

Nos. 14-9512 and 14-9514 (Consolidated)
UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

STATE OF WYOMING, and WYOMING FARM BUREAU FEDERATION,
Petitioners,

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, *et al.*,
Respondents,

NORTHERN ARAPAHO TRIBE, and EASTERN SHOSHONE TRIBE,
Intervenors.

EASTERN SHOSHONE TRIBE'S
PRELIMINARY BRIEF ON THE MERITS
(Deferred Appendix Appeal)
ORAL ARGUMENT REQUESTED

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STATEMENT OF RELATED CASES

The Eastern Shoshone Tribe is not aware of any currently pending cases raising the same or similar issues. The following cases are provided as prior appeals under 10th Cir. R. 28.2(C)(1):

Northern Arapaho Tribe v. Harnsberger, 660 F. Supp. 2d 1264 (D. Wyo. 2009), *affirmed in part, vacated in part*, 697 F.3d 1272 (10th Cir. 2012).

Yellowbear v. State, 174 P.3d 1270 (2008); *habeas petition denied*, *Yellowbear v. Wyo. Attorney Gen.*, 636 F. Supp. 2d 1254 (D. Wyo. 2009); *affirmed*, *Yellowbear v. Attorney Gen. of Wyo.*, 380 Fed. Appx. 740, 2010 WL 2053516 (10th Cir. May 25, 2010), *cert. denied*, *Yellowbear v. Salzburg*, 131 S.Ct. 1488 (2011).

In re General Adjudication of All Rights to Use Water in the Big Horn River System, 753 P.2d 76 (Wyo. 1988).

State v. Moss, Crim. No. 2896 (Aug. 7, 1969); *reversed*, *State v. Moss*, 471 P.2d 333 (Wyo. 1970).

Blackburn v. State, 357 P.2d 174 (Wyo. 1960).

GLOSSARY OF ACRONYMS AND ABBREVIATIONS

1905 Act	Act of March 3, 1905, 33 Stat. 1016 (1905)
1939 Act	53 Stat. 1128 (1939)
2011 Solicitor Opinion	Opinion of the Solicitor of the Department of the Interior, October 26, 2011
Bureau	Wyoming Farm Bureau Federation
CAA	Clean Air Act
DOI	United States Department of the Interior
EPA	United States Environmental Protection Agency
J.A.	Joint Appendix
Reservation	The Wind River Indian Reservation, Wyoming
TAS	Treatment in Manner Similar to a State
U.S.	United States
The Wyoming Book of Reliable Information OR The Book	<u>The State Of Wyoming: A Book of Reliable Information Published By Authority of the Ninth legislature</u>

I. Introduction

The Eastern Shoshone and Northern Arapaho Tribes (Tribes) filed a joint application with the United States Environmental Protection Agency (EPA) on December 17, 2008 for Treatment in the Manner Similar to a State (TAS). (EPA-WR-000002 [J.A._]). The application requested delegation of non-regulatory Clean Air Act (CAA) programs in which the Tribes specified the boundaries of the Wind River Reservation in Wyoming (“Reservation”). (EPA-WR-000002-015 [J.A._-]). On December 6, 2013, EPA granted TAS for the purposes of CAA §§ 105, 505(a)(2), 107(d)(3), 112(r)(7)(B)(iii), 126, 169B, 176A, and 184. (EPA-WR-0012588 [J.A._]). The State of Wyoming (“Wyoming” or “the State”) and the Wyoming Farm Bureau Federation (“Bureau”) filed Petitions challenging EPA’s TAS decision, and the City of Riverton and Fremont County challenged EPA’s decision as Provisional Intervenors (collectively “Petitioners”). Petitioners argue primarily that EPA’s Reservation boundary determination is erroneous and contrary to law.

The principal question before the court on the boundary issue is whether Congress clearly evinced an intent in the Act of March 3, 1905, 33 Stat. 1016 (1905) (“1905 Act”) to diminish the Reservation boundaries established by the Second Treaty of Fort Bridger, 15 Stat. 673 (July 3, 1868) less prior express

reductions by Congress in the 1874 Lander Purchase Act, 18 Stat. 291 (1874), and the 1897 Thermopolis Purchase Act, 30 Stat. 93 (1897).

II. The Wind River Reservation Was Reserved By The Treaty of 1868 As A Permanent Homeland; If A Reservation Boundary Is To Be Diminished Congressional Intent Must Be Expressed Clearly, Taking Into Account The General Rule That “Legal Ambiguities Are Resolved To The Benefit Of the Indians” Is Given The “Broadest Possible Scope” In Diminishment Cases.

The Tribes’ reservation is set aside by Treaty as a permanent homeland. Wyoming Preliminary Opening Brief at 6. [Wyo. Br. ____]. See *United States v Shoshone Tribe*, 304 U.S. 111, 116 (1938) (“The principal purpose of the treaty was that the Shoshones should have, and permanently dwell in, the defined district of country.”); *Winters v. U.S.*, 207 U.S. 564, 565 (1908); A Tribe’s rights under a treaty are not granted by the United States but are reserved by the Tribes. *United States v. Winans*, 198 U.S. 371, 381 (1905).

Special rules guard reservation status. Only Congress can divest a reservation of land and alter its boundaries. *Solem v. Bartlett*, 465 U.S. 463, 470 (1984) [*Solem*]. Here Congress allowed for limited divestiture of some land under specific conditions, but did not alter the boundary. Congress’ intent to diminish boundaries must be “clear and plain.” *Id.* at 470; *South Dakota v. Yankton Sioux Tribe*, 522 U.S. 329, 343 (1998) [*Yankton*]. “With regard to acts of Congress subsequent to the establishment of the reservation, the courts adopt an interpretational policy against diminishing an Indian reservation.” *Absentee*

Shawnee Tribe of Indians of Ok. v. Kansas, 862 F.2d 1415, 1417 (10th Cir. 1988) [*Absentee Shawnee*]. Thus, diminishment “will not be lightly inferred.” *Solem*, 465 U.S. at 470; *DeCoteau v. Dist. Cnty. Court*, 420 U.S. 425, 444 (1975); *Yankton*, 522 U.S. at 344. There must be “substantial and compelling evidence of a congressional intention to diminish Indian lands.” *Solem* at 472. The general rule that “legal ambiguities are resolved to the benefit of the Indians,” is given the “broadest possible scope” in diminishment cases. *DeCoteau* at 447.

Petitioner Eastern Shoshone Tribe (“Shoshone Tribe”) adopts the “Factual Background” in EPA’s Preliminary Opening Brief at 8-19 (“EPA Brief”) and EPA’s framework for analysis of a surplus land act to determine Congressional intent in opening a reservation to settlement by non-Indians. EPA Brief at 25-31. In summary, the Court has established a three-prong test for analyzing whether a statute diminished and altered a reservation’s boundaries or simply offered non-Indians the opportunity to purchase land within the reservation, *Solem*, 465 U.S. at 470, although the Supreme Court has never been willing to extrapolate from the general expectations in the allotment era to a specific congressional purpose to diminish a reservation in a particular case. *Id.* at 468; *Mattz v Arnett*, 412 U.S. 481, 496-497 (1973). The most probative evidence of congressional intent is the language of the statute itself. *Id.* Next, the court will look at the circumstances surrounding the passage of the act to see if they “unequivocally reveal a widely-

held, contemporaneous understanding that the affected reservation would shrink as a result of the proposed legislation.” *Solem*, 465 U.S. at 471. Third, but to a lesser extent, the court will look to events that occurred after the passage of the act to decipher Congress’ intent, although these subsequent events cannot by themselves provide the requisite evidence of Congressional intent to diminish. *Id.* at 471-72.

As the *Solem* Court observed

[S]ome surplus land acts diminished reservations, see, e.g., *Rosebud Sioux Tribe v. Kneip*, 430 U.S. 584 (1977); *DeCoteau v. District County Court* (1975), and other surplus land acts did not, see, e.g., *Mattz v. Arnett* 412 U.S. 481 (1973); *Seymour v. Superintendent*, 368 U.S. 351(1962). The effect of any given surplus land act depends on the language of the act and the circumstances underlying its passage.

Solem, 465 U.S. at 469.

III. The Language of the 1905 Act, the Surrounding Circumstances, and the Subsequent Treatment of The Area, All Indicate That There Was No Intent To Diminish The Reservation

A. The 1905 Act does not clearly evince intent to diminish.

The most probative evidence of congressional intent is the statutory language. *Solem*, 465 U.S. at 470. The 1905 Act does not utilize “[e]xplicit reference to cession or other language evidencing the present and total surrender of all tribal interests.” *Id.*

Prior to meeting with the Tribes to negotiate a 1904 proposed agreement, a Commission was sent in 1891 to negotiate with the Tribes for a cession of land. While a proposed agreement was reached for a lump sum payment of \$600,000,

Congress did not ratify it. In 1893, another commission, authorized by Congress by the Act of July 13, 1892, 27 Stat. 120 (1892), attempted to negotiate an agreement for the cession of all land north of the Big Wind River and along the southern border in exchange for a lump sum payment of \$750,000. (EPA-WR-000280; 0012620 [J.A._,_]). The Tribes refused to cede certain lands and no agreement was reached. (EPA-WR-000280-83 [J.A._,_]).

When contrasted to the text of the 1891 proposed agreement and the 1897 Thermopolis Purchase, which each contained language evidencing the present and total surrender of all tribal interests, the operative language of the 1905 Act is remarkably more limited. The 1891 proposed agreement provided the Tribes would “cede, convey, transfer, relinquish, and surrender, forever and absolutely ... all their right, title, and interest, of every kind and character in and to the land, and the water rights appertaining thereunto” lying north of the Big Wind River. (EPA-WR-000262 [J.A._,]). Similarly, the Thermopolis Purchase provided that the Tribes would “cede, convey, transfer, relinquish and surrender, forever and absolutely all their right, title, and interest of every kind and character in and to the lands and the water rights appertaining thereunto” with respect to a tract surrounding the Big Horn Hot Springs. Thermopolis Purchase Act, 30 Stat. 93.

The language of the unratified 1891 Agreement and the prior cession in the Thermopolis Purchase illustrate Congress’ legislative acumen in using words to

permanently sever land from an Indian reservation. The language of the 1905 Act is devoid of explicit language of cession to the United States or other language evidencing the present and total surrender of all tribal interests to any portion of the Wind River Reservation. Rather it “cede[s], grant[s], and relinquish[es]” the land “embraced *within the said Reservation*” to the United States. Act of March 3, 1905, 33 Stat. 1016, art. I (1905) (emphasis added). (EPA-WR-002058 [J.A.]9).

Where there is explicit language of cession or total surrender of all tribal interests in the land, and it is coupled with an unconditional commitment from Congress to compensate the tribe for its land in the form of a lump sum payment, as was present in the Lander Purchase Act, Thermopolis Purchase Act, and the 1891 proposed agreement, it can create an “almost insurmountable presumption” Congress intended to diminish the reservation. *Solem*, 465 U.S. at 470-71. Contrary to Wyoming’s argument that the 1905 Act contained lump sum payments, none of the funds identified by the State were compensation for land. *See* EPA Brief at 37.

Although the Court has found diminishment of reservation boundaries absent a sum certain it did so only after review of the surrounding circumstances which the Court found evidenced a clear intent to diminish and permanently sever land from the reservation. *Rosebud Sioux Tribe v. Kneip*, 430 U.S. 584, 596, 615 (1977). The surrounding circumstances here do not reflect such congressional

intent. The operative cession language in the 1905 Wind River Act is different and more limited than the language in *Rosebud*. The *Rosebud* Court also found a “continuity of purpose” between a 1901 Agreement and the 1904 Act at issue in that case, clearly indicating intent to diminish. *Id.* at 597-599. The array of differences between the unratified 1891 Agreement and 1905 Act here belie any “continuity of purpose.” *See* EPA Brief at 72.

Finally, the land here was not restored to the public domain nor did they become “public land.” When the operative words do not restore the ceded land to the public domain, diminishment is less likely. *Seymour v. Superintendent of Washington State Penitentiary*, 368 U.S. 351, 354 (1962) (reservation not disestablished when land not “vacated and restored to the public domain”); *contrast Hagen v. Utah*, 510 U.S. 399, 412-13 (1994) (reservation diminished when land restored to the public domain).

Wyoming’s argument for diminishment contravenes common sense. Put into perspective, Wyoming’s argument asserts that Congress diminished over one-half of the Tribes’ land that was reserved by solemn treaty as a permanent homeland, opened the land to potential sale, with no obligation on the part of the United States to purchase or sell any land or to find purchasers for it. Thus, there was no guarantee that the Tribes would receive anything, but Wyoming would have this court hold the Reservation diminished. This makes no sense on its face

and certainly cannot be squared with the policy that diminishment is disfavored.

