INDIAN LEGISLATION PASSED DURING THE FIRST SESSION OF THE FIFTY-SIXTH CONGRESS.[1]

CHAP. 111. An act enlarging the powers of the Choctaw, Oklahoma and Gulf Railroad Company. March 28, 1900.

Vol. 31, p. 52.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the limitations imposed by the proviso to section four of the Act approved August twenty-fourth, eighteen hundred and ninety-four, entitled "An Act to authorize the purchasers of the property and franchises of the Choctaw Coal and Railroad Company to organize a corporation, and to confer upon the same all the powers, privileges, and franchises vested in that company," or by any Act amendatory of said Act upon the power of the Choctaw, Oklahoma and Gulf Railroad Company, the corporation organized thereunder, to construct branches authorized by said section four of said Act of August twenty-fourth, eighteen hundred and ninety-four, are hereby repealed, except in so far as these limitations require the filing of maps of the said branches with the Secretary of the Interior and his approval of the same.

Choctaw, Oklahoma and Gulf Railroad.
Vol. 28, p. 503.
Vol. 29, p. 98.
Repeal of limitation as to constructing branches.
—except.

SEC. 2. That the powers heretofore conferred upon the said Choctaw, Oklahoma and Gulf Railroad Company by the said Act of August twenty-fourth, eighteen hundred and ninety-four, and the Acts amendatory thereof, shall be so construed as to authorize the construction and operation of the railroad and branches thereby or hereby authorized through and over any Indian reservations, subject to the payment of the compensation provided for in said Acts as to land in the Indian Territory, and through and over any Indian allotments, subject to the compensation provided by the laws of Oklahoma.

Construction through Indian reservations, etc.

SEC. 3. That it shall and may be lawful for the Choctaw, Oklahoma and Gulf Railroad Company to purchase the franchises, railroad and other property of, or to consolidate with, any other railroad company incorporated under the laws of any State or Territory of the United State whose lines may now or hereafter form a continuous line of railroad with it, either directly or by means of an intervening railroad, upon complying with the regulations and requirements of the laws of the State or Territory in which such road is located, applicable to such purchase or consolidation.

Company may purchase, etc., railroads forming continuous lines with it.

SEC. 4. That for the purpose of perfecting such purchase or consolidation it shall be lawful for said Choctaw, Oklahoma and Gulf Railroad Company to increase its stock, either preferred or common or both, and to guarantee the payment of the principal and interest of the bonds and other obligations of any company whose property is thus acquired, or of dividends on its preferred or guaranteed stock: *Provided also*, That the power conferred by this section shall also extend to like guaranties of the bonds, obligations, and dividends on stocks of companies whose roads may now or hereafter be leased to the said Choctaw, Oklahoma and Gulf Railroad Company.

—may increase its stock.
—may guarantee bonds, etc., of property acquired.
Proviso.
—or leased.

SEC. 5. That for the purpose of providing means for the construction of its railroad and branches, the acquisition of additional property, the payment of its obligations, or for other corporate purposes, the said Choctaw, Oklahoma and Gulf Railroad Company is authorized to increase from time to time its issue of preferred and common stock, and to dispose of the same upon such terms as may be deemed

Increase of stock authorized.

[1] This does not include items of appropriations for the Indian Service unless they involve new legislation.

necessary. Before any such increase shall be made the same shall have been authorized by the holders of a majority of the then outstanding stock of the company, voting in person or by proxy, at a meeting duly called by the board of directors of the company, which shall be held at the general office of the company, of which meeting notice shall have been given by advertisement once a week for sixty days prior to such meeting, in at least one newspaper published in the city or county wherein such principal office is situate.

Approved, March 28, 1900.

April 4, 1900.
Vol. 31, p. 59.

CHAP. 156. An act approving a revision and adjustment of certain sales of Otoe and Missouria lands in the States of Nebraska and Kansas.

Otoe and Missouria Indians, Nebraska and Kansas.
Vol. 27, p. 568.
Revision of sale of land in reservation of, confirmed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the revision and adjustment of the sales of lands in the late reservation of the confederated Otoe and Missouria tribes of Indians in the States of Nebraska and Kansas, to which more than three-fourths of the adult male members of said tribes have given their consent, by an instrument in writing dated the twentieth day of November, eighteen hundred and ninety-nine, and now on file in the office of the Secretary of the Interior, is hereby approved and confirmed, and the Secretary of the Interior is hereby directed to carry the same into full force and effect as to all delinquent purchasers of said lands, their heirs and legal representatives, in the following manner, to wit: The Secretary of the Interior shall cause notice to be given to said purchasers, their heirs and legal representatives, respectively, of the amounts of the deferred payments found to be due and unpaid on their respective purchases under the adjustment hereby confirmed; and within one year thereafter it shall be the duty of such purchasers, their heirs and representatives, respectively, to make full payment in cash of the amounts thus found to be due by them, severally, and in default of such payment within said period of one year the entry of any purchaser so in default shall be forthwith canceled and the lands shall be resold for the benefit of the Indians at not less than the appraised value thereof, and in no case at less than two dollars and fifty cents per acre, as provided in the Act under which they were originally sold. Upon making such complete payment within the time so fixed each purchaser, his heirs or legal representatives, shall be entitled to receive a patent for the lands so purchased.

—manner of enforcing as to delinquent purchasers.

Vol. 21, p. 380.

Approved, April 4, 1900.

April 17, 1900.
Vol. 31, p. 134.

CHAP. 193. An act granting the right of way to the Minnesota and Manitoba Railroad Company across the ceded portion of the Chippewa (Red Lake) Indian Reservation in Minnesota.

Minnesota and Manitoba Railroad granted right of way through Chippewa (Red Lake) Indian Reservation, Minn.

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 Minnesota and Manitoba Railroad Company, a corporation organized and existing under the laws of the State of Minnesota, and its successors and assigns, the right of way of said railroad, with necessary side tracks and switch tracks, and for telegraph and telephone lines, through the ceded lands of what was formerly the Red Lake Indian Reservation, which railroad commenced at a point at or near the terminus of the Manitoba and Southeastern Railway, on the boundary line between the State of Minnesota and the province of Manitoba; thence in a southeasterly direction through townships one hundred and sixty-four, one hundred and sixty-three, one hundred and sixty-two, one hundred and sixty-one, one hundred and sixty to a point on Rainy River, forming the northeastern boundary of the State of Minnesota, at or near the mouth of the Baudette River, in the State of Minnesota, which right of way shall be fifty feet in width on each side of the central line of said railroad. And

—width.

said company shall also have the right to take from lands, to which there is no prior valid claim and which have not been appraised for sale as pine lands, lying adjacent to the line of said railroad, material, stone, earth, and timber necessary for the construction of said railroad; also ground adjacent to such right of way for station buildings, depots, machine shops, side tracks, turn-outs, turntables, water stations, and such other structures at such points as the said railroad company may deem to their interest to erect, not to exceed three hundred feet in width and three thousand feet in length for each station, to the extent of one station for each ten miles of road, except at the crossing of said Rainy River, at which point said railroad company may take not exceeding forty acres in addition to the grounds allowed for station purposes for the corresponding section of ten miles: *Provided*, That no part of such lands herein granted shall be used except in such manner and for such purposes only as are necessary for the construction, maintenance, and convenient operation of said railroad.

Materials.

Additional ground for stations, etc.

Proviso. —use restricted

SEC. 2. That before said railroad shall be constructed through any land, claim, or improvements held by individual occupants according to any custom of the tribes, treaties, or laws of the United States, compensation shall be made such occupant or claimant for all property to be taken or damage done by reason of the construction of such railroad. In case of failure to make satisfactory settlement with any such claimant, the United States district court at Minneapolis, Minnesota, shall have jurisdiction, upon petition of either party, to determine such just compensation in accordance with the laws of Minnesota provided for determining the damage when property is taken for railroad purposes. The amount of damages resulting to the tribes of Indians, in their tribal capacity, by reason of the construction of said railroad through such ceded lands of the former Red Lake Reservation as are not occupied in severalty, shall be ascertained and determined in such manner as the Secretary of the Interior may direct, and be subject to his final approval; but no right of any kind shall vest in said railroad company in or to any part of the right of way herein provided for until plats thereof, made upon actual survey for the definite location of such railroad, and including grounds for station buildings, depots, machine shops, side tracks, turn-outs, and water stations, shall have been approved by the Secretary of the Interior, and until compensation aforesaid shall have been fixed and paid: *Provided*, That said railroad shall be located, constructed, and operated with due regard to the rights of the Indians.

Damages.

—jurisdiction.

Plats.

Proviso. Rights of Indians to be preserved.

SEC. 3. That said company shall file maps showing the definite location of the line of road and station grounds in the local land office for the district in which the land lies, and upon approval thereof by the Secretary of the Interior the grant of right of way shown thereon shall relate back to the date of such filing. Upon the completion of the road the company shall file an affidavit of its engineer and a certificate of its president as evidence thereof.

Maps.

SEC. 4. That said company is hereby authorized to enter upon said ceded lands for the purpose of surveying and locating its line of railroad.

Surveys.

SEC. 5. That the right herein granted shall be forfeited by said company unless the road shall be constructed through the said ceded lands within two years after the passage of this Act.

Completion.

SEC. 6. That nothing herein contained shall restrict or impair the rights which said company may now have or hereafter acquire to the benefits and provisions of 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."

Railroad rights.

Vol. 18, p. 482.

SEC. 7. That Congress reserves the right to alter, amend, or repeal this Act, or any part thereof.

Amendment.

Approved, April 17, 1900.

May 7, 1900.
Vol. 31, p. 170.

CHAP. 384. An act for the appointment of an additional United States commissioner in the northern judicial district of the Indian Territory.

Indian Territory.
Appointment of additional United States commissioner at Wewoka, authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the judge of the United States court in the Indian Territory presiding in the northern judicial district thereof is hereby authorized and empowered to appoint an additional United States commissioner within said district, who shall be permanently located at Wewoka, in the Seminole Nation, and to prescribe by metes and bounds the portion of the district for which such commissioner is appointed.

Approved, May 7, 1900.

May 17, 1900.
Vol. 31, p. 179.

CHAP. 479. An act providing for free homesteads on the public lands for actual and bona fide settlers, and reserving the public lands for that purpose.

Public lands.
Free homesteads for actual settlers, etc.

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, which have already been open to settlement, acquired prior to the passage of this Act by treaty or agreement from the various Indian tribes, 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.

Provisos.
Right to commute continued.
Payments to Indian tribes.
Agricultural colleges, etc.
Vol. 26, p. 417.
Vol. 12, p. 503.
Certain lands not included.

Repeal.

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

Approved, May 17, 1900.

May 24, 1900.
Vol. 31, p. 182.

CHAP. 546. An act to amend section eight of the Act of Congress entitled "An Act to authorize the Fort Smith and Western Railroad Company to construct and operate a railway through the Choctaw and Creek nations, in the Indian Territory, and for other purposes."

Right of way of Fort Smith and Western Railroad through Choctaw and Creek nations, Indian Territory.
Vol. 30, p. 1371, amended.
Maps of route to be filed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section eight of the act to authorize the Fort Smith and Western Railroad Company to construct and operate a railway through the Choctaw and Creek nations, in the Indian Territory, and for other purposes, be, and the same is hereby, amended to read as follows:

"SEC. 8. That said company shall cause maps, showing the route of its located lines through said nations, to be filed in the office of the Secretary of the Interior and also to be filed in the office of the principal chiefs of said nations; and after the filing of said maps no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Provided*, That when a map or maps of the first eighty miles of said line from Fort Smith to a crossing of the Missouri, Kansas and

Provisos.
—of first 80-mile section.

Texas Railroad at or near South Canadian shall be filed in the office of the Secretary of the Interior, the same may be approved by the Secretary of the Interior to authorize the commencement of construction of said eighty-mile section: *Provided further*, That a map or maps showing (sections of at least twenty-five miles in length) of the remaining portion of said line in the Indian Territory shall be filed with and approved by the Secretary of the Interior before the construction of any such said remaining section shall be commenced; and said company shall have the right to build in the line of said railroad a bridge across the Poteau River and bridges across the two forks of the Canadian River crossed by said line, but the plan of construction of said bridges shall be first approved by the Secretary of War: *Provided further*, That said railway company can change its located line after the approval of its map by the Secretary of the Interior in such cases where the topography of the country, in the opinion of the president of the railway company, justifies such change; but such change of line shall not vary more than five miles in either direction from the location shown on the map so approved, and an additional map showing such change shall be filed with and approved by the Secretary of the Interior before the construction of that portion of the road shall be commenced, and thereupon shall have the same force and effect as if originally filed with and approved by him.

—remaining sections.

Bridges authorized.

Changes, etc.

Approved, May 24, 1900.

CHAP. 598. 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 one, and for other purposes.

May 31, 1900.
Vol. 31, p. 221.

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 one, and fulfilling treaty stipulations for the various Indian tribes, namely:

Indian Department appropriation.

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CHOCTAWS.

[Vol. 31, p. 225.]

* * * To carry out the provisions of section twenty-nine of the Act of Congress approved June twenty-eighth, eighteen hundred and ninety-eight, under the title "orphan lands," two thousand six hundred and ninety-six dollars and forty cents, the said sum to be placed to the credit of the Choctaw orphan fund in the Treasury of the United States, and to draw interest at five per centum per annum, this amount being the value of two thousand one hundred and fifty-seven and twelve one-hundredths acres of land, being the unsold Choctaw orphan lands in the State of Mississippi, which lands, under the provisions of said section twenty-nine, were taken by the United States at one dollar and twenty-five cents per acre.

Credit Choctaw orphan fund for unsold orphan lands, Mississippi.
Vol. 30, p. 513.

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QUAPAWS.

Quapaws.
[Vol. 31, p. 229.]

* * * That hereafter all chattel mortgages executed in the Quapaw Agency in the northern district of the Indian Territory shall be recorded in the town of Miami by the clerk of the said northern district of the Indian Territory, or his duly appointed deputy, in a book or books kept for the purpose: *Provided*, That hereafter the clerks of the district courts in the Indian Territory shall account for and pay into the Treasury of the United States, all fees collected in excess of one thousand dollars per year. All settlements to be made in accordance with such rules and regulations as the Attorney-General may prescribe: *Provided*, That

Recording chattel mortgages.

Provisos.
Clerks of district courts, Indian Territory, to return fees in excess of $1,000.

—amount to be expended for reservation schools.

the one thousand dollars of this amount, or so much thereof as may be necessary, shall be expended, under the direction of the Secretary of the Interior, for the support and maintenance of three or more public schools on the Quapaw Reservation, at such places as may be provided by the Quapaw Nation: *And provided*, That the present industrial school on said reservation shall be consolidated with the Seneca Industrial School at Wyandotte, in the Quapaw Agency: *And provided*, That the building and furniture now used for school purposes at the present Industrial Quapaw School, except such as may be required for the consolidated school at Wyandotte, shall be turned over to the Quapaw Nation by the Secretary of the Interior for the use of schools on the Quapaw Reservation: *And provided*, That such of said buildings as may not be required for a public school, where they now stand, may be removed by said nation to suitable places on said reservation, and five hundred dollars of the amount hereby appropriated shall be turned over to the Quapaw Nation to pay for the removal and repairing of said buildings.

Consolidation of certain schools.

—disposition of building, etc.

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Vol. 31, p. 233.

ALSEA AND SILETZ INDIANS.

Alsea and Siletz Indians. Payment to.

The Secretary of the Interior is hereby authorized and directed, on the passage of this Act, to pay to such Alsea and other Indians on the Siletz Reservation, in Oregon, parties to an agreement made October thirty-first, eighteen hundred and ninety-two, ratified by the Act of Congress approved August fifteenth, eighteen hundred and ninety-four (Twenty-eighth Statutes, page three hundred and twenty-three), as shall be found to be competent and capable of managing and taking care of their own affairs their pro rata shares of the permanent fund of one hundred thousand dollars, appropriated by the said Act of August fifteenth, eighteen hundred and ninety-four, and now to their credit in the Treasury of the United States: *Provided*, That such of said Indians as receive their pro rata share of said fund, under this provision, shall not hereafter participate in the payment of interest or principal on that portion of the fund that shall remain.

Vol. 28, p. 323.

Proviso. Payees not to pay interest, etc., on remainder of fund.

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Vol. 31, p. 236. Miscellaneous.

MISCELLANEOUS.

Commission to Five Civilized Tribes.

