THE

STATUTES AT LARGE

OF THE

UNITED STATES OF AMERICA,

FROM

MARCH, 1909, TO MARCH, 1911,

CONCURRENT RESOLUTIONS OF THE TWO HOUSES OF CONGRESS,

AND

RECENT TREATIES, CONVENTIONS, AND EXECUTIVE PROCLAMATIONS.

EDITED, PRINTED, AND PUBLISHED BY AUTHORITY OF CONGRESS UNDER THE DIRECTION OF THE SECRETARY OF STATE.

VOL. XXXVI.

IN TWO PARTS.

PART 1—Public Acts and Resolutions.
PART 2—Private Acts and Resolutions, Concurrent Resolutions, Treaties, and Proclamations.

PART 1.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1911.

HeinOnline 36 Stat. i 19041911

CHAP. 429.—An Act To authorize the building of bridges across the Saint Marys River, Georgia, and the Kootenai River, Idaho.

June 25, 1910.
[H. R. 26349.]

[Public, No. 311.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the Saint Marys and Kingsland Railroad Company, a corporation organized under the laws of the State of Georgia, is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Saint Marys River at a point suitable to the interests of navigation, at or near a point about one mile west of the town of Saint Marys, in the county of Camden, in the State of Georgia, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters," approved March twenty-third, nineteen hundred and six.

Saint Marys River. Saint Marys and Kingsland Railroad Company may bridge, at Saint Marys, Ga.

Vol. 34, p. 84.

SEC. 2. That the Kootenai Valley Railway Company, a corporation organized under the laws of the State of Washington, is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Kootenai River at a point suitable to the interests of navigation at or near Bonners Ferry, in the State of Idaho, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters," approved March twenty-third, nineteen hundred and six.

Kootenai River. Kootenai Valley Railway Company may bridge, at Bonners Ferry, Idaho.

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

Amendment.

Approved, June 25, 1910.

CHAP. 430.—An Act To authorize the construction and maintenance of a dike on Olalla Slough, Lincoln County, Oregon.

June 25, 1910.
[H. R. 26458.]

[Public, No. 312.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the legal officers of the Olalla diking district, organized under the laws of the State of Oregon, be, and hereby are, authorized to construct upon the foundation already laid, and to maintain a dike across the Olalla Slough, in Lincoln County, Oregon, with a gate therein so constructed and maintained as to be readily opened and easily operated for the purposes of navigation. Said gates may be closed for such time as to prevent the overflowing by the tides of the lands above the dike under regulations to be prescribed from time to time by the Secretary of War: *Provided, however,* That the work now existing shall not be legalized nor shall any new work be commenced until the plans therefor have been filed with and approved by the Secretary of War and Chief of Engineers.

Olalla Slough, Oreg. Olalla diking district may construct a dike across.

Closing gates.

Proviso. Approval of plans.

SEC. 2. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, June 25, 1910.

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.

June 25, 1910.
[H. R. 24992.]

[Public, No. 313.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, 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. If the Secretary of the Interior decides the heir or heirs of such decedent competent to manage their own affairs,

Indian trust allotments. Disposal to heirs of intestate Indians.

Discretion of Secretary of Interior.

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: *Provided,* 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: *Provided,* 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: *Provided further,* 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: *Provided further,* 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 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.

Provisos. Partition.

Rules for sales, etc.

Issue of patents in fee.

Distribution of proceeds.

Competency certificates.

Deposit of Indian funds in banks.

Indemnity bond.

Disposal of trust allotments by will.

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.

Provisos. Approval required.

Not applicable to Oklahoma.

Surrender of trust allotments to children.

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.

Conditions.

Leases of trust allotments.

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, and 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.

Inducing conveyances by Indians of trust interests unlawful.

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.

Punishment for.

Proviso. Exception.

Timber depredations. Vol. 35, p. 1098, amended.

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:

Punishment for depredations on reservation or Indian lands.

"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."

Trust allotments included.

That section fifty-three of said Act is hereby amended so as to read:

Punishment for not extinguishing fires on reservations or Indian lands. Vol. 35, p. 1098, amended.

