership was approved by the tribe. *Sloan v. U. S.*, 118 Fed., 283.

¹⁰ See *Summers v. Spybuck*, 1 Kans., 394; *Newman v. Doe*, 4 How. (Miss.), 522; *Wilson v. Wall*, 6 Wall. (U. S.), 83; 18 L. Ed., 727; *Morrisett v. U. S.*, 132 Fed., 891.

¹¹ An Indian widow, with whom an orphaned grandchild lives, is the head of an Indian family. *Rowland v. Ladiga*, 21 Ala., 9 [reversed on other grounds in 2 How. (U. S.), 581; 11 L. Ed., 387].

¹² *Tuten v. Martin*, 3 Yerg. (Tenn.), 452; *Morgan v. Fowler*, 2 Yerg. (Tenn.), 450; *Riley v. Elliston*, 2 Yerg. (Tenn.), 431. And see *Turner v. Fish*, 28 Miss., 306.

¹³ Only the children of the Indian wife are entitled to the estate in remainder in lands in which a life estate is granted to the head of an Indian family with the reversion in fee simple to his children. His children by a former or subsequent marriage with a white woman take no interest. *Tuten v. Byrd*, 1 Swan (Tenn.), 108.

¹⁴ *Sloan v. U. S.*, 118 Fed., 283.

¹⁵ 28 U. S. Stat. L., 305. And see *Hy-yu-tse-mil-kin v. Smith*, 119 Fed., 114; 55 C. C. A., 216 [affirmed in 194 U. S., 401; 24 S. Ct., 676; 48 L. Ed., 1039].

¹⁶ Heir may maintain suit against widow claiming dower. *Patawa v. U. S.*, 132 Fed., 893.

¹⁷ *Smith v. He-yu-tse-mil-kin*, 110 Fed., 60; *Sloan v. U. S.*, 95 Fed., 193.

¹⁸ 31 U. S. Stat. L., 760.

¹⁹ *Parr v. U. S.*, 132 Fed., 1004; *Hy-yu-tse-mil-kin v. Smith*, 119 Fed., 114; 55 C. C. A., 216 [affirmed in 194 U. S., 401; 24 S. Ct., 676; 48 L. Ed., 1039].

²⁰ *Oliver v. Forbes*, 17 Kans., 113; *Lownsberry v. Rakestraw*, 14 Kans., 151; *Hit-tuk-ho-mi v. Watts*, 7 Sm. & M. (Miss.), 363; 45 Am. Dec., 308; *Meehan v. Jones*, 70 Fed., 453. See also *Hartman v. Warren*, 76 Fed., 157; 22 C. C. A., 30. *Contra*, *Neddy v. State*, 8 Yerg. (Tenn.), 249.

²¹ Alabama: *Johnson v. McGehee*, 1 Ala., 186; *Kennedy v. McCartney*, 4 Port., 141.

Indiana: *Dequindre v. Williams*, 31 Ind., 444; *Harris v. Barnett*, 4 Blackf., 369.

Michigan: *Francis v. Francis*, 136 Mich., 288; 99 N. W., 14; *Dewey v. Campau*, 4 Mich., 565; *Stockton v. Williams*, 1 Dougl., 546; *Stockton v. Williams*, *Waik.*, 120.

Mississippi: *Hardin v. Ho-yo-po-nubby*, 27 Miss., 567; *Wray v. Ho-ya-pa-nubby*, 10 Sm. & M., 452; *Coleman v. Tish-ho-mah*, 4 Sm. & M., 40; *Doe v. Newman*, 3 Sm. & M., 565; *Niles v. Anderson*, 5 How., 365; *Newman v. Doe*, 4 How., 522; *Land v. Land*, Sm. & M. Ch., 158.

Tennessee: *Jones v. Evans*, 5 Yerg., 323; *McConnell v. Mousepaine*, 2 Yerg., 438.

Wisconsin: *Ruggles v. Marsilliott*, 19 Wis., 150.

United States: *Smith v. Bonifer*, 132 Fed., 889; *Best v. Polk*, 18 Wall., 112; 21 L. Ed., 805; *U. S. v. Brooks*, 10 How., 442; 13 L. Ed., 439.

See 27 Cent. Dig. tit. "Indians," sec. 33.

Failure of the Government agent to do duty: When an Indian complies with the requirements of the treaty by making his location, or applying for registration, the failure of the agent to do his duty will not deprive the Indian of his right to the land selected. *Rowland v. Ladiga*, 21 Ala., 9; *Land v. Keirn*, 52 Miss., 341; *Wray v. Ho-ya-pa-nubby*, 10 Sm. & M. (Miss.), 452; *Coleman v. Tish-ho-mah*, 4 Sm. & M. (Miss.), 40; *Land v. Land*, Sm. & M. Ch. (Miss.), 158.

The selection must be definite: *Prentice v. Duluth Storage, etc., Co.*, 53 Fed., 437; 7 C. C. A., 293.

A mistake in reporting a selection made may be corrected even after the issue of patent; but if the allottee is aware of the mistake and acquiesces in the action taken, his act is virtually a selection of the tract reported. *Lownsberry v. Rakestraw*, 14 Kans., 151.

Recitals in the patent are conclusive as to the identity of the land patented with that selected, at least as to third persons. *Mann v. Wilson*, 23 How. (U. S.), 457; 16 L. Ed., 584; *Crews v. Burcham*, 1 Black (U. S.), 352; 17 L. Ed., 91.

and relates back to the date of the treaty.¹ A patent thereafter issued confers no new rights,² and is void if issued to another than the Indian making the location.³

[134] (d) *Possession and residence*.—Actual possession and residence upon the lands reserved is necessary in order to acquire title.⁴ The residence of an agent thereon is not sufficient, where the treaty requires residence.⁵

(e) *Abandonment of forfeiture*.—Where a treaty or statute requires residence on the lands located, voluntary removal therefrom without the intention of returning works a forfeiture,⁶ and title reverts to the United States without entry or other act on the part of its agents.⁷ But a temporary absence does not cause forfeiture,⁸ nor does a removal by force.⁹

(f) *Title and rights acquired*.—The title and rights of an Indian to whom land has been allotted under a treaty depend upon the terms of the treaty and of the patent executed in accordance therewith.¹⁰ A title in fee simple absolute may be vested in him,¹¹ or a title in fee subject only to conditions subsequent.¹² He may take a vested estate which can not be taken away or affected by any subsequent action of the executive department of the Government, so long as he complies with the conditions,¹³ or he may take only a title of occupancy, the fee remaining in the United States.¹⁴ Where an allotment is made under the statute¹⁵ which provides that the United States shall hold the land in trust for 25 years, or longer at the option of the President, and then convey the land in fee, the land remains the property of the United States during the trust period;¹⁶ and the Indian's rights as a citizen, acquired by reason of the allotment, are not impaired by the restriction of his power to alienate the land or its proceeds.¹⁷ Under a statute allotting lands to Indians in quantities varying according to the size of the family, and providing that the allotment could be declared abandoned if they failed to occupy it, and forbidding alienation, the children of the wife by a former husband inherited no interest in the lands on her death before that of her husband, since the only right of the husband or wife was the enjoyment of the family right of possession held by the husband for the family.¹⁸ The grant [135] to the Sac and Fox half-breeds in Iowa, by act of Congress, was a grant of an absolute estate to them as individuals, to be held as tenants in common.¹⁹

2. *Sale*—(a) *Right to convey*—(I) *In general*.—The right of an individual Indian to convey his land depends generally upon statutory and treaty provisions,²⁰ and

¹ McAfee v. Lynch, 26 Miss., 257.

² Oliver v. Forbes, 17 Kans., 113; Stockton v. Williams, 1 Dougl. (Mich.), 546.

A patent is evidence that the patentee was one of those entitled and that the land has been duly surveyed and located. Harris v. McKissack, 34 Miss., 464.

³ Land v. Keirn, 52 Miss., 341; Wray v. Doe, 10 Sm. & M. (Miss.), 452; Hit-tuk-ho-mi v. Watts, 7 Sm. & M. (Miss.), 363; 45 Am. Dec., 308; Stockton v. Williams, 1 Dougl. (Mich.), 546; Fowler v. Scott, 64 Wis., 509; 25 N. W., 716.

⁴ Newman v. Doe, 4 How. (Miss.), 522; Nedly v. State, 8 Yerg. (Tenn.), 249; McConnell v. McGee, 7 Yerg. (Tenn.), 63; Tuten v. Martin, 3 Yerg. (Tenn.), 452; West v. Donoho, 3 Yerg. (Tenn.), 445. Compare Belk v. Love, 18 N. C., 65.

⁵ Doe v. Newman, 3 Sm. & M. (Miss.), 565.

⁶ Doe v. Newman, 3 Sm. & M. (Miss.), 565; Welch v. Trotter, 53 N. C., 197; Grubbs v. McClatchy, 2 Yerg. (Tenn.), 432.

Lands allotted to Shawnees by treaty, and afterward abandoned for other lands, did not become a part of the "surplus lands" which were set apart for the absentee Indians by the President. Hale v. Wilder, 8 Kans., 545.

⁷ Corprew v. Arthur, 15 Ala., 525; Wells v. Thompson, 13 Ala., 793; 48 Am. Dec., 76; Crommelin v. Minter, 9 Ala., 594; Kennedy v. McCartney, 4 Port. (Ala.), 141.

⁸ Rowland v. Ladiga, 21 Ala., 9 [reversed in 2 How. (U. S.), 581; 11 L. Ed., 387]; Doe v. Newman, 3 Sm. & M. (Miss.), 565; Morgan v. Fowler, 2 Yerg. (Tenn.), 450; Grubbs v. McClatchy, 2 Yerg. (Tenn.), 432.

⁹ Land v. Keirn, 52 Miss., 341; Coleman v. Doe, 4 Sm. & M. (Miss.), 40; Evans v. Jones, 8 Yerg. (Tenn.), 461; McIntosh v. Cleveland, 7 Yerg. (Tenn.), 46; Jones v. Evans, 5 Yerg. (Tenn.), 323; McConnell v. Mousepaine, 2 Yerg. (Tenn.), 438.

¹⁰ Rose v. Griffin, 33 Ala., 717; Jones v. Inge, 5 Port. (Ala.), 327; Eu-che-lah v. Welsh, 10 N. C., 155; Cornet v. Winton, 2 Yerg. (Tenn.), 143; Pka-o-wah-ash-kum v. Sorin, 8 Fed., 740; 10 Biss., 293.

The Cherokee treaties of 1817 and 1819 vested an absolute title for life in the Indian reservee; if he had no children, a grant of the fee by the State to him was not void, but vested the entire interest in the grantee. Peck v. Carmichael, 9 Yerg. (Tenn.), 325; Nedly v. State, 8 Yerg. (Tenn.), 249; Jones v. Evans, 5 Yerg. (Tenn.), 323.

Right to proceeds from land: Where individual Indians have rightfully cut logs on land allotted to them and a Government agent seizes and sells them the Indians have a valid claim on the proceeds. Thayer v. U. S., 20 C. Cls., 137.

¹¹ Summers v. Spybuck, 1 Kans., 394; Stockton v. Williams, 1 Dougl. (Mich.), 546; Hicks v. Butrick, 12 Fed. Cas., No. 6458; 3 Dill., 413.

¹² Ross v. Eells, 56 Fed., 855.

¹³ Bird v. Terry, 129 Fed., 472 [affirmed in 129 Fed., 592].

¹⁴ Grinter v. Kansas Pac. R. Co., 23 Kans., 642; Goodfellow v. Muckey, 10 Fed. Cas., No. 5537; 1 McCrary, 233.

¹⁵ 24 U. S. Stat. L., 388.

¹⁶ U. S. v. Gardner, 133 Fed., 285, 66 C. C. A., 663.

¹⁷ Hitchcock v. U. S., 22 App. Cas. (D. C.), 275.

¹⁸ Bird v. Winver, 24 Wash., 269; 64 Pac., 178.

¹⁹ Haight v. Keokuk, 4 Iowa, 199; Wright v. Marsh, 2 Greene (Iowa), 94; Webster v. Reid, Morr. (Iowa), 467.

²⁰ See the following cases:

Kansas: McGannon v. Straightledge, 37 Kans., 87; 14 Pac., 452; Lemert v. Barnes, 13 Kans., 9.

Massachusetts: Pells v. Webquish, 129 Mass., 463.

New York: Murray v. Wooden, 17 Wend., 531; Lee v. Glover, 8 Cow., 189.

Wisconsin: Farrington v. Wilson, 29 Wis., 333.

United States: Taylor v. Brown, 147 U. S., 640; 13 S. Ct., 549; 37 L. Ed., 313.

See 27 Cent. Dig. tit. "Indians," sec. 37.

Mexican Indians: Under the constitution and laws of Mexico an Indian was as competent to have, hold, and convey real estate as any other citizen. U. S. v. Ritchie, 17 How. (U. S.), 525; 15 L. Ed., 236.

In Canada the statute (13 and 14 Vict., c. 74) which prohibits the sale of land by Indians applies only to lands reserved for their occupation, title to which is still in the Crown, and not to lands to which any individual Indian has acquired a title. Totten

where it has been granted to him by treaty or patent, without restriction as to alienation, he may sell it as any other person.¹ But where a treaty, grant, or statute restricts alienation,² a deed made in violation of the restriction is void,³ [136] even though the patent was on its face an absolute conveyance, and did not show that the patentee was an Indian;⁴ and notwithstanding the fact that such Indians have become citizens of the United States.⁵

(II) *Effect of deed when alienation restricted.*—A deed by an Indian in contravention of a treaty or grant withholding or restricting the power of alienation is not color of title,⁶ and a vendee can not acquire any right under such deed by adverse possession or estoppel.⁷

(b) *Mode and validity of conveyance.*—Where a treaty or statute prescribes a particular mode of conveyance, one independent of that mode is forbidden by implication and is void;⁸ the removal of disabilities after the sale does not render it

¹ Watson, 15 U. C. Q. B., 392. The locatee of Indian lands can assign his interest therein, or in the timber thereon; and actual notice of such an assignment, even if there has been a failure to register as provided by the Indian Act, is sufficient to prevent a subsequent assignee from obtaining priority. *Bridge v. Johnston*, 8 Ont. L. Rep., 136.

A conveyance of allotted land, made by the allottee before his application was acted upon by the President and patent issued, is void, and conveyed no title, either directly or by estoppel, to the grantee. *Baldwin v. Letson*, 6 Kans. App., 11; 49 Pac., 619. Assignment presumed: An assignment of a house and lot by an Indian, as permitted by Me. Rev. St., c. 9, sec. 22, will be presumed from actual and undisturbed possession by the assignee for more than 40 years. *John v. Sabattis*, 69 Me., 473.

² Alabama: *Jones v. Walker*, 47 Ala., 175.
Minnesota: *Dole v. Wilson*, 20 Minn., 356.
Mississippi: *Anderson v. Lewis*, Freem., 178.
New York: *Jackson v. Sharp*, 14 Johns., 472.
North Carolina: *Belk v. Love*, 18 N. C., 65.
Wisconsin: *Quinney v. Denney*, 18 Wis., 485.
United States: *Elwood v. Flannigan*, 104 U. S., 562; 26 L. Ed., 842; *Crews v. Burcham*, 1 Black, 352; 17 L. Ed., 91; *Mann v. Wilson*, 23 How., 457; 16 L. Ed., 584.
See 27 Cent. Dig. tit. "Indians," sec. 37.

Removal of general restrictions: The omission, in 4 U. S. Stat. L., 729, sec. 12, of the words "any Indian" from the prohibition of purchases and leases "from any Indian nation or tribe of Indians," while the former statutes had prohibited purchases or leases from "any Indian," shows the intention of Congress to remove the general restriction upon the alienation by individual Indians of land reserved to them by treaty. *Jones v. Meehan*, 175 U. S., 1; 20 S. Ct., 1; 44 L. Ed. 49.

A half-breed of the Sac and Fox tribes could convey by deed his interest in the lands in Iowa reserved by treaty. *Webster v. Reid*, 11 How. (U. S.), 437; 13 L. Ed., 761.

³ See the following cases:
Alabama: *Pettit v. Pettit*, 32 Ala., 288; *James v. Scott*, 9 Ala., 579; *Rosser v. Bradford*, 9 Port., 354; *Kennedy v. McCartney*, 4 Port., 141.

Kansas: *Clark v. Lord*, 20 Kans., 390; *Baldwin v. Squires*, 20 Kans., 280; *Campbell v. Paramore*, 17 Kans., 639; *Clark v. Libbey*, 14 Kans., 435; *Pennock v. Monroe*, 5 Kans., 578.

Minnesota: *Dole v. Wilson*, 20 Minn., 356.
New York: *Seneca Nation v. Lehlly*, 35 Hun, 83; 8 N. Y. Suppl., 245.
Wisconsin: *Quinney v. Denney*, 18 Wis., 485.
United States: *Crews v. Burcham*, 1 Black, 352; 17 L. Ed., 91.

⁴ See 27 Cent. Dig. tit. "Indians," sec. 37.
Unauthorized restriction in patent: A restriction on alienation in a patent, which is not required by the law under which the title was acquired, is void; and the patentee takes a title in fee simple, without any restriction as to alienation. *U. S. v. Saunders*, 96 Fed., 268.

Computation of time: Where alienation is restricted for a period of years from the date of the patent the day of issue of the patent should be included in computing the time. *Taylor v. Brown*, 5 Dak., 335; 40 N. W., 525 [affirmed in 147 U. S., 640; 13 S. Ct., 549; 37 L. Ed., 313].

Restriction after patent: The United States may, with the consent of the tribe, add a new restriction to the power of an individual Indian to alienate his allotted land. *Wiggan v. Conolly*, 163 U. S., 56; 16 S. Ct., 914; 41 L. Ed., 69.

⁵ *Clark v. Akers*, 16 Kans., 166; *Libby v. Clark*, 118 U. S., 250; 6 S. Ct., 1045; 30 L. Ed., 133.
⁶ *Taylor v. Brown*, 5 Dak., 335; 40 N. W., 525 [affirmed in 147 U. S., 640; 13 S. Ct., 549; 37 L. Ed., 313]; *Laughton v. Nadeau*, 75 Fed., 789.

⁷ *U. S. v. Flournoy Live-Stock, etc., Co.*, 71 Fed., 576; *Pilgrim v. Beck*, 69 Fed., 895; *U. S. v. Flournoy Live-Stock, etc., Co.*, 69 Fed., 886; *Beck v. Flournoy Live-Stock, etc., Co.*, 65 Fed., 30; 12 C. C. A., 497; *Smythe v. Henry*, 41 Fed., 705.

Right of way across allotted lands: Where Indians have become citizens under a treaty, and their lands have been allotted in severalty, with a prohibition of alienation except by lease for not longer than two years, and the territory in which such lands lie has since been admitted into the Union as a State, the United States has no power to prevent the building of a railway across such allotted lands with the consent and approval of the Indian grantees. *Ross v. Eells*, 56 Fed., 855.

⁸ *Sunol v. Hepburn*, 1 Cal., 254; *Taylor v. Brown*, 5 Dak., 335; 40 N. W., 525; *Smythe v. Henry*, 41 Fed., 705. Contra, *Murphy v. Nelson* (S. D., 1905), 102 N. W., 691.

An innocent and bona fide purchaser for a valuable consideration from one who held by deed from a Pottawatomie Indian had color of title within the intent of Kans. Laws (1874), c. 79, sec. 3, and acquired absolute title after undisturbed possession under such purchase for three years. *Forbes v. Higginbotham*, 44 Kans., 94; 24 Pac., 348.

⁹ *O'Brien v. Bugbee*, 46 Kans., 1; 26 Pac., 428; *Sheldon v. Donohoe*, 40 Kans., 346; 19 Pac., 901; *Jackson v. Porter*, 13 Fed. Cas., No. 7143; 1 *Faine*, 457.

Adverse possession of land situated in Mississippi, by the statutory time, bars the interest of a Chickasaw Indian therein. *New Orleans, etc., R. Co. v. Move*, 39 Miss., 374.

¹⁰ Alabama: *Haden v. Ware*, 15 Ala., 149; *Fipps v. McGehee*, 5 Port., 413; *Claritko v. Elliott*, 5 Port., 403; *Herring v. McElderry*, 5 Port., 161.

Massachusetts: *Brown v. Wenham*, 10 Metc., 495.
Michigan: *Raymond v. Shawboose*, 34 Mich., 142.