Vol. 27, p. 645.

Vol. 28, p. 939.

Provisos. Number of commissioners.

Special disbursing agent, clerk, etc.

Amount.

Use of appropriation.

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 the number of said commissioners is hereby fixed at four. For expenses of commissioners and necessary expenses of employees, and three dollars per diem for expenses of a clerk detailed as special disbursing agent by Interior Department, while on duty with the commission, shall be paid therefrom; for clerical help, including secretary of the commission and interpreters, five hundred thousand dollars, to be immediately available; for contingent expenses of the commission, four thousand dollars; in all, five hundred and twenty-four thousand dollars: *Provided further*, 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 statute.

Continuance of authority.

Enrollment as members of tribe.

That said commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior: *Provided*, That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission

Provisos. Right of Mississippi Choctaws, enrolled, to settle in Choctaw-Chickasaw country.

and by the Secretary of the Interior as Choctaws entitled to allotment: *Provided further*, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws, shall be null and void.

Contracts for sale, etc., of Mississippi Choctaw allotments void.

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, for the balance of the current year and for the year ending June thirtieth, nineteen hundred and one, the same to be immediately available, sixty-seven thousand dollars, or so much as may be necessary: *Provided*, That the Secretary of the Interior is hereby authorized, under rules and regulations to be prescribed by him, to survey, lay out, and plat into town lots, streets, alleys, and parks, the sites of such towns and villages in the Choctaw, Chickasaw, Creek, and Cherokee nations, as may at that time have a population of two hundred or more, in such manner as will best subserve the then present needs and the reasonable prospective growth of such towns. The work of surveying, laying out, and platting such town sites shall be done by competent surveyors, who shall prepare five copies of the plat of each town site which, when the survey is approved by the Secretary of the Interior, shall be filed as follows: One in the office of the Commissioner of Indian Affairs, one with the principal chief of the nation, one with the clerk of the court within the territorial jurisdiction of which the town is located, one with the Commission to the Five Civilized Tribes, and one with the town authorities, if there be such. Where in his judgment the best interests of the public service require, the Secretary of the Interior may secure the surveying, laying out, and platting of town sites in any of said nations by contract.

Surveys, etc., town sites, Choctaw, Chickasaw, Creek, and Cherokee nations.

Vol. 30, pp. 500, 505.

Proviso.
—plats, etc., into town lots, etc.

—surveyors.

—filing plats.

—contract work

Hereafter the work of the respective town-site commissions provided for in the agreement with the Choctaw and Chickasaw tribes ratified in section twenty-nine 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," shall begin as to any town site immediately upon the approval of the survey by the Secretary of the Interior and not before.

Work of commissions to begin on approval of survey.
Vol. 30, p. 505.

The Secretary of the Interior may in his discretion appoint a town-site commission consisting of three members for each of the Creek and Cherokee nations, at least one of whom shall be a citizen of the tribe and shall be appointed upon the nomination of the principal chief of the tribe. Each commission, under the supervision of the Secretary of the Interior, shall appraise and sell for the benefit of the tribe the town lots in the nation for which it is appointed, acting in conformity with the provisions of any then existing Act of Congress or agreement with the tribe approved by Congress. The agreement of any two members of the commission as to the true value of any lot shall constitute a determination thereof, subject to the approval of the Secretary of the Interior, and if no two members are able to agree the matter shall be determined by such Secretary.

Creek and Cherokee town-site commissions.

Where in his judgment the public interests will be thereby subserved, the Secretary of the Interior may appoint in the Choctaw, Chickasaw, Creek, or Cherokee Nation a separate town-site commission for any town, in which event as to that town such local commission may exercise the same authority and perform the same duties which would otherwise devolve upon the commission for that Nation. Every such local commission shall be appointed in the manner provided in the Act approved June twenty-eighth, eighteen hundred and ninety-eight, entitled "An Act for the protection of the people of the Indian Territory."

Choctaw, Chickasaw, Creek, and Cherokee nations.

Separate town-site commissions for towns.

Vol. 30, p. 500.

The Secretary of the Interior, where in his judgment the public interests will be thereby subserved, may permit the authorities of any town in any of said nations, at the expense of the town, to survey, lay out, and plat the site thereof, subject to his supervision and approval, as in other instances.

Surveys by towns.

As soon as the plat of any town site is approved, the proper commission shall, with all reasonable dispatch and within a limited

Appraisal and sale of lots.

time, to be prescribed by the Secretary of the Interior, proceed to make the appraisement of the lots and improvements, if any, thereon, and after the approval thereof by the Secretary of the Interior, shall, under the supervision of such Secretary, proceed to the disposition and sale of the lots in conformity with any then existing Act of Congress or agreement with the tribe approved by Congress, and if the proper commission shall not complete such appraisement and sale within the time limited by the Secretary of the Interior, they shall receive no pay for such additional time as may be taken by them unless the Secretary of the Interior for good cause shown shall expressly direct otherwise.

Removal of commissioners, etc. The Secretary of the Interior may, for good cause, remove any member of any townsite commission, tribal or local, in any of said nations, and may fill the vacancy thereby made or any vacancy otherwise occurring in like manner as the place was originally filled.

Establishment of corporate and town-site limits. It shall not be required that the townsite limits established in the course of the platting and disposing of town lots and the corporate limits of the town, if incorporated, shall be identical or coextensive, but such townsite limits and corporate limits shall be so established as to best subserve the then present needs and the reasonable prospective growth of the town, as the same shall appear at the times when such limits are respectively established: *Provided further*, That the exterior limits of all townsites shall be designated and fixed at the earliest practicable time under rules and regulations prescribed by the Secretary of the Interior.

Proviso. —regulations.

Reservation from allotment at railroad stations, etc. Upon the recommendation of the Commission to the Five Civilized Tribes the Secretary of the Interior is hereby authorized at any time before allotment to set aside and reserve from allotment any lands in the Choctaw, Chickasaw, Creek, or Cherokee nations, not exceeding one hundred and sixty acres in any one tract, at such stations as are or shall be established in conformity with law on the line of any railroad which shall be constructed or be in process of construction in or through either of said nations prior to the allotment of the lands therein and this irrespective of the population of such townsite at the time. Such townsites shall be surveyed, laid out, and platted, and the lands therein disposed of for the benefit of the tribe in the manner herein prescribed for other townsites: *Provided further*, That whenever any tract of land shall be set aside as herein provided which is occupied by a member of the tribe, such occupant shall be fully compensated for his improvements thereon under such rules and regulations as may be prescribed by the Secretary of the Interior.

Proviso. —compensation for occupants' improvements.

Existing surveys, etc., unaffected. Nothing herein contained shall have the effect of avoiding any work heretofore done in pursuance of the said Act of June twenty-eighth, eighteen hundred and ninety-eight, in the way of surveying, laying out, or platting of town sites, appraising or disposing of town lots in any of said nations, but the same, if not heretofore carried to a state of completion, may be completed according to the provisions hereof.

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Vol. 31, p. 240. Payment to Kaskaskia, Peoria, Piankeshaw, and Wea Indians. For this amount to enable the Secretary of the Interior to carry out the terms of the twenty-fourth article of the treaty of February twenty-third, eighteen hundred and sixty-seven, with the confederated tribes of Kaskaskia, Peoria, Piankeshaw, and Wea Indians, twenty-five thousand five hundred and four dollars and ninety-six cents, as itemized and set forth in Senate Report Numbered Five hundred and eighty-two, Forty-fourth Congress, second session, at page three thereof, to be immediately available, and to be in full of all demands of said Indians under and by virtue of said treaty, said sum to be paid per capita to said Indians by the Secretary of the Interior, or expended for their benefit in such manner and for such objects and purposes as he may direct: *Provided*, That before any payment shall be made to said Indians under this Act the sum of one thousand one hundred and eighty-one dollars and sixty-nine cents shall be deducted and paid to T. F. Richardville, or his legal representatives, on account of money loaned to said Indians.

Vol. 15, p. 519.

Proviso. —deduction.

Seminole Indians. Payment of balance of awards. That the Secretary of the Treasury be, and he is hereby, authorized to pay the balance of awards made to the loyal Seminole Indians under the direction of the Secretary of the Interior, with interest thereon, as per articles three and four of the treaty of March

twenty-first, eighteen hundred and sixty-six, and paragraph fourteen of the agreement of December sixteenth, eighteen hundred and ninety-seven, such payment to be in full settlement and satisfaction of all claims under said articles and paragraph; and the sum of one hundred and eighty-six thousand dollars is hereby appropriated for the purpose: *Provided*, That if any of the said loyal Seminoles whose names are on the lists of awards as made up in pursuance of said treaty of eighteen hundred and sixty-six shall have died, then the amount due such deceased persons, respectively, shall be paid to their legal heirs, and the acceptance of the sum hereby appropriated shall be in full settlement of said awards. Vol. 14, p. 756. *Proviso.* —payment to heirs of deceased Seminoles.

That the Secretary of the Interior be, and he is hereby, authorized and directed to pay out and distribute in the following manner the sum of two hundred and sixteen thousand six hundred and seventy-nine dollars and forty-eight cents, which amount was appropriated by the Act of June twenty-eighth, eighteen hundred and ninety-eight, and credited to the "incompetent fund" of the Chickasaw Indian Nation on the books of the United States Treasury, namely: First, there shall be paid to such survivors of the original beneficiaries of said fund and to such heirs of deceased beneficiaries as shall, within six months from the passage of this Act, satisfactorily establish their identity in such manner as the Secretary of the Interior may prescribe and also the amount of such fund to which they are severally entitled, their respective shares; and second, so much of said fund as is not paid out upon claims satisfactorily established as aforesaid shall be distributed per capita among the members of said Chickasaw Nation, and all claims of beneficiaries and their respective heirs for participation in said incompetent fund not presented within the period aforesaid shall be, and the same are hereby, barred. Chickasaw Nation. Payment to beneficiaries of incompetent fund. Vol. 30, p. 505.

For payment to the Flambeau Lumber Company twelve thousand and thirty-nine dollars and thirty-five cents, the same being balance due said company for improvements made on the Lac du Flambeau Reservation for school and reservation purposes under a proper authority of the Secretary of the Interior, to be paid for out of timber to be cut on school and swamp lands within said reservation, which timber was not cut on account of suit instituted by the State of Wisconsin against the lumber company, after the improvements authorized had been made, stopping the same. Flambeau Lumber Company. Payment to.

For making necessary repairs of the Big Wind River bridge, on the Shoshone Agency, Wyoming, seven hundred and fifty dollars, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Interior; the same to be immediately available. Repairs Big Wind River bridge, Shoshone Agency, Wyo.

For the purchase and construction of one portable sawmill for the Klamath Agency, Oregon, three thousand dollars. Klamath Agency, Oreg., sawmill.

That the settlers who purchased with the condition annexed of actual settlement on all ceded Indian reservations be, and they are hereby, granted an extension to July first, nineteen hundred and one, in which to make payments as now provided by law. Additional time for payment to settlers, etc.

Fifty thousand dollars, or so much thereof as may be necessary, to be immediately available, in payment of liabilities already incurred and for amount necessary to be expended in suppressing the spread of smallpox in the Indian Territory among those residents of said Territory not members of any Indian tribe or nation therein, all accounts to be first carefully examined and approved by the Secretary of the Interior as just and reasonable. Suppression of smallpox.

To enable the United States Indian agent of the Pima Agency, Arizona, to pay the expenses incurred by the farmer in charge of the San Xavier Reservation in employing two attorneys to defend four Papago Indians tried on the charge of violating United States Statute fifty-two hundred and eighty-six, the sum of two hundred dollars. Counsel for Papago Indians. Reimbursement for services of.

To enable the Secretary of the Interior to pay for certain lands and improvements, as recommended by United States Indian Inspector James McLaughlin in his three reports to the Secretary of the Interior dated, respectively, November fourteenth, eighteen hundred and ninety-eight, and February third and sixteenth, nineteen hundred, upon investigations made 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), one Northern Cheyenne Reservation, Mont. Payment for lands, etc. Vol. 30, p. 596.

hundred and seventy-one thousand six hundred and fifteen dollars and forty-four cents.

Leach Lake Agency, Minn. Expense of establishing.

For the erection of additional buildings, fencing, means of locomotion, and other purposes necessary to complete the establishment of Leech Lake Agency, Minnesota, five thousand dollars, to be immediately available.

Digest of Indian decisions.

Vol. 30, p. 87.

Vol. 29, p. 341.

For printing and binding in two volumes not exceeding two thousand copies of the digest of decisions relating to Indian Affairs, authorized by Indian appropriation Acts of June tenth, eighteen hundred and ninety-six, and June seventh, eighteen hundred and ninety-seven, five thousand dollars, or so much thereof as may be necessary: *Provided*, That the Secretary of the Interior is authorized to donate thirty copies to Kenneth S. Murchuson, the compiler of said digest, for complimentary distribution by him.

Proviso.
—copies to compiler.

* * * * * * *

Vol. 31, p. 243.

Grand Junction, Colo.

For support and education of one hundred and seventy-five Indian pupils at the Indian school at Grand Junction, Colorado, 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 dollars; for dormitory building, twenty thousand dollars, for the purchase of not exceeding ten acres of land for the purpose of sewerage deposits, six hundred dollars, to be immediately available; in all, fifty-four thousand three hundred and twenty-five dollars.

* * * * * * *

Vol. 31, p. 244.

Riverside, Cal. Establishment of school.

Proviso.
Site.

For the establishment, in the discretion of the Secretary of the Interior, of an Indian School at or near Riverside, California: *Provided*, That a suitable site can be obtained there for a reasonable sum, to be selected by the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, for the purchase of land, the erection of buildings, and for other purposes necessary to establish a complete school plant upon the new site, seventy-five thousand dollars.

* * * * * * *

Morris, Minn.

For the support and education of one hundred and fifty Indian pupils at the Indian school at Morris, Minnesota, twenty-five thousand and fifty dollars; for pay of superintendent, one thousand five hundred dollars; for general repairs and improvements, one thousand five hundred dollars; for the purchase, in the discretion of the Secretary of the Interior, of a farm of one hundred and sixty acres, six thousand four hundred dollars, or so much thereof as may be necessary, to be immediately available; in all, thirty-four thousand four hundred and fifty dollars.

* * * * * * *

Vol. 31, p. 245.

Salem, Oreg.

For support and education of five hundred pupils at the Indian school, Salem, Oregon, eighty-three thousand five hundred dollars; for pay of superintendent at said school, one thousand eight hundred dollars; for erection of an industrial building, six thousand dollars; for the erection and completion of a brick dormitory, twenty thousand dollars; for general repairs and improvements, three thousand dollars; for purchase of twelve and twenty-seven one-hundredths acres of land at one hundred dollars per acre, one thousand two hundred and twenty-seven dollars; in all, one hundred and fifteen thousand five hundred and twenty-seven dollars.

Sac and Fox Reservation, Iowa.

For the support and education of seventy-five Indian pupils, Sac and Fox Reservation, Iowa, twelve thousand five hundred and twenty-five dollars; for pay of superintendent, one thousand dollars; for general repairs and improvements, four hundred dollars; in all, fourteen thousand and twenty-five dollars: *Provided*, That the Secretary of the Interior is directed to pay to Push-e-ten-neke-que, head chief of the Sac and Fox of the Mississippi Indians located in the State of Iowa, five hundred dollars per annum during the remainder of his natural life, beginning with and including the fiscal year nineteen hundred, in accordance with the terms of article four of the treaty proclaimed March twenty-third, eighteen hundred and forty-three.

Proviso.
Push-e-ten-neke-que.
Annuity.

Vol. 31, p. 246.

* * * * * * *

SEC. 2. * * * * *Provided further*, That the Indians to whom lands have been allotted on the Yakima Reservation in the State of Washington shall be permitted to lease unimproved allotted lands, for agricultural purposes, for any term not exceeding ten years upon such terms and conditions as may be prescribed by the Secretary of the Interior.

Yakima Reservation, Wash. Leases authorized.

* * * * * * *

Vol. 31, p. 247.

SEC. 4. * * * * *Provided*, That with the consent of the Crow Indians in Montana, to be obtained in the usual way, the Secretary of the Interior, in his discretion, may use the annuity money due or to become due said Indians to complete the irrigation system heretofore commenced on said Crow Indian Reservation.

Proviso. Crow Reservation, Mont. Use of annuity money of Indians for irrigation.

* * * * * * *

Vol. 31, p. 247.