Absentee Shawnee, 862 F.2d at 1417.

B. The Surrounding Circumstances Do Not Indicate An Intent To Diminish.

When the language of an act fails to evince clear congressional intent to diminish, the courts have looked to the historical circumstances surrounding the adoption of an act to determine whether there was a widely held understanding, contemporaneous with the adoption of the act, that Congress intended the boundaries would shrink.

When events surrounding the passage of a surplus land Act - particularly the manner in which the transaction was negotiated with the tribes involved and the tenor of legislative Reports presented to Congress - *unequivocally reveal a widely held, contemporaneous understanding* that the affected reservation would shrink as a result of the proposed legislation, we have been willing to infer that Congress shared the understanding that its action would diminish the reservation. . .

Solem, 465 U.S. at 471 (emphasis added); *see also Shawnee Tribe v. U.S.*,

423 F.3d 1204, 1222 (10th Cir. 2005).

1. Repeated references to “diminished or “diminished reservation” do not provide evidence of congressional intent to diminish reservation boundaries.

Wyoming erroneously asserts that repeated references to “diminished” or “diminished reservation,” demonstrate that Congress intended to reduce the reservation. Wyo. Br. at 25, 54, and 60. (EPA-WR-0000428-30 [J.A._]). The

Supreme Court has rejected that notion. *Solem*, 465 U.S. at 474 -475, n.17 (“When Congress spoke of the ‘reservation thus diminished,’ it may well have been referring to diminishment in common lands and not diminishment of reservation boundaries.”) (Citation omitted). EPA’s Legal Analysis explains this at length. (EPA-WR-0012642-44 [J.A._-]); *See also*, Department of the Interior Solicitor’s Opinion on the Exterior Boundaries of the Wind River Reservation (Oct. 26, 2011) (EPA-WR-009741 [J.A._]) [2011 DOI Opinion]; *Mattz*, 412 U.S. at 498 (act referring to reservation in past tense does not equate with clear intent to terminate boundaries). EPA Brief at 39-41. As Wyoming concedes, in 1905 “the term ‘diminished’ was ‘not yet a term of art in Indian law.’”

2. The 1905 Act Differs Significantly from the Lander and Thermopolis Acts and the 1891 Unratified Agreement.

In two statutes prior to the 1905 Act, the Lander Purchase and Thermopolis Purchase Acts, Congress indisputably intended to diminish the boundaries of the Wind River Reservation. The Lander Purchase Act’s purpose was “to change the southern limit of said reservation” for a lump sum payment of \$25,000. Lander Purchase Act, 18 Stat. at 292; (EPA-WR-003441 [J.A._]); EPA-WR-0012629 (J.A._, _). As discussed *supra* at 5-6, the Thermopolis Purchase Act had language of present and total surrender of all tribal interest, Thermopolis Purchase Act, 30 Stat. at 94, coupled with a \$60,000 lump sum payment. *Id.* Congress omitted from

the 1905 Act any unconditional fixed payment and unlike earlier acts did not use words evidencing the present and total surrender of all tribal interests. .

The operative language of the Bill introduced in 1904 to open the Reservation to settlement differed significantly from the operative language in the 1891 Agreement, diverging from any continuity of purpose in the two. H.R. Exec. Doc. No. 70, 52d Cong., 1st Sess., 29 (1891) (EPA-WR-000259-0012664, [J.A._-]). Additional differences in the 1904 Agreement include: the land opened for settlement was significantly more; the method of payment was no longer a lump sum; the United States' purchase of sections 16 and 36 to be retained as school lands for the state was removed; and, the United States was to act as trustee for the land to collect proceeds of sale and transmit them to the Tribes. *See* EPA Legal Analysis (EPA-WR-0012647-0012648 [J.A._]); EPA Brief at 43-50.

Wyoming misstates the Tribes' understanding at the 1904 meeting that McLaughlin held with the Tribes. Wyoming asserts that they understood that McLaughlin was describing diminished boundaries, citing to remarks of Shoshone representative George Terry, and Arapaho representatives. Mr. Terry conceded that the Tribes were being asked to potentially part with land. Nowhere does Mr. Terry acknowledge any alteration of the treaty boundaries. His only reference to boundaries was to note that the boundaries on two sides of the Reservation may not be correct and to request that they be corrected. (EPA-WR-000439 [J.A._]).

Wyoming makes the unfounded claim that Arapaho representatives understood the purpose of the 1904 Agreement was the same as the negotiations for the Thermopolis Purchase. Arapahos representatives recognized McLaughlin was there to discuss a land cession, but there is no indication there was any understanding concerning an alteration of the boundaries of the Reservation. The 1891 failed agreement was never mentioned by any party during the 1904 meeting.

3. The Circumstances Surrounding the 1905 Act Differ Greatly From The Circumstances In Rosebud.

In *Rosebud*, the Court relied heavily on the “continuity of purpose” from a 1901 agreement, which evinced an intent to diminish, to the 1904 Rosebud opening Act. *Rosebud*, 430 U.S. at 598-599. The Court there focused on identical language carried forward from the 1901 agreement into the 1904 Act, that identical land was identified for cession, and school lands were retained for the state. *Id.* At Wind River, the language of the 1905 Act differed significantly from that in the 1891 proposed agreement, the lands to be ceded were significantly more, and Congress expressly refused to secure the school lands for Wyoming. There is, therefore, no continuity of purpose between the unratified 1891 proposed agreement and 1905 Act.

Wyoming ignores the differing treatment of the school lands in the 1905 Act from their treatment in *Rosebud*. 430 U.S. at 600-01. The importance of the differing treatment of the school land sections is illustrated by the Supreme Court’s

decision in *Minnesota v. Hitchcock*, 185 U.S. 373 (1902). Minnesota had claimed that its rights to school lands under its Enabling Act should apply to unallotted land ceded by the Red Lake Chippewa Tribe to the United States in trust for sale with the proceeds to be deposited to the credit of the Tribe.

The cession was not to the United States absolutely, but in trust. It was a cession of all of the unallotted lands. The trust was to be executed by the sale of the ceded lands and a deposit of the proceeds in the Treasury of the United States to the credit of the Indians...

Id. at 394-395. The Court held that a cession of tribal land under these conditions did not convert the ceded land to public land and Minnesota's right to take sections 16 and 36 for school purposes under the grant of its Enabling Act was defeated.

Id. at 402. In *Rosebud*, South Dakota's Enabling Act grant was effective when "the reservation shall have been extinguished and such lands be restored to . . . the public domain." *Rosebud*, 430 U.S. at 599-601. *Accord, Yankton* ("we agree . . . that the school sections clause reinforces the view that Congress intended to extinguish the reservation status of the unallotted land"). 522 U.S. at 349-50. The Court in *Rosebud* found that Congress, in providing for the purchase by the United States in the Rosebud Act, acted consciously to assure that sections 16 and 36 would be reserved for South Dakota under its Enabling Act, thus avoiding the result in *Hitchcock*. *Rosebud* at 600.

Congress took the opposite course in the 1905 Act, refusing to purchase sections 16 and 36 to protect them as school lands for Wyoming. Instead

Wyoming was left to select lieu lands outside of the Reservation pursuant to its Enabling Act, which like Minnesota's in *Hitchcock* disclaims any right to Indian land until title has been extinguished by the United States. The 1905 Act's sponsor, Mr. Mondell affirmed this when offering an amendment to the legislation: "[T]he bill originally provided that the State should take lands *on the reservation*, the amendment which will be offered strikes out those provisions and makes no provision at all with regard to school lands, leaving the State authorized under the enabling act to take lieu lands." (Emphasis added). (EPA-WR-0010057 [J.A._]).

That Congress intended the land remain reservation land and not be opened to the public domain is supported by the provision to provide Asmus Boysen with a preferential selection of mineral land upon opening for settlement. *See* EPA Brief at 48. In the floor debate over the Bill that became the 1905 Act, there was discussion over whether the status of the land would trigger a provision in Boysen's lease with the Tribes that would cause the lease to terminate by its own terms. If the opening diminished the boundary and the opened land became public domain, Boysen's lease would terminate and there would be no need for a special provision. The Chairman of the House Indian Committee, Rep. Marshall made it clear that the land remained Indian land:

The gentleman from New York [Mr. Fitzgerald] says that Mr. Boysen's lease was canceled when the title passed from the Indians. True, there was a clause to the effect that when the lands were restored to the public domain this lease was canceled. The difficulty

is, however, that *these lands are not restored to the public domain, but are simply transferred to the Government of the United States as trustee for these Indians*, and the clause which the gentleman speaks of does not apply...

(Emphasis added) (EPA-WR-0010073 [J.A._]). Congress did not intend that the 1905 Act would not restore the land to public domain.

IV. Subsequent Events

Courts may consider events that occurred after the passage of an act, particularly events immediately following it, to decipher Congress' intentions. *Solem*, 465 U.S. at 471. These considerations cannot by themselves provide the requisite evidence of Congressional intent to diminish. *Solem*, 465 U.S. at 472; *Mattz*, 412 U.S. at 505; *Seymour*, 368 U.S. at 351; see *Osage Nation v. Irby*, 597 F.3d 1117, 1122 (10th Cir. 2010).

At Wind River, the contemporaneous understanding at all levels indicates an expectation of continued reservation status. The 2011 DOI Opinion, requested by EPA, concluded the Act and the legislative history support a conclusion that Congress did not intend to diminish the boundaries of the Reservation. Subsequent treatment and demographics further confirm that the 1905 Act did not evince an intent to diminish. (EPA-WR-009745-009753 [J.A._- _]). The 2011 DOI Opinion concludes that

[W]hile Congress was at times inconsistent in its reference to the 1905 Act area and sometimes referenced them as “former reservation,” overall, subsequent treatment of the opened area evidences a view that

the lands were part of the Reservation, most commonly referring to the Reservation as encompassing two parts, a ceded or opened area and a diminished or exclusive tribal area.

(EPA-WR-009747 [J.A._].) The only other time the Reservation status of the 1905 Act was so extensively analyzed was by the Special Master in *In re General Adjudication of All Rights to Use Water in the Big Horn River System* who reached the same conclusion as EPA and the DOI Solicitor. See Statement Of Legal Counsel (EPA-WR-0000104-106 [J.A._-]).

A. Wyoming Understood That The Opened Area Retained Reservation Status.

The State of Wyoming officially and unequivocally took the contemporaneous position that the Reservation as a whole remained intact after the 1905 Act. In 1907, the Wyoming Legislature authorized and funded, and the Governor, State Engineer, and Commissioner of Public Lands authored, “The State of Wyoming: A Book of Reliable Information Published By Authority Of the Ninth Legislature” (“Wyoming Book of Reliable Information” or “the Book”). (EPA-WR-002252 [J.A._]). Throughout the Book, Wyoming officials consistently treat the Reservation – whether ceded or unceded land – as a whole separate and distinct from the state, its subdivisions, and other federal areas within the State. The Wyoming Book of Reliable Information was the foundation for the

expectations subsequent to the 1905 Act of entrymen who relied on its contents when deciding to settle on the Reservation.

The Book describes the entire Reservation separately, both in legal and political terms, from other portions of the State and Fremont County which included the entire Reservation at the time of the 1905 Act. When the Book describes a million acres of land susceptible of irrigation they are described as: “including land left in the Shoshone Indian Reservation.” (EPA-WR-002286 [J.A._]). The continuing exclusive federal and tribal control in the opened area is acknowledged when the Book states that “(p)ermission was *given to the state* to enter the reservation before opening the land for settlement.” (EPA-WR-002287 [J.A._]) (emphasis added). Riverton is described as “another new town located within the Indian Reservation” (EPA-WR-002288 [J.A._]). In contrast, Thermopolis is described separately as situated in the “Big Horn Hot Springs Reservation,” which is no longer Reservation. *Id.* Describing irrigation opportunities throughout the State, the Book states that “the Shoshone Reservation was opened for settlement” by the 1905 Act. (EPA-WR-002419 [J.A._]).

The Wyoming Book of Reliable Information distinguishes the different methods of settlement on state, federal, and Indian reservation land. For federal land it describes Carey Act land, homestead laws, desert land entry, isolated tracts, timber and stone entries, mines and mineral leasing laws, and reclamation laws.

(EPA-WR-002412-17 [J.A._-]). These public land acts are all treated separately from the discussion of how to settle the opened area under the 1905 Act. (EPA-WR-002419-21 [J.A._]). The Book never asserts that the opened land was no longer Reservation.