Mississippi: *Doe v. Partier*, 12 Sm. & M., 425. See also *Pointer v. Trotter*, 10 Sm. & M., 537. But see *Niles v. Anderson*, 5 How., 365, holding that such a deed passes an equitable title.

New York: *Jackson v. Wood*, 7 Johns., 290.
United States: *Pickering v. Lomax*, 145 U. S., 310; 12 S. Ct., 860; 36 L. Ed., 716 [affirming 120 Ill., 289; 11 N. E., 175]; *Briggs v. Sample*, 43 Fed., 102; 10 L. R. A., 132.

¹¹ See 27 Cent. Dig. tit. "Indians," sec. 38.
The United States can not proceed in equity to annul such a void deed, in the absence of a law forfeiting the grant in case of alienation. *U. S. v. Saunders*, 96 Fed., 268.

State laws: The laws of a State regarding the mode of alienation of lands have no application to lands granted by treaty to Indians with a prohibition of the right to convey except with the approval of the Secretary of the Interior. *Mungosah v. Steinbrook*, 16 Fed. Cas., No. 9924; 3 *Dill*, 418.

The recording of a deed which is void for want of compliance with the requirements restricting alienation is notice to a second grantee; and if the president has subsequently approved the first deed, a grantee under a second deed takes no title, although it also is approved. *Lomax v. Pickering*, 173 U. S., 26; 19 S. Ct., 416; 43 L. Ed., 601 [affirming 165 Ill., 431; 46 N. E., 238].

valid.¹ Deeds by Indians, although approved as required by statute or treaty, are open to the same objections as to infancy or coverture as deeds executed by others;² [137] and they must conform in other respects to the requirements necessary to a valid deed.³

(c) *Approval of officer.*—Where the approval of the Secretary of the Interior or other officer is required to a conveyance,⁴ it is a condition subsequent, and if given at any time after the date of the conveyance it is retroactive in effect and validates the original contract and intermediate conveyances.⁵ When it is once given the power of the officer is exhausted; the permission or approval can not be revoked;⁶ the Indian title is extinguished, and the land may thenceforth be conveyed as other lands.⁷

3. *Leases.*—The validity of leases executed by Indians depends generally upon statutory or treaty provisions,⁸ and where alienation is prohibited, leases made by the Indians are void;⁹ a State legislature has no power to authorize such leases.¹⁰ When leases are made in accordance with law, and with the approval of the proper officer, the lessee acquires a vested right, and the lease can not be canceled or annulled by Congress or the Executive.¹¹

4. *Descent and distribution.*—Lands reserved to individual Indians by treaty descend according to the laws of the State.¹² But where the tribal organization [138] is still recognized by the Government, inheritance is, as has been already stated, controlled by the laws, usages, and customs of the tribe.¹³ Land held in trust for an Indian, to whom a patent has not been issued, does not descend to his heirs, but remains a part of the tribal property;¹⁴ except where the law provides that on the

Dedication: An Indian under disability to convey his lands without the consent of the Secretary of the Interior can not make a valid dedication of a portion of such lands for a public highway, nor can any dedication be presumed against him. *State v. O'Laughlin*, 19 Kans., 504.

Sale to another Indian: The approval of an Indian agent is not necessary where the sale is by one Indian to another Indian of the same tribe, under Me. Rev. St., c. 9, sec. 22. *John v. Sabattis*, 69 Me., 473.

In Massachusetts the prohibition by statute of conveyances applies only to land in which the aboriginal title by occupancy has never been extinguished. *Clark v. Williams*, 19 Pick., 499.

¹ *Lewis v. Love*, 1 Ala., 335; *Stevens v. Smith*, 2 Kans., 243.

² *Wiggin v. King*, 35 Kans., 410; 11 Pac., 140; *Gillett v. Stanley*, 1 Hill (N. Y.), 121; *Terry v. Sicade*, 37 Wash., 249; 79 Pac., 789; *Wiggin v. Conolly*, 163 U. S., 56; 16 S. Ct. 914; 41 L. Ed., 69; *Laughton v. Nadeau*, 75 Fed., 789. See also *Frederick v. Gray*, 12 Kans., 518.

³ *Dillingham v. Brown*, 38 Ala., 311; *Tarver v. Smith*, 38 Ala., 135; *Long v. McDougald*, 23 Ala., 413; *Prentice v. Stearns*, 20 Fed., 819.

⁴ See *Doe v. Long*, 29 Ala., 376; *Harris v. Doe*, 3 Ind., 494; *Niles v. Anderson*, 5 How. (Miss.), 365; *Anderson v. Lewis*, Freem. (Miss.), 178; *Jackson v. Hill*, 5 Wend. (N. Y.), 532; *Jackson v. Brown*, 15 Johns. (N. Y.), 264.

Fraud in securing approval: A conveyance will be held void in a court of chancery, where the approval of the proper officer was obtained by fraud. *Anderson v. Lewis*, Freem. (Miss.), 178; *Richardville v. Thorp*, 28 Fed., 52.

Approval can not be attacked collaterally: *Jones v. Inge*, 5 Port. (Ala.), 327.

⁶ Alabama: *Nolen v. Gwyn*, 16 Ala., 725.

Indiana: *Steeple v. Downing*, 60 Ind., 478; *Ashley v. Eberts*, 22 Ind., 55.

Kansas: *Campbell v. Kansas Town Co.*, 69 Kans., 314; 76 Pac., 839.

Mississippi: *Anderson v. Lewis*, Freem., 178.

United States: *Lykins v. McGrath*, 184 U. S., 169; 22 S. Ct., 450; 46 L. Ed., 485; *Lomax v. Pickering*, 173 U. S., 26; 19 S. Ct., 416; 43 L. Ed., 601 [affirming 165 Ill., 431; 46 N. E., 238]; *Pickering v. Lomax*, 145 U. S., 310; 12 S. Ct., 860; 36 L. Ed., 716 [reversing 120 Ill., 289; 11 N. E., 175].

See 27 Cent. Dig. tit. "Indians," sec. 39.

⁷ *Godfrey v. Beardsley*, 10 Fed. Cas., No. 5497, 2 McLean, 412.

Approval given to a void and inoperative deed does not preclude the officer from afterward giving his approval to a valid deed from the same grantor for the same land. *Jackson v. Brown*, 15 Johns. (N. Y.), 264.

⁸ *Ingraham v. Ward*, 56 Kans., 550; 44 Pac., 14; *Blauw v. Love*, 9 Kans. App., 55; 57 Pac., 258; *Dagenett v. Jenks*, 7 Kans. App., 499; 54 Pac., 135.

⁹ See *Lewis v. Love*, 1 Ala., 335; *Moore v. Girten* (Ind. T., 1904), 82 S. W., 848; *Joiner v. Robinson* (Ind. T., 1903), 76 S. W. 107; *Pickering v. Lomax*, 145 U. S., 310; 12 S. Ct., 860; 36 L. Ed., 716 [affirming 120 Ill., 289; 11 N. E., 175]; *Indian Land*, etc., Co. Schoenfelt (Ind. T., 1904), 79 S. W., 134.

Validity of leases by Seneca Indians in New York see 18 U. S. Stat. L., 330; *Buffalo*, etc., R. Co. v. *Lavery*, 75 Hun (N. Y.), 396; 27 N. Y. Suppl., 443; *Sheehan v. Mayer*, 41 Hun (N. Y.), 609; *Baker v. Johns*, 38 Hun (N. Y.), 625; *Ryan v. Knorr*, 19 Hun (N. Y.), 540; *Wait v. Jameson*, 15 Abb. N. Cas. (N. Y.), 382.

¹⁰ Alabama: *Kennedy v. McCartney*, 4 Port., 141.

Kansas: *Burkhalter v. Nuzum*, 9 Kans. App., 885; 61 Pac., 310.

Ohio: *Chaffee v. Garrett*, 6 Ohio, 421.

South Dakota: *Reservation State Bank v. Holst*, 17 S. Dak., 240; 95 N. W., 931; 70 L. R. A., 799.

United States: *Pilgrim v. Beck*, 69 Fed., 895; *U. S. v. Flournoy Live-Stock*, etc., Co., 69 Fed., 886; *Beck v. Flournoy Live-Stock*, etc., Co., 65 Fed., 30; 12 C. C. A., 497.

See 27 Cent. Dig. tit. "Indians," sec. 45.

Right to crops when lease void: Crops grown on allotted lands, although the lease of such lands was void, can not be recovered from the lessee having them in possession. *Burkhalter v. Nuzum*, 9 Kans. App., 885; 61 Pac., 310. A lessee, who was not in possession of crops grown by his sublessee at the time when they were taken by the allottee's heirs on the ground that the original lease was void, can not maintain an action for their recovery. *Coe v. Low*, 36 Wash., 10; 77 Pac., 1077.

¹¹ *Buffalo*, etc., R. Co. v. *Lavery*, 75 Hun (N. Y.), 396; 27 N. Y. Suppl., 443.

¹² *Mogrove v. Harper*, 33 Oreg., 252; 54 Pac., 187; *Jones v. Meehan*, 175 U. S., 1; 20 S. Ct., 1; 44 L. Ed., 49.

¹³ *Ingraham v. Ward*, 56 Kans., 550; 44 Pac., 14; *McCullagh v. Allen*, 10 Kans., 150; *Brown v. Belmarde*, 3 Kans., 41; *Edde v. Pash-pah-o*, 4 Kans. App., 115; 48 Pac., 854; *McCauley v. Tyndall* (Nebr., 1903), 94 N. W., 813; *Porter v. Parker* (Nebr., 1903), 94 N. W., 123; *Kalyton v. Kalyton*, 45 Oreg., 116; 78 Pac., 332; (1903) 74 Pac., 491; *Non-she-po v. Wa-win-ta*, 37 Oreg., 213; 62 Pac., 15; 82 Am. St. Rep., 749; *McBean v. McBean*, 37 Oreg., 195; 61 Pac., 418; *Lowry v. Weaver*, 15 Fed. Cas., No. 8584; 4 McLean, 82.

Dower: In New York the widow of an Indian is entitled to dower in the lands of her deceased husband, held by him in severalty. *Jameson v. Pierce*, 78 N. Y. App. Div., 9; 70 N. Y. Suppl., 3.

Descent in the Indian Territory of lands allotted in severalty is governed by the laws of Kansas, and the word "children," in such laws relating to heirs of the half blood, should be construed as meaning "kindred," so that a half brother inherits, to the exclusion of uncles and cousins. *Finley v. Abner*, 129 Fed., 734; 64 C. C. A., 262 [affirming (Ind. T., 1902), 69 S. W., 911].

The decision of the Secretary of the Interior as to the heirship of the Indian grantors in a deed is not conclusive on the Federal courts. *Richardville v. Thorp*, 28 Fed., 52.

¹⁴ See *supra*, II, C, 3, (b).

¹⁵ *Sloan v. U. S.*, 118 Fed., 283. See also *U. S. v. Zane* (Ind. T., 1902), 69 S. W., 842.

death of the original allottee a patent shall be issued in his name, in which case the title passes at once to his heirs.¹

5. *Exemption from taxation and judicial sale.*—Lands held in severalty by individual Indians under restrictions regarding alienation are not taxable by the State.² But lands held in fee simple, without restriction as to alienation, are not exempt from State taxation;³ nor are any Indian lands after the title has passed from the Indian to a citizen.⁴ Lands exempt from "levy, sale, or forfeiture" by the terms of the treaty or statute under which they are granted can not be sold for unpaid taxes,⁵ nor to enforce payment for improvements placed upon the land by another.⁶ Such exemption is a personal privilege, and does not pass with the land to a grantee of the Indian.⁷ Mere restrictions upon alienation, however, do not exempt land from sale under execution.⁸ By act of Congress [139] improvements upon the public domain owned by Indians by blood can not be reached or put into the hands of a receiver to pay judgments against them.⁹

6. *Indian scrip.*—Where scrip is issued to Indians in exchange for lands ceded by them, the provisions of the statute or treaty under which it is issued must be followed in the location of land with such scrip.¹⁰ Where, however, location is restricted by the statute to "unoccupied lands"¹¹ a valid location may be made upon occupied land with the consent of the occupant.¹² After a location is made in conformity to law, the holder acquires a vested right, and a patent subsequently issued to another is void.¹³ Even though scrip issued in lieu of lands is not assignable,¹⁴ the land entered on such scrip is alienable as soon as located;¹⁵ and the holder of the scrip may give a valid power of attorney for the location of the land,¹⁶ for the erection of improvements upon it,¹⁷ and for its conveyance.¹⁸ Actual possession or occupancy by the holder of the scrip is not necessary.¹⁹

IV. GOVERNMENT OF INDIANS AND INDIAN COUNTRY.

A. *Indian country defined.*—Many statutory regulations regarding Indians are applicable only in the "Indian country," and considerable difficulty has been expe-

¹ *Briggs v. McClain*, 43 Kans., 653; 23 Pac., 1045.

² *Kansas: Parker v. Winsor*, 5 Kans., 362. But compare *Miami County v. Wan-zop-pe-che*, 3 Kans., 364; *Blue Jacket v. Johnson County*, 3 Kans., 299.

Michigan: Auditor-Gen. v. Williams, 94 Mich., 180; 53 N. W., 1097.

Washington: Frazee v. Spokane County, 29 Wash., 278; 69 Pac., 779.

Wisconsin: Farrington v. Wilson, 29 Wis., 383.

United States: U. S. v. Rickert, 188 U. S., 432; 23 S. Ct., 478; 47 L. Ed., 532; *Fellows v. Denniston*, 5 Wall., 761; 18 L. Ed., 708; *Kansas Indians v. U. S.*, 5 Wall., 737; 18 L. Ed., 667.

³ See 27 Cent. Dig. tit. "Indians," sec. 54.

⁴ A conditional sale, by which no patent is to be issued until the conditions are fulfilled, and with forfeiture for nonfulfillment, does not render the lands taxable by the State. *Douglas County v. Union Pac. R. Co.*, 5 Kans., 615.

⁵ Permanent improvements on lands held in trust for Indian allottees can not be taxed by the State as personal property; and the United States may maintain a suit in equity to restrain the collection of such a tax. *U. S. v. Rickert*, 188 U. S., 432; 23 S. Ct., 478; 47 L. Ed., 532.

⁶ *State v. Miami County*, 63 Ind., 497; *Hilgers v. Quinney*, 51 Wis., 62; 8 N. W., 17; *Pennock v. Franklin County*, 103 U. S., 44; 26 L. Ed., 367. See also *Frederickson v. Fowler*, 5 Blackf. (Ind.), 409.

⁷ An Indian who has become a citizen of the United States is not exempt from taxation on lands under the act of July 13, 1787, art. 3, providing that the lands and property of Indians "shall never be taken from them without their consent." *Miami County v. Godfrey*, 27 Ind. App., 610; 60 N. E., 177.

⁸ *Miami County v. Brackenridge*, 12 Kans., 114; *McMahon v. Welsh*, 11 Kans., 280; *Peck v. Miami County*, 19 Fed. Cas., No. 10891; 4 Dill., 370.

⁹ In Canada Indian land surrendered to the Crown and sold to an individual is taxable; the statutory exemption applies only to Indian lands reserved for their use. *Church v. Fenton*, 28 U. C. C. P., 384.

¹⁰ *Fellows v. Denniston*, 5 Wall. (U. S.), 761; 18 L. Ed., 703; *Kansas Indians v. U. S.*, 5 Wall. (U. S.), 737; 18 L. Ed., 667.

¹¹ A void sale by a sheriff, of lands not subject to such sale for a period of years, can not be made valid by a subsequent treaty, nor by the approval of the Secretary of the Interior. *Frederick v. Gray*, 12 Kans., 518.

¹² *Maynes v. Veale*, 20 Kans., 374.

¹³ *Jones v. Walker*, 47 Ala., 175; *Rosser v. Bradford*, 9 Port. (Ala.), 354.

¹⁴ Possession under Indian title: Sale may be made under execution, of the interest of one in possession of land located by a Creek Indian under treaty, before issue of patent or approval of sale by the reservee. *Rains v. Ware*, 10 Ala., 623.

¹⁵ *Taylor v. Vandegrift*, 126 Ind., 325; 25 N. E., 548; *Safarans v. Terry*, 12 Sm. & M. (Miss.), 690; *Love v. Pamplin*, 21 Fed., 755. See also *Lowry v. Weaver*, 15 Fed. Cas., No. 8584; 4 McLean, 82.

¹⁶ *Daugherty v. Bogy*, 3 Ind. T., 197; 53 S. W., 542. And see *In re Grayson*, 3 Ind. T., 497; 61 S. W., 984.

¹⁷ *Parker v. Duff*, 47 Cal., 554; *Fee v. Brown*, 17 Colo., 510; 30 Pac., 340.

¹⁸ The decision of the land officers upon the location of such scrip is final. *Monette v. Cratt*, 7 Minn., 234.

¹⁹ Land withdrawn from sale for the purpose of an Indian reservation is not subject to location with Indian scrip. *Sharon v. Woodruff*, 18 Minn., 354.

¹¹ *U. S. v. Chapman*, 25 Fed. Cas., No. 14785; 5 Sawy., 528.

¹² *Thompson v. Myrick*, 20 Minn., 205.

¹³ *Midway County v. Eaton*, 79 Minn., 442; 82 N. W., 861, 1118.

¹⁴ *Felix v. Patrick*, 145 U. S., 317; 12 S. Ct., 862; 36 L. Ed., 719 [affirming 36 Fed., 457].

¹⁵ *Coursolle v. Weyerhauser*, 69 Minn., 328; 72 N. W., 697; *Sharpe v. Rogers*, 12 Minn., 174.

¹⁶ *Buffalo Land, etc., Co. v. Strong*, 91 Minn., 84; 97 N. W., 575; *U. S. v. Chapman*, 25 Fed. Cas., No. 14785; 5 Sawy., 528. But see *Dole v. Wilson*, 20 Minn., 356; *Fee v. Brown*, 162 U. S., 602; 16 S. Ct., 875; 40 L. Ed., 1083 [affirming 17 Colo., 510; 30 Pac., 340].

¹⁷ *Midway County v. Eaton*, 183 U. S., 602, 619; 22 S. Ct., 261; 46 L. Ed., 347 [affirming 79 Minn., 442; 82 N. W., 861, 1118].

¹⁸ *Buffalo Land, etc., Co. v. Strong*, 91 Minn., 84; 97 N. W., 575; *Dole v. Wilson*, 20 Minn., 356; *Thompson v. Myrick*, 20 Minn., 205; *Gilbert v. Thompson*, 14 Minn., 544; *Midway County v. Eaton*, 183 U. S., 602, 619; 22 S. Ct., 261; 46 L. Ed., 347 [affirming 79 Minn., 442; 82 N. W., 861, 1118].

¹⁹ *Sharpe v. Rogers*, 12 Minn., 174; *Midway County v. Eaton*, 183 U. S., 602, 619; 22 S. Ct., 261; 46 L. Ed., 347 [affirming 79 Minn., 442; 82 N. W., 861, 1118].

rienced by the courts in defining and applying that term. It was defined by an early act of Congress,¹ but that definition was omitted from the United States Revised Statutes.² It has been held, however, that the omitted section may be referred to for the purpose of ascertaining the meaning of the term.³ It now applies to all the country to which the Indian title has not been extinguished, within the limits of the United States, even when not within a reservation expressly set apart for the exclusive occupancy of Indians,⁴ excluding, however, [140] any territory embraced within the exterior geographical limits of a State, not excepted from its jurisdiction by treaty or by statute, at the time of its admission into the Union, but saving, even in respect to territory not thus excepted and actually in the exclusive occupancy of Indians, the authority of Congress over it, under the constitutional power to regulate commerce with the Indian tribes, and under any treaty made in pursuance of it.⁵ It of course includes reservations set apart for Indian tribes by treaty, executive order, or act of Congress.⁶

B. Regulation of intercourse with Indians—1. Authority over reservations and trade with Indians—(a) In general.—Under the power to regulate commerce with the Indian tribes⁷ Congress may prohibit all intercourse with them except under license,⁸ and may extend over them all laws within the constitutional limits of municipal legislation.⁹ This power is not limited by State [141] lines or governments, but may be exercised wherever Indian tribes exist.¹⁰ Such power and duty does not cease when the Indians become citizens of the United States,¹¹ when they become electors under State laws,¹² or when their lands are allotted in severalty.¹³

¹ "All that part of the United States west of the Mississippi, and not within the States of Missouri and Louisiana, or the Territory of Arkansas, and also that part of the United States east of the Mississippi River, and not within any State to which the Indian title has not been extinguished," was declared to be Indian country. 4 U. S. Stat. L., 729.