SEC. 7. That the proviso to the Act approved August fifteenth, eighteen hundred and ninety-four, permitting the sale of allotted lands by members of the Citizen Band of Pottawatomie Indians and of the Absentee Shawnee Indians of Oklahoma is hereby extended so as to permit the adult heirs of a deceased allottee to sell and convey the lands inherited from such decedent; and if there be both adult and minor owners of such inherited lands, then such minors may join in a sale thereof by a guardian, duly appointed by the proper court, upon an order of such court made upon petition filed by such guardian, all conveyances made under this provision to be subject to the approval of the Secretary of the Interior; and any Citizen Pottawatomie or Absentee Shawnee not residing upon his allotment, but being an actual resident of another State or Territory, may in like manner sell and convey all the land allotted to him.

Citizen Band of Pottawatomie Indians and Absentee Shawnee Indians of Oklahoma. Adult heirs of deceased allottee may sell inherited lands, etc.

Vol. 28, p. 295.

That such proviso of the Act approved August fifteenth, eighteen hundred and ninety-four, as herein enlarged, is hereby extended to those members of the Citizen Band of Pottawatomie Indians and the Absentee Shawnee Indians who were given allotments under the Act approved the twenty-third day of May, eighteen hundred and seventy-two, and to their heirs; and any purchasers of Indian blood of lands sold under the provisions of the Act last named, or their heirs, who may own other allotted lands under any Act of Congress, may sell all the lands so owned by them in excess of eighty acres, the restrictions against sales by allottees under the Act last named to others than the United States or persons of Indian blood being hereby removed; and all such conveyances shall hereafter be subject to the approval of the Secretary of the Interior.

Further extension of act. Vol. 17, p. 159.

Purchasers may sell, etc.

That the provisions hereof as to the sale of inherited lands by heirs of deceased allottees of the Citizen Band of Pottawatomie Indians and Absentee Shawnee Indians are hereby extended and made applicable to the heirs of allottees of the Peoria and Miami Indians, who were authorized by the Act approved June seventh, eighteen hundred and ninety-seven, to sell a portion of their lands, and all sales and conveyances of lands of deceased allottees by their heirs, which have been duly made and executed by such heirs and duly approved by the Secretary of the Interior, are hereby ratified and confirmed.

Act extended to heirs of allottees of Peoria and Miami Indians. Vol. 30, p. 72.

Approved, May 31, 1900.

CHAP. 610. An act to ratify an agreement between the Commission to the Five Civilized Tribes and the Seminole tribe of Indians.

June 2, 1900.

Vol. 31, p. 250.

Whereas an agreement was made by Henry L. Dawes, Tams Bixby, Archibald S. McKennon, and Thomas B. Needles, the commission of the United States to the Five Civilized Tribes, and John F. Brown and K. N. Kinkehee, commissioners on the part of the Seminole tribe of Indians, on the seventh day of October, eighteen hundred and ninety-nine, as follows:

Seminole Indians. Agreement with, as to rolls of citizens, etc. Preamble.

"This agreement by and between the Government of the United States of the first part, entered into in its behalf by the Commission to the Five Civilized Tribes, Henry L. Dawes, Tams Bixby, Archibald S. McKennon, and Thomas B. Needles, duly appointed and authorized thereunto, and the Seminole tribe of Indians, in Indian Territory, of the second part, entered into in behalf of said tribe by

Commissioners.

John F. Brown and K. N. Kinkehee, commissioners duly appointed and authorized thereunto, witnesseth:

Who may be enrolled. Vol. 30, p. 502.

"First. That the Commission to the Five Civilized Tribes, in making the rolls of Seminole citizens, pursuant to the Act of Congress approved June twenty-eighth, eighteen hundred and ninety-eight, shall place on said rolls the names of all children born to Seminole citizens up to and including the thirty-first day of December, eighteen hundred and ninety-nine, and the names of all Seminole citizens then living; and the rolls so made, when approved by the Secretary of the Interior, as provided by said Act of Congress, shall constitute the final rolls of Seminole citizens, upon which the allotment of lands and distribution of money and other property belonging to the Seminole Indians shall be made, and to no other persons.

Rolls to be final.

Laws of descent.

"Second. If any member of the Seminole tribe of Indians shall die after the thirty-first day of December, eighteen hundred and ninety-nine, the lands, money, and other property to which he would be entitled if living, shall descend to his heirs who are Seminole citizens, according to the laws of descent and distribution of the State of Arkansas, and be allotted and distributed to them accordingly: *Provided*, That in all cases where such property would descend to the parents under said laws the same shall first go to the mother instead of the father, and then to the brothers and sisters, and their heirs, instead of the father.

Proviso. —to parents, etc.

"Third. This agreement to be ratified by the general council of the Seminole Nation and by the Congress of the United States.

"In witness whereof the said commissioners hereunto affix their names, at Muskogee, Indian Territory, this seventh day of October, eighteen hundred and ninety-nine.

Signatures.

"HENRY L. DAWES,
"TAMS BIXBY,
"ARCHIBALD S. MCKENNON,
"THOMAS B. NEEDLES,
"Commission to the Five Civilized Tribes.
"JOHN F. BROWN,
"K. N. KINKEHEE,
"Seminole Commissioners."

Therefore,

Ratification.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the same be, and is hereby, ratified and confirmed, and all laws and parts of laws inconsistent therewith are hereby repealed.

Repeal.

Approved, June 2, 1900.

June 6, 1900.

CHAP. 786. An act making further provision for a civil government for Alaska, and for other purposes.

Vol. 31, p. 321.

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

TITLE I.

CHAPTER ONE.

* * * * * * *

Vol. 31, p. 330.

SEC. 27. The Indians or persons conducting schools or missions in the district shall not be disturbed in the possession of any lands now actually in their use or occupation, and the land, at any station not exceeding six hundred and forty acres, now occupied as missionary stations among the Indian tribes in the section, with the improvements thereon erected by or for such societies, shall be continued in the occupancy of the several religious societies to which the missionary stations respectively belong, and the Secretary of the Interior is hereby directed to have such lands surveyed in compact form as nearly as practicable and patents issued for the same to the several societies to which they belong; but nothing contained in this Act shall be construed to put in force in the district the general land laws of the United States.

Occupants of school or mission lands not to be disturbed. —missionary stations.

General land laws not to apply.

SEC. 28. The Secretary of the Interior shall make needful and proper provision and regulations for the education of the children of school age in the district of Alaska, without reference to race and their compulsory attendance at school, until such time as permanent provision shall be made for the same. Education of children.

* * * * * * *

Approved, June 6, 1900.

CHAP. 795. An act changing place for holding court in the central division of the Indian Territory from Cameron to Poteau, and for other purposes. June 6, 1900. Vol. 31, p. 657.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subdivision three, of chapter one hundred and forty-five, of the United States Statutes at Large, approved March first, eighteen hundred and ninety-five, entitled "An Act to provide for the appointment of additional judges of the United States court in the Indian Territory, and for other purposes," which said subdivision reads as follows: "The central district shall consist of all the Choctaw country, and the places of holding court in said district shall be at South McAlester, Atoka, Antlers, and Cameron," be amended by striking out of said subdivision the word "Cameron" and inserting in lieu thereof the word "Poteau," so that said subdivision when amended shall read as follows: "The central district shall consist of all the Choctaw country, and the places of holding court in said district shall be at South McAlester, Atoka, Antlers, and Poteau." Indian Territory. Terms of court at Poteau instead of Cameron. Vol. 28, p. 694.

SEC. 2. That all suits, prosecutions and processes, recognizances, bail bonds, and other proceedings of whatever nature pending in or returnable to said court at Cameron are hereby transferred to and shall be made returnable and have force in said court at Poteau. Pending suits transferred.

Approved, June 6, 1900.

CHAP. 798. An act to authorize the Seneca Telephone Company to construct and maintain lines in the Indian Territory. June 6, 1900. Vol. 31, p. 658.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Seneca Telephone Company, organized and incorporated under the laws of the State of Missouri, is hereby authorized and empowered to construct and maintain telephone lines from Seneca, in the State of Missouri, to the Quapaw Agency, and to Wyandotte, Grand River, Fairland, Oseuma, Afton, and Vinita, in the Indian Territory, subject to the rules and regulations prescribed by the Secretary of the Interior, and to be approved by the Secretary of the Interior: *Provided*, That cities and towns into or through which such telephone lines may be constructed shall have the power to regulate the manner of construction therein, and the said company shall be subject to such municipal and Territorial taxation as may be provided for by law. Seneca Telephone Company may construct lines in Indian Territory. *Proviso.* Municipal control.

SEC. 2. That Congress hereby expressly reserves the right to regulate the tolls or charges of said telephone lines constructed in the Indian Territory by said company. Tolls.

Approved, June 6, 1900.

CHAP. 799. An act to provide for the sale of isolated and disconnected tracts or parcels of the Osage trust and diminished reserve lands in the State of Kansas. June 6, 1900. Vol. 31, p. 659.

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 shall cause to be duly proclaimed and offered at public sale, in the manner prescribed for the offering of public lands, all isolated or disconnected tracts or parcels of lands of one quarter section or less of the Osage trust and diminished reserve lands within the State of Kansas for which no application has been filed under the provisions of existing laws in relation thereto, but Osage trust, etc., lands, Kans. Sale of isolated tracts, etc., of, authorized.

—limit to one purchaser. not more than one quarter section shall be sold to any one purchaser under the provisions of this Act. Such lands shall be offered

Advertisement. for sale by advertisement for not less than thirty days in two newspapers in the proper land district, and by posting in the proper local land office for the same period, and upon the day named in such notice shall be sold for cash to the highest bidder at not less than the price fixed by law: *Provided*, That any settler upon any of said lands shall be permitted, at any time prior to the sale of the particular tract claimed by him, to file his application and submit proof therefor in accordance with existing laws. If any of said lands remain unsold after the offering as aforesaid they shall be subject to private entry, for cash, in tracts not exceeding one quarter section by one purchaser.

Proviso. Rights of settlers.

Unsold lands subject to private entry.

Sale of lands isolated by disposal of surrounding lands. R. S., sec. 2455, p. 449. Vol. 28, p. 687.

SEC. 2. That any such tracts or parcels of land that may become isolated or disconnected by the disposal of surrounding lands, after the offering provided for in the preceding section of this Act, shall be subject to disposal under the provisions of section twenty-four hundred and fifty-five of the Revised Statutes of the United States as amended by the Act of February twenty-sixth eighteen hundred and ninety-five, except that it shall not be necessary that said lands shall have been subject to homestead entry for three years prior to such sale.

Approved, June 6, 1900.

June 6, 1900. Vol. 31, p. 660.

CHAP. 802. An act to provide for the use of timber and stone for domestic and industrial purposes in the Indian Territory.

Indian Territory. Use of timber and stone for industrial purposes. —payment, 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 is authorized to prescribe rules and regulations for the procurement of timber and stone for such domestic and industrial purposes, including the construction, maintenance, and repair of railroads and other highways, to be used only in the Indian Territory, as in his judgment he shall deem necessary and proper, from land belonging to either of the Five Civilized Tribes of Indians, and to fix the full value thereof to be paid therefor, and collect the same for the benefit of said tribes; and every person who unlawfully cuts,

—penalty, unlawful cutting, etc.

or aids, or is employed in unlawfully cutting, or wantonly destroys, or procures to be wantonly destroyed, any timber standing upon the land of either of said tribes, or sells or transports any of such timber or stone outside of the Indian Territory, contrary to the regulations prescribed by the Secretary, 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.

Approved, June 6, 1900.

June 6, 1900. Vol. 31, p. 672.

CHAP. 813. An act to ratify an agreement with the Indians of the Fort Hall Indian Reservation in Idaho, and making appropriations to carry the same into effect.

Agreement with Shoshone and Bannock Indians of the Fort Hall Reservation, Idaho. Preamble.

Whereas Benjamin F. Barge, James H. McNeely, and Charles G. Hoyt, acting for the United States, did, on the fifth day of February, anno Domini eighteen hundred and ninety-eight, make and conclude the following agreement with the Shoshone and Bannock Indians of the Fort Hall Reservation, in Idaho; and

Commissioners.

Whereas Benjamin F. Barge, James H. McNeely, and Charles G. Hoyt, being duly appointed and acting commissioners on behalf of the United States for such purposes, have concluded an agreement with the headmen and a majority of the male adults of the Bannock and Shoshone tribes of Indians upon the Fort Hall Indian Reservation, in the State of Idaho, which said agreement is as follows:

Vol. 29, p. 341.

Whereas the aforesaid commissioners were appointed by the Secretary of the Interior, under and by virtue of an act of Congress, approved June the tenth, eighteen hundred and ninety-six (29 U. S. Stat. L., p. 341), entitled "An act making appropriations for current and contingent expenses of the Indian Bureau of the Interior Depart-

ment, and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June the thirtieth, eighteen hundred and ninety-seven, and for other purposes," and by said act were authorized to negotiate with the Bannock and Shoshone Indians, in the State of Idaho, for the cession of part of their surplus lands; and

Whereas the Indians of the Fort Hall Reservation are willing to dispose of part of their surplus lands in the State of Idaho, reserved as a home for them by a treaty concluded at Fort Bridger July the third, eighteen hundred and sixty-eight, and ratified by the United States Senate on the sixteenth day of February, eighteen hundred and sixty-nine, and also by Executive order: Vol. 15, p. 673.

Now, therefore, this agreement, made and entered into by and between the aforesaid commissioners on behalf of the United States of America, and by the headmen and a majority of the male adults of the Bannock and Shoshone tribes of Indians, located on the Fort Hall Indian Reservation, in the State of Idaho. Witnesseth:

ARTICLE I.

That the said Indians of the Fort Hall Reservation do hereby cede, grant, and relinquish to the United States all right, title, and interest which they have to the following-described land, the same being a part of the land obtained through the treaty of Fort Bridger on the third day of July, eighteen hundred and sixty-eight, and ratified by the United States Senate on the sixteenth day of February, eighteen hundred and sixty-nine: Cession of lands.

All that portion of the said reservation embraced within and lying east and south of the following-described lines: Commencing at a point in the south boundary of the Fort Hall Indian Reservation, being the southwest corner of township nine (9) south, range thirty-four (34) east of the Boise meridian, thence running due north on the range line between townships 33 and 34 east to a point two (2) miles north of the township line between townships five (5) and six (6) south, thence due east to the range line between ranges 35 and 36 east, thence south on said range line four (4) miles, thence due east to the east boundary line of the reservation; from this point the east and south boundaries of the said reservation as it now exists to the point of beginning, namely, the southwest corner of township nine (9) south, range thirty-four east, being the remainder of the description and metes and bounds of the said tract of land herein proposed to be ceded. —boundaries.

ARTICLE II.

That in consideration of the lands ceded, granted, and relinquished, as aforesaid, the United States stipulates and agrees to pay to and expend for the Indians of the said reservation, six hundred thousand dollars ($600,000) in the following manner, to wit: Consideration.

Seventy-five thousand dollars ($75,000), or as much thereof as may be necessary, shall be expended by the Secretary of the Interior in the erection of a modern school plant for the Indians of the Fort Hall Reservation at a point near the present agency, said point or site to be selected by the Secretary of the Interior, and the surplus remaining, if any, of the above seventy-five thousand dollars ($75,000) may be expended by the Secretary of the Interior for the educational needs of said Indians.

One hundred thousand dollars ($100,000) shall be paid in cash pro rata, share and share alike, to each man, woman, and child belonging to and actually residing on said reservation, within three months after the ratification of this treaty by the Congress of the United States. The remainder of said sum total shall be paid pro rata in like manner, as follows:

Fifty thousand dollars ($50,000) one year after the first payment.
Fifty thousand dollars ($50,000) two years after the first payment.
Fifty thousand dollars ($50,000) three years after the first payment.
Fifty thousand dollars ($50,000) four years after the first payment.
Fifty thousand dollars ($50,000) five years after the first payment.
Fifty thousand dollars ($50,000) six years after the first payment.

Fifty thousand dollars ($50,000) seven years after the first payment.

Fifty thousand dollars ($50,000) eight years after the first payment.

Twenty-five thousand dollars ($25,000) nine years after the first payment.

The deferred payments shall bear interest at the rate of four (4) per centum per annum, said interest to be placed annually to the credit of said Indians, and shall be expended for their benefit by the Secretary of the Interior at such times and in such manner as he may direct.

Proviso. Depredation claims not to affect payments.