B. The History of Land Ownership By Indians and Non-Indians Is Consistent With Congressional Expectation That The Area Opened To Settlement Would Never Be Fully Settled By Non-Indians.

The history of settlement of the opened area from surveys, to advertisements, to issuance of patents and allotments, to closure of the area to further patent issuance under the 1905 Act is consistent with the conclusion that the 1905 Act and its legislative history fail to indicate Congress intended to diminish the Reservation.

1. Legal Survey Of The Area. The 1905 Act provided for surveys of the opened land. Act of March 3, 1905, art. IX, § 3, 33 Stat. 1016 (1905). Cadastral surveys of Indian reservations were made under legal authority separate from public land authority. *See* 25 U.S.C. § 176; (EPA-WR-001631 [J.A._]). The cadastral surveys in the record are the only maps in the record which carry the force of law. American Congress on Surveying and Mapping and San Juan Surveying, Inc., SBA No. 2403, 1986 WL 57536, 2 (Small Bus. Admin. Apr. 24, 1986) (final admin. review). The required cadastral surveys pursuant to the 1905 Act were completed within 10 months of passage of the 1905 Act. The surveys

bear the legend designating the “North Boundary Shoshone Indian Reservation” and “East Boundary Shoshone Indian Reservation” on the *exterior* northern and eastern borders of the opened area. (EPA-WR-005093 [J.A._]); (EPA-WR-005094 [J.A._]).

2. Advertisements For Land Sales. Official publications advertising the availability of land show the opened area as part of the Wind River Reservation. (EPA-WR-000350 [J.A._]). The *Press of the Riverton News* published a pamphlet encouraging settlement on the Reservation. The pamphlet described the 1905 Act area as “that portion of the Shoshone Indian Reservation, recently opened for settlement, lying North of the BIG WIND RIVER.” (Caps in original) (EPA-WR-001723 [J.A._]). In 1907, the local newspaper described the opened area as “850,000 Acres of Virgin Land on the Shoshone Indian Reservation, susceptible of irrigation, opened by the Government to entry by the Farmer under the Homestead Law at \$1.50 per acre.” *Id.*

3. Patenting And Allotting Of Land. Within 12 months of the 1905 Act’s passage, the Interior Secretary sent a letter to Congress to extend the time for opening the land to settlement. The Secretary repeatedly described “the ceded portion of the Shoshone or Wind River Indian Reservation” as “opened” to settlement. (EPA-WR-0010052 [J.A.]). In 1909 Congress extended the time for mineral entry under the 1905 Act, describing the land as “within the Shoshone or

Wind River Reservation.” (EPA-WR-003538 [J.A.]). The House Report refers to the opened area as part of the Reservation and to the 1905 Act as “the bill opening a portion of the Shoshone or Wind River Reservation.” (EPA-WR-00470 [J.A._]). The 1909 Senate Report on legislation “extending the time for final entry of mineral claims within the Shoshone and Wind River Reservation,” expressly reaffirms the federal role of trustee – a relationship inconsistent with diminishment. (EPA-WR-000383-84 [J.A._-]). Congress in the Act of April 27, 1912 extended the time to obtain patents for persons who “made homestead entry on the ceded portion of the Wind River Reservation.” (EPA-WR-005498 [J.A._]). The March 9, 1912 Act and its legislative history referred to the opened land as a “portion of” or “within” the Reservation. (EPA-WR-000387; EPA-WR-000390 [J.A._;_]).

The issuance of patents and allotments in the opened area confirms Congress’ expectations there would be limited settlement by non-Indians and that Indians would remain living in the opened area. Wind River is similar to the situation in *Solem*, 465 U.S. at 480, where the Court held that the record did not support diminishment because few homesteaders perfected claims on the land on the Reservation. The facts on the Wind River Reservation stand in marked contrast to the demographics in *Rosebud* where 90% was non-Indian both in population and land. 430 U.S. at 587, n.3, 605; *see* (EPA-WR-001633 [J.A._]).

Over three years after passage of the 1905 Act, only 7.91% of the 1,438,633.66 acres opened to settlement were sold. (EPA-WR-001634 [J.A._]). Approximately seven years later the percentage only rises to 8.97%. (EPA-WR-005025 [J.A._]). Moreover, in 1920 well over one-half (63%) of those who bought land did not even live in the State of Wyoming – let alone the Reservation. (EPA-WR-001968 [J.A._]). By 1914, tribal members were allotted 3.47% of the land and the Tribes retained ownership of 87.56% of the 1,438,633.66 acres opened to settlement. (EPA-WR-005021, 5023 [J.A._,_]). This minimal non-Indian acquisition of land was stopped within ten years of passage of the Act and stands in stark contrast to cases where diminishment was held to have occurred. *Yankton*, 522 U.S. at 356 (fewer than 10 percent of opened land remained in Indian hands shortly after the cession); *see, e.g., Cass County v. Leech Lake Band*, 524 U.S. 103, 108 (1998) (Leech Lake Band owned less than 5 percent).

Less than 10% of the land – surface and subsurface – was ever settled under authority of the 1905 Act. (EPA-WR-005021, 5023 [J.A._,_]). As EPA’s Brief at page 20 notes, 75% of the land subject to the 1905 Act remains in Tribal or individual trust ownership today. In addition, over 1/3 of the 25% of interests in land not in trust status are owned by the United States through the Bureau of Reclamation for Anchor Dam (EPA-WR-3643 [J.A._])(388 acres), Boysen Reservoir (EPA-WR-000663 [J.A._]) (25,880 acres), and unsettled portions of the

Midvale Reclamation Project. 57 Fed. Reg. 46,595-01 (Oct. 9, 1992) (105,431 acres).

At the expiration of the Act's eight-year homestead entry period, the General Land Office proposed to sell undisposed-of land. However, the Department of the Interior, in fulfillment of its trust responsibility to protect the Tribes' interests, held up the sale because "the lands in question need not be sold until it is thought best to do so." (EPA-WR-000407 [J.A._]). In 1915, the Secretary accepted a Department recommendation to stop the sale of land indefinitely in order to protect Tribal interests. (EPA-WR-001478 [J.A._,_]); (EPA-WR-000407 [J.A._]). Congress affirmed this position generally with respect to Indian reservations in 1934 and specifically with respect to Wind River in 1939. 25 U.S.C. § 461 *et seq.*; 25 U.S.C. § 575 *et seq.* (1939 Act). In considering the 1939 Act, Congress recognized that the 1905 Act area remained part of the Reservation. (EPA-WR-0010227 [J.A._]). The sponsor of the 1939 Act, Senator O'Mahoney of Wyoming, stated

When a portion of this reservation, known as the ceded portion, was yielded to the Federal Government by the Indians and opened to settlement, settlers came on and had the understanding that they would be permitted to graze their livestock on the reservation.

(EPA-WR-0010227 [J.A._]).

4. Population. Indians remained a significant portion of the total population of the opened area of the Reservation after passage of the 1905 Act. The 1910 Census reported data by election districts. The Census shows that a

separate election district for the Reservation existed in 1900 with a population of 1,961. (EPA-WR-007671 [J.A._]). Prior to the 1905 Act, non-Indians could not own land on the Reservation meaning the census population in 1900 would have been virtually all Indians. This is consistent with total state Indian population of 1,686 because the Wind River Reservation is the only reservation in Wyoming. (EPA-WR-007675 [J.A._]). In the 1910 Census, election districts that had changed from the 1900 Census are identified by footnotes. (EPA-WR-007671 [J.A.]). The only district change that relates to the Reservation is the election district created for Riverton. *Id.* Combining the 1910 Reservation election district (1,565) and the Riverton district (483), the total population was 2,048. *Id.* This is only a 4% increase in total population – Indian and non-Indian – combined, five years after the Act. Given that ten years after the 1910 Census sixty-three percent of the entrymen who acquired land in the opened area did not live there, the 1910 Reservation population must have continued to be almost entirely Indian. (EPA-WR-001968 [J.A._]). Therefore, the Wind River Reservation stands in marked contrast to cases where large non-Indian population increases signified a diminished reservation.

During implementation of the 1939 Act's provision for purchase of non-Indian land in the opened area, the Tribes desired to acquire a fee-owned ranch located both inside and outside of the opened area on the north boundary of the

Reservation. Because a portion of the purchase was outside the Reservation, Congressional approval was needed. (EPA-WR-002079 [J.A._]). The statute authorizing the purchase provides “for the purchase . . . of lands . . . located outside the ceded portion of the Wind River Reservation but adjacent thereto, and owned by holders of grazing permits covering undisposed of surplus or ceded lands within said portion of the reservation.” Act of June 27, 1940, 54 Stat. 642 (1940) (EPA-WR-002079 [J.A._]).

In 1993, the United States restored land within the Wind River Canyon to the Tribes. The Order noted the land and mineral interests were “within the Wind River Indian Reservation.” (EPA-WR-003342 [J.A._]).

5. Regulatory Actions Following The 1905 Act Were Consistent With Reservation Status.

Wyoming argues it has pervasively exercised both criminal and civil jurisdiction in the areas within the 1905 Act area. Wyo. Br. at 30. But as EPA points out “[t]he subsequent treatment, although mixed, shows that the jurisdictional status of the area has long been in dispute,” EPA Brief at 24, and 62-65, and “the exercise of State “civil jurisdiction is not mutually exclusive in Indian Country. . .” EPA Brief at 64. The exercise of some state jurisdiction on the Reservation is consistent with federal case law. States have long had jurisdiction over state crimes committed within a reservation by one non-Indian against another non-Indian. *U.S. v. McBratney*, 104 US 621 (1881). Tribes lack inherent

jurisdiction over crimes committed by a non-Indian within the reservation.

Oliphant v. Suquamish Indian Tribe, 435 U.S. 191 (1978). Tribes lack civil jurisdiction over state officers acting in their individual or official capacity within a reservation. *Nevada v. Hicks*, 533 U.S. 353 (2001). Tribes have limited civil jurisdiction over non-Indians on fee lands. *Montana v. United States*, 450 U.S. 544 (1981), and its progeny; e.g. tribal authority to tax non-Indians on fee lands within a reservation “reaches no further than tribal land” unless an exception under *Montana* is met. *Atkinson Trading Post v. Shirley*, 532 U S 645, 645-646 (2001). Petitioners’ erroneous picture of how jurisdiction impacts non-Indians within a reservation is exaggerated and presents a false picture of jurisdictional chaos. *See* EPA Brief at 65-71.

Wyoming misstates the law on liquor regulation in the 1905 Act area, and the City of Riverton and Fremont County repeat the error. They cite the governing federal liquor law, the Act of July 23, 1892, 27 Stat. 260 (1892), but misrepresent its terms. Wyoming argues several times that local licensing of alcohol sales shows congressional intent to diminish the Reservation. Wyo. Br. at 27, 31-32, 60, 65-66, and 72. The 1892 Act forbade introduction of alcohol into “Indian country”, which was then defined as “lands to which the Indian title has not been extinguished.” Act of June 30, 1834, 4 Stat. 729 (1834). Liquor sales to non-Indians on fee land within Indian reservations were legal under federal law in

1905. *Bates v. Clark*, 95 U.S. 204, 209 (1877); *see also Clairmont v. United States* 225 U.S. 551 (1912); *Dick v. United States*, 208 U.S. 340 (1908).

The general legal definition of Indian country was changed in 1948 to include fee land within reservations, the current rule. *See Solem*, 465 U.S. at 468. But federal alcohol laws applicable to Indian country are subject to the distinct definition in 18 U.S.C. §§ 1154 & 1156, which provides: “The term ‘Indian country’ as used in this section does not include *fee-patented lands in non-Indian communities or rights-of-way through Indian reservations . . .*” (Emphasis added). The term “non-Indian communities” in 18 U.S.C. § 1154 is discussed in two cases that arose on the Wind River Reservation. *U.S. v. Mazurie*, 419 U.S. 544, 551-552 (1975) (EPA-WR-001418 [J.A._]), and *Berry v. Arapahoe and Shoshone Tribes*, 420 F. Supp. 934 (D.Wyo. 1976) (*Berry*). As the Court in *Berry* said: “Prior to 1953 it was unlawful for anyone to introduce or attempt to introduce any . . . intoxicating liquor of any kind whatsoever into Indian country; however, the term ‘Indian country’ did not include fee patented land in non-Indian communities. 18 U.S.C. § 1154(a), (c).” *Berry* at 939. Federal prohibitions on liquor sales are irrelevant to the determination of Congress’ intent to diminish.