² U. S. v. Le Bris, 121 U. S., 278; 7 S. Ct., 894; 30 L. Ed. 946; Ex p. Kan-gi-shun-ca, 109 U. S., 556; 3 S. Ct., 396; 27 L. Ed. 1030; Palcher v. U. S., 11 Fed., 47; 3 McCrary, 510.

³ U. S. v. Le Bris, 121 U. S., 278; 7 S. Ct., 894; 30 L. Ed. 946; Exp. Kan-gi-shun-ca, 109 U. S., 556; 3 S. Ct., 396; 27 L. Ed. 1030.

⁴ Ex p. Kan-gi-shun-ca, 109 U. S., 556; 3 S. Ct., 396; 27 L. Ed. 1030; Bates v. Clark, 95 U. S., 204; 24 L. Ed. 471; U. S. v. Seveloff, 27 Fed. Cas., No. 16252; 2 Sawy., 311. And see *In re Forty-three Cases Cognac Brandy*, 14 Fed., 539; 4 McCrary, 616. Compare U. S. v. Four Bottles Sour-Mash Whisky, 90 Fed., 720; U. S. v. Forty-eight Pounds Rising Star Tea, 38 Fed., 400 [affirming 35 Fed., 493].

Country inhabited or occupied by Indians: "An Indian country is a portion of territory subject to an Indian title, inhabited by Indians. A mere solitude, or a country without Indians, could hardly be considered an Indian country, even if their title which is merely possessory, could survive the absolute absence of its beneficiaries." U. S. v. Certain Property, 1 Ariz., 31, 39, 25 Pac., 517. "Indian country" is the term used to designate the "territory occupied and set apart for Indian tribes, and owned exclusively by them, and wholly within the exclusive jurisdiction of congress." U. S. v. Cohn, 2 Ind. T., 474, 491; 52 S. W., 38.

Land ceases to be Indian country as soon as the Indians part with their title, without any further action by Congress. U. S. v. Certain Property, 1 Ariz., 31; 25 Pac., 517; Clark v. Bates, 1 Dak., 42; 46 N. W., 510; U. S. v. Payne, 8 Fed., 883; 2 McCrary, 289. School lands sold by a State to which they were granted by act of Congress, and in possession of the State's grantee, are not within the definition, although within the exterior limits of an Indian reservation. U. S. v. Thomas, 47 Fed., 488.

In the territory derived from Mexico there was no Indian title to be extinguished; hence no Indian country except that set apart for reservations. Hayt v. U. S., 38 C. Cls., 455.

⁵ Ex p. Kan-gi-shun-ca, 109 U. S., 556; 3 S. Ct., 396; 27 L. Ed., 1030; Langford v. Monteith, 102 U. S., 145; 26 L. Ed., 53.

Particular States and Territories: Colorado (U. S. v. McBratney, 104 U. S., 621; 26 L. Ed. 869), Kansas (McCracken v. Todd, 1 Kans., 148; U. S. v. Ward, 28 Fed. Cas., No. 16639; Woolw., 17), Louisiana (State v. Chiqui, 49 La. Ann., 131; 21 So., 513), Nevada, New Mexico, Utah (U. S. v. Leathers, 26 Fed. Cas., No. 15581; 6 Sawy., 17; Hayt v. U. S., 38 C. Cls., 455; Pino v. U. S., 38 C. Cls., 64), and Oregon (U. S. v. Tom, 1 Oreg., 26), are not Indian country; but Montana Territory (U. S. v. 196 Buffalo Robes, 1 Mont., 489; U. S. v. Partello, 48 Fed., 670) and Washington Territory (Fowler v. U. S., 1 Wash. T., 3) were Indian country before their admission into the Union. The act of Congress extending to Alaska a part of the statute known as the "Indian Intercourse Laws" and relating principally to the introduction of the liquor traffic among the Indians, is to be construed to make this Territory Indian country only to the extent of the prohibited commerce (*In re Sah Quah*, 31 Fed., 327; Kie v. U. S., 27 Fed., 351; U. S. v. Kie, 26 Fed. Cas., No. 15528; U. S. v. Seveloff, 27 Fed. Cas., No. 16252; 2 Sawy., 311; Waters v. Campbell, 29 Fed. Cas., No. 17264; 4 Sawy., 121.

⁶ Dakota: U. S. v. Knowlton, 3 Dak., 58; 13 N. W., 573.

Minnesota: U. S. v. Shanks, 15 Minn., 369.

New Mexico: U. S. v. Monte, 3 N. Mex., 126; 3 Pac., 45.

Oklahoma: *In re Ingram*, 12 Okla., 54; 86 Pac., 868.

United States: U. S. v. Le Bris, 121 U. S., 278; 7 S. Ct., 894; 30 L. Ed., 946; U. S. v. Lariviere, 93 U. S., 188; 23 L. Ed., 846; Eells v. Ross, 64 Fed., 417; 12 C. C. A., 205; Benson v. U. S., 44 Fed., 178; U. S. v. Barnhart, 22 Fed., 285; 10 Sawy., 491; U. S. v. Martin, 14 Fed., 817; 8 Sawy., 473; U. S. v. Bridleman, 7 Fed., 894; 7 Sawy., 243; U. S. v. Berry, 4 Fed., 779; 2 McCrary, 58; U. S. v. Leathers, 26 Fed. Cas., No. 15581; 6 Sawy., 17. And see *Gibson v. Anderson*, 131 Fed., 39; 65 C. C. A., 277; U. S. v. Payne, 8 Fed., 883. Compare *Truscott v. Hurlbut Land, etc., Co.*, 73 Fed., 60; 19 C. C. A., 374.

An Indian reservation is a part of the public domain set apart by a proper authority for the use and occupation of a tribe or tribes of Indians. It may be set apart by an act of Congress, by treaty, or by executive order; but it seems that a reservation can not be established by custom or prescription. The fact that a particular tribe or band of Indians has for a long time occupied a particular tract of country does not constitute such tract an Indian reservation. *Forty-three Cases of Cognac Brandy*, 14 Fed., 539; 4 McCrary, 616.

⁷ See Commerce, 7 Cyc., 411.

⁸ Worcester v. Georgia, 6 Pet. (U. S.), 515; 8 L. Ed., 483; U. S. v. Cisna, 25 Fed. Cas., No. 14795; 1 McLean, 254.

A license to trade with the Indians is a personal privilege and can not be transferred. U. S. v. 196 Buffalo Robes, 1 Mont., 489.

A sale of such license is void and does not constitute a valuable consideration for a note. *Hobbie v. Zaeppfel*, 17 Nebr., 536; 23 N. W., 514.

A licensed trader may take a partner, and both may sell goods under the license. *Dunn v. Carter*, 30 Kans., 294; 1 Pac., 66.

⁹ U. S. v. Tobacco Factory, 28 Fed. Cas., No. 16528; 1 Dill., 264 [affirmed in 11 Wall., 616; 20 L. Ed., 227].

The President may make such regulations as he may think fit for carrying into effect the provisions of any statute relating to Indian affairs. *Adams v. Freeman* (Okla., 1897), 50 Pac., 135.

¹⁰ *Adams v. Freeman* (Okla., 1897), 50 Pac., 135; U. S. v. Lariviere, 93 U. S., 188; 23 L. Ed., 846; U. S. v. Holliday, 3 Wall. (U. S.), 407; 18 L. Ed., 182; U. S. v. Boyd, 83 Fed., 547; 27 C. C. A., 592; U. S. v. Barnhart, 22 Fed., 285; 10 Sawy., 491; U. S. v. Bridleman, 7 Fed., 894; 7 Sawy., 243; U. S. v. Cisna, 25 Fed. Cas., No. 14795; 1 McLean, 254.

¹¹ U. S. v. Mullin, 71 Fed., 682.

¹² U. S. v. Holliday, 3 Wall. (U. S.), 407; 18 L. Ed., 182.

¹³ U. S. v. Flourmoy Live-Stock, etc., Co., 71 Fed., 576.

Not dependent upon title to land: The right of control in the general Government arises from its relation to all tribal Indians, as such, and does not depend on the title to the land upon which they reside. *Peters v. Malin*, 111 Fed., 244.

(b) *Power of State government.*—A State or Territory has the power to incorporate Indian lands into political divisions;¹ and, where such lands are not expressly reserved from the jurisdiction of the State, may extend its laws over persons therein not belonging to an Indian tribe.²

2. *Removal of trespassers*³—(a) *In general.*—The Secretary of the Interior acting through Indian agents has authority to remove all persons found on an Indian reservation contrary to law,⁴ even where the lands have been allotted in severalty;⁵ and his action in so doing can not be reviewed by the courts.⁶ The [142] Government may invoke the aid of the courts to effect such removals and to enjoin further violations of the law.⁷

(b) *To enforce collection of a tax.*—The remedy for nonpayment of a tax imposed by an Indian nation is the removal of the offender or his property from the tribal limits by the Secretary of the Interior;⁸ and where a person is not subject to removal, the Secretary may, through the agent or a tax collector of the Indian nation, close the place of business of such persons.⁹

(c) *Grazing cattle.*—Driving or otherwise conveying horses, mules, or cattle,¹⁰ to range and feed on land belonging to any Indian or Indian tribe, without the consent of the tribe, is forbidden by statute, under a penalty of \$1 for each animal,¹¹ and the Secretary of the Interior is empowered to remove such intruders and their property by force.¹²

3. *Right to hunt and fish.*—Where Indians are by treaty given the right to hunt and fish on their reservation, the State game laws do not apply to them;¹³ but where the reservation has been included within the limits of a State formed since the treaty, without reserving the rights of the Indians, such laws may be enforced.¹⁴

¹ *Stevens v. Thatcher*, 91 Me., 70; 39 Atl., 282.

Polling places: The State of Nebraska has jurisdiction over the Omaha and Winnebago Indian Reservations for the purpose of establishing polling places therein. *State v. Norris*, 37 Nebr., 299; 55 N. W., 1086.

² *Webster v. Reid*, Morr. (Iowa), 467; *Millar v. State*, 2 Kans., 174; *Bishop v. Barton*, 2 Hun (N. Y.), 436; 5 Thomps. & C., 6; *Gay v. Thomas*, 5 Okla., 1; 46 Pac., 578.

³ Canada statute as to trespassers see *McLean v. McIsaac*, 6 Can. L. T., 453; 18 Nova Scotia, 304; *Vanleck v. Stewart*, 19 U. C. Q. B., 489; *Little v. Keating*, 6 U. C. Q. B. O. S., 265.

Summary removal under New York statute see *People v. Dibble*, 16 N. Y., 203 [affirming 18 Barb., 412]; *People v. Soper*, 7 N. Y., 428.

⁴ *Ex p. Carter* (Ind. T., 1903), 76 S. W., 102; *George v. Greenwood*, 11 La. Ann., 299; *Eells v. Ross*, 64 Fed., 417; 12 C. C. A., 205; *U. S. v. Crook*, 25 Fed. Cas., No. 14891; 5 Dill., 453; *U. S. v. Sturgeon*, 27 Fed. Cas., No. 16413; 6 Sawy., 29.

The right to exclude white men from the Creek Nation was not affected by the act of Congress authorizing the creation of cities and towns. *Maxey v. Wright*, 3 Ind. T., 243; 54 S. W., 807.

A trespasser claiming possession under a void lease of lands belonging to a minor, the lease having been made without an order of the court, may be removed from the Indian Territory. *Indian Land, etc. Co. v. Shoenfelt* (Ind. T., 1904), 79 S. W., 134.

A licensed trader who had sold out his business and abandoned his post and was avoiding his creditors was properly ousted from the agency with his property. *Echols v. Tate*, 53 Ark., 12; 13 S. W., 253.

Property may be removed, where removal of the owner will not abate the nuisance; as in the case of grazing cattle, which might be controlled by agents who are members of the tribe or otherwise entitled to remain in the Indian country. *Morris v. Hitchcock*, 21 App. Cas. (D. C.), 565 [affirmed in 194 U. S., 384; 24 S. Ct., 712; 48 L. Ed., 1030].

An agent has no authority to pass on the validity of a lease and order one in possession to be evicted from the land without his removal from the Indian country. *Stephens v. Quigley*, 126 Fed., 148; 61 C. C. A., 214 [affirming 3 Ind. T., 265; 54 S. W., 814]; *La Chapelle v. Bubb*, 62 Fed., 545.

Damages for removal see *Schewson v. U. S.*, 31 C. Cls., 192.

Penalty for returning after removal: Any person removed from the Indian country who thereafter returns to it is liable to a penalty of \$1,000. U. S. Rev. Stat. (1878) sec. 2148. And see *U. S. v. Baker* (Ind. T., 1903), 76 S. W., 103. According to some of the decisions this penalty is enforceable by indictment as well as by a civil action. *U. S. v. Stocking*, 87 Fed., 857; *U. S. v. Howard*, 17 Fed., 638; 9 Sawy., 155; *U. S. v. Sturgeon*, 27 Fed. Cas., No. 16413; 6 Sawy., 29. Contra, *U. S. v. Baker* (Ind. T., 1903), 76 S. W., 103; in re *Seagraves*, 4 Okla., 422; 48 Pac., 272; *U. S. v. Payne*, 22 Fed., 426.

In an action to recover the penalty it must be shown that the settlement was unlawful or wrongful, and that the land belonged to the Indians by a treaty with the United States. *U. S. v. Lucero*, 1 N. Mex., 422.

⁵ *U. S. v. Mullin*, 71 Fed., 682.

⁶ *Echols v. Tate*, 53 Ark., 12; 13 S. W., 253; *Zevely v. Weimer* (Ind. T., 1904), 82 S. W., 941; *Adams v. Freeman* (Okla., 1897), 50 Pac., 135; *Martin v. Mott*, 12 Wheat. (U. S.), 19; 6 L. Ed., 537.

⁷ *U. S. v. Flournoy Live-Stock, etc., Co.*, 71 Fed., 576.

⁸ *Morris v. Hitchcock*, 21 App. Cas. (D. C.), 565 [affirmed in 194 U. S., 384; 24 S. Ct., 712; 48 L. Ed., 1030]; *Maxey v. Wright*, 3 Ind. T., 243; 54 S. W., 807.

In the Indian Territory such power was taken away, as to persons in the lawful possession of a lot of land in a town or city, by 32 U. S. Stat. L., 245. *Buster v. Wright* (Ind. T., 1902), 69 S. W., 882.

⁹ *Buster v. Wright* (Ind. T., 1904), 82 S. W., 855 [affirmed in 135 Fed., 947].

¹⁰ *U. S. v. Mattock*, 26 Fed. Cas., No. 15744; 2 Sawy., 148, including sheep.

¹¹ U. S. Rev. Stat. (1878) sec. 2117. And see *Forsythe v. U. S.*, 3 Ind. T., 599; 64 S. W., 548; *U. S. v. Loving*, 34 Fed., 715.

Who may bring action: An action to enforce the penalty may be brought by any member of the tribe (*Forsythe v. U. S.*, 3 Ind. T., 599; 64 S. W., 548), the United States not being a necessary party (*Forsythe v. U. S.*, 3 Ind. T., 599; 64 S. W., 548).

Consent of Indians: An occupation of Indian lands for grazing purposes only, with the consent of the Indians and in recognition of their title is not forbidden. *U. S. v. Hunter*, 4 Mackey (D. C.), 531.

It is lawful to drive cattle into the Indian country for delivery to an Indian under a contract to purchase. *Morris v. Cohn*, 55 Ark., 401; 17 S. W., 342; 18 S. W., 384.

¹² *Morris v. Hitchcock*, 21 App. Cas. (D. C.), 565 [affirmed in 194 U. S., 384; 24 S. Ct., 712; 48 L. Ed., 1030].

¹³ *State v. Cooney*, 77 Minn., 518; 80 N. W., 696; in re *Lincoln*, 129 Fed., 247; in re *Blackbird*, 109 Fed., 139; *U. S. v. Winans*, 73 Fed., 72. And see in re *Race Horse*, 70 Fed., 598.

Bering sea fisheries: The treaty with the Makah Indians secures to the Indians only an equality of rights with citizens of the United States, and they are not specially privileged to catch fur seal in Bering sea. *U. S. v. The James G. Swan*, 50 Fed., 108.

The treaty with the Yakima Indians secures to them the right to all the fisheries they had theretofore enjoyed; and a settler upon land abutting upon such a fishery takes subject to the rights of the Indians. *U. S. v. Taylor*, 3 Wash. T., 88; 13 Pac., 333.

¹⁴ *Ward v. Race Horse*, 163 U. S., 504; 16 S. Ct., 1076; 41 L. Ed., 244. And see *State v. Newell*, 84 Me., 465; 24 Atl., 943; *People v. Pierce*, 18 Misc. (N. Y.), 83; 41 N. Y. Suppl., 858; 11 N. Y. Cr., 325; *U. S. v. Alaska Packers' Assoc.*, 79 Fed., 152.

4. *Personal property.*—Personal property owned by Indians in the Indian Territory can be reached by a creditor's suit.¹ In a controversy respecting such property the law of the nation will prevail, and where that is not pleaded or proven, the law of the forum.² Where personal property is vested in the tribe, a transfer by an individual Indian is invalid.³ In Canada the movable property and effects of Indians on their reservations are exempt from seizure.⁴

*C. Officers of Indian Affairs*⁵—1. *In general.*—The action of the Commissioner of Indian Affairs is presumed to be the action of the President,⁶ and where the commissioner ratifies and approves the action of an agent, either before or after it takes effect, his acts are valid and binding on the Government.⁷ But the Government may repudiate the agent's action on the ground of fraud.⁸

2. *Compensation and expenses.*—The compensation of an Indian agent commences when he actually begins work for the Government.⁹ He is entitled to an allowance in addition to his fixed salary for such services or expenditures as are authorized by the general usage of the department.¹⁰ A statute fixing his salary is modified by subsequent appropriation acts setting apart a less sum.¹¹

3. *Official bonds.*¹²—A bond may be required of an Indian agent in a larger sum than that specified by statute, by order of the Executive.¹³ The sureties on his bond are liable for money received by the agent, either for the United States or for the Indians under his charge, and misappropriated by him;¹⁴ and for unauthorized disbursements by him,¹⁵ except where such disbursements have

¹ Daugherty v. Bogy, 3 Ind. T., 197; 53 S. W., 542.

² Davison v. Gibson, 56 Fed., 443; 5 C. C. A., 543. And see Pyeatt v. Powell, 51 Fed., 551; 2 C. C. A., 367.

³ Seneca Nation v. Hammond, 3 Thomps. & C. (N. Y.), 347.

⁴ Bussières v. Bastien, 17 Quebec Super. Ct., 189.

⁵ Indian superintendencies were not abolished by the mere force of 17 U. S. Stat. L., 463, which took effect only by the action of the President; and the payment of a superintendent's salary to a certain date is *prima facie* evidence that his office was not abolished until that time. U. S. v. Wirt, 28 Fed. Cas., No. 16745; 3 Sawy., 161.

Payment for supplies: A subagent has no legal authority to draw bills of exchange for supplies. Fremont v. U. S., 2 C. Cls., 461.

Liability for acts of Indians: An Indian superintendent is not personally liable for torts of Indians unless he has directed or sanctioned their acts. Huebschman v. Baker, 7 Wis., 542.

Agent for sale of lands: An agent for disposing of Indian lands on the Grand River in Canada does not come under the designation of a district agent of the Commissioner of Crown lands, so as to entitle purchasers holding his certificate to the benefit of the provisions in the land-sale acts. Young v. Scobie, 10 U. C. Q. B., 372.

Order of agent: The written order of an Indian agent acting under instructions from the Interior Department is a legal writ or process within the meaning of U. S. Rev. Stat. (1878), sec. 5398 [U. S. Comp. Stat. (1901), p. 3655]; and a member of the Indian police, although not an officer of the United States, is among the "other persons" who may be authorized under that statute to serve such writ. U. S. v. Mullin, 71 Fed., 682.

New York Land Commissioners: The concurrence of the governor is necessary to the validity of a measure initiated by the Commissioners of the Land Office under N. Y. Laws (1839), c. 58, and N. Y. Laws (1841), c. 234. People v. Land Office Com'rs, 99 N. Y., 648; 1 N. E., 764.