Provided, That none of the money due to said Indians under this agreement shall be subject to the payment of any claims, judgments, or demands against said Indians for damages or depredations claimed to have been committed prior to the signing of this agreement.

ARTICLE III.

Heads of families who have settled not to be moved without consent. Vol. 15, p. 675.

Where any Indians have taken lands and made homes on the reservation and are now occupying and cultivating the same, under the sixth section of the Fort Bridger treaty hereinbefore referred to, they shall not be removed therefrom without their consent, and they may receive allotments on the land they now occupy; but in case they prefer to remove they may select land elsewhere on that portion of said reservation not hereby ceded, granted, and relinquished and not occupied by any other Indians; and should they decide not to move their improvements, then the same shall be appraised under direction of the Secretary of the Interior and sold for their benefit, at a sum not less than such appraisal, and the cash proceeds of such sale shall be paid to the Indian or Indians whose improvements shall be sold.

ARTICLE IV.

Use of ceded lands by Indian continuing to live thereon.

So long as any of the lands ceded, granted, and relinquished under this treaty remain part of the public domain, Indians belonging to the above-mentioned tribes, and living on the reduced reservation, shall have the right, without any charge therefor, to cut timber for their own use, but not for sale, and to pasture their live stock on said public lands, and to hunt thereon and to fish in the streams thereof.

ARTICLE V.

Surveys.

That for the purpose of segregating the ceded lands from the diminished reservation, the new boundary lines described in article one of this agreement shall 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.

ARTICLE VI.

Prior treaties continued in force.

The existing provisions of all former treaties with the Indians of the Fort Hall Reservation, not inconsistent with the provisions of this agreement, are hereby continued in force and effect; and all provisions thereof inconsistent herewith are hereby repealed.

ARTICLE VII.

Certain roads declared public highways.

The existing main traveled roads leading from McCammon to Blackfoot and from McCammon to American Falls are declared public highways, and the proper use of such is hereby granted to the general public.

ARTICLE VIII.

Irrigation.

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.

ARTICLE IX.

This agreement shall take effect and be in force when signed by the commissioners and by a majority of the male Indians of the Fort Hall Reservation over eighteen years of age, and ratified by the Congress of the United States. Signatures.

Signed on the part of the United States Government by the commissioners aforesaid and by the following Indians of the Bannock and Shoshone tribes, residing and having rights on the Fort Hall Indian Reservation.

BENJAMIN F. BARGE, Commissioner.
JAMES H. MCNEELY, Commissioner.
CHARLES G. HOYT, Commissioner.

FORT HALL INDIAN AGENCY,
Ross Fork, Idaho, February 5, 1898.

(1) Jim Ballard (x); witness, Mary W. Fisher. (2) Pocatello Tom (x); witness, Chas. M. Robinson. (3) Kunecke Johnson (x); witness, Mary W. Fisher. (And 247 others.)

* * * * * * *

We certify that we interpreted the foregoing agreement with the Bannock and Shoshone Indians and that they thoroughly understood the entire matter; that we truly interpreted for the commissioners and the Indians at all the councils held to discuss the subject, and to individual Indians.

J. J. LEWIS,
KENNEKE (his x mark) JOHNSON,
Interpreters.

Witness:
CHAS. M. ROBINSON.
J. H. BEAN.
ALBERT W. FISHER.

ROSS FORK, IDAHO, February 5, 1898.

FORT HALL AGENCY, IDAHO, February 5, 1898.

I hereby certify that two hundred and twenty-seven (227) Indians constitute a majority of male adult Indians on or belonging on the Fort Hall Indian Reservation, Idaho.

F. G. IRWIN, Jr.,
First Lieutenant, Second Cavalry, Acting Indian Agent.

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. Ratification.

SEC. 2. That for the purpose of making the first cash payment stipulated for in article two of the foregoing agreement, and for the purpose of a new school plant, as provided in the same article, the sum of one hundred and seventy-five thousand dollars be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated. Appropriation for first cash payment, etc.

SEC. 3. That for the purpose of surveying, establishing, and properly marking the western and northern boundaries of the tract ceded by the foregoing agreement, as required by article five thereof, and for field examination and necessary office work in connection therewith, the sum of one 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 surveys, etc.

SEC. 4. That before any of the lands by this agreement ceded are opened to settlement or entry, the Commissioner of Indian Affairs shall cause allotments to be made of such of said lands as are occupied and cultivated by any Indians, as set forth in article three of said agreement, who may desire to have the same allotted to them; and in cases where such Indian occupants prefer to remove to lands within the limits of the reduced reservation, he shall cause to be prepared a schedule of the lands to be abandoned, with a description of the improvements thereon, and the name of the Indian occupant, a duplicate of which shall be filed with the Commissioner of the General Land Office. Heads of families settled thereon to have allotments prior to opening of ceded lands to entry, etc.

—electing to remove, schedule of lands, etc., abandoned.

—appraisal and sale of improvements.

Before entry shall be allowed, as hereinafter provided, of any tract of land occupied and cultivated as above 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. 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, under the provisions of this Act, 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.

Proviso.

—disposition of proceeds of sale.

Removal of improvements.

Any Indian electing to abandon the land occupied by him as aforesaid shall have reasonable time, in the discretion of the Secretary of the Interior, within which to remove the improvements situated upon the land occupied by him.

Lands opened to settlement.

SEC. 5. That on the completion of the allotments and the preparation of the schedule provided for in the preceding section, and the classification of the lands as provided for herein, the residue of said ceded lands shall be opened to settlement by the proclamation of the President, and shall be subject to disposal under the homestead, town-site, stone and timber, and mining laws of the United States only, excepting as to price and excepting the sixteenth and thirty-sixth sections in each Congressional township, which shall be reserved for common-school purposes and be subject to the laws of Idaho: *Provided*, That all purchasers of lands lying under the canal of the Idaho Canal Company, and which are susceptible of irrigation from the water from said canal, shall pay for the same at the rate of ten dollars per acre; all agricultural lands not under said canal shall be paid for at the rate of two dollars and fifty cents per acre, and grazing lands at the rate of one dollar and twenty-five cents per acre, one-fifth of the respective sums to be paid at time of original entry, and four-fifths thereof at the time of making final proof; but no purchaser shall be permitted in any manner to purchase more than one hundred and sixty acres of the land hereinbefore referred to; but the rights of honorably discharged Union soldiers and sailors, 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, shall not be abridged, except as to the sum to be paid as aforesaid.

Proviso.

Price of Idaho canal lands.

—other lands.

—limit of purchase.

Soldiers' and sailors' homesteads.

R. S., 2304, 2305, p. 422.

Classification of agricultural and grazing lands.

The classification as to agricultural and grazing lands shall be made by an employee of the General Land Office under the direction of the Secretary of the Interior.

Indemnity to State of Idaho for certain school lands.

No lands in sections sixteen and thirty-six now occupied, as set forth in article three of the agreement herein ratified, shall be reserved for school purposes, but the State of Idaho shall be entitled to indemnity for any lands so occupied: *Provided*, That none of said lands shall be disposed of under the town-site laws for less than ten dollars per acre: *And provided further*, That all of said lands within five miles of the boundary line of the town of Pocatello shall be sold at public auction, payable as aforesaid, under the direction of the Secretary of the Interior for not less than ten dollars per acre: *And provided further*, That any mineral lands within said five mile limit shall be disposed of under the mineral land laws of the United States, excepting that the price of such mineral lands shall be fixed at ten dollars per acre instead of the price fixed by the said mineral land laws.

Provisos.

—price under town-site laws.

—lands near Pocatello.

—mineral lands.

Agreement with Comanche, Kiowa, and Apache Indians of Oklahoma.

SEC. 6. Whereas David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, duly appointed Commissioners on the part of the United States, did, on the sixth day of October, eighteen hundred and ninety-two, conclude an agreement with the Comanche, Kiowa, and Apache tribes of Indians in Oklahoma, formerly a part of the Indian Territory, which said agreement is in the words and figures as follows:

"Articles of agreement made and entered into at Fort Sill, in the Indian Territory, on the twenty-first day of October, eighteen hundred and ninety-two, by and between David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, Commissioners on the part of the United States, and the Comanche, Kiowa, and Apache tribes of Indians in the Indian Territory.

"ARTICLE I.

"Subject to the allotment of land, in severalty to the individual members of the Comanche, Kiowa, and Apache tribes of Indians in the Indian Territory, as hereinafter provided for, and subject to the setting apart as grazing lands for said Indians, four hundred and eighty thousand acres of land as hereinafter provided for, and subject to the conditions hereinafter imposed, and for the considerations hereinafter mentioned, the said Comanche, Kiowa, and Apache Indians hereby cede, convey, transfer, relinquish, and surrender, forever and absolutely, without any reservation whatever, express or implied, all their claim, title, and interest, of every kind and character, in and to the lands embraced in the following-described tract of country in the Indian Territory to wit: Commencing at a point where the Washita River crosses the ninety-eighth meridian west from Greenwich; thence up the Washita River, in the middle of the main channel thereof, to a point thirty miles, by river, west of Fort Cobb, as now established; thence due west to the north fork of Red River, provided said line strikes said river east of the one-hundredth meridian of west longitude; if not, then only to said meridian line, and thence due south, on said meridian line, to the said north fork of Red River; thence down said north fork, in the middle of the main channel thereof, from the point where it may be first intersected by the lines above described, to the main Red River; thence down said Red River, in the middle of the main channel thereof, to its intersection with the ninety-eighth meridian of longitude west from Greenwich; thence north, on said meridian line, to the place of beginning.

Cession of lands.

—boundaries.

"ARTICLE II.

"Out of the lands ceded, conveyed, transferred, relinquished, and surrendred by Article I hereof, and in part consideration for the cession thereof, it is agreed by the United States that each member of said Comanche, Kiowa, and Apache tribes of Indians over the age of eighteen (18) years shall have the right to select for himself or herself one hundred and sixty (160) acres of land to be held and owned in severalty, to conform to the legal surveys in boundary; and that the father, or, if he be dead, the mother, if members of either of said tribe of Indians, shall have the right to select a like amount of land for each of his or her children under the age of eighteen (18) years; and that the Commissioner of Indian Affairs, or some one by him appointed for the purpose, shall select a like amount of land for each orphan child belonging to either of said tribes under the age of eighteen (18) years.

Allotments in severalty.

"ARTICLE III.

"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 lands, to be selected by the Secretary of the Interior, either in one or more tracts as will best subserve the interest of said Indians. It is hereby further expressly agreed that no person shall have the right to make his or her selection of land in any part of said reservation that is now used or occupied for military, agency, school, school-farm, religious, or other public uses or in sections sixteen (16) and thirty-six (36) in each Congressional township, except in cases where any Comanche, Kiowa, or Apache Indian has heretofore made improvements upon and now uses and occupies a part of said sections sixteen (16) and thirty-six (36), such Indian may make his or her selection within the boundaries so prescribed so as to include his or her improvements. It is further agreed that wherever in said reservation any Indian, entitled to take lands in severalty hereunder, has made improvements, and now uses and occupies the land embracing such improvements, such Indian shall have the undisputed right to make his or her selection within the area above provided for allotments, so as to include his or her said improvements.

Grazing lands.

Restrictions on selection of land.

Reservation of land for public schools, etc.

"It is further agreed that said sections sixteen (16) and thirty-six (36) in each Congressional township in said reservation shall not become subject to homestead entry but shall be held by the United States and finally sold for public school purposes. It is hereby further agreed that wherever in said reservation any religious society or other organization is now occupying any portion of said reservation for religious or educational work among the Indians, the land so occupied may be allotted and confirmed to such society or organization, not, however, to exceed one hundred and sixty (160) acres of land to any one society or organization so long as the same shall be so occupied and used; and such land shall not be subject to homestead entry.

"ARTICLE IV.

Limit of time for selecting allotments.

"All allotments hereunder shall be selected within ninety days from the ratification of this agreement by the Congress of the United States: *Provided*, The Secretary of the Interior, in his discretion, may extend the time for making such selection; and should any Indian entitled to allotment hereunder fail or refuse to make his or her selection of land in that time, then the allotting agent in charge of the work of making such allotments shall within the next thirty (30) days after said time make allotments to such Indians, which shall have the same force and effect as if the selection were made by the Indian.

Proviso.
—extension of time, etc.

"ARTICLE V.

Allotments to be held in trust for twenty-five years.

"When said allotments of land shall have been selected and taken as aforesaid, and approved by the Secretary of the Interior, the titles thereto shall be held in trust for the allottees, respectively, for the period of twenty-five (25) years, in the time and manner and to the extent provided for in the act of Congress entitled "An act to provide for the allotment of land in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and Territories over the Indians, and for other purposes,' approved February 8, 1887, and an act amendatory thereof, approved February 28, 1891.

Vol. 24, p. 388.

Vol. 26, p. 794.

—conveyance of title.

"And at the expiration of the said period of twenty-five (25) years the titles thereto shall be conveyed in fee simple to the allottees or their heirs, free from all incumbrances.

"ARTICLE VI.

Consideration.

"As a further and only additional consideration for the cession of territory and relinquishment of title, claim, and interest in and to the lands as aforesaid, the United States agrees to pay to the Comanche, Kiowa, and Apache tribes of Indians, in the Indian Territory, the sum of two million ($2,000,000) dollars, as follows: Five hundred thousand ($500,000) dollars to be distributed per capita to the members of said tribes at such times and in such manner as the Secretary of the Interior shall deem to be for the best interests of said Indians, which sum is hereby appropriated out of any funds in the Treasury not otherwise appropriated; and any part of the same remaining unpaid shall draw interest at the rate of five per centum while remaining in the Treasury, which interest shall be paid to the Indians annually per capita; and the remaining one million five hundred thousand ($1,500,000) dollars to be retained in the Treasury of the United States, placed to the credit of said Indians, and while so retained to draw interest at the rate of five per centum per annum, to be paid to the said Indians per capita annually.

Payment.

Existing annuities.

"Nothing herein contained shall be held to affect in any way any annuities due said Indians under existing laws, agreements, or treaties.

"ARTICLE VIII.

Allotments by Interior Department may be governed by this agreement.

"It is further agreed that wherever in said reservation any member of any of the tribes of said Indians has, in pursuance of any laws or under any rules or regulations of the Interior Department taken an allotment, such allotment, at the option of the allottee, shall be

confirmed and governed by all the conditions attached to allotments taken under this agreement.

"ARTICLE IX.

"It is further agreed that any and all leases made in pursuance of the laws of the United States of any part of said reservation which may be in force at the time of the ratification by Congress of this agreement shall remain in force the same as if this agreement had not been made. Existing leases.

"ARTICLE X.

"It is further agreed that the following named persons, not members by blood of either of said tribes, but who have married into one of the tribes, to wit, Mabel R. Given, Thomas F. Woodward, William Wyatt, Kiowa Dutch, John Nestill, James N. Jones, Christian Ke oh-tah, Edward L. Clark, George Conover, William Deitrick, Ben Roach, Lewis Bentz, Abilene, James Gardloupe, John Sanchez, the wife of Boone Chandler, whose given name is unknown, Emmit Cox, and Horace P. Jones, shall each be entitled to all the benefits of land and money conferred by this agreement, the same as if members by blood of one of said tribes, and that Emsy S. Smith, David Grantham, Zonee Adams, John T. Hill, and J. J. Methvin, friends of said Indians, who have rendered to said Indians valuable services, shall each be entitled to all the benefits, in land only, conferred under this agreement, the same as if members of said tribes. Certain persons married into tribes entitled to allotment.

"ARTICLE XI.

"This agreement shall be effective only when ratified by the Congress of the United States." Ratification.

Said agreement be, and the same hereby is, accepted, ratified, and confirmed as herein amended.

That the Secretary of the Interior is hereby authorized and directed to cause the allotments of said lands, provided for in said treaty among said Indians, to be made by any Indian inspector or special agent. Special allotment agent, etc.

That all allotments of said land shall be made under the direction of the Secretary of the Interior to said Indians within ninety days from the passage of this Act, subject to the exceptions contained in article four of said treaty: *Provided*, That the time for making allotments shall in no event be extended beyond six months from the passage of this act. *Proviso.* Limit of time for alloting.