When regulatory/governance issues arose after passage of the 1905 Act, they invariably were resolved based on the opened area being Reservation and subject to the primary jurisdiction of the Tribes or the federal government. In the year

after passage of the Act, the State Engineer needed permission to survey for an irrigation system in the opened land. (EPA-WR-001866 [J.A._]). He gave stringent instructions to his workers to be careful to observe the rules lest they be ejected by the Indian Police. *Id.* In 1910, during a dispute over irrigation development in the opened area, the State Engineer stated “The State cannot legislate relative to (the opened lands).” (EPA-WR-002003 [J.A._]). The federal courts in 1916 rejected state authority in the opened area when it enjoined the State from interfering with Indian diversions within the opened area, both off and on Indian allotments and when it rejected state regulation of oil and gas 50 years later in 1969. *U.S. v. Hampleman*, Case No. 763 (D.Wyo., Jun. 26, 1916) (order granting permanent injunction). (EPA-WR-000466 [J.A._]); *Shoshone Indian Tribe and Arapaho Indian Tribe v. Hathaway*, Case No. 5367 (D.Wyo., Nov. 7, 1969). (EPA-WR-001409 [J.A._]). In the 1920s, the sheriff agreed that the State did not have jurisdiction in the opened area. (EPA-WR-000415 [J.A._]). In 1923, the Tribes took the position that they had “jurisdiction on the ceded portion as we understand that the United States is only acting as trustee for the Indians as provided in article (9) of April 2, 1904.” (EPA-WR-000405 [J.A._]). During the 1920s, the BIA took action against trespassers in the opened area. (EPA-WR-001487 [J.A._]). In *Geraud v. Schrader*, 531 P.2d 872 (Wyo. 1975), the Wyoming Supreme Court recognized Tribal primary authority within the opened area, noting

that “the State is only on the reservation trying to set up a school system by the grace of the two tribes.” *Geraud*, 531 P.2d at 882. In *Geraud*, the court described the size of the Reservation in terms which included the opened area. *Id.*

6. Land Use In The Opened Areas Reflects The Understanding That The Area Retained Reservation Status.

a. Grazing. The Bureau of Indian Affairs has leased the opened area for grazing from passage of the 1905 Act until the present. (EPA-WR-001490 [J.A._]); (EPA-WR-000402 [J.A._,_]). In the decade after the Act, regulations limited BIA leasing authority to reservations similar to Wind River where the United States opened the land to settlement as trustee for the Tribes. (EPA-WR-001637 [J.A._]). In 1929, the Secretary reaffirmed the government’s obligation to manage grazing land in the opened area for the benefit of the Indians. (EPA-WR-001478 [J.A._]).

b. Minerals. In 1912, the President attempted to withdraw 1905 Act land as a petroleum reserve. (EPA-WR-000593 [J.A._]). Indian supporters objected by asserting that the withdrawal authority only extended to public land. (EPA-WR-000593 [J.A._]). In 1916, Congress resolved the conflicting views on the effect of the 1905 Act in favor of Indian oil and gas leasing. Act of Aug. 21, 1916, 39 Stat. 519 (1916). During Congressional debate Senator Clark of Wyoming explained that the opened land is “still Indian land and the Indians are entitled to it.” (EPA-WR-000394 [J.A._]). Similarly for coal

development, the BIA in 1923 determined that the public land mineral leasing laws “gave the General Land Office no jurisdiction over the leasing of coal mining lands on the ceded portion of the Shoshone Reservation.” (EPA-WR-001486 [J.A._]). The U.S. Supreme Court has held that similar actions are inconsistent with reservation diminishment. *See Solem*, 465 U.S. at 474. In 1950, the Interior Department again held the public land mineral laws did not apply to the ceded land because the opened land was not land of the United States. (EPA-WR-000494 [J.A._]). Congress acted consistent with this position when it passed legislation for oil and gas leasing in a portion of the opened area in 1958. (EPA-WR-003434 [J.A._]).

c. Rights-of-way. The Department’s 1905 decision to issue a railroad right-of-way through the Wind River Canyon pursuant to the Indian statutes was challenged by land speculators. *Clarke v. Boysen*, 39 F.2d 800, 800-812 (10th Cir. 1930). The Tenth Circuit held that the 1905 Act land remained Indian land, and fit the statutory definition as “lands reserved for other purposes in connection with the Indian service.” 25 U.S.C. § 312. The Tenth Circuit concluded that the 1905 Act merely designated certain lands “for entry and sale at a future date.” *Clarke*, 39 F.2d at 814. In 1909, the Department of Interior reaffirmed its position that rights-of-way across the opened area were in accord with Indian statutes when granting a railroad right-of-way. (EPA-WR-001629-30

[J.A._]). In 1931, the Department understood *Clarke* to be binding precedent on the right-of-way authority issue. (EPA-WR-003043 [J.A._]).

d. Irrigation. The extensive history of irrigation on the Reservation shows development consistent with the opened area remaining Reservation. For example, Edmo LeClair and other tribal members were allotted land in the opened area in June of 1906 and built their own ditch to irrigate that land. (EPA-WR-001748 [J.A._]). The Indians irrigated this land on their own until 1914 when the BIA took over operation of the ditch. (EPA-WR-001748-49 [J.A._]). Continuing into the present, the Bureau of Indian Affairs collects and pays operation and maintenance fees for irrigation on such land pursuant to a series of agreements with local irrigation districts. (EPA-WR-001499 [J.A._]); (EPA-WR-001752 [J.A._]); (EPA-WR-001602 [J.A._]). Around 1910, the Commissioner of Indian Affairs opposed application of the Carey Act to the Reservation and the State Engineer stated “There will be no State or Federal legislation . . . relating to these lands [and the] State cannot legislate relative to them.” (EPA-WR-002003 [J.A._]) Well into the 1940s, Congress repeatedly appropriated funds from Indian appropriations for irrigation development in the opened area. (EPA-WR-001937 [J.A._]); (EPA-WR-003609 [J.A._]); (EPA-WR-000514 [J.A._]); (EPA-WR-000497 [J.A.]); (EPA-WR-003241 [J.A._]); (EPA-WR-002161 [J.A._]); (EPA-WR-002132 [J.A._]); (EPA-WR-002180 [J.A._]); (EPA-WR-003258 [J.A._]);

(EPA-WR-003305 [J.A._]); (EPA-WR-003381 [J.A._]); (EPA-WR-000497 [J.A.]).V.

The contemporaneous understanding and subsequent events provide strong evidence that at all levels there was the expectation of continued reservation status.

V. Conclusion

The EPA TAS decision is correct and should be upheld.

Dated: April 23, 2015.

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STATEMENT REGARDING ORAL ARGUMENT

The Eastern Shoshone Tribe believes that oral argument will assist the Court in the resolution of the issues raised in the Petitions for Review and there requests that oral argument be scheduled.

CERTIFICATION OF DIGITAL SUBMISSION

In accordance with the Court's CM/ECF User's Manual and Local Rules it is hereby certified that:

- (1) No privacy redactions were required for this document;
- (2) The electronic version of this document is an exact copy of the written document to be filed with the clerk;
- (3) The digital copy of this document has been scanned for viruses with Microsoft Security Essentials v. 1.197.397.0, which was last updated on April 23, 2015, and, according to the program, is free of viruses.

/s/ Donald R. Wharton

CERTIFICATE OF COMPLIANCE

In accordance with Fed. R. App. P. 32(a)(7)(C), the undersigned certifies that this brief is proportionally spaced, uses 14-point type, and contains 6,972 words, excluding those parts of the brief exempted by Fed. R. App. P. 32(a)(7)(B)(iii), and the GLOSSARY OF ACRONYMS AND ABBREVIATIONS.

/s/ Donald R. Wharton

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of April, 2015, a copy of the foregoing brief was filed with the Clerk of the Court for the United States Court of Appeals for the Tenth Circuit using the Court's CM/ECF system.

I certify that all participants in this case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/ Donald R. Wharton

ADDENDUM

4 Stat. 729 (1834)..... EST-A0001

15 Stat. 673 (1868)..... EST-A0008

18 Stat. 291 (1874)..... EST-A0015

27 Stat. 120 (1892)..... EST-A0017

27 Stat. 260 (1892)..... EST-A0043

30 Stat. 93 (1897)..... EST-A0045

33 Stat. 1016 (1905)..... EST-A0049

39 Stat. 519 (1916)..... EST-A0056

54 Stat. 642 (1940)..... EST-A0058

18 U.S.C. §§ 1154, 1156..... EST-A0084

25 U.S.C. § 176..... EST-A0087

25 U.S.C. § 312..... EST-A0089

25 U.S.C. § 461 *et seq.*..... EST-A0090

25 U.S.C. § 575 *et seq.*..... EST-A0092

money in the treasury not otherwise appropriated, be, and is hereby, appropriated, and placed at the disposal of the Secretary of the Navy.

APPROVED, June 30, 1834.

STATUTE I.

June 30, 1834.

CHAP. CLXL.—An Act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers. (a)

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That all that part of the United States west of the Mississippi, and not within the states of Missouri and Louisiana, or the territory of Arkansas, and, also, that part of the United States east of the Mississippi river, and not within any state to which the Indian title has not been extinguished, for the purposes of this act, be taken and deemed to be the Indian country.

Parts of territory of United States to be deemed Indian country.

Sec. 2. And be it further enacted, That no person shall be permitted to trade with any of the Indians (in the Indian country) without a license therefor from a superintendent of Indian affairs, or Indian agent, or sub-agent, which license shall be issued for a term not exceeding two years for the tribes east of the Mississippi, and not exceeding three years for the tribes west of that river. And the person applying for such license shall give bond in a penal sum not exceeding five thousand dollars, with one or more sureties, to be approved by the person issuing the same, conditioned that such person will faithfully observe all the laws and regulations made for the government of trade and intercourse with the Indian tribes, and in no respect violate the same. And the superintendent of the district shall have power to revoke and cancel the same, whenever the person licensed shall, in his opinion, have transgressed any of the laws or regulations provided for the government of trade and intercourse with the Indian tribes, or that it would be improper to permit him to remain in the Indian country. And no trade with the said tribes shall be carried on within their boundary, except at certain suitable and convenient places, to be designated from time to time by the superintendents, agents, and sub-agents, and to be inserted in the license. And it shall be the duty of the persons granting or revoking such licenses, forthwith to report the same to the commissioner of Indian affairs, for his approval or disapproval.

Persons trading with Indians to be licensed.

Sec. 3. And be it further enacted, That any superintendent or agent may refuse an application for a license to trade, if he is satisfied that the applicant is a person of bad character, or that it would be improper to permit him to reside in the Indian country, or if a license, previously granted to such applicant, has been revoked, or a forfeiture of his bond decreed. But an appeal may be had from the agent or the superintendent, to the commissioner of Indian affairs; and the President of the United States shall be authorized, whenever in his opinion the public interest may require the same, to prohibit the introduction of goods, or of any particular article, into the country belonging to any Indian tribe, and to direct all licenses to trade with such tribe to be revoked, and all applications therefor to be rejected; and no trader to any other tribe shall, so long as such prohibition may continue, trade with any Indians of or for the tribe against which such prohibition is issued.

License may be refused, or, if granted, may be revoked.

Sec. 4. And be it further enacted, That any person other than an Indian who shall attempt to reside in the Indian country as a trader, or to introduce goods, or to trade therein without such license, shall forfeit all mer-

Forfeiture of goods and fine for trading without license.

(a) Notes of the acts for the preservation of peace with the Indian tribes, vol. ii. p. 6.

Notes of the regulations of intercourse with the Indian tribes, vol. ii. p. 139.

Notes of the decisions of the Supreme Court of the United States on the subject of the Indians, vol. ii. p. 146.

Note of obsolete acts relating to trading houses with the Indians, vol. ii. p. 652.

chandise offered for sale to the Indians, or found in his possession, and shall moreover forfeit and pay the sum of five hundred dollars.

Citizens only to be licensed.
Proviso.

SEC. 5. *And be it further enacted*, That no license to trade with the Indians shall be granted to any persons except citizens of the United States: *Provided*, That the President shall be authorized to allow the employment of foreign boatmen and interpreters, under such regulations as he may prescribe.

Foreigners to obtain passports to go into the Indian country.

SEC. 6. *And be it further enacted*, That if a foreigner shall go into the Indian country without a passport from the War Department, the superintendent, agent, or sub-agent of Indian affairs, or from the officer of the United States commanding the nearest military post on the frontiers, or shall remain intentionally therein after the expiration of such passport, he shall forfeit and pay the sum of one thousand dollars; and such passport shall express the object of such person, the time he is allowed to remain, and the route he is to travel.

Indians only to barter with Indians.