In Canada an Indian agent, or a superintendent and commissioner of Indian affairs, is *ex officio* a justice of the peace. Reg. v. Pah-cah-pah-ne-cappi, 17 Can. L. T., 306; Hunter v. Gilkison, 7 Ont., 735.

⁶ Belt's Case, 15 C. Cls., 92.

⁷ U. S. v. Patrick, 73 Fed., 800; 20 C. C. A., 11; McClure v. U. S., 19 C. Cls., 173; Belt v. U. S., 15 C. Cls., 92.

⁸ Raymond v. Shawboose, 34 Mich., 142.

⁹ U. S. v. Roberts, 10 Fed., 540.

An Indian agent appointed during a recess of the Senate, and not confirmed at the next session, could not claim compensation for his services subsequent to the adjournment. Romero v. U. S., 24 C. Cls., 331.

¹⁰ U. S. v. Duval, 25 Fed. Cas., No. 15015; Gilp., 356.

Traveling expenses of agents required to travel include board while actually in transit, but do not include board while engaged in inspecting stations. U. S. v. Smith, 35 Fed., 490.

Expenditures for benefit of Indians: The United States is not chargeable with expenditures made by an agent for the benefit of the Indians on land reserved and held by them. U. S. v. Duval, 25 Fed. Cas., No. 15015; Gilp., 356.

A military officer acting as Indian agent was not entitled under 4 U. S. Stat. L., 729, to a commission on the amount of money disbursed by him in such capacity. Minis v. U. S., 15 Pet. (U. S.), 423; 10 L. Ed., 791.

Authority to incur expense: Where the statute requires an expenditure by an Indian agent to be authorized by the Secretary of the Interior, an authorization by the Commissioner of Indian Affairs is sufficient. U. S. v. Odeneal, 10 Fed., 616; 7 Sawy., 451.

¹¹ Belknap v. U. S., 150 U. S., 588; 14 S. Ct., 183; 37 L. Ed., 1191 [affirming 24 C. Cls., 433]; Smith v. U. S., 37 C. Cls., 119. And see Dyer v. U. S., 20 C. Cls., 166.

¹² See, generally, Officers.

¹³ U. S. v. Humanson, 26 Fed. Cas., No. 15420; 5 Sawy., 537.

¹⁴ U. S. v. Fidelity Trust Co., 121 Fed., 766; 58 C. C. A., 42. And see U. S. v. Allen, 36 Fed., 174; U. S. v. Smith, 35 Fed., 490.

Liability for money on hand: Sureties on a bond given on the renewal of an appointment are liable for money received during the first term and remaining unexpended at the time of the second appointment. Bruce v. U. S., 17 How. (U. S.), 437; 15 L. Ed., 129.

A bond given by one as agent for certain Indians does not apply to money received by him while acting as agent for other Indians under orders from the Commissioner of Indian Affairs. U. S. v. Barnhart, 17 Fed., 579; 9 Sawy., 159.

The mere failure to file a receipt with his accounts for money actually disbursed by an agent for the benefit of the Government is not enough to charge his bondsmen. U. S. v. McClane, 74 Fed., 153.

¹⁵ U. S. v. Sinnott, 26 Fed., 84.

Where an agent paid the bills of a physician at the agency, under the sanction of a custom of the department of many years' standing, he was entitled to be reimbursed. U. S. v. Patrick, 73 Fed., 800; 20 C. C. A., 11.

Advertising for bids for supplies by a superintendent, under a general order addressed to a predecessor in office, is a lawful expenditure of public money. U. S. v. Odeneal, 10 Fed., 616; 7 Sawy., 451.

An agent paying freight on goods required by reason of a sudden emergency is entitled to be reimbursed. U. S. v. Stowe, 19 Fed., 807.

Payment for similar purchases: The obligation of the Government to pay for purchases made by an Indian agent may be inferred from the action of Congress subsequently providing payment for similar purchases. Fremont v. U. S., 2 C. Cls., 461.

[144] been made in good faith.¹ They are liable also for property not accounted for.²

*D. Criminal prosecutions*³—1. *Criminal offenses*—(a) *In general*.—Decisions with respect to criminal offenses generally, when committed in the Indian country, or by or against Indians, are given in the accompanying note.⁴

[145] (b) *Selling or furnishing liquor*—(I) *In general*.—Selling or furnishing intoxicating liquors to Indians is a criminal offense by act of Congress,⁵ and by statutory enactment in some of the States and Territories of the Union⁶ and in Canada.⁷ Under such statutes an Indian, as well as any other person, is chargeable with the commission of this crime.⁸

(II) *What Indians protected*.—It has been held that under the various statutes on the subject are included Indians to whom allotments of land have been made, so long as the title thereto is held in trust by the Government;⁹ every Indian under

¹ U. S. v. McClane, 74 Fed., 153; U. S. v. Roberts, 10 Fed., 540.

² U. S. v. Young, 44 Fed., 168. Compare U. S. v. Sinnott, 26 Fed., 84.

Technical failure to account: The failure of an Indian agent, through clerical errors, to account for property does not justify a recovery of the value thereof, where it is shown that the property actually remains at the agency. Nominal damages only can be recovered. U. S. v. McClane, 74 Fed., 153; U. S. v. Patrick, 73 Fed., 800; 20 C. C. A., 11; U. S. v. Young, 44 Fed., 168.

The burden of proof of the amount of loss is on the United States. U. S. v. Young, 44 Fed., 168.

Failure to account for property can not be proven, in an action against bondsmen, upon an allegation of failure to account for moneys received. U. S. v. McClane, 74 Fed., 153.

Evidence: A Treasury transcript, showing the value of property unaccounted for, is not admissible as evidence under U. S. Rev. Stat. (1878), sec. 886 [U. S. Comp. Stat. (1901) p. 670]. U. S. v. Smith, 35 Fed., 490.

⁴ As to power of Congress to define and punish crimes committed by or against Indians see Commerce, 7 Cyc., 418, 425.

Adultery is a crime under the laws of the United States when committed on an Indian reservation. Goodson v. U. S., 7 Okla., 117; 54 Pac., 423. It is included in the term "misdemeanor," as used in the rules promulgated by the Secretary of the Interior on Dec. 2, 1882, for the government of Indians on the Umatilla and other reservations. U. S. v. Clapox, 35 Fed., 575; 13 Sawy., 349.

Cutting timber: The Cherokee lands are not "lands of the United States" within the meaning of U. S. Rev. Stat. (1878), sec. 5388 [U. S. Comp. Stat. (1901) p. 3649], providing a penalty for cutting timber on such lands. U. S. v. Reese, 27 Fed. Cas., No. 16137; 5 Dill., 405.

Forgery: An Indian may be convicted for forging and presenting an order for intoxicating liquors, although it is against the law to sell them to Indians. People v. James, 110 Cal., 155; 42 Pac., 479.

Homicide: Murder is punishable by death under the laws of the United States (U. S. Rev. Stat. (1878), secs. 2145, 5339; U. S. v. Martin, 14 Fed., 817; 8 Sawy., 473); and this law includes the murder of one Indian by another, since the passage of 23 U. S. Stat. L., 385, and the provision of that statute was not repealed by 29 U. S. Stat. L., 487 (Good Shot v. U. S., 104 Fed., 257; 43 C. C. A., 525). A pagan Indian who, believing in an evil spirit in human shape called a Wendigo, shot and killed another Indian under the impression that he was the Wendigo, was properly convicted of manslaughter. Reg. v. Machekequonabe, 28 Ont., 309.

An assault with intent to kill, by an Indian upon an Indian, on a reservation in a State, is indictable under U. S. Rev. Stat. (1878), sec. 5346 [U. S. Comp. Stat. (1901) p. 3631], since the passage of 23 U. S. Stat. L., 385 (U. S. v. Logan, 105 Fed., 240); but it was not prior to that statute (U. S. v. Terrel, 28 Fed. Cas., No. 16453; Hempst., 422). When such an assault is committed by an Indian upon a white person, or vice versa, it is not necessary under U. S. Rev. Stat. (1878), sec. 2142, to show malice (Jennings v. U. S., 2 Ind. T., 670; 53 S. W., 456); and this statute does not require that the act would be murder if death had ensued (Ex p. Brown, 40 Fed., 81).

Larceny and receiving stolen goods: Larceny, committed on an Indian reservation, is punishable under the laws of the United States and by the Federal courts. Oats v. U. S., 1 Ind. T., 152; 38 S. W., 673; In re Ingram, 12 Okla., 54; 69 Pac., 868; U. S. v. Ewing, 47 Fed., 809; U. S. v. Bridleman, 7 Fed., 894; 7 Sawy., 243; Anonymous, 1 Fed. Cas., No. 447; Hempst., 413. In Canada an Indian can not be indicted for larceny for cutting and removing wood from land on the reservation. Recourse must be had to the summary proceedings provided by the Indian Act (Can. Rev. Stat., c. 43). Reg. v. Johnson, 8 Can. L. T., 334. The United States statute, U. S. Rev. Stat. (1878), sec. 5357 [U. S. Comp. Stat. (1901) p. 3639], defining the offense of receiving stolen goods and prescribing its punishment is in force in the Indian Territory. Bise v. U. S. (Ind. T., 1904), 82 S. W., 921.

Rape, by an Indian man upon an Indian woman, punishable by death under U. S. Rev. Stat. (1878), sec. 5345 [U. S. Comp. Stat. (1901) p. 3630] and 23 U. S. Stat. L., 385, is made punishable by imprisonment at the discretion of the court by U. S. Rev. Stat. (1878), sec. 5325 [U. S. Comp. Stat. (1901) p. 3620]. Assault with intent to commit rape, committed by an Indian man upon an Indian woman, both residing on a reservation, is not cognizable as a crime by any statute of the United States, and the Federal courts have no jurisdiction. U. S. v. King, 81 Fed., 625.

Robbery, committed in the Indian country, was not punishable as such under U. S. Rev. Stat. (1878), sec. 2145. Anonymous, 1 Fed. Cas., No. 447; Hempst., 413. Under 25 U. S. Stat. L., 787, a conviction of assault with intent to rob may be had, although the robbery is actually accomplished. The crime is not merged into the crime of robbery, for the reason that the United States statutes do not provide any punishment for the crime of robbery in the Indian country. Axlmer v. U. S., 9 Okla., 321; 60 Pac., 98.

Using a deadly weapon in resisting an Indian agent who was making a search for spirituous liquors on the reservation is not an offense under U. S. Rev. Stat. (1878), sec. 5447 [U. S. Comp. Stat. (1901) p. 3678]. Mackey v. Miller, 126 Fed., 161; 62 C. C. A., 139.

In the Indian Territory a person may be indicted and punished for an offense not defined by statute, but which exists by the common law. Carter v. U. S., 1 Ind. T., 342; 37 S. W., 204.

In Canada it is a misdemeanor to rent lands from an Indian. Reg. v. Hagar, 7 U. C. C. P., 380.

⁶ U. S. Rev. Stat. (1878), sec. 2139; 27 U. S. Stat. L., 260; 29 U. S. Stat. L., 506. And see U. S. v. Cohn, 2 Ind. T., 474; 52 S. W., 38; U. S. v. Lariviere, 93 U. S., 188; 23 L. Ed., 846; U. S. v. Warwick, 51 Fed., 280; In re McDonough, 49 Fed., 360; Waters v. Campbell, 29 Fed. Cas., No. 17264; 4 Sawy., 121; U. S. v. Shaw-mux, 27 Fed. Cas., No. 16268; 2 Sawy., 364.

Grade of offense and punishment see Bruguier v. U. S., 1 Dak., 5; 46 N. W., 502; Fowler v. U. S., 1 Wash. T., 3.

A person arrested by military officers for violation of the statute forbidding the introduction into and sale of liquors in the Indian country is not a military prisoner, and must be delivered to the civil authorities for trial within five days, or discharged. In re Carr, 5 Fed. Cas., No. 2432; 3 Sawy., 316; Waters v. Campbell, 29 Fed. Cas., No. 17265; 5 Sawy., 17.

⁸ See People v. Bray, 105 Cal., 344; 38 Pac., 731; 27 L. R. A., 158; Territory v. Guyott, 9 Mont., 46; 22 Pac., 134; Tate v. State, 58 Nebr., 296; 78 N. W., 494; Territory v. Coleman, 1 Oreg., 191; 75 Am. Dec., 554.

⁷ See Reg. v. Murdock, 4 Can. Cr. Cas., 82; Reg. v. McAulay, 7 Can. L. T., 344; 14 Ont., 643 (holding that a husband may be convicted and punished for the sale of liquor to Indians by his wife); Reg. v. Duquette, 1 Can. L. T., 702; 9 Ont. Pr., 29; Re Metcalfe, 17 Ont., 357; Reg. v. MacKenzie, 6 Ont., 165, holding that a conviction under the Indian Act (1880) for giving intoxicating liquor to an Indian is invalid unless it is shown that the liquor was not used under the sanction of a medical man or minister of religion.

The penalty may be imprisonment and fine, or either; but not a fine with imprisonment in default of payment, except where the offense is selling liquor to Indians on board a vessel. Ex p. Goodine, 7 Can. L. T., 22; Reg. v. MacKenzie, 4 Can. L. T., 343; 6 Ont., 165.

⁹ U. S. v. Tom, 1 Oreg., 26; U. S. v. Miller, 105 Fed., 944; U. S. v. Shaw-mux, 27 Fed. Cas., No. 16268; 2 Sawy., 364.

⁹ Farrell v. U. S., 110 Fed., 942; 49 C. C. A., 183. And see U. S. v. Kopp, 110 Fed., 160.

the charge of a superintendent or agent,¹ wherever he may be;² and all Indians, including mixed bloods, over whom the Government exercises guardianship.³

[146] (III) *Intent and knowledge*.—Under an indictment for selling liquor to an Indian it is not necessary to prove criminal intent.⁴ And a claim that defendant did not know that the person to whom he sold was an Indian is no defense.⁵

(c) *Introducing liquor into the Indian country*—(I) *In general*.—Introducing liquor into the Indian country is prohibited by act of Congress, and is subject to the same penalties applicable to the crime of selling or giving liquor to an Indian.⁶ The transportation of liquors as an article of commerce across a reservation is not a violation of the statute.⁷

(II) *Seizures and forfeiture*.—Where liquor is introduced into the Indian country in violation of law, the liquor itself, the instruments or means used in conveying it thither, and the goods found in company with the liquors, are subject to seizure and forfeiture.⁸ The seizure can be made only when the liquors are found in the Indian country.⁹

2. *Criminal jurisdiction*—(a) *In general*.—Up to the year 1885 crimes committed in the Indian country were within the exclusive jurisdiction of the United States courts, except crimes committed by one Indian against the person or property of another, which were punishable solely by the laws of the tribes.¹⁰ The [147] State courts had no jurisdiction.¹¹ By a statute enacted in that year jurisdiction over murder, manslaughter, rape, assault with intent to kill, arson, burglary, and larceny when committed by an Indian, was vested in the United States and territorial courts.¹²

(b) *On reservations in a State*—(1) *Over Indians*.—A State has no jurisdiction over crimes committed by Indians within a reservation, such jurisdiction being in the United States or the tribal courts.¹³

¹ Territory v. Guyott, 9 Mont., 46; 22 Pac., 134; Renfrow v. U. S., 3 Okla., 161; 41 Pac., 88; U. S. v. Hurshman, 53 Fed., 543; U. S. v. Osborn, 2 Fed., 58; 6 Sawy., 406.

Actual control by the agent is not essential if the Indian belongs to the tribe over which the agent has charge. U. S. v. Holliday, 3 Wall. (U. S.), 407; 18 L. Ed., 182; U. S. v. Earl, 17 Fed., 75; 9 Sawy., 79; U. S. v. Osborn, 2 Fed., 58; 6 Sawy., 406; U. S. v. Flynn, 25 Fed. Cas., No. 15124; 1 Dill., 451.

Indians born in Oregon are *prima facie* members of some Oregon tribe and are therefore under the charge of the superintendent of Indian affairs in Oregon. U. S. v. Wirt, 25 Fed. Cas., No. 16745; 3 Sawy., 161.

In Canada to support a conviction before an Indian agent, for selling liquor to Indians, it must appear that they were Indians over whom that agent had jurisdiction. Reg. v. McAulay, 7 Can. L. T., 344; 14 Ont., 643.

² U. S. v. Burdick, 1 Dak., 142; 46 N. W., 571; U. S. v. Holliday, 3 Wall. (U. S.), 407; 18 L. Ed., 182; U. S. v. Miller, 105 Fed., 944; U. S. v. Earl, 17 Fed., 75; 9 Sawy., 79; U. S. v. Osborn, 2 Fed., 58; 6 Sawy., 406; U. S. v. Shaw-mux, 27 Fed. Cas., No. 16268; 2 Sawy., 364.

³ 29 U. S. Stat. L., 506. And see U. S. v. Miller, 105 Fed., 944.

Indian students at Carlisle school are included in its provisions. U. S. v. Belt, 128 Fed., 168.

⁴ U. S. v. Miller, 105 Fed., 944; U. S. v. Leathers, 26 Fed. Cas., No. 15581; 6 Sawy., 17.

⁵ U. S. v. Stofello (Ariz., 1904), 76 Pac., 611.

In Canada it is a good defense if the seller did not know and had no means of knowing that a half-breed to whom he sold shared in the Indian treaty payments and was therefore within the meaning of the Indian Act. Reg. v. Mellon, 5 Terr. L. R., 301.

⁶ See U. S. v. Stephens, 12 Fed., 52; 8 Sawy., 116; In re Carr, 5 Fed. Cas., No. 2432; 3 Sawy., 316, statute extends to Alaska. And see supra, IV, D, 1 (b), (1).

Beer: Prior to the passage of 27 U. S. Stat. L. 260, the statute did not prohibit the introduction of beer. Sarlls v. U. S., 152 U. S., 570; 14 S. Ct., 720; 38 L. Ed., 556; In re McDonough, 49 Fed., 360.

Ordering whisky to be shipped to the Indian country by a wholesale dealer is not a violation of the statute. U. S. v. Stephens, 12 Fed., 52; 8 Sawy., 116.

Payment of the internal revenue tax as a retail liquor dealer does not relieve one from the penalty imposed by the statute. U. S. v. Forty-three Gallons of Whisky, 108 U. S., 491; 2 S. Ct., 906; 27 L. Ed., 803; U. S. v. Ellis, 51 Fed., 808.

⁷ U. S. v. Carr, 2 Mont., 234; U. S. v. Four Bottles Sour-Mash Whisky, 90 Fed., 720; U. S. v. Twenty-nine Gallons of Whisky, 45 Fed., 847.

⁸ U. S. Rev. Stat. (1878), sec. 2140. And see U. S. v. Lucero, 1 N. Mex., 422; American Fur Co. v. U. S., 2 Pet. (U. S.), 358; 7 L. Ed., 450; U. S. v. Twenty-nine Gallons of Whisky, 45 Fed., 847.

Teams used in conveying liquor into an Indian reservation may be rightfully seized, although the property of another than the one so using them. Webb v. Nickerson, 11 Oreg., 382; 4 Pac., 1126.

⁹ U. S. v. Certain Property, 1 Ariz., 31; 25 Pac., 517; American Fur Co. v. U. S., 2 Pet. (U. S.), 358; 7 L. Ed., 450; Palcher v. U. S., 11 Fed., 47; 3 McCrary, 510.

A military officer seizing liquors supposed to be in the Indian country when they are not is liable as a trespasser. Bates v. Clark, 95 U. S., 204; 24 L. Ed., 471.

Who may make: A seizure must be made by an officer named in the statute, and no other. U. S. v. The Cora, 1 Dak., 1; 46 N. W., 503.

¹⁰ 1 U. S. Stat. L., 469; 2 U. S. Stat. L., 139; 4 U. S. Stat. L., 729; U. S. Rev. Stat. (1878), secs. 2145, 2146. And see U. S. v. Monte, 3 N. Mex., 126; 3 Pac., 45; Ex p. Kan-gi-shun-ca, 109 U. S., 556; 3 S. Ct., 396; 27 L. Ed., 1030; U. S. v. Rogers, 4 How. (U. S.), 567; 11 L. Ed., 1105; U. S. v. Barnhart, 22 Fed., 285; 10 Sawy., 491; U. S. v. Cha-to-kah-na-pe-sha, 25 Fed. Cas., No. 14789a; Hempst., 27; U. S. v. Sanders, 27 Fed. Cas., No. 16226; Hempst., 483.