That the lands acquired by this agreement shall be opened to settlement by proclamation of the President within six months after allotments are made and be disposed of under the general provisions of the homestead and town-site laws of the United States: *Provided*, That in addition to the land-office fees prescribed by statute for such entries the entryman shall pay one dollar and twenty-five cents per acre for the land entered at the time of submitting his final proof: *And provided further*, That in all homestead entries where the entryman has resided upon and improved the land entered in good faith for the period of fourteen months he may commute his entry to cash upon the payment of one dollar and twenty-five cents per acre: *And provided further*, That the rights of honorably discharged Union soldiers and sailors of the late civil war, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes shall not be abridged: *And provided further*, That any person who, having attempted to but for any cause failed to secure a title in fee to a homestead under existing laws, or who made entry under what is known as the commuted provision of the homestead law, shall be qualified to make a homestead entry upon said lands: *And provided further*, That any qualified entryman having lands adjoining the lands herein ceded, whose original entry embraced less than one hundred and sixty acres in all, shall have the right to enter so much of the lands by this agreement ceded lying contiguous to his said entry as shall, with the land already entered, make in the aggregate one hundred

Lands opened to settlement.

Provisos. Price per acre.

Commutation of homestead entries.

Soldiers and sailors homesteads. R. S. sec. 2304, 2305, p. 422.

Persons now qualified for homestead entry who have hitherto failed to secure title.

Entry on land adjoining existing entries.

and sixty acres, said land to be taken upon the same conditions as are required of other entrymen: *And provided further*, That the settlers who located on that part of said lands called and known as the "neutral strip" shall have preference right for thirty days on the lands upon which they have located and improved.

Preference right on "neutral strip."

Reservations for schools, etc.

That sections sixteen and thirty-six, thirteen and thirty-three, of the lands hereby acquired in each township shall not be subject to entry, but shall be reserved, sections sixteen and thirty-six for the use of the common schools, and sections thirteen and thirty-three for university, agricultural colleges, normal schools, and public buildings of the Territory and future State of Oklahoma; and in case either of said sections, or parts thereof, is lost to said Territory by reason of allotment under this Act or otherwise, the governor thereof is hereby authorized to locate other lands not occupied in quantity equal to the loss.

Payments not available for depredation claims.

Vol. 26, p. 851.

That none of the money or interest thereon which is, by the terms of the said agreement, to be paid to said Indians shall be applied to the payment of any judgment that has been or may hereafter be rendered under the provisions of the Act of Congress approved March third, eighteen hundred and ninety-one, entitled "An Act to provide for the adjudication and payment of claims arising from Indian depredations."

Mineral deposits open to location.

That should any of said lands allotted to said Indians, or opened to settlement under this act, contain valuable mineral deposits, such mineral deposits shall be open to location and entry, under the existing mining laws of the United States, upon the passage of this Act, and the mineral laws of the United States are hereby extended over said lands.

Court of Claims to determine claims of Choctaws and Chickasaws.

That as the Choctaw and Chickasaw nations claim to have some right, title, and interest in and to the lands ceded by the foregoing treaty as soon as the same are abandoned by said Comanche, Kiowa, and Apache tribes of Indians, jurisdiction be, and is hereby, conferred upon the United States Court of Claims to hear and determine the said claim of the Chickasaws and the Choctaws, and to render a judgment thereon, it being the intention of this Act to allow said Court of Claims jurisdiction, so that the rights, legal and equitable, of the United States and the Choctaw and Chickasaw nations, and the Comanche, Kiowa, and Apache tribes of Indians in the premises shall be fully considered and determined, and to try and determine all questions that may arise on behalf of either party in the hearing of said claim; and the Attorney-General is hereby directed to appear in behalf of the Government of the United States; and either of the parties to said action shall have the right to appeal to the Supreme Court of the United States: *Provided*, That such appeal shall be taken within sixty days after the rendition of the judgment objected to, and that the said courts shall give such causes precedence: *And provided further*, That nothing in this act shall be accepted or construed as a confession that the United States admit that the Choctaw and Chickasaw nations have any claim to or interest in said lands or any part thereof.

—appeal.

Provisos.

—time for taking.

Claim not to be construed as admitted, etc.

Procedure.

That said action shall be presented by a single petition making the United States party defendant, and shall set forth all the facts on which the said Choctaw and Chickasaw nations claim title to said land; and said petition may be verified by the authorized delegates, agents, or attorneys of said Indians upon their information and belief as to the existence of such facts, and no other statement or verification shall be necessary: *Provided*, That if said Choctaw and Chickasaw nations do not bring their action within ninety days from the approval of this Act, or should they dismiss said suit, and the same shall not be reinstated, their claim shall be forever barred: *And provided further*, That, in the event it shall be adjudged in the final judgment or decree rendered in said action that said Choctaw and Chickasaw Nations have any right, title, or interest in or to said lands for which they should be compensated by the United States, then said sum of one million five hundred thousand ($1,500,000) dollars shall be subject to such legislation as Congress may deem proper.

Provisos.

Claim barred by failure to bring action.

Disposal of fund on judgment for Choctaws and Chickasaws.

Approved, June 6, 1900.

PRIVATE ACT.

CHAP. 592. An act for the relief of Northrup and Chick, and also of Thomas N. Stinson. May 26, 1900.

Vol. 31, p. —

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 hereby is, authorized and directed to examine and adjudicate the claims of Northrup and Chick, and also of Thomas N. Stinson, late licensed Indian traders with the Pottawatomie Indians in Kansas, for supplies furnished said Indian band for their subsistence, and to determine whether anything is justly due said Northrup and Chick, and also Thomas N. Stinson, and if so, the amount thereof, and whether there is any fund belonging to said Indians which can be applied to the payment of such claims; and if so determined, then to report and certify the amount found due to said Northrup and Chick, and also to Thomas N. Stinson, without interest, to be paid from the funds of said Indians to the Secretary of the Treasury, to be so paid by him; and the receipt by said Northrup and Chick, and also by Thomas N. Stinson, or their representatives, of any amount found due them shall operate as a waiver and relinquishment of any claim for interest. It is further provided that the award by the Secretary of the Interior to Northrup and Chick shall not exceed the sum of three thousand five hundred and twenty-nine dollars and ninety-eight cents, and that to Thomas N. Stinson shall not exceed two thousand six hundred and ninety-four dollars and six cents.

Northrup & Chick and Thomas N. Stinson, examination, etc., of claims of, authorized.

Limit of award.

Approved, May 26, 1900.

PROCLAMATIONS.

[No. 2.]

BY THE PRESIDENT OF THE UNITED STATES. April 13, 1899.

Vol. 31, p. —.

A PROCLAMATION.

Whereas, by the provisions of an act approved February 20, 1895, entitled "An act to disapprove the treaty heretofore made with the Southern Ute Indians to be removed to the Territory of Utah, and providing for settling them down in severalty where they may so elect and are qualified and to settle all those not electing to take lands in severalty, on the west forty miles of present reservation and in portions of New Mexico, and for other purposes, and to carry out the provisions of the treaty with said Indians June fifteenth, eighteen hundred and eighty," the agreement made by the commissioners on the part of the United States with the Southern Ute Indians of Colorado bearing date November thirteenth, eighteen hundred and eighty-eight, was annulled and the treaty made with said Indians June fifteenth, eighteen hundred and eighty, was directed to be carried out as therein provided and as further provided in general law for settling Indians in severalty; and

Southern Ute Indian Reservation, Colorado. Preamble. Vol. 28, p. 677.

Whereas, it was further provided by said act that within six months after the passage thereof, the Secretary of the Interior should cause allotment of land, in severalty, to be made to such of the Southern Ute Indians in Colorado, as might elect and be considered by him qualified to take the same out of the agricultural lands embraced in their present reservation in Colorado such allotments to be made in accordance with the provisions of the act of Congress approved June fifteenth, eighteen hundred and eighty, entitled "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 same," and the amendments thereto, as far as applicable, and the treaties theretofore made with said Indians; and

Vol. 21, p. 200.

Whereas, it was further provided that for the sole and exclusive use of such of said Indians as might not elect or be deemed qualified to take allotments in severalty as provided, there should be set apart and reserved all that portion of their reservation lying west of the range line between ranges thirteen and fourteen west of the New Mexico Principal Meridian, and also all of townships thirty-one and thirty-two of ranges fourteen, fifteen, and sixteen west of the New Mexico Principal Meridian and lying in the Territory of New Mexico, subject to the right of the Government to erect and maintain agency buildings thereon, and to grant rights of way through the same for railroads, irrigation ditches, highways and other necessary purposes; and

Vol. 21, p. 204. Whereas, under the provisions of section four of said act it was made the duty of the President of the United States to issue his proclamation declaring the lands within the reservation of said Indians except such portions as might have been allotted or reserved under the provisions of the preceding sections of said act, open to occupancy and settlement, said unallotted and unreserved lands to be and become a part of the public domain of the United States and to become subject to entry, under the desert, homestead, and townsite laws and the laws governing the disposal of coal, mineral, stone and timber lands, but providing that no homestead settler should receive a title to any portion of such lands at less than one dollar and twenty-five cents per acre, and such settlers should be required to make a cash payment of fifty cents per acre at the time filing is made upon any of said lands; and providing that before said lands should be open to public settlement the Secretary of the Interior should cause the improvements belonging to the Indians on the lands then occupied by them to be appraised and sold at public sale to the highest bidder, except improvements on lands allotted to the Indians in accordance with this act; and providing that no sale of such improvements should be made for less than the appraised value and that the several purchasers of said improvements should, for thirty days after the issuance of the President's proclamation have the preference right of entry of the lands upon which the improvements purchased by them should be situated, but that the said purchase should not exceed one hundred and sixty acres and that the proceeds of such improvements should be paid to the Indians owning the same; and

Whereas, it is further provided that the provisions of said act should take effect only upon the acceptance thereof and consent thereto by a majority of all the male adult Indians then located or residing upon the reservation, which acceptance should be at once obtained under such regulations as the Secretary of the Interior might prescribe; and

Whereas, allotments have been made as provided for in said act, and all the other terms and considerations as required therein have been complied with, precedent to opening the unallotted and unreserved lands in said reservation to settlement and entry, except the sale of improvements on the NE ¼ NW ¼, S ½ NW ¼ and NW ¼ SW ¼ Sec. 1, T. 33 N., R. 9 W., belonging to Ignacio, an Indian, but said sale will be immediately ordered and the rights of the purchaser thereof will be protected for thirty days from date of this proclamation, as provided by the act, by instructions to the register and receiver of the local land office having jurisdiction over the same, and as this exception is not considered a bar to the opening of the unallotted and unreserved lands to settlement; and

Whereas, I issued a proclamation on the 29th day of March, last, intended to open the lands to settlement and entry as authorized in said act, but as some question has arisen as to the boundaries proclaimed being sufficiently definite to cover the lands intended to be opened,

Lands opened for settlement. Now, Therefore, I, William McKinley, President of the United States, for the purpose of removing any doubt and making the boundaries of said lands more definite, by virtue of the power in me vested by said act, do hereby issue this, my second proclamation, and do hereby declare and make known that all of the lands em-

braced in said reservation, saving and excepting the lands reserved for and allotted to said Indians, and the lands reserved for other purposes in pursuance of the provisions of said act, will, at and after the hour of twelve o'clock noon (mountain standard time) on the 4th day of May A. D., eighteen hundred and ninety-nine, and not before, be open to settlement and entry under the terms of and subject to all the conditions, limitations, reservations, and restrictions contained in said act, and the laws of the United States applicable thereto.

Boundaries, etc.

The lands to be opened to settlement and entry are described as lying within the following boundaries: Beginning at the point established by S. S. Gannett, Special Indian Agent, in June, 1897, at the intersection of the 107th meridian and the 37th parallel of latitude; thence north 15 miles along the eastern boundary of the reservation; thence westerly along the north boundary of the Southern Ute Indian Reservation to its intersection with the range line between ranges thirteen and fourteen west of the New Mexico Principal Meridian; thence south fifteen miles on said range line to the south boundary of the State of Colorado; thence easterly along the south boundary of the State of Colorado to the place of beginning.

The survey of the east boundary of the above tract through townships 32, 33, and 34 N., R. 1 W., and of that part of the north boundary in Tps. 34 N., Rs. 1 and 2 W., being in process of correction owing to errors found in said survey, notice is hereby given to all parties who may elect to make entries of lands adjoining the boundary lines subject to correction, that their entries will be at their own risk, and subject to such changes as to the boundaries of the several tracts so entered as may be found necessary in the progress of the correction of the erroneous survey, and that without recourse to the United States for any damage that may arise as the result of the correction survey.

The lands allotted to the Indians are for greater convenience particularly described in the accompanying schedule entitled "Schedule of lands within the Southern Ute Indian Reservation allotted to the Indians and withheld from settlement and entry by proclamation of the President dated April 13, 1899," and which schedule is made a part thereof.

An error having been made in 1873 in the survey and location of the eastern boundary of the reservation hereby opened to settlement and entry whereby certain lands constituting a part of the reservation were erroneously identified as being outside of the reservation, by reason of which several persons in good faith settled upon said lands under the belief that the same were unappropriated public lands open to settlement, and have since improved and cultivated, and are now residing upon the same with a view to the entry thereof under the public land laws, notice is hereby given that in so far as said persons possess the qualifications required by law, and maintain their said settlement and residence up to the time of the opening herein provided for, they will be considered and treated as having initiated and established a lawful settlement at the very instant at which the lands become open, and as having the superior right and claim to enter said lands, which right must be exercised within three months from the time of said opening.

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 April in the year of our Lord one thousand, eight hundred and ninety-nine, and of the Independence of the United States the one hundred and twenty-third.

[SEAL.]

WILLIAM MCKINLEY

By the President

JOHN HAY

Secretary of State.

6266—00——35

Schedule.

SCHEDULE OF LANDS WITHIN THE SOUTHERN UTE INDIAN RESERVATION ALLOTTED TO THE INDIANS AND WITHHELD FROM SETTLEMENT AND ENTRY BY PROCLAMATION OF THE PRESIDENT DATED APRIL 13, 1899.

In Township 32 North, Range 3 West.

Southwest quarter of southwest quarter of section 4; south half of southeast quarter and southeast quarter of southwest quarter of section 5; north half of northeast quarter, east half of northwest quarter, east half of southwest quarter and southwest quarter of southwest quarter of section 8; north half of northwest quarter and southeast quarter of northwest quarter of section 9; southeast quarter of southwest quarter and south half of southeast quarter of section 10; southwest quarter of southwest quarter of section 11; northwest quarter of northwest quarter of section 13; north half of northeast quarter and north half of northwest quarter of section 14; northeast quarter of northeast quarter of section 15; northwest quarter of northwest quarter of section 17; and northeast quarter of northeast quarter of section 18.

In Township 33 North, Range 3 West.

East half of section 3; northeast quarter, south half of northwest quarter and west half of southwest quarter of section 10; south half of southeast quarter and south half of southwest quarter of section 19; east half of northeast quarter, southeast quarter, east half of southwest quarter and southwest quarter of southwest quarter of section 20; northwest quarter and north half of southwest quarter of section 21; west half of northwest quarter of section 28; east half, east half of northwest quarter and northwest quarter of northwest quarter of section 29; north half of northeast quarter and north half of northwest quarter of section 30; and northeast quarter of section 32.

In Township 34 North, Range 3 West.

Southwest quarter of southwest quarter of section 22; northwest quarter of northwest quarter, south half of northwest quarter and southwest quarter of section 27; and north half of northwest quarter, southeast quarter of northwest quarter, southwest quarter of northeast quarter and southeast quarter of section 34.

In Township 32 North, Range 4 West.

Southwest quarter of southeast quarter of Section 10; southwest quarter of southwest quarter of section 13; south half of southeast quarter, south half of southwest quarter and northwest quarter of southwest quarter of section 14; west half of northeast quarter, south half of northwest quarter, west half of southeast quarter and southwest quarter of section 15; south half of section 16; south half of northeast quarter, south half of northwest quarter, north half of southeast quarter and north half of southwest quarter of section 17; south half of northeast quarter, north half of southeast quarter, southeast quarter of northwest quarter and northeast quarter of southwest quarter of section 18; north half and north half of southeast quarter of section 21; north half, north half of southeast quarter and north half of southwest quarter of section 22; north half, north half of southeast quarter and north half of southwest quarter of section 23; and west half of northwest quarter and northwest quarter of southwest quarter of section 24.

In Township 33 North, Range 4 West.

South half of northeast quarter, northwest quarter, north half of southeast quarter, southeast quarter of southeast quarter and northeast quarter of southwest quarter of section 23; south half of section 24; and north half of northeast quarter of section 25.