SEC. 7. *And be it further enacted*, That if any person other than an Indian shall, within the Indian country, purchase or receive of any Indian, in the way of barter, trade, or pledge, a gun, trap, or other article commonly used in hunting, any instrument of husbandry or cooking utensils of the kind commonly obtained by the Indians in their intercourse with the white people, or any other article of clothing, except skins or furs, he shall forfeit and pay the sum of fifty dollars.

No other persons than Indians to trap in their limits.

SEC. 8. *And be it further enacted*, That if any person, other than an Indian, shall, within the limits of any tribe with whom the United States shall have existing treaties, hunt, or trap, or take and destroy, any peltries or game, except for subsistence in the Indian country, such person shall forfeit the sum of five hundred dollars, and forfeit all the traps, guns, and ammunition in his possession, used or procured to be used for that purpose, and peltries so taken.

Cattle not to be driven for forage on Indian lands.

SEC. 9. *And be it further enacted*, That if any person shall drive, or otherwise convey any stock of horses, mules, or cattle, to range and feed on any land belonging to any Indian or Indian tribe, without the consent of such tribe, such person shall forfeit the sum of one dollar for each animal of such stock.

Intruders may be removed.

SEC. 10. *And be it further enacted*, That the superintendent of Indian affairs, and Indian agents and sub-agents, shall have authority to remove from the Indian country all persons found therein contrary to law; and the President of the United States is authorized to direct the military force to be employed in such removal.

Settlers may be driven off by military force.

SEC. 11. *And be it further enacted*, That if any person shall make a settlement on any lands belonging, secured, or granted by treaty with the United States to any Indian tribe, or shall survey or shall attempt to survey such lands, or designate any of the boundaries by marking trees, or otherwise, such offender shall forfeit and pay the sum of one thousand dollars. And it shall, moreover, be lawful for the President of the United States to take such measures, and to employ such military force, as he may judge necessary to remove from the lands as aforesaid any such person as aforesaid.

Purchases or grants from Indians invalid.

SEC. 12. *And be it further enacted*, That no purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto, from any Indian nation or tribe of Indians, shall be of any validity in law or equity, unless the same be made by treaty or convention entered into pursuant to the constitution. And if any person, not employed under the authority of the United States, shall attempt to negotiate such treaty or convention, directly or indirectly, to treat with any such nation or tribe of Indians, for the title or purchase of any lands by them held or claimed, such person shall forfeit and pay one thousand dollars: *Provided, nevertheless*, That it shall be lawful for the agent or agents of any state who may be present at any treaty held with Indians under the authority of the United States, in the presence and with the approbation of the commissioner or commis-

Proviso.

sioners of the United States appointed to hold the same, to propose to, and adjust with the Indians, the compensation to be made for their claim to lands within such state, which shall be extinguished by treaty.

Sec. 13. *And be it further enacted*, That if any citizen or other person residing within the United States or the territory thereof, shall send any talk, speech, message, or letter to any Indian nation, tribe, chief, or individual, with an intent to produce a contravention or infraction of any treaty or other law of the United States, or to disturb the peace and tranquillity of the United States, he shall forfeit and pay the sum of two thousand dollars.

Penalty for sending any talk, &c. to disturb the peace.

Sec. 14. *And be it further enacted*, That if any citizen, or other person, shall carry or deliver any such talk, message, speech, or letter, to or from any Indian nation, tribe, chief, or individual, from or to any person or persons whatsoever, residing within the United States, or from or to any subject, citizen, or agent of any foreign power or state, knowing the contents thereof, he shall forfeit and pay the sum of one thousand dollars.

Persons carrying such talk, &c. fined.

Sec. 15. *And be it further enacted*, That if any citizen or other person, residing or living among the Indians, or elsewhere within the territory of the United States, shall carry on a correspondence, by letter or otherwise, with any foreign nation or power, with an intent to induce such foreign nation or power to excite any Indian nation, tribe, chief, or individual, to war against the United States, or to the violation of any existing treaty; or in case any citizen or other person shall alienate, or attempt to alienate, the confidence of any Indian or Indians from the government of the United States, he shall forfeit the sum of one thousand dollars.

Persons corresponding with foreign powers, with similar intent, to be fined.

Sec. 16. *And be it further enacted*, That where, in the commission, by a white person, of any crime, offence, or misdemeanor, within the Indian country, the property of any friendly Indian is taken, injured or destroyed, and a conviction is had for such crime, offence, or misdemeanor, the person so convicted shall be sentenced to pay to such friendly Indian to whom the property may belong, or whose person may be injured, a sum equal to twice the just value of the property so taken, injured, or destroyed. And if such offender shall be unable to pay a sum at least equal to the just value or amount, whatever such payment shall fall short of the same shall be paid out of the treasury of the United States: *Provided*, That no such Indian shall be entitled to any payment, out of the treasury of the United States, for any such property, if he, or any of the nation to which he belongs, shall have sought private revenge, or attempted to obtain satisfaction by any force or violence: *And provided, also*, That if such offender cannot be apprehended and brought to trial, the amount of such property shall be paid out of the treasury, as aforesaid.

Property of friendly Indians injured or destroyed to be paid for in twice its value.

Proviso.

Proviso.

Sec. 17. *And be it further enacted*, That if any Indian or Indians, belonging to any tribe in amity with the United States, shall, within the Indian country, take or destroy the property of any person lawfully within such country, or shall pass from the Indian country into any state or territory inhabited by citizens of the United States, and there take, steal, or destroy, any horse, horses, or other property, belonging to any citizen or inhabitant of the United States, such citizen or inhabitant, his representative, attorney, or agent, may make application to the proper superintendent, agent, or sub-agent, who, upon being furnished with the necessary documents and proofs, shall, under the direction of the President, make application to the nation or tribe to which said Indian or Indians shall belong, for satisfaction; and if such nation or tribe shall neglect or refuse to make satisfaction, in a reasonable time, not exceeding twelve months, it shall be the duty of such superintendent, agent, or sub-agent, to make return of his doings to the commissioner of Indian affairs, that such further steps may be taken as shall be proper, in the opinion of the

Indemnification to be made for property taken or destroyed in certain cases.

Proviso.

Proviso.

Superintendents, &c., may take depositions.

Arrest and trial of accused Indians.

Penalty for disposing of spirituous liquors to Indians.

Search may be made for such liquors.

Liquors may be destroyed.

Penalty for setting up a distillery.

President, to obtain satisfaction for the injury; and, in the mean time, in respect to the property so taken, stolen or destroyed, the United States guaranty, to the party so injured, an eventual indemnification: *Provided*, That, if such injured party, his representative, attorney, or agent, shall, in any way, violate any of the provisions of this act, by seeking or attempting to obtain private satisfaction or revenge, he shall forfeit all claim upon the United States for such indemnification: *And provided, also*, That, unless such claim shall be presented within three years after the commission of the injury, the same shall be barred. And if the nation or tribe to which such Indian may belong, receive an annuity from the United States, such claim shall, at the next payment of the annuity, be deducted therefrom, and paid to the party injured; and, if no annuity is payable to such nation or tribe, then the amount of the claim shall be paid from the treasury of the United States: *Provided*, That nothing herein contained shall prevent the legal apprehension and punishment of any Indians having so offended.

SEC. 18. *And be it further enacted*, That the superintendents, agents, and sub-agents, within their respective districts, be, and are hereby, authorized and empowered to take depositions of witnesses touching any depredations, within the purview of the two preceding sections of this act, and to administer an oath to the deponents.

SEC. 19. *And be it further enacted*, That it shall be the duty of the superintendents, agents, and sub-agents, to endeavour to procure the arrest and trial of all Indians accused of committing any crime, offence, or misdemeanor, and all other persons who may have committed crimes or offences within any state or territory, and have fled into the Indian country, either by demanding the same of the chiefs of the proper tribe, or by such other means as the President may authorize; and the President may direct the military force of the United States to be employed in the apprehension of such Indians, and also, in preventing or terminating hostilities between any of the Indian tribes.

SEC. 20. *And be it further enacted*, That if any person shall sell, exchange, or give, barter, or dispose of, any spirituous liquor or wine to an Indian, (in the Indian country,) such person shall forfeit and pay the sum of five hundred dollars; and if any person shall introduce, or attempt to introduce, any spirituous liquor or wine into the Indian country, except such supplies as shall be necessary for the officers of the United States and troops of the service, under the direction of the War Department, such person shall forfeit and pay a sum not exceeding three hundred dollars; and if any superintendent of Indian affairs, Indian agent, or sub-agent, or commanding officer of a military post, has reason to suspect, or is informed, that any white person or Indian is about to introduce, or has introduced, any spirituous liquor or wine into the Indian country, in violation of the provisions of this section, it shall be lawful for such superintendent, Indian agent, or sub-agent, or military officer, agreeably to such regulations as may be established by the President of the United States, to cause the boats, stores, packages, and places of deposit of such person to be searched; and if any such spirituous liquor or wine is found, the goods, boats, packages, and peltries of such persons shall be seized and delivered to the proper officer, and shall be proceeded against by libel in the proper court, and forfeited, one-half to the use of the informer, and the other half to the use of the United States; and if such person is a trader, his license shall be revoked and his bond put in suit. And it shall moreover be lawful for any person, in the service of the United States, or for any Indian, to take and destroy any ardent spirits or wine found in the Indian country, excepting military supplies as mentioned in this section.

SEC. 21. *And be it further enacted*, That if any person whatever shall, within the limits of the Indian country, set up or continue any distillery

for manufacturing ardent spirits, he shall forfeit and pay a penalty of one thousand dollars; and it shall be the duty of the superintendent of Indian affairs, Indian agent, or sub-agent, within the limits of whose agency the same shall be set up or continued, forthwith to destroy and break up the same; and it shall be lawful to employ the military force of the United States in executing that duty.

Sec. 22. *And be it further enacted,* That in all trials about the right of property in which an Indian may be a party on one side, and a white person on the other, the burden of proof shall rest upon the white person, whenever the Indian shall make out a presumption of title in himself from the fact of previous possession or ownership.

In trials about property, burden of proof to rest on the white person.

Sec. 23. *And be it further enacted,* That it shall be lawful for the military force of the United States to be employed in such manner and under such regulations as the President may direct, in the apprehension of every person who shall or may be found in the Indian country, in violation of any of the provisions of this act, and him immediately to convey from said Indian country, in the nearest convenient and safe route, to the civil authority of the territory or judicial district in which said person shall be found, to be proceeded against in due course of law; and also, in the examination and seizure of stores, packages, and boats, authorized by the twentieth section of this act, and in preventing the introduction of persons and property into the Indian country contrary to law; which persons and property shall be proceeded against according to law: *Provided,* That no person apprehended by military force as aforesaid, shall be detained longer than five days after the arrest and before removal. And all officers and soldiers who may have any such person or persons in custody shall treat them with all the humanity which the circumstances will possibly permit; and every officer or soldier who shall be guilty of maltreating any such person while in custody, shall suffer such punishment as a court-martial shall direct.

Apprehension of persons violating the provisions of this act.

Proviso.

Sec. 24. *And be it further enacted,* That for the sole purpose of carrying this act into effect, all that part of the Indian country west of the Mississippi river, that is bounded north by the north line of lands assigned to the Osage tribe of Indians, produced east to the state of Missouri: west, by the Mexican possessions; south, by Red river; and east, by the west line of the territory of Arkansas and the state of Missouri, shall be, and hereby is, annexed to the territory of Arkansas; and that for the purpose aforesaid, the residue of the Indian country west of the said Mississippi river shall be, and hereby is, annexed to the judicial district of Missouri; and for the purpose aforesaid, the several portions of Indian country east of the said Mississippi river, shall be, and are hereby, severally annexed to the territory in which they are situate.

Indian country annexed, for legal purposes, to the district of Missouri, &c.

Sec. 25. *And be it further enacted,* That so much of the laws of the United States as provides for the punishment of crimes committed within any place within the sole and exclusive jurisdiction of the United States, shall be in force in the Indian country: *Provided,* The same shall not extend to crimes committed by one Indian against the person or property of another Indian.

Laws of the United States in force in certain cases.

Proviso.

Sec. 26. *And be it further enacted,* That if any person who shall be charged with a violation of any of the provisions or regulations of this act, shall be found within any of the United States, or either of the territories, such offenders may be there apprehended, and transported to the territory or judicial district having jurisdiction of the same.

Offenders against this act may be arrested in any state or territory.

Sec. 27. *And be it further enacted,* That all penalties which shall accrue under this act, shall be sued for and recovered in an action of debt, in the name of the United States, before any court having jurisdiction of the same, (in any state or territory in which the defendant shall be arrested or found,) the one half to the use of the informer, and the other half to the use of the United States, except when the prosecution

How penalties shall be sued for.

Proceedings
against goods or
other property.

Certain acts
and parts of
acts repealed.