The United States court for Arkansas had no jurisdiction to hear, try, and punish offenses committed in the Indian country west of Arkansas, until the passage of 5 U. S. Stat. L., 680. U. S. v. Alberty, 24 Fed. Cas., No. 14426; Hempst., 444; U. S. v. Ivy, 26 Fed. Cas., No. 15451; Hempst., 562; U. S. v. Starr, 27 Fed. Cas., No. 16379; Hempst., 469. An indictment pending in the United States court for the eastern district of Arkansas for an offense committed in the Indian country could be tried in that court after the passage of the act of Congress dividing the district, and giving jurisdiction over the Indian country to the western division. U. S. v. Dawson, 15 How. (U. S.), 467; 14 L. Ed. 775.

The revocation of an executive order creating a reservation does not affect the jurisdiction of the United States court to try an indictment found after the revocation for a murder committed before. U. S. v. Knowlton, 3 Dak., 53; 13 N. W., 573; U. S. v. Brave Bear, 3 Dak., 34; 13 N. W., 565.

As to criminal jurisdiction of tribal courts see II, C, 3 (d).

¹¹ Pickett v. U. S., 1 Ida., 523; State v. McKenney, 18 Nev., 182; 2 Pac., 171.

¹² 23 U. S. Stat. L., 385. And see U. S. v. Ward, 42 Fed., 320.

Want of notice to defendant of the enactment of this statute is no defense to an indictment under its provisions. U. S. v. Whaley, 37 Fed., 145; 13 Sawy., 548.

¹³ U. S. Rev. Stat. (1878), secs. 2145, 2146; 23 U. S. Stat. L., 385. And see State v. Campbell, 53 Minn., 354; 55 N. W., 553; 21 L. R. A., 169; Ex p. Cross, 20 Nebr., 417; 30 N. W., 428; U. S. v. Thomas, 151 U. S., 577; 14 S. Ct., 426; 38 L. Ed., 276; U. S. v. Kaga

(II) *Over persons not Indians.*—Crimes committed by white persons on a reservation within a State, except where jurisdiction over such reservation has been expressly reserved to the United States courts upon admission of the State to the Union, are within the exclusive jurisdiction of the State courts.¹ If the jurisdiction of the United States is so reserved by any treaty or statute, the United States courts have exclusive jurisdiction.²

(c) *In a State, not on a reservation.*—The State courts have exclusive jurisdiction over crimes committed by tribal or other Indians within the State and outside the limits of any Indian reservation.³

(d) *In a Territory—(1) Over Indians.*—An Indian charged with the com-[148] mission of any offense specified in the act of March 3, 1885,⁴ must be tried in the Territorial courts and under Territorial laws.⁵ It is improper to try him before the district court of the Territory while sitting as a United States court.⁶ In regard to offenses not named in that act, and punishable under the laws of the United States, the Federal courts have exclusive jurisdiction.⁷

(II) *Over persons not Indians.*—The United States courts in a territory have exclusive jurisdiction over all crimes punishable by the laws of the United States, when committed by persons other than Indians, on an Indian reservation.⁸ Territorial laws which attempt to punish acts made criminal by the laws of the United States have no force within an Indian reservation.⁹

3. *Procedure—(a) In general.*—The rules of the common law govern as to procedure in criminal cases arising in the Indian country, except where other provision is made by statute.¹⁰

(b) *Warrant.*—An officer at an Indian agency has no authority to arrest a resident on such reservation without a warrant, on a charge of misdemeanor not committed in his presence.¹¹

(c) *Indictment or information*¹²—(1) *In general.*—Where jurisdiction over offenses by one Indian against another is reserved to the tribal courts, an indictment

ma, 118 U. S., 375; 6 S. Ct., 1109; 30 L. Ed., 228; In re Lincoln, 129 Fed., 247; Peters v. Malin, 111 Fed., 244; In re Blackbird, 109 Fed., 139; U. S. v. Logan, 105 Fed., 240; U. S. v. King, 81 Fed., 625. But see State v. Foreman, 8 Yerg. (Tenn.), 256; State v. Doxtater, 47 Wis., 278; 2 N. W., 439; State v. Harris, 47 Wis., 298; 2 N. W., 543.

Tribal Indians: Only tribal Indians are within the acts of Congress and State courts are not thereby deprived of jurisdiction over crimes committed by Indians who either have never sustained or have severed all tribal relations. People v. Turner, 85 Cal., 432; 24 Pac., 857; People v. Ketchum, 73 Cal., 635; 15 Pac., 353; Jackson v. Goodell, 20 Johns. (N. Y.), 188; In re Peters, 2 Johns. Cas. (N. Y.), 344; State v. Smokalem, 37 Wash., 91; 79 Pac., 608; State v. Howard, 33 Wash., 250; 74 Pac., 382; State v. Williams, 13 Wash., 335; 43 Pac., 15. Indians living in the tribal relation are not subject, in their internal social relations, either to the laws of the States or of the United States. U. S. v. Barnaby, 51 Fed., 20. Citizenship of an Indian allottee conferred by Congress is not inconsistent with the status of a tribal Indian, and the State courts can not punish crimes committed by one such Indian against another. State v. Columbia George, 39 Oreg., 127; 65 Pac., 604.

¹ Alabama: Caldwell v. State, 1 Stew. & P., 327.
Georgia: State v. Tassels, Dudley, 229.
Kansas: State v. O'Laughlin, 29 Kans., 20; McCracken v. Todd, 1 Kans., 148.
Minnesota: State v. Campbell, 53 Minn., 354; 55 N. W., 553; 21 L. R. A., 169.
Nebraska: Marion v. State, 16 Nebr., 349; 20 N. W., 289; 20 Nebr., 233; 29 N. W., 911; 57 Am. Rep., 825; Painter v. Ives, 4 Nebr., 122.

United States: Drapel v. U. S., 164 U. S., 240; 17 S. Ct., 107; 41 L. Ed., 419; U. S. v. McBratney, 104 U. S., 621; 26 L. Ed., 869; U. S. v. Hadley, 99 Fed., 437.
See 27 Cent. Dig., tit. "Indians," sec. 64.

Reservations created within a State, after its admission, are nevertheless within the jurisdiction of the State courts as to crimes committed by white persons. Ex p. Sloan, 22 Fed. Cas., No. 12944; 4 Sawy., 330.

An allottee under 24 U. S. Stat. L., 338, is subject to the jurisdiction of the State courts, even for an offense committed against an Indian on a reservation. In re Now-ge-zhuck, 69 Kans., 410; 76 Pac., 877; U. S. v. Kiya, 126 Fed., 879.

² U. S. v. Partello, 48 Fed., 670; U. S. v. Bridleman, 7 Fed., 894; 7 Sawy., 243.
An allottee on the Umatilla reservation in Oregon, charged with murder on such reservation, could be tried only in the Federal courts. State v. Columbia George, 39 Oreg., 127; 65 Pac., 604; U. S. v. Logan, 105 Fed., 240.

³ Colorado: Pablo v. People, 23 Colo., 134; 46 Pac., 636; 37 L. R. A., 636.
Kansas: Rubideaux v. Vallie, 12 Kans., 28; Hunt v. State, 4 Kans., 60.
Montana: State v. Little Whirlwind, 22 Mont., 425; 56 Pac., 820; State v. Spotted Hawk, 22 Mont., 33; 55 Pac., 1026.

North Carolina: State v. Ta-cha-na-tah, 64 N. C., 614.
Washington: State v. Williams, 13 Wash., 335; 43 Pac., 15.

United States: In re Wolf, 27 Fed., 606; U. S. v. Sa-coo-da-cot, 27 Fed. Cas., No. 16212; 1 Abb., 377; 1 Dill., 271. And see U. S. v. Kiya, 126 Fed., 879, rape committed by an Indian residing on allotted land.

⁴ 23 U. S. Stat. L., 385. For list of crimes see *supra*, IV, D, 2, (a).
⁵ Goodson v. U. S., 7 Okla., 117; 54 Pac., 423; Ex p. Captain Jack, 130 U. S., 353; 9 S. Ct., 546; 32 L. Ed., 976; Ex p. Gon-shay-ee, 130 U. S., 343; 9 S. Ct., 542; 32 L. Ed., 973.

⁶ Ex p. Captain Jack, 130 U. S., 353; 9 S. Ct., 546; 32 L. Ed., 976; Ex p. Gon-shay-ee, 130 U. S., 343; 9 S. Ct., 542; 32 L. Ed., 973.
⁷ Welty v. U. S., 14 Okla., 7; 76 Pac., 121; Goodson v. U. S., 7 Okla., 117; 54 Pac., 423.

⁸ U. S. Rev. Stat. (1878), sec. 2145. And see McCall v. U. S., 1 Dak., 320; 46 N. W., 608; Welty v. U. S., 14 Okla., 7; 76 Pac., 121; Herd v. U. S., 13 Okla., Stat., Pac., 291; In re Ingram (Okla., 1902), 69 Pac., 868; Ellis v. U. S., 11 Okla., 653; 69 Pac., 787; Barclay v. U. S., 11 Okla., 503; 69 Pac., 798; Goodson v. U. S., 7 Okla., 117; 54 Pac., 423; Ex p. Wilson, 140 U. S., 575; 11 S. Ct., 870; 35 L. Ed., 513.

Cherokee outlet: Prior to the organization of Oklahoma Territory, jurisdiction of a murder committed in the Cherokee outlet was in the United States District court of Kansas, under the act of 22 U. S. Stat. L., 400. U. S. v. Soule, 30 Fed., 918. But since the organization of Oklahoma Territory that part of the outlet not included therein, but which was attached for judicial purposes to a judicial district of the Territory, continued to be Indian country; and the offense of horse stealing committed therein was within the jurisdiction of the District court, sitting as a court of the United States. U. S. v. Pidgeon, 153 U. S., 48; 14 S. Ct., 746; 38 L. Ed., 631.

⁹ Goodson v. U. S., 7 Okla., 117; 54 Pac., 423.
¹⁰ See Goodson v. U. S., 7 Okla., 117; 54 Pac., 423; Shapoonmash v. U. S., 1 Wash. T., 188; Palmer v. U. S., 1 Wash. T., 5.

¹¹ John Bad Elk v. U. S., 177 U. S., 529; 20 S. Ct., 729; 44 L. Ed., 874.
¹² Sufficiency of allegation of venue see Beebe v. U. S., 2 Dak., 292; 11 N. W., 505; U. S. v. Ewing, 47 Fed., 809.

in a Federal court must aver that either defendant or the party injured was not an Indian.¹ An information filed in the State court of a county containing within its limits a part or the whole of an Indian reservation, against a person described as an Indian, need not, in order to confer jurisdiction, aver either that such person does not sustain tribal relations or that the offense was not committed within the limits of such reservation.² Under the constitution of the Creek Nation, requiring the prosecuting attorney to indict all offenders, the finding of an indictment by a grand jury is not necessary.³

(II) *Under liquor laws.*⁴—In an indictment for the sale of liquor to [149] Indians it is not necessary to name the Indians to whom the liquor was sold.⁵ An indictment charging that defendant "did give and sell" intoxicating liquors to an Indian,⁶ or did introduce into the Indian country certain "ardent spirits, ale, beer, wine, and intoxicating liquors"⁷ is not bad as stating two offenses.

(d) *Bail.*—The giving and forfeiture of bail in the Indian Territory is governed by the provisions of the Arkansas statute,⁸ and the United States statute relating thereto⁹ has no force therein.¹⁰

(e) *Venue.*—To entitle an Indian to a change of venue under the act of Congress¹¹ his citizenship in the tribe must be shown.¹²

(f) *Burden of proof.*—Where the jurisdiction depends upon the status of one of the parties, his status is a question of fact for the jury, and the burden of proof is on the Government.¹³

(g) *Appeal.*¹⁴—In the prosecution of an Indian for crime, the jurisdiction of the State courts can be challenged for the first time on appeal.¹⁵

E. Civil jurisdiction of State and Territorial courts.—State courts have jurisdiction over controversies respecting lands lying within the State and belonging to or claimed by Indians,¹⁶ other than tribal lands.¹⁷ They have jurisdiction generally over actions on contracts made with Indians¹⁸ and actions sounding in tort.¹⁹ The property of a tribal Indian on a reservation does not, on his death, become subject to the State laws of distribution, but descends in accordance with the custom of the tribe; and the State courts have no jurisdiction to appoint an administrator.²⁰ Nor have they jurisdiction to appoint a guardian for minor children on a reservation.²¹

*F. Taxation*²²—1. *Of Indians.*—Although Indians maintaining tribal rela- [150] tions within the Indian country can not be taxed by a State,²³ yet where a reservation

¹ *Lucas v. U. S.*, 163 U. S., 612; 16 S. Ct., 1168; 48 L. Ed., 282; *Wheeler v. U. S.*, 159 U. S., 523; 16 S. Ct., 93; 40 L. Ed., 244; *Westmoreland v. U. S.*, 155 U. S., 545; 15 S. Ct., 243; 39 L. Ed., 255. But see *Herd v. U. S.*, 13 Okla., 512; 75 Pac., 291.

² *State v. Williams*, 13 Wash., 335; 43 Pac., 15. And see *State v. Spotted Hawk*, 22 Mont., 33; 55 Pac., 1026.

³ *Ex p. Tiger*, 2 Ind. T., 41; 47 S. W., 304.

⁴ Sufficiency of allegations see *Laurent v. State*, 1 Kans., 313.

Variance: Under 29 U. S. Stat. L., 506, where an indictment alleged that the Indian to whom the liquor was sold was a ward of the Government, and the proof showed also that he was an Indian to whom an allotment of land had been made, there was no variance. *Mulligan v. U. S.*, 120 Fed., 98; 56 C. C. A., 50.

Names of witnesses: On an indictment for selling liquor to Indians in Alaska, the accused has the right to have indorsed on the indictment only the witnesses examined before the grand jury, this being the provision of the Oregon statute made applicable by the act of Congress. *Shelp v. U. S.*, 81 Fed., 694; 26 C. C. A., 570.

⁶ *People v. Faust*, 113 Cal., 172; 45 Pac., 261; *State v. Jackson*, 4 Blackf. (Ind.), 49; *Foerster v. U. S.*, 116 Fed., 860; 54 C. C. A., 210; *U. S. v. Warwick*, 51 Fed., 280.

⁷ *Bruguier v. U. S.*, 1 Dak., 5; 46 N. W., 502; *Reg. v. Monaghan*, 34 Can. L. J., 55; 18 Can. L. T. Occ. Notes, 45.

⁸ *Parris v. U. S.*, 1 Ind. T., 43; 35 S. W., 243.

⁹ 28 U. S. Stat. L., 696.

¹⁰ U. S. Rev. Stat. (1878), § 1014 [U. S. Comp. Stat. (1901), p. 716].

¹¹ *Simon v. U. S.* (Ind. T., 1903), 76 S. W., 280.

¹² 30 U. S. Stat. L., 511.

¹³ *Bruner v. U. S.* (Ind. T., 1903), 76 S. W., 244.

¹⁴ *State v. Howard*, 33 Wash., 250; 74 Pac., 382; *Lucas v. U. S.*, 163 U. S., 612; 16 S. Ct., 1168; 48 L. Ed., 282; *Smith v. U. S.*, 151 U. S., 50; 14 S. Ct., 243; 38 L. Ed., 67.

¹⁵ In Canada, where notice of appeal has been given and security provided within 30 days, it is sufficient to save the appeal, under the Indian Act (Can. Rev. Stat. c. 43, § 108). *Reg. v. McGauley*, 7 Can. L. T., 395.

¹⁶ *State v. Howard*, 33 Wash., 250; 74 Pac., 382.

¹⁷ *Wright v. Marsh*, 2 Greene (Iowa), 94; *Telford v. Barney*, 1 Greene (Iowa), 575; *Bam-way-bin-ness v. Eshelby*, 87 Minn., 108; 91 N. W., 291; *Bird v. Winyer*, 24 Wash., 269; 64 Pac., 178.

¹⁸ *Ex p. Forbes*, 9 Fed. Cas., No. 4921; 1 Dill., 363.

¹⁹ *Brashear v. Williams*, 10 Ala., 630; *Stevenson v. Christie*, 64 Ark., 72; 42 S. W., 418; *Hicks v. Ewhartanah*, 21 Ark., 106; *Stacy v. La Belle*, 99 Wis., 520; 75 N. W., 60; 67 Am. St. Rep., 879; 41 L. R. A., 419.

Jurisdiction of white persons or their property when residing on a reservation: Where a treaty provides that the reservation shall never be made a part of any State or Territory, the District courts of a Territory have no jurisdiction over white persons thereon. *Langford v. Monteith*, 102 U. S., 145; 26 L. Ed., 53; *Harkness v. Hyde*, 98 U. S., 476; 25 L. Ed., 237. A State has jurisdiction over the property of a white man residing on a reservation with the consent of a tribe, and the entry by an officer to levy an execution is not prohibited by the provision in the enabling act that all Indian lands in the State "shall remain under the absolute jurisdiction and control of the congress of the United States." *Stiff v. McLaughlin*, 19 Mont., 300; 48 Pac., 232.

¹⁹ *Bates v. Printup*, 31 Misc. (N. Y.), 17; 64 N. Y. Suppl., 561.

²⁰ *U. S. v. Shanks*, 15 Minn., 369; *U. S. v. Payne*, 27 Fed. Cas., No. 16014; 4 Dill., 387. And see *supra*, II, C, 3, (b). But compare *Brashear v. Williams*, 10 Ala., 630; *Reed v. Brasher*, 9 Port. (Ala.), 438.

²¹ *Peters v. Malin*, 111 Fed., 244; *In re Leiah-puc-ka-chee*, 98 Fed., 429. But see *Farrington v. Wilson*, 29 Wis., 383.

²² For taxation by Indian tribes or nations see *supra*, II, C, 3, (c); IV, B, 2, (b).

²³ For taxation of tribal lands see *supra*, III, A, 6.

²⁴ *State v. Ross*, 7 Yerg. (Tenn.), 74; *Fellows v. Deniston*, 5 Wall. (U. S.), 761; 18 L. Ed., 708; *In re Kansas Indians*, 5 Wall. (U. S.), 737; 18 L. Ed., 667; *U. S. v. Higgins*, 103 Fed., 348.

within a State has been extinguished and the Indians have taken allotments of land in fee simple and become citizens, their personal property is subject to taxation.¹ A State can not, however, tax personal property furnished to Indian allottees by the Government to enable them to maintain themselves while the title to their allotments is held in trust by the United States, nor can it tax improvements on allotted lands so held.²

2. *Of other persons.*—Unless a reservation is expressly excepted from the jurisdiction of a State when admitted, or of a territory when organized, the property of all persons within the limits of the reservation, except that of Indians, is subject to taxation by the State or Territory.³

V. INDIAN DEPREDACTIONS.

A. *Jurisdiction and liability*—1. *In general*—(a) *Jurisdiction.*—The United States court of claims has jurisdiction over claims against the United States and Indian tribes for depredations committed by members of the tribe upon the property of citizens of the United States.⁴ The statute is jurisdictional only, and does not create new liability.⁵ Jurisdiction as to depredations committed by others upon the property of certain members of the Pottawatomie Nation of Indians is conferred by statute upon the United States Court of Claims, and under this statute are included depredations by other Indians as well as by whites.⁶

(b) *Basis of liability.*—The liability of the tribe and of the United States for depredations committed by Indians depends upon statutes prior to the jurisdictional act.⁷ Such liability may, however, be assumed under a treaty by a tribe to which the statutes would otherwise not apply.⁸

[151] (c) *Amnesty.*—A general amnesty declared in a treaty bars the prosecution of a claim for a prior depredation committed by members of the tribe.⁹

2. *Nature of depredations*—(a) *In general.*—A depredation, within the meaning of the statute, is a voluntary and wilful act; and where there was neither malice nor gross negligence on the part of the Indians causing the damage there can be no recovery.¹⁰ The term "depredation" involves one or more of the following conditions: Force, trespass, violence, a physical taking by force, or destruction.¹¹ No remedy is afforded for the conversion of property not in the legal possession of the owner or his agent;¹² nor for the acts of Indians done under the direction of an officer of the United States.¹³

¹ *Kookuk v. Ulam*, 4 Okla., 5; 38 Pac., 1080.