In Township 34 North, Range 4 West

All of section 7; all of section 8; north half of section 9; all of section 10; north half, southwest quarter, north half of southeast quarter and southwest quarter of southeast quarter of section 11; northwest quarter and northwest quarter of southwest quarter of section 12; west half of northwest quarter and northwest quarter of southwest quarter of section 13; all of section 14; east half, east half of northwest quarter, and southwest quarter of section 15; south half of southeast quarter of section 16; north half of northeast quarter, north half of northwest quarter, southwest quarter of northwest quarter, and southwest quarter of section 18; west half of section 19; east half of southeast quarter of section 20; east half, east half of northwest quarter, and southwest quarter of section 21; north half of northeast quarter, north half of northwest quarter, southwest quarter of northwest quarter and northwest quarter of southwest quarter of section 22; north half of the northwest quarter of section 28; and northeast quarter of northeast quarter of section 29.

In Township 32 North, Range 5 West.

South half, south half of northeast quarter and south half of northwest quarter of section 9; south half of northwest quarter, and southwest quarter of section 10; west half of northwest quarter and west half of southwest quarter of section 14; all of section 15; east half, northwest quarter and north half of southwest quarter of section 16; northeast quarter of southeast quarter of section 19; north half of southeast quarter and north half of southwest quarter of section 20; and northeast quarter, south half of northwest quarter, northwest quarter of southeast quarter and north half of southwest quarter of section 21.

In Township 33 North, Range 5 West.

West half of northeast quarter, northwest quarter and northwest quarter of southwest quarter of section 1; east half, east half of northwest quarter, and southwest quarter of section 2; east half of southeast quarter and southwest quarter of southeast quarter of section 3; east half of southeast quarter and southwest quarter of southeast quarter of section 9; northeast quarter, east half of northwest quarter, southwest quarter of northwest quarter, northwest quarter of southeast quarter, and southwest quarter of section 10; northwest quarter of northeast quarter, and northwest quarter of section 11; west half of northwest quarter and west half of southwest quarter of section 15; east half, east half of northwest quarter and east half of southwest quarter of section 16; north half, north half of southeast quarter and north half of southwest quarter of section 21; west half of section 28; east half of section 29; north half of northeast quarter of section 32; and north half of northwest quarter of section 33.

In Township 34 North, Range 5 West.

East half, east half of northwest quarter and south half of southwest quarter of section 12; east half of northeast quarter, northwest quarter of northeast quarter and west half of northwest quarter of section 13; east half of northeast quarter of section 14; west half of section 25; south half of northeast quarter, southeast quarter and east half of southwest quarter of section 26; and east half of section 35.

In Township 32 North, Range 7 West.

West half of northwest quarter, west half of southeast quarter, and southwest quarter of section 3; all of section 4; east half of northeast quarter and east half of southeast quarter of section 5; east half of northeast quarter and east half of southeast quarter of section 8; all of section 9; west half, west half of northeast quarter,

and southeast quarter of section 10; west half, west half of northeast quarter and west half of southeast quarter of section 15; east half, east half of northwest quarter, northwest quarter of northwest quarter and east half of southwest quarter of section 16; northeast quarter of northeast quarter of section 17; northeast quarter of section 21; and northwest quarter of section 22.

In Township 33 North, Range 7 West.

South half of northeast quarter, south half of northwest quarter, and south half of section 1; south half of northeast quarter, and southeast quarter of section 2; northwest quarter of northeast quarter, and northwest quarter of section 4; all of section 5; all of section 6; north half and northeast quarter of southeast quarter of section 7; all of section 8; west half of northeast quarter, west half of southeast quarter, and west half of section 9; east half of section 11; all of section 12; all of section 13; east half of section 14; southwest quarter of southwest quarter of section 15; southeast quarter of northeast quarter, west half of northeast quarter, northwest quarter and south half of section 16; north half, southeast quarter, north half of southwest quarter and southeast quarter of southwest quarter of section 17; east half of northeast quarter, southwest quarter of northeast quarter and north half of southeast quarter of section 18; northeast quarter, and east half of northwest quarter of section 20; north half, southeast quarter, east half of southwest quarter and northwest quarter of southwest quarter of section 21; west half of northwest quarter, and southwest quarter of section 22; east half of section 23; all of section 24; all of section 25; northeast quarter of section 26; west half of section 27; east half, east half of northwest quarter, southwest quarter of northwest quarter, and southwest quarter of section 28; south half of northeast quarter, and southeast quarter of section 29; east half of northeast quarter and east half of southeast quarter of section 32; west half of northeast quarter, west half of southeast quarter, and west half of section 33; south half of northeast quarter, and southeast quarter of section 35; and all of section 36.

In Township 34 North, Range 7 West.

All of section 10; all of section 11; west half of northeast quarter, west half of southeast quarter, and west half of section 12; north half and southwest quarter of section 13; all of section 14; all of section 15; north half, southeast quarter, and east half of southwest quarter of section 21; all of section 22; all of section 23; north half and southwest quarter of section 24; northwest quarter of section 25; north half, west half of southeast quarter, and southwest quarter of section 26; all of section 27; northeast quarter, east half of northwest quarter, east half of southeast quarter, northwest quarter of southeast quarter and northeast quarter of southwest quarter of section 28; east half, and south half of southwest quarter of section 32; all of section 33; north half of northeast quarter, southwest quarter of northeast quarter, northwest quarter and south half of section 34; and west half of northeast quarter, northwest quarter, and west half of southwest quarter of section 35.

In Township 34 North, Range 8 West.

East half, east half of northwest quarter and east half of southwest quarter of section 7; west half and southeast quarter of section 8; west half of section 17; east half of section 18; east half and southwest quarter of section 19; west half of section 20; northwest quarter and south half of section 25; south half of section 26; west half of section 29; east half, east half of northwest quarter and east half of southwest quarter of section 30; all of section 31; west half of northwest quarter and west half of southwest quarter of section 32; north half and southeast quarter of section 35; and all of section 36.

In Township 33 North, Range 9 West.

Southwest quarter of northeast quarter, south half of northwest quarter, southeast quarter, east half of southwest quarter and northwest quarter of southwest quarter of section 2; south half of northeast quarter, southeast quarter of northwest quarter, north half of southeast quarter, southwest quarter of southeast quarter, and southwest quarter of section 3; southeast quarter and south half of southwest quarter of section 4; east half and southwest quarter of section 8; north half of northwest quarter of section 9; west half of southeast quarter, and west half of section 17; east half of southeast quarter, and southwest quarter of section 18; east half of northeast quarter, northwest quarter, and southwest quarter of southwest quarter of section 19; northwest quarter, and east half of southwest quarter of section 20; west half of section 29; east half, south half of northwest quarter, northwest quarter of northwest quarter, and southwest quarter of section 30; east half, east half of northwest quarter, and southwest quarter of section 31; and west half of northwest quarter of section 32.

In Township 34 North, Range 9 West.

All of sections 12, 13, 24, 25 and 36.

In Township 33 North, Range 10 West.

All of section 1; west half of section 12; west half and southeast quarter of section 13; east half of section 24; and east half of section 25.

In Township 34 North, Range 10 West.

South half of section 13, and all of sections 24, 25 and 36.

In Township 34 North, Range 11 West.

East half of northeast quarter, and southeast quarter of section 7; north half, southeast quarter and east half of southwest quarter of section 8; west half of northwest quarter and west half of southwest quarter of section 9; west half of northeast quarter and east half of northwest quarter of section 17; and west half of section 18.

In Township 33 North, Range 12 West.

West half of northwest quarter, south half of southwest quarter and northwest quarter of southwest quarter of section 4; east half, east half of southwest quarter and southwest quarter of southwest quarter of section 5; northeast quarter, south half of northwest quarter and north half of southwest quarter of section 7; north half of northeast quarter and north half of northwest quarter of section 8; south half of northwest quarter and west half of southwest quarter of section 18; east half and northwest quarter of section 19; east half of section 30; and east half of section 31.

In Township 34 North, Range 12 West.

Southeast quarter and east half of southwest quarter of section 13; southeast quarter of southeast quarter of section 22; east half of northeast quarter, southwest quarter of northeast quarter, southeast quarter of northwest quarter, and south half of section 23; north half, west half of southeast quarter, and southwest quarter of section 24; northwest quarter of northeast quarter and north half of northwest quarter of section 25; north half of northeast quarter, north half of northwest quarter and southwest quarter of northwest quarter of section 26; east half, south half of northwest quarter, and southwest quarter of section 27; southeast quarter of section 28; all of section 33; and north half of northeast quarter, southwest quarter of northeast quarter, northwest quarter, and north half of southwest quarter of section 34.

In Township 33 North, Range 13 West.

Southeast quarter of northeast quarter and east half of southeast quarter of section 12; and east half of northeast quarter, southwest quarter of northeast quarter and east half of southeast quarter of section 13.

[No. 12.]

April 10, 1900.

Vol. 31, p.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Preamble. Vol. 27, p. 62.

Whereas, by section one of the act of July 1, 1892 (27 Stat., 62), entitled "An act to provide for the opening of a part of the Colville Reservation, in the State of Washington, and for other purposes" it is provided:

'That subject to the reservations and allotment of lands in severalty to the individual members of the Indians of the Colville Reservation in the State of Washington herein provided for, all the following described tract or portion of said Colville Reservation, namely: Beginning at a point on the eastern boundary line of the Colville Indian Reservation where the township line between townships thirty-four and thirty-five north, of range thirty-seven east, of the Willamette meridian, if extended west, would intersect the same, said point being in the middle of the channel of the Columbia River, and running thence west parallel with the forty-ninth parallel of latitude to the western boundary line of the said Colville Indian Reservation in the Okanagon River, thence north following the said western boundary line to the said forty-ninth parallel of latitude, thence east along the said forty-ninth parallel of latitude to the northeast corner of the said Colville Indian Reservation, thence south following the eastern boundary of said reservation to the place of beginning, containing by estimation one million five hundred thousand acres, the same being a portion of the Colville Indian Reservation, created by executive order dated July second, eighteen hundred and seventy-two, be, and is hereby, vacated and restored to the public domain, notwithstanding any executive order or other proceeding whereby the same was set apart as a reservation for any Indians or bands of Indians, and the same shall be open to settlement and entry by the proclamation of the President of the United States and shall be disposed of under the general laws applicable to the disposition of public lands in the State of Washington," and

Whereas it is provided by section three of said act,

"That each entryman under the homestead laws shall, within five years from the date of his original entry and before receiving a final certificate for the land covered by his entry, pay to the United States for the land so taken by him in addition to fees provided by law the sum of one dollar and fifty cents per acre, one third of which shall be paid within two years after the date of the original entry; but the rights of honorably discharged Union soldiers and sailors, 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, shall not be abridged, except as to the sum to be paid as aforesaid," and

R. S., secs. 2304, 2305, p. 422.

Whereas by section six of said act it is provided:

"That the land used and occupied for school purposes at what is known as Tonasket school, on Bonaparte Creek, and the site of the sawmill, gristmill, and other mill property on said reservation, is hereby reserved from the operation of this act, unless other lands are selected in lieu thereof: *Provided*, That such reserve lands shall not exceed in the aggregate two sections, and must be selected in legal subdivisions conformably 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: *Provided, however*, That said Indians may, in lieu of said sites or either of them, select other lands of equal quantity, for such pur-

poses, either on the vacated or unvacated portions of said reservation, the same to be designated in legal subdivisions by said Indian Agent, under the direction of and subject to the approval of the Secretary of the Interior, in which case said first-designated tracts shall not be exempt from the operation of this act; such selection to be made and approved within six months after the survey of said lands and the proclamation of the President,"

and

Whereas, in a clause in the Indian Appropriation Act of July 1, 1898 (30 Stat., 571), it is provided: Vol. 30, p. 571.

"That the mineral lands only in the Colville Indian Reservation, in the State of Washington, shall be subjected to entry under the laws of the United States in relation to the entry of mineral lands: *Provided*, That lands allotted to the Indians or used by the Government for any purpose or by any school shall not be subject to entry under this provision,"

and in another clause that,

"The Indian allotments in severalty provided for in said act shall be selected and completed at the earliest practicable time and not later than six months after the proclamation of the President opening the vacated portion of said reservation to settlement and entry, which proclamation may be issued without awaiting the survey of the unsurveyed lands therein. Said allotments shall be made from lands which shall at the time of the selection thereof be surveyed, excepting that any Indian entitled to allotment under said act who has improvements upon unsurveyed land may select the same for his allotment, whereupon the Secretary of the Interior shall cause the same to be surveyed and allotted to him. At the expiration of six months from the date of the proclamation by the President, and not before, the non-mineral lands within the vacated portion of said reservation which shall not have been allotted to Indians as aforesaid, shall be subject to settlement, entry and disposition under said act of July first, eighteen hundred and ninety-two: *Provided*, That the land used and occupied for school purposes at what is known as Tonasket School, on Bonaparte Creek, and the sight of the sawmill, gristmill and other mill property on said reservation, are hereby reserved from the operation of this act, unless other lands are selected in lieu thereof as provided in section six of the aforesaid act of July first, eighteen hundred and ninety-two,

and

Whereas, all the terms, conditions and considerations required by said Acts of July 1, 1892, and July 1, 1898, precedent to the issuance of the Proclamation provided for therein, have been, as I hereby declare, complied with: Colville Reservation, Washington.

Now, therefore, I, William McKinley, President of the United States, by virtue of the power in me vested by the statutes hereinbefore mentioned, do hereby declare and make known that all of said lands hereinbefore described, restored by the said Act of July 1, 1892, will, at and after the hour of twelve o'clock noon (Pacific standard time) six months from date hereof, to wit: the 10th day of October, nineteen hundred, and not before, be open to settlement and entry under the terms of and subject to all the conditions, limitations, reservations, and restrictions contained in the statutes above specified, and the laws of the United States, applicable thereto, saving and excepting such tracts as have been or may be allotted to or reserved or selected for, the Indians, or other purposes, under the laws herein referred to. Certain lands opened to settlement.

Sections sixteen and thirty-six in each township will be subject to such right of the State of Washington thereto as may be ascertained and determined by the land department in the administration of the grant of lands in place to that State for the support of common schools. School lands.

The lands which have been allotted to the Indians are for greater convenience particularly described in the accompanying schedule, entitled "Schedule of lands allotted to the Indians in restored portion of Colville Reservation, Washington, and withheld from settlement and entry by proclamation of the President, dated April 10, 1900," and which schedule is made a part hereof. Indian allotments.

Non-mineral lands open to settlement.

Notice, moreover, is hereby given that it is by law enacted that at the expiration of six months from the date of the proclamation by the President, and not before, the non-mineral lands within the vacated portion of said reservation which shall not have been allotted to or reserved or selected for the Indians, or for other purposes, shall be subject to settlement, entry and disposition under said Act of July 1, 1892; and all persons are hereby warned from attempting to make settlement on any of said lands prior to the date fixed for the opening thereof.

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 tenth day of April, in the year of our Lord nineteen hundred, and of the Independence of the United States the one hundred and twenty-fourth.

[SEAL.]

WILLIAM MCKINLEY

By the President,

JOHN HAY

Secretary of State.

Schedule.

SCHEDULE OF LANDS ALLOTTED TO THE INDIANS IN RESTORED PORTION OF COLVILLE RESERVATION, WASHINGTON, AND WITHHELD FROM SETTLEMENT AND ENTRY BY PROCLAMATION OF THE PRESIDENT, DATED APRIL 10, 1900.

Township 35 North, Range 31 East.

A tract of land described as follows: Biginning at a large fir tree blazed on N. side being S. E. Cor. thence due N. 20 chains set post and made a mound thence due west 40 chains set post and made mound thence S. 20 chains set post being S. W. Cor. thence due E. 40 chains to point of beginning, in section 11 or 12.

A tract of land described as follows: Beginning at N. W. Cor. of 198 due W. 40 chains set post being S. E. Cor. thence due N. 20 chains set post thence due W. 40 chains set post thence due S. 20 chains set post thence due E. 40 chains to point of beginning, in section 10 or 11.

A tract of land described as follows: Beginning at a post and mound at N. W. Cor. thence due S. 20 chains set post thence due E. 40 chains set post S. E. Cor. thence due N. 20 chains set post thence due W. 40 chains to point of beginning, in section 6 or 7.