Act of May 13,
1800, ch. 68.

Act of March
30, 1802, ch. 13.

Act of April
29, 1816, ch. 165.

1817, ch. 92.

Act of April
16, 1818, ch. 66.

Act of April
20, 1818, ch. 104.

Act of Feb.
24, 1819, ch. 43.

Act of March
3, 1819, ch. 87.

Act of March
3, 1819, ch. 80.

Act of May 6,
1822, ch. 58.

Act of May 18,
1824, ch. 89.

Act of May 25,
1824, ch. 146.

Act of May 20,
1826, ch. 126.

Act of Feb.
25, 1831, ch. 32.

Proviso.

1802, ch. 13.

Proviso.

Agents for the
Western territory
to execute
duties, &c.

shall be first instituted on behalf of the United States, in which case the whole shall be to their use.

SEC. 28. *And be it further enacted*, That when goods or other property shall be seized for any violation of this act, it shall be lawful for the person prosecuting on behalf of the United States to proceed against such goods, or other property, in the manner directed to be observed in the case of goods, wares, or merchandise brought into the United States in violation of the revenue laws.

SEC. 29. *And be it further enacted*, That the following acts and parts of acts shall be, and the same are hereby, repealed, namely: An act to make provision relative to rations for Indians; and to their visits to the seat of government, approved May thirteen, eighteen hundred; an act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers, approved March thirty, eighteen hundred and two; an act supplementary to the act passed thirtieth March, eighteen hundred and two, to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers, approved April twenty-nine, eighteen hundred and sixteen; an act for the punishment of crimes and offences committed within the Indian boundaries, approved March three, eighteen hundred and seventeen; the first and second sections of the act directing the manner of appointing Indian agents, and continuing the "Act establishing trading-houses with the Indian tribes," approved April sixteen, eighteen hundred and eighteen; an act fixing the compensation of Indian agents and factors, approved April twenty, eighteen hundred and eighteen; an act supplementary to the act entitled "An act to provide for the prompt settlement of public accounts," approved February twenty-four, eighteen hundred and nineteen; the eighth section of the act making appropriations to carry into effect treaties concluded with several Indian tribes therein mentioned, approved March three, eighteen hundred and nineteen; the second section of the act to continue in force for a further time the act entitled "An act for establishing trading-houses with the Indian tribes, and for other purposes," (a) approved March three, eighteen hundred and nineteen; an act to amend an act entitled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," approved thirtieth of March, eighteen hundred and two, approved May six, eighteen hundred and twenty-two; an act providing for the appointment of an agent for the Osage Indians west of the state of Missouri and territory of Arkansas, and for other purposes, approved May eighteen, eighteen hundred and twenty-four; the third, fourth, and fifth sections of "An act to enable the President to hold treaties with certain Indian tribes, and for other purposes," approved May twenty-five, eighteen hundred and twenty-four; the second section of the "Act to aid certain Indians of the Creek nation in their removal to the west of the Mississippi," approved May twenty, eighteen hundred and twenty-six; and an act to authorize the appointment of a sub-agent to the Winnebago Indians on Rock river, approved February twenty-five, eighteen hundred and thirty-one: *Provided, however*, That such repeal shall not effect [affect] any rights acquired, or punishments, penalties, or forfeitures incurred, under either of the acts or parts of acts, nor impair or affect the intercourse act of eighteen hundred and two, so far as the same relates to or concerns Indian tribes residing east of the Mississippi: *And provided also*, That such repeal shall not be construed to revive any acts or parts of acts repealed by either of the acts or sections herein described.

SEC. 30. *And be it further enacted*, That until a western territory shall be established, the two agents for the Western territory, as provided in the act for the organization of the Indian department, this day ap-

(a) This act is entitled "An act to continue in force, for a further time, the act entitled 'An act for establishing trading-houses with the Indian tribes, and for other purposes,'" March 3 1819, ch. 80.

proved by the President, shall execute the duties of agents for such tribes as may be directed by the President of the United States. And it shall be competent for the President to assign to one of the said agents, in addition to his proper duties, the duties of superintendent for such district of country or for such tribes as the President may think fit. And the powers of the superintendent at St. Louis, over such district or tribes as may be assigned to such acting superintendent, shall cease: *Provided*, That no additional compensation shall be allowed for such services.

APPROVED, June 30, 1834.

STATUTE I.

CHAP. CLXII.—An Act to provide for the organization of the department of Indian affairs. (a)

June 30, 1834.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the duties of the governors of the territories of Florida and Arkansas, as superintendents of Indian affairs, shall hereafter cease, and the duties of the governor of the territory of Michigan, as superintendent of Indian affairs, shall cease from and after the establishment of a new territory, embracing the country west of Lake Michigan, should such a territory be established. And while the governor of the said territory of Michigan continues to act as superintendent of Indian affairs, he shall receive therefor, the annual sum of one thousand dollars, in full of all allowances, emoluments, or compensation for services in said capacity.

Duties of governors of Florida and Arkansas as superintendents to cease.

Duties of governor of Michigan to cease. Salary.

SEC. 2. *And be it further enacted*, That there shall be a superintendency of Indian affairs for all the Indian country not within the bounds of any state or territory west of the Mississippi river, the superintendent of which shall reside at St. Louis, and shall annually receive a salary of fifteen hundred dollars.

A superintendent to reside at St. Louis.

SEC. 3. *And be it further enacted*, That superintendents of Indian affairs shall, within their several superintendencies, exercise a general supervision and control over the official conduct and accounts of all officers and persons employed by the government in the Indian department, under such regulations as shall be established by the President of the United States; and may suspend such officers and persons from their office or employments, for reasons forthwith to be communicated to the Secretary of War.

Duties of superintendents.

SEC. 4. *And be it further enacted*, That the following Indian agents shall

(a) *Acts relating to the Indians, passed subsequent to June 30, 1834.*

An act to regulate, in certain cases, the disposition of the proceeds of land ceded by the Indian tribes, January 9, 1837, ch. 1.

An act to extend the jurisdiction of the district court for the district of Arkansas, March 1, 1837, ch. 16.

Provision for the removal of the Creeks, act of March 3, 1837, ch. 31.

An act for the appointment of commissioners to adjust the claims to reservations of land under the fourteenth article of the treaty of 1830, with the Choctaw Indians, March 3, 1837, ch. 39.

An act to authorize and sanction the sales of reserves provided for the Creek Indians in the treaty of March 24, 1832, in certain cases, and for other purposes, March 3, 1837, ch. 41.

An act to provide for the payment of the annuities which will become due and payable to the Great and Little Osages, in the year 1838, and for other purposes, January 16, 1838, ch. 3.

An act to amend an act entitled "An act for the appointment of commissioners to adjust the claims to reservations of land under the fourteenth article of the treaty of 1830, with the Choctaw Indians," February 22, 1838, ch. 13.

Choctaw lands reserved from sale or pre-emption, June 22, 1838, ch. 119, sec. 1.

An act to authorize the issuing of patents to the last bona fide transferee of reservations under the treaty between the United States and the Creek tribe of Indians, which was concluded on the 24th March, 1832. July 5, 1838, ch. 161.

An act to provide for the location and temporary support of the Seminole Indians removed from Florida, February 13, 1839, ch. 24.

Brothertown Indians, March 3, 1839, ch. 83. Act of June 15, 1844, ch. 54.

An act to provide for the satisfaction of claims arising under the fourteenth and nineteenth articles of the treaty of Dancing Rabbit Creek, concluded in September, 1830. August 23, 1842, ch. 187.

An act supplementary to the act entitled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," passed 30th June, 1834. June 17, 1844, ch. 103

Treaty between the United States of America and the Eastern Band of Shoshonees and the Bannack Tribe of Indians; Concluded, July 3, 1868; Ratification advised, February 16, 1869; Proclaimed, February 24, 1869.

ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

July 3, 1868.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING :

WHEREAS a treaty was made and concluded at Fort Bridger, in the Territory of Utah, on the third day of July, in the year of our Lord one thousand eight hundred and sixty-eight, by and between Nathaniel G. Taylor, William T. Sherman, William S. Harney, John B. Sanborn, S. F. Tappan, C. C. Augur, and Alfred H. Terry, commissioners, on the part of the United States, and Wash-a-kie, Wau-ni-pitz, and other chiefs and headmen of the Eastern Band of Shoshonee Indians, and Tag-gee, Tay-to-ba, and other chiefs and headmen of the Bannack tribe of Indians, on the part of said band and tribe of Indians respectively, and duly authorized thereto by them, which treaty is in the words and figures following, to wit:

Preamble.

Articles of a Treaty with the Shoshonee (Eastern Band) and Bannack Tribes of Indians, made the third Day of July, 1868, at Fort Bridger, Utah Territory.

Articles of a treaty made and concluded at Fort Bridger, Utah Territory, on the third day of July, in the year of our Lord one thousand eight hundred and sixty-eight, by and between the undersigned commissioners on the part of the United States, and the undersigned chiefs and headmen of and representing the Shoshonee (eastern band) and Bannack tribes of Indians, they being duly authorized to act in the premises:

Contracting parties.

ARTICLE I. From this day forward, peace between the parties to this treaty shall forever continue. The government of the United States desires peace, and its honor is hereby pledged to keep it. The Indians desire peace, and they hereby pledge their honor to maintain it.

War to cease and peace to be kept.

If bad men among the whites, or among other people subject to the authority of the United States, shall commit any wrong upon the person or property of the Indians, the United States will, upon proof made to the agent and forwarded to the Commissioner of Indian Affairs at Washington City, proceed at once to cause the offender to be arrested and punished according to the laws of the United States, and also reimburse the injured person for the loss sustained.

Offenders against the Indians to be arrested, &c.

If bad men among the Indians shall commit a wrong or depredation upon the person or property of any one, white, black, or Indian, subject to the authority of the United States, and at peace therewith, the Indians herein named solemnly agree that they will, on proof made to their agent and notice by him, deliver up the wrong-doer to the United States, to be tried and punished according to its laws; and in case they wilfully refuse so to do, the person injured shall be reimbursed for his loss from the annuities or other moneys due or to become due to them under this or other

Wrong-doers against the whites to be punished.

Damages. treaties made with the United States. And the President, on advising with the Commissioner of Indian Affairs, shall prescribe such rules and regulations for ascertaining damages under the provisions of this article as in his judgment may be proper. But no such damages shall be adjusted and paid until thoroughly examined and passed upon by the Commissioner of Indian Affairs, and no one sustaining loss while violating or because of his violating the provisions of this treaty or the laws of the United States shall be reimbursed therefor.

Reservation. ARTICLE II. It is agreed that whenever the Bannacks desire a reservation to be set apart for their use, or whenever the President of the United States shall deem it advisable for them to be put upon a reservation, he shall cause a suitable one to be selected for them in their present country, which shall embrace reasonable portions of the "Port neuf" and "Kansas Prairie" countries, and that, when this reservation is declared, the United States will secure to the Bannacks the same rights and privileges therein, and make the same and like expenditures therein for their benefit, except the agency house and residence of agent, in proportion to their numbers, as herein provided for the Shoshonee reservation. The

Boundaries. United States further agrees that the following district of country, to wit: commencing at the mouth of Owl creek and running due south to the crest of the divide between the Sweetwater and Papo Agie rivers; thence along the crest of said divide and the summit of Wind River mountains to the longitude of North Fork of Wind river; thence due north to mouth of said North Fork and up its channel to a point twenty miles above its mouth; thence in a straight line to head-waters of Owl creek and along middle of channel of Owl creek to place of beginning, shall be and the same is set apart for the absolute and undisturbed use and occupation of the Shoshonee Indians herein named, and for such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit amongst them; and the United States now solemnly agrees that no persons except those herein designated and authorized so to do, and except such officers, agents, and employees of the government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory described in this article for the use of said Indians, and henceforth they will and do hereby relinquish all title, claims, or rights in and to any portion of the territory of the United States, except such as is embraced within the limits aforesaid.

Certain persons not to enter or reside thereon.

Buildings on reservation.

ARTICLE III. The United States agrees, at its own proper expense, to construct at a suitable point on the Shoshonee reservation a warehouse or storeroom for the use of the agent in storing goods belonging to the Indians, to cost not exceeding two thousand dollars; an agency building for the residence of the agent, to cost not exceeding three thousand; a residence for the physician, to cost not more than two thousand dollars; and five other buildings, for a carpenter, farmer, blacksmith, miller, and engineer, each to cost not exceeding two thousand dollars; also a school-house or mission building so soon as a sufficient number of children can be induced by the agent to attend school, which shall not cost exceeding twenty-five hundred dollars.