"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."

Trust allotments included.

Indian reservations. Sales of timber on unallotted lands in.

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.

Proviso. Exception.

Sales of timber on trust allotments.

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. Vol. 24, p. 389, amended.

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.

"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."

By reservation agent alone.

Certificates.

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.

Ante, p. 855.

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.

Trust patents for. Vol. 24, p. 388.

Pahute Indians, Nevada. Canceling allotments of two, dying without heirs.

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.

Proviso. Allotments to Indians dying without heirs.

Report to be made.

Indian reservations. Power, etc., sites in, may be reserved.

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.

Proviso. Where no project authorized.

Trust allotments. Canceling patents in power sites, etc.

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.

Provisos. Reimbursing Indians.

Lieu allotments.

Otoe and Missouria Reservation, Okla. Conveyance of tract in former, for religious, etc., purposes.

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 Missouria 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 Missouria Indians, to be expended for their benefit in the discretion of the Secretary of the Interior under such regulations as he may prescribe.

Provisos. Consent of Indians, etc.

Use of proceeds.

Rights of way through Indian lands. Vol. 30, p. 990, amended.

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 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. Vol. 35, p. 782.

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, 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. Vol. 26, pp. 794, 795.

Allotments on reservation. Vol. 26, p. 794, amended.

"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 nonirrigable agricultural land and four times the number of acres of nonirrigable 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."

Area increased.

In irrigation projects.

Provisos. Remainder on nonirrigable lands.

Treaty allotments.

"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."

Allotments not in reservations. Vol. 24, p. 795, amended.

Amount allowed.

Trust patents to issue.

Payment of fees from the Treasury.

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."

Shoshone Reservation, Wyo. Use of proceeds from lands corrected. *Ante*, p. 288, amended. Vol. 33, p. 1020.

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.

Reports abolished. R. S., secs. 468, 469, 2091, pp. 79, 365, repealed.

SEC. 20. That the following sections in the following Acts making appropriations for the current and contingent expenses of the Indian 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.

Additional.

Vol. 18, p. 450.

Vol. 28, p. 908.

Vol. 31, p. 1085.

Vol. 32, p. 274.

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.

Sisseton and Wahpeton Sioux.

Balance of funds per capita.

Vol. 12, p. 819.

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 to read as follows:

Surplus property on reservations.

Vol. 30, p. 596, amended.

"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."

Transfers authorized.

Proceeds from sales to be covered in.

R. S., sec. 3618, p. 713.

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. All Acts and parts of Acts in conflict with the provisions of this section are hereby repealed.

Indian supplies.

Purchases under regular contracts.

R. S., sec. 3709, p. 733.

Proviso.

Indian labor and products.

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:

Red Lake Indian Reservation, Minn.

Grant of lands to Minneapolis, Red Lake and Manitoba Railway Company.

"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."

Patent for selected lands.

Vol. 33, p. 709, amended.

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:

Kiowa, etc., pasture lands, Okla.

Vol. 35, p. 456, amended.

"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 allot-

Allotment to children of enrolled members, born since June 5, 1906.

Proviso.

Proportionate share if area insufficient.

ment 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."

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.
Vol. 25, p. 644.

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 inserting 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

Vol. 32, p. 401.

Disposal of unsold timber.

Advertisements.

Provisos.
Other provisions superseded.

Schedules, etc., to applicants.

Conduct of sales.

Opening to homestead entry.

Vol. 25, p. 644.

Additional payment for timber.

Vol. 32, p. 400.

Lands in National Forest excluded.

Vol. 35, p. 268.

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."

Winnibigoshish band of Chippewas, Minn. Village site reserved for.

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.

Flathead Reservation, Mont. Classification, etc., of vacant, etc., lands.

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 appraisement 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.

Vol. 33, p. 302.

Disposal of.

Colville Reservation, Wash. Allotments to Indians of diminished reservation.

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.

Ante, p. 859.

National forests. Allotments to Indians living in.

Ante, p. 859.

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. 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.

Applications, etc.

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.