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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

United States Congress

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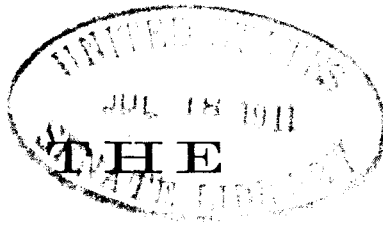


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STATUTES AT LARGE

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.

Columbia may maintain an action in the supreme court of the District of Columbia, in the name of the District of Columbia, to abate and perpetually enjoin such nuisance. The injunction shall be granted at the commencement of the action, and no bond shall be required. Any person violating the terms of any injunction granted in such proceeding shall be punished as for contempt by a fine of not less than one hundred nor more than five hundred dollars, or by imprisonment in the United States jail for not less than thirty days nor more than six months, or by both such fine and imprisonment, in the discretion of the court.

Punishment for violating injunction.

SEC. 9. That Congress reserves the right to alter, amend, or repeal this Act. All laws in conflict herewith are hereby repealed.

Repeal, etc. Vol. 30, p. 922.

Approved, June 1, 1910.

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.

June 1, 1910.
[H. R. 21904.]

[Public, No. 197.]

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.

Fort Berthold Indian Reservation, N. Dak.
Sale of portion of unallotted lands in.

Mineral lands reserved.

Provis. Relinquishment of allotments.

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.

Additional allotments to Indians.

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,

Lands reserved for agency, etc.

Old Indian village and burying ground. 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.

Tribal farm authorized. 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.

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. 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 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 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 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.

Provisos. Allotments in, to be canceled. Report of withdrawals. Townsites. Reservation for, before school selections by North Dakota. 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

Surveys, etc. Payment, etc. Use of net proceeds. Commission to appraise, etc., lands.

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. 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 sections sixteen and sections thirty-six. 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. 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.

Organization, etc.

Classification, appraisement, etc.

Compensation, etc.

SEC. 8. That when said commissioners 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 lands shall be disposed of under the provisions of the homestead, mineral, and 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: *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 and thirty-six, 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: *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.

Sale of lands.

Sections 16 and 36 to North Dakota.

Lieu selections.

Provisos. Restriction.

Price.

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 agricul-

Opened to settlement by proclamation.

Provisos. Rights of soldiers and sailors not affected. R. S., secs. 2304, 2305, p. 422. Vol. 31, p. 847.

Price of agricultural lands.

Payment, etc.	tural 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: <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 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: <i>And provided further</i> , 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.
Forfeiture.	
Commutation.	
R. S., sec. 2301, p. 421.	
Fees and commissions.	
Reappraisal of undisposed of lands.	
Timber lands reserved to Indians.	<p>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.</p>
Deposit of proceeds to credit of Indians.	<p>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.</p>
Use of proceeds.	
Appropriations for school lands for North Dakota.	<p>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: <i>Provided</i>, 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.</p>
Appropriation for surveys, etc.	
Proviso. Reimbursement.	
Prohibition of intoxicants.	<p>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.</p>
Nonresponsibility of United States.	<p>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</p>

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.

Proviso.
Treaty rights not affected.

Approved, June 1, 1910.

CHAP. 265.—An Act Extending the time in which to file adverse claims and institute adverse suits against mineral entries in the district of Alaska.

June 7, 1910.
[S. 621.]

[Public, No. 198.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the district of Alaska adverse claims authorized and provided for in sections twenty-three hundred and twenty-five and twenty-three hundred and twenty-six, United States Revised Statutes, may be filed at any time during the sixty days period of publication or within eight months thereafter, and the adverse suits authorized and provided for in section twenty-three hundred and twenty-six, United States Revised Statutes, may be instituted at any time within sixty days after the filing of said claims in the local land office.

Public lands.
Time extended for filing adverse mineral claims, etc., in Alaska.
R. S., secs. 2325, 2326, pp. 426, 427.

Approved, June 7, 1910.

CHAP. 266.—An Act To extend the time for construction and beginning of construction of its line of railway in Alaska by the Alaska Short Line Railway and Navigation Company.

June 7, 1910.
[S. 7056.]

[Public, No. 199.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in consideration of the construction of the Alaska Short Line Railroad in Alaska by the Alaska Short Line Railway and Navigation Company being actually commenced prior to June first, nineteen hundred and eleven, the time for the completion of the survey and construction of said railroad be, and the same is hereby, extended to a period of three years from said first day of June, anno Domini nineteen hundred and eleven: *Provided*, That said company shall file with the Secretary of the Interior maps of definite location of its line of road prior to the beginning of the construction of any twenty-mile section thereof, the same to be approved by the Secretary of the Interior, as is now required by the Act approved May fourteenth, eighteen hundred and ninety-eight, providing for right of way for railroads in the District of Alaska: *Provided further*, That if actual construction of the road be not commenced within one year after June first, nineteen hundred and ten, the right hereby granted shall not be so construed as to interfere with the attachment of other rights prior to the commencement of such construction.

Alaska.
Time extended for construction of Alaska Short Line Railroad in.
Vol. 35, p. 780, amended.

Proviso.
Filing maps, etc.

Vol. 30, p. 410.

Rights prior to construction.

Approved, June 7, 1910.

CHAP. 267.—An Act Granting public lands to certain cities and towns in the State of Colorado for public-park purposes.

June 7, 1910.
[H. R. 22549.]

[Public, No. 200.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby granted and conveyed to the following-named municipal corporations in the State of Colorado, for public-park purposes and for the use and benefit of the respective cities and towns, the following-described lands, or so much thereof as said cities and towns may desire, to wit:

Public lands.
Granted to cities and towns in Colorado for parks, etc.

To the town of Glenwood Springs, county of Garfield, the south half of section eighteen and all of section nineteen excepting lots

Glenwood Springs.