The United States agrees further to cause to be erected on said Shoshonee reservation, near the other buildings herein authorized, a good steam circular saw-mill, with a grist-mill and shingle machine attached, the same to cost not more than eight thousand dollars.

Indians to make reservations their permanent home when, &c. Hunting.

ARTICLE IV. The Indians herein named agree, when the agency house and other buildings shall be constructed on their reservations named, they will make said reservations their permanent home, and they will make no permanent settlement elsewhere; but they shall have the right to hunt on the unoccupied lands of the United States so long as

TREATY WITH THE SHOSHONEES AND BANNAKS. JULY 3, 1868. 675

game may be found thereon, and so long as peace subsists among the whites and Indians on the borders of the hunting districts.

ARTICLE V. The United States agrees that the agent for said Indians shall in the future make his home at the agency building on the Shoshonee reservation, but shall direct and supervise affairs on the Bannack reservation; and shall keep an office open at all times for the purpose of prompt and diligent inquiry into such matters of complaint by and against the Indians as may be presented for investigation under the provisions of their treaty stipulations, as also for the faithful discharge of other duties enjoined by law. In all cases of depredation on person or property he shall cause the evidence to be taken in writing and forwarded, together with his finding, to the Commissioner of Indian Affairs, whose decision shall be binding on the parties to this treaty.

Agent's residence, office, and duties.

ARTICLE VI. If any individual belonging to said tribes of Indians, or legally incorporated with them, being the head of a family, shall desire to commence farming, he shall have the privilege to select, in the presence and with the assistance of the agent then in charge, a tract of land within the reservation of his tribe, not exceeding three hundred and twenty acres in extent, which tract so selected, certified, and recorded in the "land book," as herein directed, shall cease to be held in common, but the same may be occupied and held in the exclusive possession of the person selecting it, and of his family, so long as he or they may continue to cultivate it.

Heads of families may select lands for farming.

Any person over eighteen years of age, not being the head of a family, may in like manner select and cause to be certified to him or her, for purposes of cultivation, a quantity of land not exceeding eighty acres in extent, and thereupon be entitled to the exclusive possession of the same as above described. For each tract of land so selected a certificate, containing a description thereof, and the name of the person selecting it, with a certificate endorsed thereon that the same has been recorded, shall be delivered to the party entitled to it by the agent, after the same shall have been recorded by him in a book to be kept in his office subject to inspection, which said book shall be known as the "Shoshonee (eastern band) and Bannack Land Book."

Others may select land for cultivation.

The President may at any time order a survey of these reservations, and when so surveyed Congress shall provide for protecting the rights of the Indian settlers in these improvements, and may fix the character of the title held by each. The United States may pass such laws on the subject of alienation and descent of property as between Indians, and on all subjects connected with the government of the Indians on said reservations, and the internal police thereof, as may be thought proper.

Surveys.

Alienation and descent of property.

ARTICLE VII. In order to insure the civilization of the tribes entering into this treaty, the necessity of education is admitted, especially of such of them as are or may be settled on said agricultural reservations, and they therefore pledge themselves to compel their children, male and female, between the ages of six and sixteen years, to attend school; and it is hereby made the duty of the agent for said Indians to see that this stipulation is strictly complied with; and the United States agrees that for every thirty children between said ages who can be induced or compelled to attend school, a house shall be provided and a teacher competent to teach the elementary branches of an English education shall be furnished, who will reside among said Indians and faithfully discharge his or her duties as a teacher. The provisions of this article to continue for twenty years.

Education.

Children to attend school.

Schoolhouses and teachers.

ARTICLE VIII. When the head of a family or lodge shall have selected lands and received his certificate as above directed, and the agent shall be satisfied that he intends in good faith to commence cultivating the soil for a living, he shall be entitled to receive seeds and agricultural implements for the first year, in value one hundred dollars, and for each

Seeds and agricultural implements.

succeeding year he shall continue to farm, for a period of three years more, he shall be entitled to receive seeds and implements as aforesaid in value twenty-five dollars per annum.

Instruction in farming

And it is further stipulated that such persons as commence farming shall receive instructions from the farmers herein provided for, and whenever more than one hundred persons on either reservation shall enter upon the cultivation of the soil, a second blacksmith shall be provided, with such iron, steel, and other material as may be required.

Delivery of goods in lieu of money or other annuities.

ARTICLE IX. In lieu of all sums of money or other annuities provided to be paid to the Indians herein named, under any and all treaties heretofore made with them, the United States agrees to deliver at the agency house on the reservation herein provided for, on the first day of September of each year, for thirty years, the following articles, to wit:

Clothing.

For each male person over fourteen years of age, a suit of good substantial woollen clothing, consisting of coat, hat, pantaloons, flannel shirt, and a pair of woollen socks; for each female over twelve years of age, a flannel skirt, or the goods necessary to make it, a pair of woollen hose, twelve yards of calico, and twelve yards of cotton domestics.

For the boys and girls under the ages named, such flannel and cotton goods as may be needed to make each a suit as aforesaid, together with a pair of woollen hose for each.

Census.

And in order that the Commissioner of Indian Affairs may be able to estimate properly for the articles herein named, it shall be the duty of the agent each year to forward to him a full and exact census of the Indians, on which the estimate from year to year can be based; and in addition to the clothing herein named, the sum of ten dollars shall be annually appropriated for each Indian roaming and twenty dollars for each Indian engaged in agriculture, for a period of ten years, to be used by the Secretary of the Interior in the purchase of such articles as from time to time the condition and necessities of the Indians may indicate to be proper.

Other necessary articles.

Appropriation to continue for ten years.

And if at any time within the ten years it shall appear that the amount of money needed for clothing under this article can be appropriated to better uses for the tribes herein named, Congress may by law change the appropriation to other purposes; but in no event shall the amount of this appropriation be withdrawn or discontinued for the period named. And the President shall annually detail an officer of the army to be present and attest the delivery of all the goods herein named to the Indians, and he shall inspect and report on the quantity and quality of the goods and the manner of their delivery.

Army officer to attend the delivery.

United States to furnish physician, teachers, mechanics, &c.

ARTICLE X. The United States hereby agrees to furnish annually to the Indians the physician, teachers, carpenter, miller, engineer, farmer, and blacksmith, as herein contemplated, and that such appropriations shall be made from time to time, on the estimates of the Secretary of the Interior, as will be sufficient to employ such persons.

No treaty for cession of reservation to be valid, unless, &c.

ARTICLE XI. No treaty for the cession of any portion of the reservations herein described which may be held in common shall be of any force or validity as against the said Indians, unless executed and signed by at least a majority of all the adult male Indians occupying or interested in the same; and no cession by the tribe shall be understood or construed in such manner as to deprive without his consent any individual member of the tribe of his right to any tract of land selected by him, as provided in Article VI. of this treaty.

Presents for best crops.

ARTICLE XII. It is agreed that the sum of five hundred dollars annually, for three years from the date when they commence to cultivate a farm, shall be expended in presents to the ten persons of said tribe, who, in the judgment of the agent, may grow the most valuable crops for the respective year.

Agent to reside at Fort Bridger, until, &c.

ARTICLE XIII. It is further agreed that until such time as the agency buildings are established on the Shoshonee reservation, their agent shall

TREATY WITH THE SHOSHONEES AND BANNAKCS. JULY 3, 1868. 677

reside at Fort Bridger, U. T., and their annuities shall be delivered to them at the same place in June of each year.

N. G. TAYLOR,	[SEAL.]
W. T. SHERMAN,	[SEAL.]
<i>Lt. Genl.</i>	
WM. S. HARNEY,	[SEAL.]
JOHN B. SANBORN,	[SEAL.]
S. F. TAPPAN,	[SEAL.]
C. C. AUGUR,	[SEAL.]
<i>Bvt. Major Genl. U. S. A., Commissioners.</i>	
ALFRED H. TERRY,	[SEAL.]
<i>Brig. Gen. and Bvt. M. Gen. U. S. A.</i>	

Attest:
A. S. H. WHITE, *Secretary.*

Shoshonees:

WASH-A-KIE.	his -- mark.
WAU-NY-PITZ.	his -- mark.
TOOP-SE-PO-WOT.	his -- mark.
NAR-KOK.	his -- mark.
TABOONSHE-YA.	his -- mark.
BAZEEL.	his -- mark.
PAN-TO-SHE-GA.	his -- mark.
NINNY-BITSE.	his -- mark.

Bannacks:

TAGGEE.	his + mark.
TAY-TO-BA.	his + mark.
WE-RAT-ZE-WON-A-GEN.	his + mark.
COO-SHA-GAN.	his + mark.
PAN-SOOK-A-MOTSE.	his + mark.
A-WITE-ETSE.	his + mark.

Witnesses:

HENRY A. MORROW,
Lt. Col. 36th Infantry and Bvt. Col. U. S. A., Comdg. Ft. Bridger.
LUTHER MANPA, *U. S. Indian Agent.*
W. A. CARTER.
J. VAN ALLEN CARTER, *Interpreter.*

And whereas, the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the sixteenth day of February, one thousand eight hundred and sixty-nine, advise and consent to the ratification of the same, by a resolution in the words and figures following, to wit: Ratification.

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
February 16, 1869.

Resolved, (two thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the treaty between the United States and the Shoshonee (eastern band) and Bannack tribes of Indians, made and concluded at Fort Bridger, Utah Territory, on the third July, 1868.

Attest:
GEO. C. GORHAM,
Secretary.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and con- Proclamation.

sent of the Senate, as expressed in its resolution of the sixteenth of February, one thousand eight hundred and sixty-nine, accept, ratify, and confirm the said treaty.

In testimony whereof I have hereto signed my name, and caused the seal of the United States to be affixed.

Done at the city of Washington, this twenty-fourth day of February, in the year of our Lord one thousand eight hundred and sixty-nine, and of the Independence of the United States of America the ninety-third.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

Convention between the United States of America and the Republic of Mexico, for the Adjustment of Claims; Concluded July 4, 1868; Proclaimed February 1, 1869.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: July 4, 1868.

A PROCLAMATION.

WHEREAS a convention between the United States of America and the republic of Mexico, providing for the adjustment of the claims of citizens of either country against the other, was concluded and signed by their respective plenipotentiaries, at the city of Washington, on the fourth day of July, in the year of our Lord one thousand eight hundred and sixty-eight, which convention, being in the English and Spanish languages, is word for word as follows:

Preamble.

Whereas it is desirable to maintain and increase the friendly feelings between the United States and the Mexican republic, and so to strengthen the system and principles of republican government on the American continent; and whereas since the signature of the treaty of Guadalupe Hidalgo, of the 2d of February, 1848, claims and complaints have been made by citizens of the United States, on account of injuries to their persons and their property by authorities of that republic, and similar claims and complaints have been made on account of injuries to the persons and property of Mexican citizens by authorities of the United States, the President of the United States of America and the President of the Mexican republic have resolved to conclude a convention for the adjustment of the said claims and complaints, and have named as their plenipotentiaries, — the President of the United States, William H. Seward, Secretary of State; and the President of the Mexican republic, Matias Romero, accredited as envoy extraordinary and minister plenipotentiary of the Mexican republic to the United States; who, after having communicated to each other their respective full powers, found in good and due form, have agreed to the following articles:

Considerando que es conveniente mantener y ensanchar los sentimientos amistosos entre la república Mexicana y los Estados Unidos, y afianzar así el sistema y principios de gobierno republicano en el continente Americano; y considerando que con posterioridad á la celebracion del tratado de Guadalupe Hidalgo, de 2 de Febrero de 1848, ciudadanos de la república Mexicana han hecho reclamaciones y presentado quejas, con motivo de perjuicios sufridos ó sus propiedades, por autoridades de los Estados Unidos, y reclamaciones y quejas semejantes se han hecho y presentado con motivo de perjuicios sufridos por ciudadanos de los Estados Unidos, en sus personas ó sus propiedades por autoridades de la república Mexicana y el Presidente de los Estados Unidos de América han determinado concluir una convencion para el arreglo de dichas reclamaciones y quejas, y han nombrado sus plenipotenciarios; el Presidente de la república Mexicana á Matias Romero acreditado como enviado extraordinario y ministro plenipotenciario de la república Mexicana en los Estados Unidos; y el Presidente de los Estados Unidos, á William H. Seward, Secretario de Estado, quienes despues de haberse mostrado sus respectivos plenos poderes y encontrados en buena y debida forma, han convenido en los articulos siguientes:

Vol. ix. p. 922.

Contracting parties.

PUBLIC ACTS OF THE FORTY-THIRD CONGRESS

OF THE

UNITED STATES,

Passed at the second session, which was begun and held at the city of Washington, in the District of Columbia, on Monday, the seventh day of December, 1874, and was adjourned without day on Thursday, the fourth day of March, 1875.