² *U. S. v. Rickert*, 188 U. S., 432; 23 S. Ct., 478; 47 L. Ed., 532.

³ *Wagoner v. Evans*, 170 U. S., 588; 18 S. Ct., 730; 42 L. Ed., 1154 [affirming 5 Okla., 31; 46 Pac., 1117]; *Thomas v. Gay*, 169 U. S., 264; 18 S. Ct., 340; 42 L. Ed., 740 [affirming 7 Okla., 184; 54 Pac., 444]; *Maricopa, etc., R. Co. v. Arizona*, 156 U. S., 347; 15 S. Ct., 391; 39 L. Ed., 447; *Utah, etc., R. Co. v. Fisher*, 116 U. S., 28; 6 S. Ct., 246; 29 L. Ed., 542; *Truscott v. Hurlbut Land, etc., Co.*, 73 Fed., 60; 19 F. C. A., 374.

Taxation for particular purposes: The Territorial legislature may tax property on a reservation for Territorial and court funds, and exempt the same property from taxation for country purposes. *Fryer v. Bryan*, 11 Okla., 357; 66 Pac., 348.

Licensed trader: Cattle and horses belonging to a licensed Indian trader, kept on an Indian reservation, are not exempt from State taxation, even if kept there with the consent of the Indians. *Cosier v. McMillan*, 22 Mont., 484; 56 Pac., 965; *Noble v. Amoretii*, 11 Wyo., 230; 71 Pac., 879; *Moore v. Beason*, 7 Wyo., 292; 51 Pac., 875. *Contra*, *Foster v. Blue Earth County*, 7 Minn., 140.

⁴ 26 U. S. Stat. L., 851. See *Vincent v. U. S.*, 39 C. Cls., 456. And see *Courts*, 11 Cyc., 971, 978.

Construction of statute: This statute must be strictly construed, both as being in derogation of the sovereignty of the United States and as enforcing an obligation of the wards of the nation. *Marks v. U. S.*, 161 U. S., 297; 16 S. Ct., 476; 40 L. Ed., 706; *Leighton v. U. S.*, 161 U. S., 291; 18 S. Ct., 495; 40 L. Ed., 703; *Wilson v. U. S.*, 38 C. Cls., 6. It was not, however, the intention of Congress to impose technical defenses, but rather that the claims should be considered on their merits. *Brown v. U. S.*, 32 C. Cls., 432. The claims are not gratuities, but legal demands. *McKinzie v. U. S.*, 34 C. Cls., 278.

⁵ *Brown v. U. S.*, 32 C. Cls., 432; *Welch v. U. S.*, 32 C. Cls., 106; *Love v. U. S.*, 29 C. Cls., 332.

⁶ *U. S. v. Navarre*, 173 U. S., 77; 19 S. Ct., 326; 43 L. Ed., 620.

⁷ 12 U. S. Stat. L., 120; U. S. Rev. Stat. (1878), § 2156. And see *Corralitos Stock Co. v. U. S.*, 178 U. S., 280; 20 S. Ct., 941; 44 L. Ed., 1069 [affirming 33 C. Cls., 342]; *Welch v. U. S.*, 32 C. Cls., 106; *Garrison v. U. S.*, 30 C. Cls., 272.

⁸ *Fino v. U. S.*, 38 C. Cls., 64; *De Baca v. U. S.*, 37 C. Cls., 482.

A treaty obligation to cease all hostilities against the United States is not an obligation to pay for damage by individual depredators. *Leighton v. U. S.*, 29 C. Cls., 288.

Delivery of offender as substitute for indemnity: The making of treaties with 13 of the principal tribes in 1867-68, whereby the election was given them to surrender the wrongdoer or to reimburse the injured party, was intended to be the institution of a new policy; but that policy was never instituted in fact. The wrongdoer was never demanded as provided by the treaty, and no tribe ever offered or refused to surrender one. Therefore it must be inferred that that provision of the treaties has been abandoned by both parties, and it is not necessary to show that a demand was made upon the tribe in order to establish liability. *U. S. v. Hood*, 172 U. S., 641; 19 S. Ct., 882; 43 L. Ed., 1181; *U. S. v. Kemp*, 169 U. S., 733; 18 S. Ct., 948; 42 L. Ed., 1215; *Brown v. U. S.*, 32 C. Cls., 432.

⁹ *Garrison v. U. S.*, 30 C. Cls., 272.

¹⁰ *Davidson v. U. S.*, 34 C. Cls., 169; *Jaeger v. U. S.*, 33 C. Cls., 214; 29 C. Cls., 172.

¹¹ *Ayres v. U. S.*, 35 C. Cls., 26.

Delivery of goods under duress: Where the chief of a large body of Indians demanded possession of certain supplies from a few whites, the transfer will be deemed to have been made under duress, and to constitute a depredation. *McKinzie v. U. S.*, 34 C. Cls., 278.

¹² *Ayres v. U. S.*, 35 C. Cls., 26.

¹³ *Wilson v. U. S.*, 38 C. Cls., 6; *Davidson v. U. S.*, 34 C. Cls., 169.

(b) *Property losses only.*—The statute contemplates indemnity only for property taken or destroyed. It does not include compensation for consequential damages,¹ or for personal injuries.²

3. *Place of depredation.*—The offense must have been committed within the territorial limits of the United States,³ and, if within the Indian country, upon the property of one who was lawfully there.⁴

4. *Limitations.*—All limitations prescribed by previous statutes are waived. Claims must be filed within three years from the date of the statute; but no claim is to be considered which accrued after the date of the passage of the act.⁵ A claim accruing prior to July 1, 1865, is barred, unless it has been presented, with evidence to support it, before the date of the jurisdictional act.⁶

B. Parties—1. Claimants—(a) In general.—The Indian Depredation Act authorizes an action by, and judgment for, the owner of property taken or destroyed.⁷

[152] (b) *Citizenship.*—The claimant must have been a citizen of the United States at the time of the depredation.⁸ The primary declaration of intention to become a citizen is not sufficient, although naturalization was afterward completed.⁹

(c) *Partners.*—The interests of partners are separable under the statute, and a partner who was a citizen may maintain suit for his interest, although the other partners were aliens.¹⁰ Where suit is brought for the same property by a surviving partner and the heirs of the deceased partner, the surviving partner is entitled to recover for the whole amount.¹¹

(d) *New parties by amendment.*—When an action arising from the loss of partnership property has been erroneously brought by one partner in his own name, the other partners may come in by amendment, although the time for filing new claims has expired.¹² A claim "presented to the court by petition" as required by statute, within the jurisdictional period, by an attorney in ignorance of the death of the party in whose favor the claim existed, is not a cause pending and can not be used as a basis for reviving the case in the name of the administrator after the expiration of the jurisdictional period. The common-law rule that a suit begun in the name of a dead man is a nullity is applicable to cases under the Indian Depredation Act.¹³ Where an Indian depredation suit was instituted in due time by the children of a deceased owner, they being the parties really in interest, but not authorized by the law of the State in which they resided, to maintain an action, the administrator of the estate may be substituted, at their consent, as party plaintiff, after the jurisdictional period has expired.¹⁴

¹ Davidson v. U. S., 34 C. Cls., 169; Swope v. U. S., 33 C. Cls., 223; Price v. U. S., 33 C. Cls., 106; Brice v. U. S., 32 C. Cls., 23.

² Swope v. U. S., 33 C. Cls., 223; Friend v. U. S., 29 C. Cls., 425.

³ Corralitos Co. v. U. S., 178 U. S., 280; 20 S. Ct., 941; 44 L. Ed., 1069 [affirming 33 C. Cls., 342].

The Kickapoo Indians were liable for depredations committed by them in the United States while they were temporarily residing in Mexico. Lowe v. U. S., 37 C. Cls., 413.

⁴ McCoy v. U. S., 33 C. Cls., 163; Welch v. U. S., 32 C. Cls., 106.

Established trail: One who is traveling with his property over a lawfully established trail through the Indian Territory is entitled to recover for a depredation committed upon his property. U. S. v. Andrews, 179 U. S., 96; 21 S. Ct., 46; 45 L. Ed., 103; Merchant v. U. S., 35 C. Cls., 403.

Where a person occupies the public domain and builds thereon with material obtained therefrom, he will not be regarded as a trespasser; and he may recover for such improvements if destroyed by Indians, but not for the value of the material. Osborn v. U. S., 33 C. Cls., 304.

⁶ 26 U. S. Stat. L., 852. And see Tryon v. U. S., 32 C. Cls., 425.

⁷ Nesbitt v. U. S., 186 U. S., 153; 32 S. Ct., 805; 46 L. Ed., 1100; Weston v. U. S., 29 C. Cls., 420. And see Barrow v. U. S., 30 C. Cls., 54.

Evidence as to claim and presentation: Where a claim was presented to an Indian agent or subagent it was his duty to report it to his superior officer, and to submit the claim to the Indians in council. Where no records of his office can be found, the court will consider other evidence of presentation. Stevens v. U. S., 34 C. Cls., 244. The claimant's own sworn declaration filed in the Interior Department is not sufficient to take the case out of the bar of the statute; nor the signatures of attesting witnesses who do not state that they know the facts; nor the hearsay affidavit of one witness. Nesbitt v. U. S., 186 U. S., 153; 22 S. Ct., 805; 46 L. Ed., 1100; Butler v. U. S., 38 C. Cls., 167; Weston v. U. S., 29 C. Cls., 420.

⁷ De Jaramillo v. U. S., 37 C. Cls., 208, holding that where a contract *in partido* in New Mexico provided that at the end of five years double the number of cattle delivered should be returned, the title passed and the party in possession was the owner within the meaning of the statute.

⁸ Contzen v. U. S., 179 U. S., 191; 45 L. Ed., 148 [affirming 33 C. Cls., 475]; Yerke v. U. S., 173 U. S., 439; 19 S. Ct., 441; 43 L. Ed., 760; Johnson v. U. S., 160 U. S., 546; 16 S. Ct., 377; 40 L. Ed., 529 [affirming 29 C. Cls., 1]; Valk v. U. S., 29 C. Cls., 62 [affirmed in 168 U. S., 703; 18 S. Ct., 949; 42 L. Ed., 1211].

A corporation organized under the laws of a State is a citizen of the United States within the meaning of the statute. U. S. v. Northwestern Express, etc., Co., 164 U. S., 686; 17 S. Ct., 206; 41 L. Ed., 599.

Squaw man: One who marries an Indian woman and is domiciled, with his property, among the Indians, can not recover for a depredation committed upon his property. Janis v. U. S., 32 C. Cls., 407.

Citizenship acquired under the act admitting Nebraska into the Union does not relate back to the date of the enabling act. Hosford v. U. S., 29 C. Cls., 42.

⁹ Yerke v. U. S., 173 U. S., 439; 19 S. Ct., 441; 43 L. Ed., 760; Johnson v. U. S., 160 U. S., 546; 16 S. Ct., 377; 40 L. Ed., 529 [affirming 29 C. Cls., 1].

¹⁰ Rhine v. U. S., 33 C. Cls., 481; Hosford v. U. S., 29 C. Cls., 42.

¹¹ McKinzie v. U. S., 34 C. Cls., 278. And see Labadie v. U. S., 33 C. Cls., 476.

¹² Garcia v. U. S., 37 C. Cls., 243.

¹³ Gallegos v. U. S., 39 C. Cls., 86.

¹⁴ Davenport v. U. S., 31 C. Cls., 430.

2. *Defendants*—(a) *Indians*—(1) *In general*.—The Indian tribe, members of which are charged with the commission of a depredation, is a necessary party to the suit.¹ Where, however, the tribe is unknown, suit may be maintained against the United States alone.² Where there is no tribal organization there is no liability under the statute.³

(II) *Band, tribe, or nation*—(a) *In general*.—The suit is to be brought against the "band, tribe, or nation"⁴ to which the depredating Indians belonged. [153] In construing this provision the court will recognize such subdivisions of Indians as are indicated by treaty,⁵ by act of Congress,⁶ by Executive recognition,⁷ or as have been adopted by the Indians themselves.⁸ If a suit is commenced against a tribe, all the separate bands composing that tribe are in court, and judgment may be rendered against the particular band responsible for the depredation, or against the tribe, if the particular band to which the depredators belonged can not be identified.⁹

(b) *Amity*—(1) *In general*.—The court is without jurisdiction, and there can be no recovery under the statute, unless the band, tribe, or nation to which the depredators belonged was in amity with the United States at the date of the depredation.¹⁰ An engagement by treaty to pay for depredations committed by members of the tribe does not extend to acts of war committed with the sanction of the tribe.¹¹

(2) *What constitutes*.—The presumption of amity arising from the existence of a treaty, or its continued recognition by the officers of Indian affairs, is not conclusive upon the court.¹² The inquiry is whether the tribe was in a state of actual peace with the United States.¹³ Actual engagements with troops of the United States are not necessary.¹⁴ The fact that a band or tribe is engaged in general hostilities with settlers is sufficient to establish a state of war.¹⁵ The [154] cause or occasion of carrying on hostilities is immaterial as to the question of amity.¹⁶

(3) *Beginning and termination of hostilities*.—No formal declaration is necessary to mark the beginning of an Indian war. It is sufficient that hostilities exist.¹⁷

¹ *U. S. v. Martinez*, 195 U. S., 469; 25 S. Ct., 80; 49 L. Ed., 282; *Dobbs v. U. S.*, 33 C. Cls., 308; *Woolverton v. U. S.*, 29 C. Cls., 107. Service upon defendant Indians is unnecessary: They are in court through the service of the petition upon the Attorney General. *Jaeger v. U. S.*, 27 C. Cls., 278.

² *Gorham v. U. S.*, 29 C. Cls., 97 [affirmed in 165 U. S., 316; 17 S. Ct., 382; 41 L. Ed., 729].

³ *Bell v. U. S.*, 39 C. Cls., 350.

⁴ Nation, tribe, and band distinguished: The word "nation," as applied to Indians, indicates little more than a large tribe or a group of affiliated tribes possessing a common government, language, or racial origin. By a "tribe" we understand a body of Indians of the same or a similar race, united in a community under one leadership or government, and inhabiting a particular, although sometimes ill-defined, territory. A "band" is a company of Indians not necessarily, although often, of the same race or tribe, but united under the same leadership in a common design. How large a company must be to constitute a band, it is unnecessary to decide. It may be doubtful whether it requires more than independence of action, continuity of existence, a common leadership, and concert of action. *Montoya v. U. S.*, 180 U. S., 261; 21 S. Ct., 358; 45 L. Ed., 521.

A "band" may be composed of Indians of different tribes: *Allred v. U. S.*, 36 C. Cls., 280; *Herring v. U. S.*, 32 C. Cls., 536; *Montoya v. U. S.*, 32 C. Cls., 349 [affirmed in 180 U. S., 261; 21 S. Ct., 358; 45 L. Ed., 521].

Bands which may be sued see *Scott v. U. S.*, 33 C. Cls., 486; *Conners v. U. S.*, 33 C. Cls., 317 [affirmed in 180 U. S., 271; 21 S. Ct., 362; 45 L. Ed., 525]; *McKee v. U. S.*, 33 C. Cls., 99; *Herring v. U. S.*, 32 C. Cls., 536; *Montoya v. U. S.*, 32 C. Cls., 349 [affirmed in 180 U. S., 261; 21 S. Ct., 358; 45 L. Ed., 521]; *Woolverton v. U. S.*, 29 C. Cls., 107.

⁵ *McKee v. U. S.*, 33 C. Cls., 99; *Tully v. U. S.*, 32 C. Cls., 1; *Graham v. U. S.*, 30 C. Cls., 318; *Woolverton v. U. S.*, 29 C. Cls., 107.

⁶ *Graham v. U. S.*, 30 C. Cls., 318; *Leighton v. U. S.*, 29 C. Cls., 288.

⁷ *Tully v. U. S.*, 32 C. Cls., 1.

⁸ *Scott v. U. S.*, 33 C. Cls., 486; *Herring v. U. S.*, 32 C. Cls., 536; *Montoya v. U. S.*, 32 C. Cls., 349; *Tully v. U. S.*, 32 C. Cls., 1.

⁹ *Tully v. U. S.*, 32 C. Cls., 1; *Graham v. U. S.*, 30 C. Cls., 318.

¹⁰ *Montoya v. U. S.*, 180 U. S., 261; 21 S. Ct., 358; 45 L. Ed., 521; *Leighton v. U. S.*, 161 U. S., 291; 16 S. Ct., 495; 40 L. Ed., 703 [affirming 29 C. Cls., 288]; *Dobbs v. U. S.*, 33 C. Cls., 308; *Salois v. U. S.*, 32 C. Cls., 68; *Tully v. U. S.*, 32 C. Cls., 1; *Cox v. U. S.*, 29 C. Cls., 349; *Ross v. U. S.*, 29 C. Cls., 176; *Marks v. U. S.*, 28 C. Cls., 147. And see *Valk v. U. S.*, 29 C. Cls., 62 [affirmed in 168 U. S., 703; 18 S. Ct., 949; 42 L. Ed., 1211].

¹¹ *Leighton v. U. S.*, 161 U. S., 291; 16 S. Ct., 495; 40 L. Ed., 703 [affirming 29 C. Cls., 288]; *Litchfield v. U. S.*, 33 C. Cls., 203. To avoid liability, however, it must be shown that the taking or destruction of property was in the exercise of a belligerent's right to wage war. *Love v. U. S.*, 29 C. Cls., 332.

¹² *Marks v. U. S.*, 161 U. S., 297; 16 S. Ct., 476; 40 L. Ed., 706 [affirming 28 C. Cls., 147]; *Leighton v. U. S.*, 161 U. S., 291; 16 S. Ct., 495; 40 L. Ed., 703 [affirming 29 C. Cls., 288]; *Valk v. U. S.*, 29 C. Cls., 62 [affirmed in 168 U. S., 703; 18 S. Ct., 949; 42 L. Ed., 1211].

Executive or legislative recognition of amity: The court is concluded by the recognition of a state of amity by the legislative or executive departments of the Government, but such recognition to be conclusive must have been contemporaneous. *Salois v. U. S.*, 33 C. Cls., 326; *Conners v. U. S.*, 33 C. Cls., 317.

¹³ *Marks v. U. S.*, 161 U. S., 297; 16 S. Ct., 476; 40 L. Ed., 706. The extermination of a band of Indians by the military authorities on the ground that they were escaping prisoners of war refutes the supposition of a preëxisting condition of amity. *Conners v. U. S.*, 33 C. Cls., 317.

Although escaping from their reservations, Indians are in amity where they make no hostile demonstration; but where their acts are those of a retreating enemy they are not in amity. *Dobbs v. U. S.*, 33 C. Cls., 308.

¹⁴ *Allred v. U. S.*, 36 C. Cls., 280; *Luke v. U. S.*, 35 C. Cls., 15; *Painter v. U. S.*, 33 C. Cls., 114.

¹⁵ *Montoya v. U. S.*, 180 U. S., 261; 21 S. Ct., 358; 45 L. Ed., 521; *Marks v. U. S.*, 161 U. S., 297; 16 S. Ct., 476; 40 L. Ed., 706. Engagements with organized settlers: A band carrying on predatory warfare with the inhabitants of a territory for a series of years, during which battles are fought between the band and organized military forces of the inhabitants, is not in amity with the United States. *Herring v. U. S.*, 32 C. Cls., 536.

Where every man on one side is ready to kill any man on the other side, and military operations take the place of peaceful intercourse, it is war. *Dobbs v. U. S.*, 33 C. Cls., 308.

¹⁶ *Leighton v. U. S.*, 161 U. S., 291; 16 S. Ct., 495; 40 L. Ed., 703; *Luke v. U. S.*, 35 C. Cls., 15; *Painter v. U. S.*, 33 C. Cls., 114. Plunder and robbery: The fact that the paramount purpose of the band was plunder and robbery, and not hostility, does not establish a condition of amity. *Allred v. U. S.*, 36 C. Cls., 280.

¹⁷ *Marks v. U. S.*, 28 C. Cls., 147.

An attack on a military train by Indians does not in itself necessarily imply war, but, taken in connection with prior declarations and subsequent hostile acts, it is sufficient to fix the time when the war began. *Carter v. U. S.*, 31 C. Cls., 441.