A tract of land described as follows: Beginning at S. W. Cor. of 200 thence due S. 20 chains set post thence due E. 40 chains set post thence due N. 20 chains. being N. E. Cor. thence due W. 40 chains. to point of beginning, in section 6 or 7.

A tract of land described as follows: Beginning at S. E. Cor. of 201 thence due S. 40 chains being S. W. Cor. thence due E. 40 chains set post thence due N. 20 chains thence due W. 40 chains set post thence due S. 20 chains to point of beginning, in section 7 or 8.

Township 35 North, Range 32 East.

A tract of land described as follows: Set post and made mound for N. E. Cor. thence due S. 20 chains set post thence due W. 40 chains set post and made mound thence due N. 20 chains set post made a mound thence due E. 40 chains to point of beginning in section 7 or 8.

Township 35 North, Range 36 East.

SE ¼, Sec. 24; NE ¼ NW ¼, NW ¼ NE ¼, Sec. 25.

Township 35 North, Range 37 East.

E ½ SE ¼, Sec. 9; lots 3, 4 and 5 of Sec. 10; lots 1 and 2 of Sec. 15; NE ¼ SW ¼ and lots 1, 2, 3, 4, 5 and 6 of Sec. 16; E ½ NE ¼, SE ¼ of Sec. 19; W ½ NW ¼, W ½ SW ¼, SE ¼ SW ¼ and lots 2, 3 and 4 of

Sec. 20; NW ¼, W½ SW ¼ and lots 1, 2 and 4 of Sec. 29; E. N E ¼, NW ¼ and S. ½ Sec. 30; NE ¼ and lots 1 and 2 of Sec. 31; NE ¼ NW ¼, lots 1, 2, 3 and 4 of Sec. 32.

Township 36 North, Range 28 East.

A tract of land described as follows: Beginning at a mound and stake run due North 20 chains thence due West 40 chains set post thence due S. 20 chains set post thence due E. 40 chains to point of beginning.

A tract of land described as follows: Beginning at NE Cor. of 188 run due N. 20 chains set post thence due W. 40 chains set post thence due S. 20 chains to N. W. Cor. 188 thence due E. 40 chains to point of beginning.

A tract of land described as follows: Beginning at N. W. Cor. of 188 thence due W. 40 chains set post thence due N. 20 chains set post thence due E. 40 chains to N. W. Cor. of 189 thence due S. 20 chains to the point of beginning.

A tract of land described as follows: Beginning at N. W. Cor. of 190 thence due N. 20 chains set post thence due E. 40 chains set post thence due S. 20 chains to N. E. Cor. of 190 thence due W. 40 chains to point of beginning.

A tract of land described as follows: Beginning at N. W. Cor. of 191 thence due N. 20 chains set post thence due E. 40 chains set post thence due S. 20 chains to N. E. Cor. of 191 thence due W. 40 chains to point of beginning.

A tract of land described as follows: Beginning at N. W. Cor. 190 thence due W. 20 chains set post thence due N. 40 chains set post thence due E. 20 chains to N. W. Cor. 192 thence due south 40 chains to point of beginning.

A tract of land described as follows: Beginning at S. E. Cor. Sec. 32, Tp. 37 R. 28 run due S. 20 chains set post thence due E. 40 chains made rock mound thence due N. 20 chains to quarter Sec. Cor. of Sec. 33 on Tp. line, thence due W. 40 chains on Tp. line to point of beginning.

Township 36 North, Range 29 East.

A tract of land described as follows: Set post and made mound thence due N. 20 chains set post thence due E. 40 chains set post thence due S. 20 chains set post thence due W. 40 chains to point of beginning, in section 9.

A tract of land described as follows: Beginning on ninth standard parallel at quarter Cor. of Sec. 33 thence due S. 40 chains set post thence due W. 20 chains set post thence due N. 40 chains set post thence due E. on 9th standard parallel 20 chains to point of beginning.

A tract of land described as follows: Beginning at S. W. Cor. of 215 on ninth standard parallel thence due E. 40 chains set post thence due S. 20 chains set post thence due W. 40 chains set post thence due N. 20 chains to place of beginning, in section 4 or 5.

Township 36 North, Range 30 East.

E ½ of NW ¼, W ½ NE ¼, SE ¼ NE ¼, NE ¼ SE ¼ of Sec. 33; SW ¼ NW ¼, N ½ SW ¼, W ½ SE ¼, SE ¼ SE ¼ of Sec. 34.

Township 36 N., R. 32 E.

NE ¼, W ½ SE ¼, E ½ SW ¼ of Sec. 1; NE ¼ NE ¼ and N ½ of SE ¼ of NE ¼ of Sec. 2; E ½ SE ¼ of Sec. 11; NW ¼ and W ½ SW ¼ of Sec. 12; W ½ NW ¼ and W ½ SW ¼ of Sec. 13; E ½ NE ¼ and E ½ SE ¼ of Sec. 14; NE ¼ and W ½ SE ¼ of Sec. 23; W ½ SE ¼ of Sec. 26; E ½ NW ¼ and W ½ SW ¼ of Sec. 35.

Township 36 North, Range 33 East.

W ½ of E ½ of NW ¼ and W ½ of NW ¼ of Sec. 1; E ½ of E ½ of NE ¼ of Sec. 2; NE ¼, N ½ SE ¼, E ½ NW ¼ of Sec. 4; N ½ NE ¼ and NW ¼ NW ¼ of Sec. 5; N ½ NE ¼, SW ¼ NE ¼ and NW ¼ of Sec. 6.

Township 36 North, Range 37 East.

SW ¼ SE ¼ and lot 4 of Sec. 22; lot 1 of Sec. 26; W ½ NE ¼, W ½ SE ¼ and lots 1, 2, 3 and 4 of Sec. 27; SE ¼ NE ¼, NE ¼ SE ¼ of Sec. 33; NW ¼ NE ¼, S ½ NW ¼, SW ¼ and lots 1, 2, 3, 4 and 5 of Sec. 34; and lot 1 of Sec. 35.

Township 37 North, Range 27 East.

E ½ NE ¼, E ½ SE ¼ of Sec. 1; SE ¼ NW ¼ and lots 2, 3 and 4 of Sec. 3, the E ½ NW ¼ and NE ¼ of Sec. 12, The W ½ of E ½ of SW ¼ and lots 1, 2, 3, 4, and 5 of Sec. 16; Lots 1 and 2 of Sec. 20, W ½ NW ¼ of Sec. 21.

Township 37 North, Range 28 East.

W ½ NE ¼, E ½ NW ¼, E ½ SW ¼, lots 4, 5, 6 and 7 of Sec. 6,; N ½ NW ¼ Sec. 7; NW ¼ NE ¼, NE ¼ NW ¼, Sec. 9; S ½ SE ¼, SE ¼ SW ¼, Sec. 25; S ½ of Sec. 32; S ½ SW ¼ of Sec. 33, N ½ NE ¼ and NE ¼ NW ¼ of Sec. 36.

Township 37 North, Range 29 East.

N ¼ SW ¼ of Sec. 27, lot 4 of Sec. 30, E ½ NE ¼, NW ¼ NE ¼, NE ¼ NW ¼ and lot 1 of Sec. 31; S ½ NW ¼, N ½ SW ¼ and SE ¼ of Sec. 32, W ½ SW ¼ of Sec. 33.

Township 37 North, Range 30 East.

W ½ NW ¼ of Sec. 1, E ½ NE ¼ of Sec. 2; SE ¼ of Sec. 3; S ½ NE ¼ of Sec. 8; S ½ NE ¼ and S ½ NW ¼ of Sec. 9; N ½ NE ¼ and N ½ NW ¼ Sec. 10.

Township 37 North, Range 33 East.

Lots 8 and 9, Sec. 5; Lots 3, 5, 12 and 13 of Sec. 8; E ½ NE ¼, SE ¼ SE ¼ and lots 1, 4, 7 and 8 of Sec. 17; NE ¼ NW ¼ and E ½ of Sec. 20; SW ¼ NW ¼ and NW ¼ SW ¼ of Sec. 21; NE ¼, SE ¼ NW ¼, N ½ SE ¼, SW ¼ SE ¼, E ½ SW ¼ and SW ¼ SW ¼ of Sec. 29; SE ¼ SE ¼ of Sec. 30; NE ¼ NE ¼ of Sec. 31; NW ¼ NE ¼, N ½ NW ¼ and E ½ SE ¼ of Sec. 32; SE ¼ and S ½ SW ¼ of Sec. 33; E ½ SE ¼ and W ½ SW ¼ of Sec. 34; W ½ SW ¼ of Sec. 35.

Township 37 North, Range 37 East.

Lots 1, 2, 3 and 4, Sec. 1; SE ¼ NE ¼ and lot 1 of Sec. 2; S ½ SE ¼ SW ¼ of Sec. 3; NW ¼ SE ¼ and lots 5, 6, 7, 8, 9, 10, 11 and 12 of Sec. 4; SE ¼ NE ¼ and lot 1 of Sec. 5; W ½ SW ¼ and lots 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 of Sec. 9; N ½ NE, Sec. 10; SW ¼ of Sec. 13; S ½ NE ¼, SE ¼ and SE ¼ of SW ¼ of Sec. 14; SW ¼ NW ¼, W ½ SW ¼, SE ¼ SW ¼ of Sec. 15; SE ¼ NE ¼ and NE ¼ SE ¼ of Sec. 16. S ½ NE ¼, E ½ NW ¼, NW ¼ NW ¼, NE ¼ of SW ¼ and N ½ SE ¼ of Sec. 22; E ½ NW ¼, SW ¼ NW ¼, E ½ SW ¼, NW ¼ SW ¼ and lots 1 and 2 and E ½ of Sec. 23; S ½ SE ¼ and S ½ SW ¼ Sec. 24; N ½ NE ¼ of Sec. 25; N ½ SW ¼ and lots 9, 10, 11 and 12 of Sec. 26; S ½ NE ¼, N ½ SE ¼, NE ¼ SW ¼ and lots 9, 10, 12, 13 and 14 of Sec. 27; Lots 1, 5, 7, 8, and 12 of Sec. 28, W ½ NE ¼, W ½ SE ¼ and lots 2, 3, 4 and 5 of Sec. 33.

Township 37 North, Range 38 East.

Lots, 1, 2, 3, 4, 5, and 6 of Sec. 18: Lots 1, 3 and 4 of Sec. 19.

Township 38 North, Range 27 East.

SW ¼ NW ¼ and lot 6 of Sec. 2; Lots 6, 7, 8 and 9 of Sec. 3; Lots 4, 5 and 6 of Sec. 11; SE ¼ of NW ¼ and lots 7 and 8 of Sec. 14; Lot 3 of Sec. 22; W ½ NE ¼ of NW ¼ and lots 3, 4, 5, and 6 of Sec. 23; SE ¼ SE ¼ and lot 7 of Sec. 27; E ½ NE ¼, E ½ SE ¼ and lots 5, 6, 7 and 8 of Sec. 34.

Township 38 North, Range 28 East.

S ½ SE ¼ and SE ¼ SW ¼ of Sec. 10; SW ¼ of Sec. 11; N ½ NW ¼ Sec. 14; N ½ NE ¼ and N ½ NW ¼, Sec. 15; NE ¼ NE ¼ of Sec. 16; SW ¼ of Sec. 26; W ½ NE ¼, E ½ SW ¼ and lots 3 and 4 of Sec. 31.

Township 38 North, Range 29 East.

S ½ NW ¼ and lots 2, 3, and 4 of Sec. 4; NE ¼, S ½ NW ¼, N ½ SE ¼ and lots 3 and 4 of Sec. 5; E ½ NE ¼ of Sec. 6.

Township 38 North, Range 30 East.

E ½ SW ¼ and SW ¼ SW ¼ of Sec. 25; SE ¼ SE ¼ of Sec. 26; E ½ NE ¼ and E ½ SE ¼ of Sec. 35; W ½ NW ¼ of Sec. 36.

Township 38 North, Range 32 East.

E ½ SE ¼ and SW ¼ SE ¼ of Sec. 25; W ½ NE ¼ and SE ¼ NE ¼ of Sec. 36.

Township 38 North, Range 33 East.

W ½ NW ¼ of Sec. 1; S ½ NE ¼ and lots 1 and 2 of Sec. 2; lot 4 of Sec. 3; lot 1 of Sec. 4; S ½ SE ¼ of Sec. 9; S ½ NE ¼, S ½ NW ¼, SE ¼ and E ½ SW ¼ of Sec. 15; NE ¼ of Sec. 16; S ½ NE ¼, SE ¼ and E ½ SW ¼ of Sec 21; N ½ NE ¼ of Sec. 22; S ½ SE ¼, Sec. 26; N ½ NW ¼ of Sec. 27; N ½ NE ¼, NE ¼ NW ¼, SE ¼ and Lot 1 of Sec. 28; SW ¼ SE ¼ of Sec. 30; NW ¼ NE ¼ of Sec. 31; and N ½ NE ¼ of Sec. 35.

Township 38 North, Range 37 East.

S ½ SE ¼ of Sec. 4; SE ¼ SE ¼ of Sec. 5; NE ¼ NE ¼, E ½ SE ¼, SW ¼ SE ¼ of Sec. 8; Sec. 9; SE ¼ NE ¼, W ½ NW ¼, E ½ SE ¼, SW ¼ SE ¼ and SW ¼ of Sec. 10; SE ¼ NE ¼ and E ½ SE ¼ of Sec. 11; S ½ SW ¼ of Sec. 12; E ½ NE ¼, N ½ NW ¼ and lots 1 and 2 of Sec. 13; E ½ NE ¼, SW ¼ NE ¼, W ½ NW ¼, SE ¼, E ½ SW ¼ and NW ¼ SW ¼ of Sec. 14; Sec. 15; E ½, NW ¼ and N ½ S W ¼ of Sec. 16; N ½ NE ¼ of Sec. 17; E ½ NE ¼, N ½ SE ¼, SW ¼ SE ¼, SE ¼ SW ¼ and lot 5 of Sec. 21; NE ¼ S ½ NW ¼, NW ¼ NW ¼, N ½ SE ¼, N ½ SW ¼, and SW ¼ SW ¼ of Sec. 22; N ½ NE ¼, NW ¼ and S ½ SE ¼ of Sec. 23; NW ¼, NW ¼ SW ¼ and lot 5 of Sec. 25; SW ¼ SW ¼ and E ½ of Sec. 26; SE ¼ SE ¼ and SW ¼ of Sec. 27; NW ¼ NE ¼, E ½ SE ¼, SW ¼ SE ¼, SE ¼ SW ¼ and lots 2, 3, 4, and 5 of Sec. 28; SW ¼ NE ¼ and lots 3, 4 and 5 of Sec. 29; W ½ NE ¼, N ½ SE ¼, SW ¼ SE ¼, SE ¼ SW ¼ and lots 1, 2, 5, 6 and 8 of Sec. 33; N. E. ¼ NE ¼, and E ½ SE ¼ of Sec 35; lots 1, 2, and 3 of Sec. 36.

Township 38 North, Range 38 East.

Lots 1, 2, 3, 4 and 5 of Sec. 8; lot 5 of Sec. 19; and lots 1 and 2 of Sec. 30.

Township 39 N., R. 27 East.

Lots 3 and 4 of Sec. 10; N ½ SW ¼ and lots 2, 3, 5 and 6 of Sec. 15; lots 5 and 6 of Sec. 16; E ½ NW ¼, NE ¼ SE ¼ and lots 6, 8, 9, 10 and 11 of Sec. 22; SE ¼ and lots 6, 7, 8, 9, 10, 11 and 12 of Sec. 27; lots 5, 6, 7, 8 and 9 of Sec. 34.

Township 39 North, Range 28 East.

NE ¼ NE ¼, S ½ NE ¼, SE ¼ NW ¼ and SE ¼ of Sec. 1; E ½ of Sec. 12; and SE ¼ of Sec. 36.

Township 39 North, Range 29 East.

W ½ SW ¼ of Sec. 3; SE ¼ and NW ¼ of Sec. 4; N ½ NW ¼ of Sec. 5; W ½ NW ¼ and SW ¼ of Sec. 6; W ½ NW ¼ of Sec. 7; N ½, SE ¼ and SE ¼ SW ¼ of Sec. 9; S ½ NW ¼, and SW ¼ of Sec. 10; W ½ SE ¼ and E ½ SW ¼ of Sec. 15; S ½ SW ¼ of Sec. 33.

Township 39 North, Range 30 East.