Amity is restored from the date of any authorized and observed agreement to cease hostilities, although the formal treaty may be of later date.¹

(4) *Liability for hostile bands.*—A tribe in amity with the United States is not responsible for depredations committed by a distinct band previously a part of that tribe, which is at war with the United States;² nor for depredations committed by individual members of the tribe who have affiliated with another band or tribe which is at war.³ But a band which is in amity is liable for depredations committed by its members, although another band of the same tribe be at war.⁴

(III) *New parties by amendment.*—A tribe of Indians not named in the petition can not be substituted as defendants by amendment after the expiration of the time for filing new petitions; and a petition naming the wrong tribe, or one naming no tribe, must be dismissed if the tribe is known.⁵

(b) *The United States.*—The liability of the United States was rescinded by statute in 1859,⁶ but was reassumed in certain cases by the jurisdictional act.⁷ The United States is solely liable only where the tribe to which the depredating Indians belonged is unknown.⁸

C. *Allowed claims*—1. *In general.*—In the case of claims which had been allowed by the Secretary of the Interior, but not paid, prior to the passage of the jurisdictional act, the claimant is entitled, with the consent of both parties, to a judgment for the amount allowed. The court determines no question applicable to the original controversy, but simply enters judgment upon the award of the Secretary.⁹

[155] 2. *Basis of allowance.*—An allowance upon which judgment can be rendered under this provision of the statute must have been made by the secretary under the provisions of the act of 1885,¹⁰ and his jurisdiction under that act extended only to cases in which the tribe was liable under a treaty.¹¹ Such liability arises only from an express undertaking to pay for depredations; a general stipulation to keep the peace did not authorize the secretary to make awards.¹²

¹ Valencia v. U. S., 31 C. Cls., 388.

On the day of the treaty, although there may have been a collision between the troops and the Indians, the tribe must be held to have been in amity. Ashbaugh v. U. S., 35 C. Cls., 554.

Separate treaties with bands: Where treaties of peace were made with several different bands, the whole constituting the Sioux Nation, the relation of amity began with each band on the day the treaty was signed by that band; and the amity of the Sioux Nation dates from the day when the last treaty was signed. Litchfield v. U. S., 33 C. Cls., 203.

² Conners v. U. S., 180 U. S., 271; 21 S. Ct., 362; 45 L. Ed., 525 [affirming 33 C. Cls., 317]; Scott v. U. S., 33 C. Cls., 486; Dobbs v. U. S., 33 C. Cls., 308; Tully v. U. S., 32 C. Cls., 1; Woolverton v. U. S., 29 C. Cls., 107.

Geronimo's Band of Apaches in 1886, although consisting of but few men, was recognized by the Government as a military entity capable of surrendering as prisoners of war. It constituted a hostile band and there can be no recovery for depredations committed by its members. Scott v. U. S., 33 C. Cls., 486.

A band of disaffected Indians from different tribes, confederated for the purpose of hostility against the United States without the consent of their respective tribes, and maintaining that status for several years, constituted a band within the meaning of the statute, and there can be no recovery for depredations committed by its members while the hostility continued. Montoya v. U. S., 32 C. Cls., 349.

³ Conners v. U. S., 180 U. S., 271; 21 S. Ct., 362; 45 L. Ed., 525 [affirming 33 C. Cls., 317]; Montoya v. U. S., 180 U. S., 261; 21 S. Ct., 358; 45 L. Ed., 521 [affirming 32 C. Cls., 349].

⁴ Salois v. U. S., 33 C. Cls., 326.

⁵ U. S. v. Martinez, 195 U. S., 469; 25 S. Ct., 80; 49 L. Ed., 282.

⁶ 11 U. S. Stat. L., 388. And see Love v. U. S., 29 C. Cls., 332.

⁷ 26 U. S. Stat. L., 851. And see Love v. U. S., 29 C. Cls., 332; Woolverton v. U. S., 29 C. Cls., 107.

⁸ U. S. v. Martinez, 195 U. S., 469; 25 S. Ct., 80; 49 L. Ed., 282; U. S. v. Gorham, 165 U. S., 316; 17 S. Ct., 382; 41 L. Ed., 729 [affirming 29 C. Cls., 97]; Garrison v. U. S., 30 C. Cls., 272; Woolverton v. U. S., 29 C. Cls., 107.

⁹ Price v. U. S., 33 C. Cls., 106; Hyne v. U. S., 27 C. Cls., 113.

Effect of allowance: The allowance by the secretary has not the sanctity of a judicial finding, binding upon the rights of the parties. Its only effect is that where made with authority it may be made, by the consent of both parties, the basis of a judgment. Crow v. U. S., 32 C. Cls., 16.

When the claimant has accepted payment of the amount allowed by the secretary, although it was less than the amount claimed, he can not maintain suit in the Court of Claims for the remainder. Brice v. U. S., 32 C. Cls., 23.

Reopening claim: When defendants have not signified their election whether they will reopen the case, a motion for judgment on the secretary's award is premature. Mitchell v. U. S., 27 C. Cls., 316. When both parties have elected not to reopen and submitted the case to the court, it will not be remanded for the purpose of argument. Wynn v. U. S., 29 C. Cls., 15.

Jurisdiction can not be conferred by consent, and the Attorney General's election not to reopen does not estop him from moving for a new trial on grounds going to the jurisdiction of the court. McCollum v. U. S., 33 C. Cls., 469.

¹⁰ 23 U. S. Stat. L., 376. And see Hegwer v. U. S., 30 C. Cls., 405.

What constitutes allowance: A claim allowed under a prior statute, but subsequently reexamined and allowed under the statute referred to in the jurisdictional act, is an allowed case. And a claim allowed on the merits, but disallowed because barred, is also an allowed case within the meaning of the law. Mitchell v. U. S., 27 C. Cls., 316. The transmission of a list of cases, after the passage of the act (March 3, 1885), which had been allowed prior to that date, without reexamination, was not an allowance under that statute. Buchanan v. U. S., 28 C. Cls., 127. Where the secretary refers a case to Congress without recommendation, the case is not an "allowed" one within the meaning of the statute. Hegwer v. U. S., 30 C. Cls., 405.

Consequential damages: The secretary had no power under this statute to allow a claim for consequential damages. Brice v. U. S., 32 C. Cls., 23.

¹¹ Moore v. U. S., 32 C. Cls., 593; Crow v. U. S., 32 C. Cls., 16; Labadi v. U. S., 31 C. Cls., 205.

Where a tribe was not identified, the secretary could make no allowance. Price v. U. S., 28 C. Cls., 422.

¹² Crow v. U. S., 32 C. Cls., 16; Mares v. U. S., 29 C. Cls., 197.

Where an award was made against two tribes, and the secretary had jurisdiction as to one but not as to the other, judgment will be rendered against the former. Crow v. U. S., 32 C. Cls., 16.

3. *Effect of reopening.*—If either party elects to reopen the award, the whole case is thereby reopened, and must be tried *de novo*.¹ The party electing to reopen assumes the burden of proof.²

D. Evidence.—1. *In general.*—The claimant must establish his case by competent and sufficient evidence. If the Attorney General fails to plead, the claimant is not entitled to judgment by default.³ *Ex parte* affidavits filed with the claim in the Interior Department are competent evidence under the statute, but they are received with caution and are entitled to little weight.⁴ Where the claimant has delayed for a long period before filing his claim, the court will not [156] render judgment on the unsupported testimony of the parties in interest, nor on the testimony of one witness.⁵

2. *Official documents.*—The Court of Claims may examine official documents on file in any of the departments of the Government, or the courts, to determine whether a tribe of Indians was in amity with the United States.⁶

E. Pleadings and judgment.—1. *Jurisdictional facts.*—The jurisdictional facts of citizenship of the claimant and amity of defendant Indians are put in issue by a general traverse.⁷ If either party asks for a severance of issues, these jurisdictional facts must be first tried and determined.⁸

2. *Time for pleading.*—If the Attorney General fails to file a plea within the 60 days prescribed by the statute, it is within the discretion of the court to allow him to file it afterward.⁹

3. *Judgment.*—Where a judgment has been entered against a nation or tribe of Indians, and it appears that the depredation was chargeable to a band, a subdivision of that tribe or nation, the judgment will not be disturbed, but an additional finding will be entered, for the guidance of the executive departments.¹⁰ Where the Government recovers a judgment on its counter-claim, the court will not deduct the amount from the judgment rendered against the Indian tribe, but will certify both judgments.¹¹

F. New trial.—The statutory provision, authorizing the court to grant a motion for new trial, made by the Attorney General under certain circumstances, within two years after the final disposition of a case, is applicable to Indian depredation claims.¹²

G. Attorney's fees.—There must be a judicial finding and judgment upon the question of attorney's fees in every case. An attorney can not waive the allowance of fees by the court, unless he waives all compensation from his client.¹³ Contracts for attorney's fees made before the passage of the jurisdictional act, in excess of the amount awarded by the court, are void.¹⁴

¹ *Leighton v. U. S.*, 161 U. S., 201; 16 S. Ct., 495; 40 L. Ed., 703 [affirming 29 C. Cls., 288]; *Cox v. U. S.*, 29 C. Cls., 340. Defendants may demur to the petition, or file a plea of set-off, without electing to reopen. *Price v. U. S.*, 33 C. Cls., 106; *Labadie v. U. S.*, 32 C. Cls., 368; 31 C. Cls., 436.

² *Montoya v. U. S.*, 32 C. Cls., 71; *Cox v. U. S.*, 29 C. Cls., 349. New evidence not necessary: The statute does not imply that the party assuming the burden of proof must introduce new and additional evidence. Sufficient proof may be found in the record. But the court will not lightly disturb the award of the secretary; and will not take up conflicting evidence which was before the secretary and from it draw conclusions different from those reached by him. *Price v. U. S.*, 33 C. Cls., 106; *Montoya v. U. S.*, 32 C. Cls., 71; *Woolverton v. U. S.*, 29 C. Cls., 107.

³ When the allowance was made without authority, defendants are not required to reopen the case and assume the burden of proof. *Labadie v. U. S.*, 31 C. Cls., 205; *Mares v. U. S.*, 29 C. Cls., 197.

⁴ *King v. U. S.*, 31 C. Cls., 304. The examination of the claimant under oath at the instance of the Attorney General, as provided by U. S. Rev. Stat. (1878), § 1080 [U. S. Comp. Stat. (1901), p. 743] is applicable to Indian depredation cases. *Truitt v. U. S.*, 30 C. Cls., 19.

⁵ *Jones v. U. S.*, 35 C. Cls., 36. ⁶ *Gossett v. U. S.*, 31 C. Cls., 325; *King v. U. S.*, 31 C. Cls., 304; *Stone v. U. S.*, 29 C. Cls., 111 [affirmed in 164 U. S., 380; 17 S. Ct., 71; 41 L. Ed., 477].

⁷ *Collier v. U. S.*, 173 U. S., 79; 19 S. Ct., 330; 43 L. Ed., 621.

⁸ *Gamel v. U. S.*, 31 C. Cls., 321.

⁹ *Gamel v. U. S.*, 31 C. Cls., 321.

¹⁰ *Labadie v. U. S.*, 31 C. Cls., 436.

¹¹ *Valencia v. U. S.*, 31 C. Cls., 388; *Graham v. U. S.*, 30 C. Cls., 318.

¹² *Labadie v. U. S.*, 33 C. Cls., 476.

¹³ U. S. Rev. Stat. (1878), § 1088 [U. S. Comp. Stat. (1901), p. 745]; *McCollum v. U. S.*, 33 C. Cls., 469.

¹⁴ *Tanner v. U. S.*, 32 C. Cls., 192.

Only attorneys who actually appeared in the case can be considered in allowing fees. The court can take no notice of assignees or creditors. Where successive attorneys have appeared at different times, fees will be apportioned. *Beddo v. U. S.*, 28 C. Cls., 69. Contracts for fees: The parties can not regulate the fees by contract. In fixing the fees under the statute, the court will apportion them according to the actual services performed and their value to the claimant, disregarding contracts. *Redfield v. U. S.*, 27 C. Cls., 473.

¹⁵ *Bail v. Halsell*, 161 U. S., 72; 16 S. Ct., 554; 40 L. Ed., 622.

NOTES FROM NEW CASES, AND THE WAY TO USE THEM.

During the seven years since the publication of the foregoing treatise on the law of Indians in 22 Cyc. numerous cases have been decided. The opinions of these cases have been examined, and the law relating to Indians contained therein has been incorporated in the *Permanent Annotations* to Cyc. (1901-1913) as shown below.

The way to use these Annotations is, after having first consulted the treatise, to refer to the Annotations and there find in the margin in italic figures the same page and note number (being always careful to use the page numbers in brackets []). The first of such italic numbers corresponds with the same page of Cyc. as to which additional matter is desired, and the italic number after the dash connects the particular text and note with the additional matter in the Annotations.

The word "New" at the beginning of any paragraph in the Annotations denotes that the matter so labeled is a principle of law not within the compass of the text of the original treatise. Such "new" matter in the Annotations is placed where it logically would have fallen had it been available for the preparation of the original treatise.

INDIANS.

- 112-2. See *Reg. v. Howson*, 1 N. W. Ter., 492.
 112-4. *S. v. Nicolls*, 61 Wash., 142; 112 P., 269.
This rule has been changed, however, in the construction of certain statutes such as those prohibiting sale of liquor. P. v. Gebhard, 151 Mich., 192; 115 N. W., 54.
Half-breed who has "taken treaty" is an Indian. Reg. v. Mellon, 5 N. W. Ter., 301.
 113-5. *Smith v. Bonifer*, 154 F., 883; 889 [quoting Cyc.]. See *Beam v. U. S.*, 153 F., 474.
 113-6. *S. v. Nicolls*, 61 Wash., 142, 144; 112 P., 269 [quoting Cyc.]; *Waldron v. U. S.*, 143 F., 413.
 113-8. *Compare In re Intermarriage Cases*, 203 U. S., 76; 27 S. Ct., 29; 51 L. ed., 96.
 113-11. *Under Canadian statutes wife of Indian is an Indian though not of Indian blood. Jones v. R. Co.*, 3 Ont. W. R., 705.
 113. *New. Who are members of Indian tribe is primarily to be decided by Department of Interior. U. S. v. Hitchcock*, 205 U. S., 80; 27 S. Ct., 423; 51 L. ed., 718.
 114-18. *Nation v. Appleby*, 196 N. Y., 318; 89 N. E., 835.
In New York recent decisions hold that Indian does not possess citizenship. Hatch v. Luckman, 64 Misc., 508; 118 N. Y. Supp., 639.
 114-21. See *U. S. v. Allen*, 179 F., 13; 103 C. C. A., 1 (effect of grant of citizenship).
 114-22. *Wis.—S. v. Morrin*, 136 Wis., 552; 117 N. W., 1006 (has both State and Federal citizenship).
U. S.—Ex p. Savage, 158 F., 205; *U. S. v. Allen*, 171 F., 907.
 114. *New. Power conferred upon Dawes Commission and Federal courts with reference to determining citizenship of members of Indian tribes, legislative and administrative, and their judgments may, before rights are vested under them, be affected by subsequent congressional action. Wallace v. Adams*, 204 U. S., 415; 27 S. Ct., 363; 51 L. ed., 547; 143 F., 716; 74 C. C. A., 540. *Compare Wallace v. Adams*, 6 Ind. Ter., 32; 88 S. W., 308 (act establishing court constitutional); *Dick v. Ross*, 6 Ind. Ter., 85; 89 S. W., 664.
 115-23. *U. S. v. Allen*, 171 F., 907.
 115-27. *Contracts by natural guardian.—Necessity of approval of court see Beck v. Jackson*, 23 Okl., 812; 101 P., 1109.
Statutory requirements with respect to execution must be satisfied. Smith v. Martin (Okl.), 115 P., 866.
 115-29. *Contra, S. v. Wolf*, 145 N. C., 440; 59 S. E., 40.
 116-33. See *Frazer v. Piper*, 51 Wash., 278, 283; 98 P., 760 [citing Cyc.].
 116-34. *P. v. Rubin*, 98 N. Y. Supp., 787 (application for habeas corpus); *Smith v. Mosgrove*, 51 Or., 495, 497; 94 P., 970 [citing Cyc.]. *Compare Nation v. Appleby*, 196 N. Y., 318; 89 N. E., 835.
 116-42. See *U. S. v. Mill, etc., Co.*, 171 F., 501 (employment by Government of private counsel in such action).
 117-48. See *Adams v. Murphy*, 165 F., 304; 91 C. C. A., 272.
 117-50. *In New York, etc. Compare Hatch v. Luckman*, 64 Misc., 508; 118 N. Y., Supp. 689.
 117-55. *Minder v. Bank*, 22 S. D., 14; 114 N. W., 1094. *Compare In re By-A-Lil-Le*, 12 Ariz., 150; 100 P., 450.
 118-67. *Smith v. Bonifer*, 154 F., 883.
 119-76. *Okl.—Cyr v. Walker*, 116 P., 931.
U. S.—Smith v. Bonifer, supra.
Can.—See Reg. v. Nan-E-Quis-A-Ka, 1 N. W. Ter., 211.
Marriage, performed according to customs of Indian tribes, recognized. Ortleby v. Ross, 78 Neb., 339; 110 N. W., 982; *P. v. Rubin*, 98 N. Y. Supp., 787; *Reg. v. Nan-E-Quis-A-Ka*, 1 N. W. Ter., 211.
 119-77. *Cyr v. Walker* (Okl.), 116 P., 931.
 119-81. *Terrance v. Crowley*, 62 Misc., 138, 116 N. Y. Supp., 417; *De Graffenreid v. Land, etc., Co.*, 20 Okl., 687; 95 P., 624; *Parr v. U. S.*, 153 F., 462, 468 [quoting Cyc.]; *Meekor v. Kaelin*, 173 F., 216. See *Bodle v. Shoenfelt*, 22 Okl., 94; 97 P., 556 (laws of Creek Nation construed); *Irving v. Diamond*, 23 Okl., 325; 100 P., 557; *Pourier v. McKinzie*, 147 F., 287. *Compare Hatch v. Luckman*, 64 Misc., 508; 118 N. Y., Supp. 689.
 120-84. *Peacemakers' court.—Jurisdiction as to decedent's estates see Hatch v. Luckman*, 64 Misc., 508; 118 N. Y. Supp., 639.
 121-90. See *Ligon v. Johnston*, 164 F., 670; 90 C. C. A., 486; *Adams v. Murphy*, 165 F., 304; 91 C. C. A., 272.
 121-93. *Nation v. Jameson*, 62 Misc., 91; 114 N. Y. Supp., 401.
 121-95. See *Chisholm v. Herkimer*, 19 Ont. L. R., 600; 14 Ont. W. R., 919.
 121-97. See *Chisholm v. Herkimer, supra.*
Contract with attorney does not make attorney officer of Indian nation. Adams v. Murphy, 165 F., 304; 91 C. C. A., 272.

121-98. *Time of taking effect.*—See *Baker v. Hammett*, 23 Okl., 480; 100 P., 1114 (Creek supplemental agreement at date of proclamation of president).

122-1. *Ward v. Race Horse*, 163 U. S., 504; 16 S. Ct., 1076; 41 L. ed., 244; *In re Race Horse*, 70 F., 598.

Rule not applicable if conflicting State legislation has been authorized by act of Congress subsequent to treaty. *Ward v. Race Horse*, 163 U. S., 504; 16 S. Ct., 1076; 41 L. ed., 244 [r. 70 F., 598] (effect of act admitting State to Union).

122-4. *Wadsworth v. Boysen*, 48 F., 771; 78 C. C. A., 437. See *S. v. Morrin*, 136 Wis., 552; 117 N. W., 1006.

122-6. *De Graffenreid v. Land, etc., Co.*, 20 Okl., 687; 95 P., 624; *Winters v. U. S.*, 143 F., 740; 74 C. C. A., 666. See *Waldron v. U. S.*, 143 F., 413. *Compare Shulthis v. MacDougal*, 162 F., 331.

In ascertaining intent relation between Indians and United States considered. *Winters v. U. S.*, 148 F., 684; 78 C. C. A., 546.

122-8. See *U. S. v. Crook*, 179 F., 391.

122-12. But see *U. S. v. Crook*, *supra*.

123-15. *Claim under treaty with Cherokees* see *U. S. v. Cherokee Nation*, 202 U. S., 101; 26 S. Ct., 588; 50 L. ed., 949.

123. *New. Payment of annuities under treaty.*—Who entitled to; see *Indians v. Indians*, 220 U. S., 481; 31 S. Ct., 473; 55 L. ed., 552.