S ¼ SE ¼ and SW ¼ of Sec. 4; E ½ NE ¼ and E ½ SE ¼ of Sec. 8; N ½ NE ¼ and N ½ NW ¼ of Sec. 9.

Township 39 North, Range 31 East.

A tract of land described as follows: Commencing at a stake marked "I. A." ran north at variation of 22° 30′ E. forty chains and set post at N. W. Corner of claim thence east 20 chains and set N. E. Corner thence South 40 chains setting S. E. Corner thence West 20 chains to point of beginning.

A tract of land described as follows: Commencing at N. W. Corner of No. 12 thence east 10 chains to S. W. Corner of allotment No. 13 thence due North 20 chains and set post thence due east 10 chains and set post thence due North 20 chains and set post thence due east 20 chains and set post thence due South 20 chains and set post thence due west 10 chains and set post thence due South 20 chains and set post thence due West 20 chains to S. W. Corner of allotment No. 13.

A tract of land described as follows: Commencing at N. W. Cor. of No. 13, thence due east 10 chains and set post; thence due N. 20 chains and set post; thence due E. 10 chains and set post; thence due N. 20 chains and set post, thence due E. 20 chains and set post; thence due S. 20 chains and set post thence due W. 10 chains and set post thence due S. 20 chains and set post thence due W. 20 chains to the S. W. Corner of allotment No. 14.

A tract of land described as follows: Commencing at N. W. Corner of No. 14 thence due North 40 chains and set post thence due east 20 chains and set post thence due S. 40 chains and set post thence due West 20 chains on line between Nos. 14 & 15 to place of beginning.

A tract of land described as follows: Commencing at the N. W. Corner of No. 15, thence due east 10 chains and set post thence due North 40 chains and set post, thence due east 20 chains and set post, thence due South 40 chains set post for S. E. Corner thence due west 20 chains to S. W. Corner of No. 16.

Township 39 North, Range 32 East.

SW ¼ NE ¼, N ½ NW ¼ and SE ¼ NW ¼ of Sec. 2.

Township 39 North, Range 33 East.

SW ¼ NE ¼, SE ¼ NW ¼, NW ¼ SE ¼ and NE ¼ SW ¼ of Sec. 2; lots 1 and 2 of Sec. 9; lot 1 of Sec. 10; lots 1, 2, 3 and 4 of Sec. 11; N ½ of S ½ of NE ¼ and lots 1, 2, 3, 4, 5, 6, 7, 8 and 9 of Sec. 12; N ½ SE ¼ and SW ¼ of Sec. 13; S ½ NE ¼, S ½ NW ¼, SW ¼ and lots 2, 3, 4, 5 and 6 of Sec. 14; SE ¼ SE ¼ and lots 1, 2 and 4 of Sec. 15; NE ¼ NE ¼ and lots 1, 5 and 6 of Sec. 16; NW ¼ NE ¼, NE ¼ NW ¼ and lots 6, 7, 8, and 9 of Sec. 17; W ½ Sec. 23; W ½ Sec. 24; W ½ NE¼, E ½ NW ¼ and W ½ SE ¼ of Sec. 26; SW ¼ NW ¼ and NW ¼ SW ¼ of Sec. 29; SE ¼ SE ¼ of Sec. 33; SW ¼ SW ¼ of Sec. 34; E ½ of Sec. 35.

Township 39 North, Range 36 East.

SW ¼ NE ¼, W ½ SE ¼ and SE ¼ SW ¼ of Sec. 11, N. ½ SW ¼ of Sec. 13; S ½ NE ¼, SE ¼ NW ¼ and NE ¼ SE ¼ of Sec. 14.

Township 39 North, Range 37 East.

SE ¼ of Sec. 8; S ½ NE ¼, W ¼ SE ¼ and SE ¼ SW ¼ of Sec. 16; SE ¼ NE ¼ and SE ¼ of Sec. 17; N ½ NE ¼, NE ¼ NW ¼, S ½ NW ¼ and SW ¼ of Sec. 20; NE ¼, NE ¼ NW ¼ and E ½ SE ¼ of Sec. 21; NW ¼ and E ½ SW ¼ of Sec. 29.

Township 39 North, Range 38 East.

SW ¼ SW ¼ of Sec. 12; W ½ NW ¼ and NW ¼ SW ¼ of Sec. 13; S ½ SW ¼ of Sec. 14; NW ¼ of Sec. 23.

Township 39 North, Range 39 East.

Lots 5, 6 and 7 of Sec. 2; SE ¼ NE ¼ and E ½ SE ¼ of Sec. 7; SW ¼ NW ¼ and W ½ SW ¼ of Sec. 8; SW ¼ SE ¼ and SE ¼ SW ¼ of Sec. 9; W ½ NE ¼, E ½ NW ¼, SW ¼ NW ¼ and lot 3 of Sec. 16; E ½ NE ¼, NW ¼ and NW ¼ SW ¼ of Sec. 17; NE ¼ NE ¼, SE ¼, and E ½ SW ¼ of Sec. 18.

Township 40 North, Range 27 East.

E ½ SE ¼ of Sec. 11; SW ¼ NE ¼ SE ¼, NW ¼, W ½ SE ¼ and SW ¼ of Sec. 12; NW ¼ of Sec. 13; E ½ NE ¼ of Sec. 14; W ½ of SW ¼ of NE ¼, NW ¼, W ½ of W ½ of SE ¼, E ½ SW ¼, and NW ¼ SW ¼ of Sec. 15; lot 5 of Sec. 21; NE ¼, N ½ SE ¼, SW ¼ SE ¼, S ½ SW ¼ and lots 2, 3 and 4 of Sec. 22; W ½ SE ¼ of Sec. 27.

Township 40 North, Range 28 East.

S ½ SE ¼ and lots 3 and 4 of Sec. 19; SW ¼ of Sec. 35.

A tract of land described as follows: Beginning at a stone monument on the international line, being the N. W. Cor. of allotment 116, thence running due east on boundary line 40 chains set post at N. E. Cor. thence due S. 20 chains set post marked "I. A." being S. E. Cor. thence due W. 40 chains set post at S. W. Cor. thence due N. 20 chains to the point of beginning in section 2 or 3.

A tract of land described as follows: Beginning at S. W. Cor. of 116 thence due E. 40 chains to S. E. Cor. of 116 thence due S. 20 chains and set post being S. E. Cor. of 117 thence due W. 40 chains and set post at S. W. Cor. of allotment 117 thence due N. 20 chains to place of beginning being N. W. Cor. of No. 117.

A tract of land described as follows: Beginning at S. W. Cor. of 117 thence due E. 40 chains to S. E. Cor. of No. 117 thence due S. 20 chains to S. E. Cor. No. 118 and set post "I. A." thence due W. 40 chains to S. W. Cor. of No. 118 and set post "I. A." thence due N. 20 chains to point of beginning being N. W. Cor. of 118.

A tract of land described as follows: Beginning at S. W. Cor. of 118 thence due E. 40 chains to S. E. Cor. of 118 thence due S. 20 chains to S. E. Cor. 119 and set post "I. A." thence due W. 40 chains to S. W. Cor. of 119 and set post thence due N. 20 chains to N. W. Cor. or point of beginning.

A tract of land described as follows: Beginning at S. E. Cor. of 116 thence due E. 40 chains to N. E. Cor. of 122 and set post "I. A." thence S. 20 chains to S. E. Cor. and set post thence due W. 40 chains to S. E. Cor. of No. 117 being S. W. Cor. of No. 122 thence due N. 20 chains to point of beginning, in Sec. 2 or 3.

A tract of land described as follows: Beginning at S. E. Cor. of 117 thence due E. 40 chains to S. E. Cor. of 122 thence due South 20 chains to S. E. Cor. of 123 set post "I. A." thence due W. 40 chains to S. E. Cor. of 118 thence due N. 20 chains to point of beginning. in section 2 or 3.

A tract of land described as follows: Beginning at boundary line N. E. Cor. of No. 116 thence due E. on boundary line 40 chains set post thence due S. 20 chains to N. E. Cor. of 122 thence due W. on line between 122 & 222 to N. W. Cor. of 122 thence N. 20 chains to place of beginning, in section 1 or 2.

A tract of land described as follows: Beginning at N. E. cor. of 222 on boundary line thence due E 40 chains set post thence due S. 20 chains set post thence due W. 40 chains to S. E. Cor. of 222 thence due N. 20 chains to place of beginning, in section 1 or 2.

A tract of land described as follows: Beginning at S. E. Cor. of 223 thence due S. 20 chains set post thence due W. 40 chains to N. E. Cor. of 123 thence due N. 20 chains to N. E. of 122 thence due E. 40 chains between line of 223 and 224 to place of beginning, in section 1 or 2.

A tract of land described as follows: Beginning at S. E. Cor. of 224 thence due S. 20 chains set post thence due W. 40 chains to S. E. Cor. of 123 thence due N. 20 chains to S. W. Cor. of 224 thence due

E. 40 chains between line 224 & 225 to place of beginning, in section 1 or 2.

A tract of land described as follows: Beginning at S. E. Cor. of 225 thence due S. 20 chains set post thence due W. 40 chains set post thence due N. 20 chains to S. W. Cor. 225 thence due E. 40 chains on line between 225 & 226 to point of beginning, in section 1 or 2.

A tract of land described as follows: Beginning on boundary line at N. E. Cor. of 223 thence on boundary line due E. 20 chains set post thence due S. 40 chains set post thence due W. 20 chains to S. E. Cor. of 224 thence due N. 40 chains to place of beginning, in section 1 or 2.

Township 40 North, Range 29 East.

A tract of land described as follows: Set post on International boundary line being N. E. Cor. of 120 thence due S. 20 chains to S. E. Cor. and set post "I. A." thence due W. 40 chains and set post being S. W. Cor. of 120 thence due N. 20 chains to boundary line set post "I. A." being N. W. Cor. thence on boundary line 40 chains to point of beginning, in section 5 or 6.

A tract of land described as follows: Beginning at SE ¼ of 120 thence due S. 20 chains to S. E. Cor. and set post "I. A." thence W. 40 chains to S. W. Cor. and set post thence due N. 20 chains to N. W. Cor. thence due East 40 chains to point of beginning, Sec. 5 or 6.

NE ¼ and S. ½ of Sec. 32; S ½ SE ¼ and S ½ SW ¼ of Sec. 33.

Township 40 North, Range 30 East.

E ½ NW ¼ SW ¼ of Sec. 3; W ½ W ½ SW ¼ of Sec. 15; NE ¼ SE ¼ and all that part of the S ½ of S ½ of N ½ of NE ¼ lying south and east of Myers Creek, all that part of S ½ NE ¼ lying east of Myers Creek, and all that part of the NW ¼ SE ¼ lying east of Myers Creek and all that part of the S ½ SE ¼ lying east of Myers Creek in Sec. 16; W ½ of SW ¼ of NE ¼, W ½ of NW ¼ of SE ¼, E ½ SW ¼, and all that part of W ½ SW ¼ lying east of Myers Creek except one acre in Reno Quartz claim of Sec. 21; S ½ SE ¼ of Sec. 25; S ½ of W ½ of NE ¼ of NW ¼, S. ½ of E ½ of NW ¼ of NW ¼; S. ½ of E ½ of W ½ of NW ¼ of NW ¼; E ½ of N ½ of SW ¼ of NW ¼, SE ¼ of SW ¼ of NW ¼ and N ½ of NW ¼ of SE ¼ of NW ¼ of Sec. 28; W ½ SE ¼ SE ¼ of Sec. 29; S ½ NW ¼ and SW ¼ of Sec. 30; E ½ NE ¼ and W ½ NE ¼ of SE ¼ of Sec. 32; S ½ NE ¼ of NW ¼, SE ¼ NW ¼, W ½ of W ½ of W ½ of NW ¼ and NE ¼ SW ¼ of Sec. 33.

Township 40 North, Range 31 East.

S ½ NE ¼, W ½ SE ¼ and NE ¼ SW ¼ of Sec. 25.

Township 40 North, Range 32 East.

E ½ SE ¼ NE ¼ and E ½ of E ½ of SE ¼ of Sec. 9; SW ¼ NE ¼, S ½ NW ¼, W ½ SE ¼ and SW ¼ of Sec. 10; W ½ of W ½ of NE ¼, W ½ of NE ¼ of NW ¼, SE ¼ NW ¼, NE ¼ SW ¼ and SW ¼ SW ¼ and all that part of W ½ NW ¼ lying east of Kettle River, and all that part of NE ¼ NW ¼ lying east of Kettle River of Sec. 15; the E ½ NE ¼ NE ¼ and all that part of SE ¼ SE ¼ lying east of Kettle River in Sec. 16; lot 5 and all that part of the NW ¼ SW ¼, W½ of NW ¼ of NE ¼ of SW ¼, SW ¼ of NE¼ of SW ¼, NE ¼ of SW ¼ of SW ¼, and SE ¼ SW ¼ lying east of Kettle River in Sec. 22, Lot 1, W ½ of SE ¼ of NW ¼ of SW ¼, all of NE ¼ of NW ¼ of NW ¼, SW ¼ SW ¼, and SW ¼ NW ¼ of SW ¼ lying east of Kettle River in Sec. 26; E ½ of NW ¼, E ½ SW ¼, W ½ SE ¼, SE ¼ SE ¼ and lots 2, 3, 4, and 5 of Sec. 27; lot 3 of Sec. 30; E ½ NE ¼, NW ¼ NE ¼, E ½ of SW ¼ of NE ¼, E ½ of NW ¼ of SE ¼ and E ½ SE ¼ of Sec. 34; W ½ of NW ¼ of NE ¼ of NW ¼, W ½ of SE ¼ of SW ¼, lots 1, 2, 3 and 4 and all that part of SW ¼ SW ¼ lying east of Kettle River.

Township 40 North, Range 33 East.

SE ¼ SE ¼ of Sec. 12; NE ¼ NE ¼, W ½ NE ¼, NE ¼ NW ¼, N ½ SE ¼ and SE ¼ SE ¼ of Sec. 13.

Township 40 North, Range 34 East.

S ½ NE ¼, SE ¼ NW ¼ and lots 1, 2 and 3 of Sec. 1; E ½ SW ¼ and lots 3, 6, 7, 8 and 11 of Sec. 3; SW ¼ NE ¼, S ½ NW ¼, N ½ SW ¼ and lots 1, 2, 3, 4, 5 and 6 of Sec. 4; SE ¼ NE ¼ and NE ¼ SE ¼ of Sec. 5; SW ¼ SW ¼ of Sec. 7; E ½ SE ¼ of Sec 8; E ½ NE ¼, N ½ SE ¼ and lots 1, 4 and 6 of Sec. 9; N ½ NW ¼, SW ¼ NW ¼ and NW ¼ SW ¼ of Sec. 10; SW ¼ SW ¼ of Sec. 13; S ½ NE ¼, SE ¼ and SE ¼ SW ¼ of Sec. 14; NW ¼ NE ¼ and NE ¼ NW ¼ of Sec. 15; E ½ NE ¼ of Sec. 17; NW ¼ NW ¼ of Sec. 18; SW ¼ NE ¼, SE ¼ NW ¼, NW ¼ SE ¼ and NE ¼ SW ¼ of Sec. 19; N ½ NE ¼, Sec. 23 NW ¼ NE ¼ and lots 1 and 2 of Sec. 30.

Township 40 North, Range 35 East.

N ½ SE ¼ of NW ¼ and lots 3, 4 and N ¼ of lot 5 of Sec. 6.

Township 40 North, Range 39 East.

SW ¼ SE ¼, SE ¼ SW ¼ of Sec. 25; SE ¼ NE ¼ and lot 1 of Sec. 35; NE ¼ NE ¼, SW ¼ NE ¼, NW ¼ and lots 1, 2, 3 and 4 of Sec. 36

Township 40 North, Range 40 East

SW ¼ SE ¼ of Sec. 11; NW ¼ NE ¼ of, E ½ SE ¼ of Sec. 19; S ½ NE ¼, S ½ NW ¼ and S ½ of Sec. 20; S ½ NE ¼, SE ¼ NW ¼, NW ¼ SE ¼, N ½ SW ¼, SW ¼ SW ¼ and lot 1 of Sec. 21; lots 2 and 3 of Sec. 22. lot 2 of Sec. 28; NE ¼ NW ¼ and lots 1 and 2 of Sec. 29; E ½ NE ¼, SW ¼ NE ¼, E ½ NW ¼ and lot 1 of Sec. 30; lots 3 and 4 of Sec. 31.