123-19. *U. S. v. Ashton*, 170 P., 509.

123-20. *Must be cultivation and improvement.* *Peters v. Tallchief*, 52 Misc., 617; 102 N. Y. Supp., 972.

123-21. *U. S. v. Ashton*, 170 F., 509. See *Terrance v. Crowley*, 62 Misc., 138; 116 N. Y. Supp., 417 (application of State laws to lands within reservation).

In New York, etc. *Nation v. Appleby*, 127 App. Div., 770; 112 N. Y. Supp., 177.

In Canada, etc. *Min. Co. v. Seybold*, 32 Can. S. Ct., 1; *Reg. v. Milling, etc., Co.*, 10 Ont., 196.

124-24. *Nation v. Appleby*, 127 App. Div., 770; 112 N. Y. Supp., 177. See *Reg. v. Milling, etc., Co.*, *supra* (also potential right of becoming owners in fee after enfranchisement). *Compare U. S. v. Inv. Co.*, 156 F., 123.

124-25. *Hatch v. Luckman*, 64 Misc., 508; 118 N. Y. Supp., 689.

124. *New. Use of public waters on Indian reservation.*—Right of Indians under treaty, to use water of stream for irrigation purposes see *Inv. Co. v. U. S.*, 161 F., 829; 88 C. C. A., 647.

Government entitled to flow of public stream in Indian reservation for benefit of Indians. *U. S. v. Inv. Co.*, 156 F., 123.

124-26. *U. S.*—See *Canning Co. v. Hampton*, 161 F., 60.

125-30. *Ligon v. Johnston*, 164 F., 670; 90 C. C. A., 486; *U. S. v. Aaron*, 183 F., 347. See *Conley v. Ballinger*, 216 U. S., 84; 30 S. Ct., 224; 54 L. ed., 393 (interest in cemetery).

Grant to Choctaw Nation pursuant to treaty of 1830 was to endure only so long as the Choctaws existed as a nation. *Fleming v. McCurtain*, 215 U. S., 56; 30 S. Ct., 16; 54 L. ed., 88 (no trust created in favor of individual members which could be carried out after dissolution of nation).

125-31. *Compare Jemson v. Tel. Co.*, 186 N. Y., 493; 79 N. E., 728.

Limitation upon amount of land held in possession.—Right of Choctaw Indians. See *Fisk v. Arnold*, 7 Ind. Ter., 526; 104 S. W., 824.

125-32. See *Hayes v. Barringer*, 168 F., 221; 93 C. C. A., 507.

126-41. See *Min. Co. v. Seybold*, 32 Can. S. Ct., 1.

126-44. *Vanvleck v. Stewart*, 19 U. C. Q. B., 489.

126-45. See *U. S. v. Cedar Co.*, 154 F., 263.

126-47. *Vanvleck v. Stewart*, *supra*.

127-55. *Jemson v. Tel. Co.*, 186 N. Y., 493; 79 N. E., 728. See *Good v. Keel* (Okl.), 116 P., 777.

127-57. *Compare Jemson v. Tel. Co.*, *supra*.

127-58. *N. Y.*—*Terrance v. Crowley*, 62 Misc., 138; 116 N. Y. Supp., 417.

Okl.—See *Garrett v. Mission Soc.*, 116 P., 921.

Wash.—*Jackson v. Thompson*, 38 Wash., 282; 80 P., 454.

127. *New. Sale of Indian lands by Government.*—Terms of private sale see *U. S. v. Raley*, 173 F., 159.

Registration of unconditional assignment of interest in lands necessary under Canadian statute. *Bridge v. Johnston*, 6 Ont. L. R., 370; 2 Ont. W. R., 738; 8 Ont. L. R., 196; 4 Ont. W. R., 36.

128-60. *Nation v. Appleby*, 127 App. Div., 770; 112 N. Y. Supp., 177 (sale must be approved by Government).

128-62. *U. S.*—See *Lumber, etc., Co. v. Crabtree*, 166 F., 738; 92 C. C. A., 400.

128. *New. Leases of coal lands of Choctaw and Chickasaw Indians.*—Power of Secretary of Interior to make certain regulations concerning see *U. S. v. McMurray*, 181 F., 723.

130-81. *Lumber, etc., Co. v. Crabtree*, 7 Ind. Ter., 635; 104 S. W., 862.

130. *New. Remedy to recover value of improvements* placed on Indian land see *Sharrock v. Kreiger*, 6 Ind. Ter., 466; 98 S. W., 161.

Extent of town sites in Creek Nation determined by Secretary of Interior. *Stanclift v. Fox*, 152 F., 697; 81 C. C. A., 623.

130-84. *U. S. v. Ashton*, 170 F., 509. See *Ont. v. Can.*, 42 Can. S. Ct., 1 [r. 10 Can. Exch., 445]. *Compare Wisconsin v. Hitchcock*, 201 U. S., 202; 26 S. Ct., 498; 50 L. ed., 727.

Construction of treaty as to annuity to be paid in consideration of conveyance see *Indians v. Indians*, 220 U. S., 481; 31 S. Ct., 473; 55 L. ed., 552.

Cession, etc., in Canada see *Tew v. Routley*, 31 Ont., 358.

130-85. *Dick v. U. S.*, 208 U. S., 340; 28 S. Ct., 399; 52 L. ed., 520.

Reservation of water rights see *Winters v. U. S.*, 207 U. S., 564; 28 S. Ct., 207; 52 L. ed., 340; *Inv. Co. v. U. S.*, 161 F., 829; 88 C. C. A., 647.

130. *New. Contests between claimants of town lots.*—Jurisdiction of town-site commissioners see *Ross v. Stewart*, 25 Okl., 611; 106 P., 870.

131-86. *U. S. v. Ashton*, 170 F., 509; *Tew v. Routley*, 31 Ont., 358. See *Dick v. U. S.*, 208 U. S., 340; 28 S. Ct., 399; 52 L. ed., 520; *Conley v. Ballinger*, 216 U. S., 84; 30 S. Ct., 224; 54 L. ed., 393 (reservation for cemetery purposes). *Compare Ont. v. Can.*, 25 Can. S. Ct., 434.

131-89. *Winters v. U. S.*, 143 F., 740; 74 C. C. A., 666. *Compare U. S. v. Ashton*, 170 F., 509 (disclaimer by State of claim to Indian lands held not to operate as grant or conveyance).

131-90. See *U. S. v. O'Brien*, 170 F., 508.

132-96. *Smith v. Bonifer*, 154 F., 883; 166 F., 846; 92 C. C. A., 604.

132-97. *U. S. v. Aaron*, 183 F., 347. See *Walker v. Roberson*, 21 Okl., 894; 97 P., 609; *U. S. v. Fairbanks*, 171 F., 337; 96 C. C. A., 229 (effect of Steenerson Act 1904); *Oakes v. U. S.*, 172 F., 305; 97 C. C. A., 139 (allotment to Chippewas).

Action of Congress conclusive and can not be revised by courts. *Ligon v. Johnston*, 164 F., 670; 90 C. C. A., 486.

132-98. See *Ross v. Wright* (Okl.), 116 P., 949.

132. *New. Effect of allotment* on status of Indian. *Bond v. U. S.*, 181 F., 613.

132-2. *Smith v. Bonifer*, 154 F., 883; 166 F., 846; 92 C. C. A., 624; *Le Clair v. U. S.*, 184 F., 128 (Indians adopted into tribe held entitled to allotments). See *U. S. v. Fairbanks*, 171 F., 337; 96 C. C. A., 229 (rights of Indian born after passage of allotment acts). Compare *Oakes v. U. S.*, 172 F., 305; 97 C. C. A., 139.

133-3. *Indian woman married to white man* regarded as head of family. *Waldron v. U. S.*, 143 F., 413; *Bonifer v. Smith*, 166 F., 846; 92 C. C. A., 604.

133-6. See *Ballinger v. U. S.*, 216 U. S., 240; 30 S. Ct., 338; 54 L. ed., 464; *Young v. U. S.*, 176 F., 612 (jurisdiction of district courts of Territory of Oklahoma).

Decision of land department, as to status of one claiming to be tribal member, not conclusive. *Waldron v. U. S.*, 143 F., 413.

133. *New. Rights of white persons intermarrying with citizens of Cherokee nation.* *Boudinot v. Morris*, 26 Okl., 768; 110 P., 894. See *In re Intermarriage Cases*, 203 U. S., 76; 27 S. Ct., 29; 51 L. ed., 96.

133-7. *In order to invoke this rule* lands must be selected before beginning suit. *Reynolds v. U. S.*, 174 F., 212; 98 C. C. A., 220.

133-9. See *Oakes v. U. S.*, 172 F., 305; 97 C. C. A., 139 (necessity of making allottee party); *Young v. U. S.*, 176 F., 612 (misjoinder of causes and parties).

133. *New. Rights of Indian before allotment.*—Right merely personal and does not descend to heirs. *Woodbury v. U. S.*, 170 F., 302; 95 C. C. A., 498. See *Meeker v. Kaelin*, 173 F., 216. Rule applies to Indian who has applied for allotment and failed to secure it, the Government not being in fault. *Woodbury v. U. S.*, 170 F., 302; 95 C. C. A., 498.

Matters determined in action to determine right to allotment.—Right of adverse claimant joined as party defendant may be determined. *U. S. v. Fairbanks*, 171 F., 337; 96 C. C. A., 229.

Appeal from decision as to allotment.—Effect see *Brick Co. v. Barker*, 26 Okl., 144; 109 P., 72.

Cancellation of allotment.—Failure to notify grantee of allottee does not render void the proceedings to cancel. *Sorrels v. Jones*, 26 Okl., 569; 110 P., 743.

Suit by Government to cancel certificate of allotment or patent to allottee.—Limitations see *Le Clair v. U. S.*, 184 F., 128. Appointment of receiver see *U. S. v. Whitmire*, 188 F., 422.

133-10. Patent simply locates land. *Francis v. Francis*, 203 U. S., 233; 27 S. Ct., 129; 51 L. ed., 165.

133-11. *Okla.*—*Hooks v. Kennard*, 114 P., 744.

U. S.—*Guyett v. McWhirk*, 154 F., 784.

133-13. *Hooks v. Kennard*, *supra*. See *Meeker v. Kaelin*, 173 F., 216.

133. *New. Presumption in favor of patent*, though issued to Indian, other than one to whom land allotted. *Meeker v. Winyer*, 48 Wash., 27; 92 P., 883.

Indian woman married to white man, held to be head of family within act of Congress of 1885. *Smith v. Bonifer*, 154 F., 883.

Conflicting rights of Indian allottee and grantee of State see *Nation v. Appleby*, 127 App. Div., 770; 112 N. Y. Supp., 177. Allottee of Indian reservation land held entitled under disclaimer by State. *Corrigan v. Brown*, 169 F., 477.

134-21. *U. S. v. Aaron*, 183 F., 347. See *Minder v. Bank*, 22 S. D., 14; 114 N. W., 1094 (proceeds not subject to execution); *U. S. v. Auger*, 153 F., 671; *Hayes v. Barringer*, 168 F., 221; 93 C. C. A., 507 (power to dispose by will).

Congress has power to impose restrictions on alienation of lands, though prior restrictions have expired. *U. S. v. Shock*, 187 F., 870.

Under treaty with Choctaws and Cherokees members take equitable title sufficient to maintain ejectment. *Sorrels v. Jones*, 26 Okl., 569; 110 P., 743.

134-22. *U. S. v. Moore*, 154 F., 712. See *Shulthis v. MacDougal*, 162 F., 331; *U. S. v. Allen*, 171 F., 907; *Meeker v. Kaelin*, 173 F., 216.

134-24. *Smith v. Bonifer*, 154 F., 883. See *Balinger v. U. S.*, 216 U. S., 240; 30 S. Ct., 338; 54 L. ed., 464 (power of Secretary of Interior); *Bonifer v. Smith*, 166 F., 846; 92 C. C. A., 604.

134-25. *Terrance v. Crowley*, 62 Misc., 138; 116 N. Y. Supp., 417; *U. S. v. Moore*, 161 F., 513; 88 C. C. A., 455.

134-27. *Bond v. U. S.*, 181 F., 613; *U. S. v. Bellm*, 182 F., 161. See *De Graffenreid v. Land, etc., Co.*, 20 Okl., 687; 95 P., 624; *Beam v. U. S.*, 162 F., 266; 82 C. C. A., 240; *U. S. v. Rundell*, 181 F., 887. Compare *McKay v. Klayton*, 204 U. S., 458; 27 S. Ct., 346; 51 L. ed., 566.

Judgment against Indian during period that fee remains in United States not lien on inherited lands. *Beall v. Graham*, 75 Kan., 98; 88 P., 543.

Devise before expiration of trust inoperative. *In re House*, 132 Wis., 212; 112 N. W., 27.

Trust attaches to proceeds on sale without consent of Government. *Bank v. Anderson*, 147 F., 87; 77 C. C. A., 259.

134-28. See *U. S. v. Allen*, 171 F., 907.

134-29. See *Meeker v. Kaelin*, 173 F., 216.

134. *New. Relation between United States and members of five nations.*—United States can not merely, because of restriction upon power of allottee to alienate, sue to avoid conveyance by allottee in violation of such restrictions. *U. S. v. Allen*, 171 F., 907.

135-31. *Ind. Ter.*—*Goodrum v. Buffalo*, 7 Ind. Ter., 711; 104 S. W., 942.

Mich.—*S. v. Land Co.*, 160 Mich., 680; 125 N. W., 770.

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Okla.—*Inv. Co. v. Tiger*, 21 Okl., 630; 96 P., 602; *Baker v. Hammett*, 23 Okl., 480; 100 P., 1114; *Hancock v. Trust Co.*, 24 Okl., 391; 103 P., 566; *Blackmore v. Johnson*, 24 Okl., 544; 103 P., 554; *Jefferson v. Winkler*, 26 Okl., 653; 110 P., 755 (right of minor); *Simmons v. Whittington*, 27 Okl., 356; 112 P., 1018; *Kirkpatrick v. Burgess*, 116 P., 764. See *Barnes v. Stonebraker*, 113 P., 903.

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135-32. *Okla.*—*Inv. Co. v. Tiger*, 21 Okl., 630; 96 P., 602.

U. S.—*Shulthis v. McDougal*, *supra*; *U. S. v. Land Co.*, 188 F., 383.

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President, merely by virtue of his office, no power to impose restrictions. *Francis v. Francis*, 203 U. S., 233; 27 S. Ct., 129; 51 L. ed., 165.

135-33. *N. Y.*—See *Pharaoh v. Benson*, 69 Misc., 241; 126 N. Y. Supp., 1035 (retrospective effect of constitutional provision).

Okl.—*Inv. Co. v. Kistler*, 22 Okl., 222; 97 P., 588.

Wash.—*Jackson v. Thompson*, 38 Wash., 282; 80 P., 454 (right to devise also barred); *Frazee v. Piper*, 51 Wash., 278; 98 P., 760; *Starr v. Long Jim*, 52 Wash., 138; 100 P., 194.

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Disability to convey runs with land.—*Goodrum v. Buffalo*, 162 F., 817; 89 C. C. A., 525.

Sale of timber, consistent with beneficial use of land by Indian, not within restraint upon alienation. *U. S. v. Lumber Co.*, 206 U. S., 467; 27 S. Ct., 697; 51 L. ed., 1139. But restriction extends to sale of timber where land of no substantial value without timber. *Starr v. Campbell*, 208 U. S., 527; 28 S. Ct., 365; 52 L. ed., 602.

135-34. *Sayer v. Brown*, 7 Ind. Ter., 675; 104 S. W., 877; *Hayes v. Barringer*, 7 Ind. Ter., 697; 104 S. W., 937 (conveyance of homestead by Chickasaw); *Bragdon v. McShea*, 26 Okl., 35; 107 P., 916; *Simmons v. Whittington*, 27 Okl., 356; 112 P., 1018; *U. S. v. Bellm*, 182 F., 161; *U. S. v. Aaron*, 183 F., 347. See *Tate v. Gaines*, 25 Okl., 141; 105 P., 193; 26 L. R. A. N. S., 106. And a repeal of restriction does not validate deed made before passage of repealing act. *Nelson v. John*, 43 Wash., 483; 86 P., 933; *Starr v. Long Jim*, 52 Wash., 138; 100 P., 194; *Harris v. Hardridge*, 166 F., 109.

Agreement to convey made before restriction removed, void. *Howard v. Farrar* (Okl.), 114 P., 695.

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135. *New Indian, basing claim to allotted land on improvements made thereon*, may abandon claim in favor of another Indian for money consideration. *Williams v. Bank*, 216 U. S., 582; 30 S. Ct., 441; 54 L. ed., 625.

136-35. *Goodrum v. Buffalo*, 162 F., 817; 89 C. C. A., 525.

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136-36. Such fact does not affect Federal supervision over proceeds from timber on allotted lands. *Tomkins v. Campbell*, 129 Wis., 93; 108 N. W., 216.

136-37. *Kelly v. Harper*, 7 Ind. Ter., 541; 104 S. W., 829. See *Harris v. Hardridge*, 7 Ind. Ter., 532; 104 S. W., 826.

136-38. *Harris v. Hardridge*, 166 F., 109.

United States may sue to avoid consequences of void conveyance by allottee. *U. S. v. Dooley*, 151 F., 697; *U. S. v. Leslie*, 167 F., 670; *U. S. v. Bellm*, 182 F., 161 (though sale is under order of court); *U. S. v. Aaron*, 183 F., 347. *Contra*, see *U. S. v. Allen*, 171 F., 907. Parties in action to cancel transfer see *U. S. v. Rundell*, 181 F., 887.

136-39. *U. S.*—*U. S. v. Aaron*, 183 F., 347.

136-40. But see *Harris v. Lynde-Bowman-Darby Co.* (Okl.), 116 P., 808.

136-41. *Alfrey v. Colbert*, 168 F., 231; 93 C. C. A., 517.

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137. *New. Acknowledgment or recording of transfer of possession not necessary.* *Blocker v. McClen-Don*, 6 Ind. Ter., 481; 98 S. W., 166.

137-47. *Blackburn v. Land Co.*, 6 Ind. Ter., 232; 91 S. W., 31 (lease for five years, possession to be taken *in futuro*, not void under statute); *R. Co. v. Bond*, 6 Ind. Ter., 515; 98 S. W., 335 (to citizen of United States good until allotment under statute); *Williams v. Williams*, 22 Okl., 672; 98 P., 909; *Eldred v. L. & T. Co.*, 22 Okl., 742; 98 P., 929; *Sharp v. Lancaster*, 23 Okl., 349; 100 P., 578 (oil and gas lease). See *Land Co. v. Mullins*, 7 Ind. Ter., 189; 104 S. W., 586; 165 F., 179; 91 C. C. A., 213; *Krull v. Rose*, 88 Neb., 651; 130 N. W., 271; *Dev. Co. v. Green*, 22 Okl., 237; 97 P., 619; *Whit-ham v. Lehmer*, 22 Okl., 627; 98 P., 351; *Watten-barger v. Hall*, 26 Okl., 815; 110 P., 911 (sublease); *Moore v. Sawyer*, 167 F., 826; *Shulthis v. McDou-gal*, 170 F., 529 (necessity of recording and time and place of record); *U. S. v. Abrams*, 181 F., 847.

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138-54. *De Graffenreid v. Land, etc., Co.*, 20 Okl., 687; 95 P., 624. See *Wesley v. Diamond*, 26 Okl., 170; 109 P., 524; *Shulthis v. McDougal*, 170 F., 529. *Compare Parr v. U. S.*, 153 F., 462; *Beam v. U. S.*, 153 F., 474; 162 F., 260; 89 C. C. A., 240; *Shulthis v. MacDougal*, 162 F., 331; 170 F., 529.

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139-67. *Patterson v. Lane*, 6 N. W. Ter., 92.

139. *New. Trust and treaty funds* belonging to Indians, being moneys due them for lands ceded, may be used for their education in sectarian schools if they so desire. *Suick Bear v. Leupp*, 210 U. S., 50; 28 S. Ct., 690; 52 L. ed., 954.

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140. *New. Regulations concerning liquor.*—Conflict between general law and statutes relating to Indians see *Re Metcalfe*, 17 Ont., 357. Repeal of provisions of treaty of 1855 with Chippewas see *Geardls v. Johnson*, 183 F., 611.

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147-37. *Compare Hollister v. U. S.*, 145 F., 773; 76 C. C. A., 337.

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