ULYSSES S. GRANT, President. HENRY WILSON, Vice-President and President of the Senate. MATT. H. CARPENTER was elected President of the Senate, *pro tempore*, on the twenty-third day of December, 1874, and so acted from time to time until the first day of January, 1875. HENRY B. ANTHONY was chosen President of the Senate, *pro tempore*, on the twenty-fifth day of January, 1875, and so acted until the first day of February, 1875. He was again chosen on the fifteenth day of February, 1875, and so acted from time to time until the twenty-third day of February, 1875. JAMES G. BLAINE, Speaker of the House of Representatives.

CHAP. 1.—An act making an appropriation to enable the Postmaster General to carry into effect the law requiring the prepayment of postage on newspapers, approved June twenty-fifth, eighteen hundred and seventy-four. Dec. 15, 1874.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of thirty thousand dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purchase of scales for the use of the Post-Office Department. Proposals for furnishing said scales shall be invited by seven days public notice given by the Postmaster General, and the contract shall be awarded to the lowest and best responsible bidder; the contractor to be allowed a reasonable time in the discretion of the Postmaster General to deliver the article contracted for.

Scales for Post-Office Department, appropriation.

Advertisement and contract.

Approved, December 15, 1874.

CHAP. 2.—An act to confirm an agreement made with the Shoshone Indians (eastern band) for the purchase of the south part of their reservation in Wyoming Territory. Dec. 15, 1874.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the agreement entered into on the twenty-sixth day of September, in the year of our Lord, eighteen hundred and seventy-two, between Felix R. Brunot, commissioner on the part of the United States, and the chief, head-men, and men of the eastern band of Shoshone Indians, in the words and figures following, be, and the same is hereby, confirmed, satisfied, and approved by the Congress and President of the United States: *Provided*; That the cattle furnished under this agreement shall be good, young American cattle, suitable for breeding purposes.

Agreement with Shoshone Indians confirmed.

Condition as to cattle.

Articles of a convention made and concluded at the Shoshone and Bannock Indian agency in Wyoming Territory, this twenty-sixth day of September, in the year of our Lord, eighteen hundred and seventy-two, by and between Felix R. Brunot, commissioner on the part of the United States, and the chief, head men, and men of the eastern band of Shoshone Indians, constituting a majority of all the adult male Indians of said band on tribe of Indians, and duly authorized to act in the premises, witnesseth:

Date of agreement, parties.

Preamble.

That whereas by article eleven of a treaty with the Shoshone (eastern band) and Bannock tribes of Indians, made the third day of July, eighteen hundred and sixty-eight, at Fort Bridger, Utah Territory, a reservation was set apart for the use and occupancy of said tribes of Indians in the following words: "The United States further agrees that the following district of country, to wit, 'commencing at the mouth of Owl Creek and running, due south, to the crest of the divide between the Sweetwater and the Papo-Agie Rivers; thence along the crest of said divide and the summit of Wind River Mountains to the longitude of North Fork of Wind River; thence due north, to mouth of said Nork Fork, and up its channel to a point twenty miles above its mouth; thence in a straight line to head-waters of Owl Creek, and, along middle of channel of Owl Creek, to place of beginning,' shall be, and the same is, set apart for the absolute and undisturbed use and occupation of the Shoshone Indians herein named;"

And whereas, previous to and since the date of said treaty, mines have been discovered, and citizens of the United States have made improvements within the limits of said reservation, and it is deemed advisable for the settlement of all difficulty between the parties, arising in consequence of said occupancy, to change the southern limit of said reservation:

Cession to the United States of part of reservation.

I. The Shoshone band or tribe of Indians (eastern band) hereby cede to the United States of America that portion of their reservation in Wyoming Territory which is situated south of a line beginning at a point on the eastern boundary of the Shoshone and Bannock reservation, due east to the mouth of the Little Papo-Agie, at its junction with the Papo-Agie, and running from said point west to the mouth of the Little Papo-Agie; thence up the Papo-Agie to the North Fork, and up the North Fork to the mouth of the canyon; thence west to the western boundary of the reservation.

Consideration for cession of land.

II. The United States agree to pay to the Shoshone (eastern band) or tribe the sum of twenty-five thousand dollars; said sum to be expended under the direction of the President for the benefit and use of said Indians in the following manner, viz: On or before the tenth day of August of each year, for the term of five years after the ratification of this agreement, five thousand dollars shall be expended in the purchase of stock-cattle, and said cattle delivered to the Shoshones on their reservation. Second. The salary of five hundred dollars per annum shall be paid by the United States for the term of five years to Wash-akie, chief of the Shoshones.

Salary of chief of Shoshones.

Southern line of reservation to be marked.

III. Within the term of six months, and as soon as practicable after the ratification of this agreement, the United States shall cause the southern line of the Shoshone reservation, as herein designated, to be surveyed, and marked at suitable points on the ground, and until said line has been so surveyed and marked, the United States binds itself not to permit the intrusion of any white persons upon any of the agricultural or other lands within the limit of the district proposed to be ceded.

Intrusion of white persons.

Agreement subject to ratification.

IV. This convention or agreement is made subject to the approval of the President and the ratification or rejection of the Congress of the United States.

Approved, December 15, 1874.

Dec. 19, 1874.

CHAP. 4.—An act to re-imburse the city of Boston for certain expenses incurred in the improvement of Chelsea street, (formerly Charlestown,) in connection with the United States navy-yard.

City of Boston re-imbursed for paving Chelsea street, bordering on navy-yard.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby appropriated, out of any money in the treasury not otherwise appropriated, the sum of one thousand six hundred and thirty-eight dollars and fifty-three cents, to re-imburse the city of Boston for expenses incurred in

Lights.
Stationery, etc.
Rent.

For lights, seven hundred and fifty dollars.
For stationery and other necessary expenses, to be approved by the Secretary of the Interior, thirty-five thousand dollars.
For rents, twenty-two thousand eight hundred and fifty dollars.
Approved, July 13, 1892.

July 13, 1892.

CHAP. 162.—An act to amend the act approved March first, eighteen hundred and eighty-seven, relating to the Hospital Corps of the Army.

Hospital Corps,
Army,
Vol. 24, p. 435.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section six of the act approved March first, eighteen hundred and eighty-seven, entitled "An act to organize the Hospital Corps of the Army of the United States, to define its duty, and fix its pay," be, and hereby is, amended to read as follows:

Pay of privates.

"**SEC. 6.** That the pay of privates of the Hospital Corps shall be eighteen dollars per month, with the increase on account of length of service as is now or may hereafter be allowed by law to other enlisted men. They shall be entitled to the same allowance as a corporal of the arm of service with which they may be on duty."

Approved, July 13, 1892.

July 13, 1892.

CHAP. 163.—An act authorizing the issuing of patents for locations with Certificates granted under the Act of Congress approved August fifth, eighteen hundred and fifty four, entitled "An act for the relief of the legal heirs of Benjamin Metoyer."

Benjamin Metoyer.
Land patents to heirs
of,
Vol. 10, p. 824.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the case of all locations of land heretofore made, or which hereafter may be made with certificates issued under the Act of Congress approved August fifth, eighteen hundred and fifty four, entitled "An act for the relief of the legal heirs of Benjamin Metoyer" it shall be lawful for the Commissioner of the General Land Office, and he is hereby directed, to cause patents to issue to the heirs and legal representatives of Benjamin Metoyer, or their assigns, who have made or may make such locations, after such locations have been approved by said Commissioner as regularly made and in accordance with law: *Provided,* That said locations be not in conflict with prior valid appropriations of land made in conformity with the laws of the United States.

Proviso.

Not to conflict with
prior claims.

Approved, July 13, 1892.

July 13, 1892.

CHAP. 164.—An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the fiscal year ending June thirtieth, eighteen hundred and ninety-three, and for other purposes.

Indian Department
appropriations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses of the Indian Department for the year ending June thirtieth, eighteen hundred and ninety-three, and fulfilling treaty stipulations with the various Indian tribes, namely:

Pay of agents at
specified agencies.

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

Proviso.

Army officers to be
detailed as agents.

Provided, That from and after the passage of this act the President shall detail officers of the United States Army to act as Indian Agents at all Agencies where vacancies from any cause may hereafter occur,

who, while acting as such agents, shall be under the orders and direction of the Secretary of the Interior, except at agencies where, in the opinion of the President, the public service would be better promoted by the appointment of a civilian.

Citizen appointments.

At the Warm Springs Agency, at one thousand two hundred dollars;

Pay of agents.

At the Klamath Agency, at one thousand two hundred dollars;

At the Grande Ronde Agency, at one thousand two hundred dollars;

At the Siletz Agency, at one thousand two hundred dollars;

At the Umatilla Agency, at one thousand two hundred dollars;

At the Neah Bay Agency, at one thousand two hundred dollars;

At the Yakima Agency, at one thousand eight hundred dollars;

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

At the Puyallup (consolidated) Agency, embracing Nisqually and S'Kokomish and Quinaielt agencies, at one thousand six hundred dollars;

At the Tulalip Agency, at one thousand two hundred dollars;

At the Round Valley Agency, at one thousand five hundred dollars;

At Hoopa Valley Agency, at one thousand two hundred dollars;

At the Mission Tule River (consolidated) Agency, at one thousand six hundred dollars;

At the Nevada Agency, at one thousand five hundred dollars;

At the Western Shoshone Agency, at one thousand five hundred dollars;

At the Nez Percés Agency, at one thousand six hundred dollars;

At the Lemhi Agency, at one thousand two hundred dollars;

At the Fort Hall Agency, at one thousand five hundred dollars;

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

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

At the Crow Agency, at two thousand dollars;

At the Fort Peck Agency, at two thousand dollars;

At the Fort Belknap Agency, at one thousand five hundred dollars,

At the Tongue River Agency, at one thousand five hundred dollars;

At the Yankton Agency, at one thousand six hundred dollars;

At the Crow Creek and Lower Brulé Agency, at one thousand eight hundred dollars;

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

At the Forest City Agency (formerly Cheyenne River), at one thousand five hundred dollars;

At the Fort Berthold Agency, at one thousand five hundred dollars;

At the Sisseton Agency, at one thousand five hundred dollars;

At the Devil's Lake Agency, at one thousand two hundred dollars;

At the Pine Ridge Agency, at two thousand two hundred dollars;

At the Rosebud Agency, at two thousand two hundred dollars;

At the Shoshone Agency, at one thousand five hundred dollars;

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

At the Pueblo and Jicarilla Agency, at one thousand five hundred dollars;

At the Navajo Agency, at two thousand dollars;

At the Mescalero Agency, at one thousand six hundred dollars;

At the Southern Ute Agency, at one thousand four hundred dollars;

At the Omaha and Winnebago Agency, at one thousand six hundred dollars;

At the Santee Agency, at one thousand two hundred dollars;

At the Pottawatomie and Great Nemaha Agency, at one thousand two hundred dollars;

At the Ponca, Pawnee, Otoe, and Oakland Agency, at one thousand five hundred dollars;

At the Sac and Fox Agency, Oklahoma Territory, at one thousand two hundred dollars;

Pay of agents—Continued.

At the Quapaw Agency, at one thousand four hundred dollars; and not more than one thousand two hundred dollars of any moneys appropriated by this act shall be expended for clerical labor at this agency;

At the Osage Agency, at one thousand six hundred dollars; At the Cheyenne and Arapahoe Agency, at two thousand two hundred dollars;

At the Kiowa Agency, at two thousand dollars; At the Union Agency, at one thousand five hundred dollars; At the White Earth Agency, at one thousand eight hundred dollars; At the Sac and Fox Agency, Iowa, at one thousand dollars; At the Green Bay Agency, at two thousand dollars; At the La Pointe Agency, at two thousand dollars; At the New York Agency, at one thousand dollars; At the Colorado River Agency, at one thousand five hundred dollars; At the Pima Agency, at one thousand eight hundred dollars; At the San Carlos Agency, at two thousand dollars;

Cherokee Training School, N. C. Superintendent to act as agent.

The superintendent of the Indian Training School at Cherokee, North Carolina, shall in addition to his duties as superintendent perform the duties heretofore required of the agent at said Cherokee Agency, and receive in addition to his salary as superintendent, two hundred dollars per annum, which sum is hereby appropriated for the purpose, and shall give bond as other Indian Agents, and that the office of agent be, and the same is hereby, abolished at that place; in all, eighty-nine thousand dollars; and all provisions of law fixing compensation for Indian agents in excess of that herein provided are hereby repealed.

Interpreters.

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

Inspectors.

For pay of five Indian inspectors, at three thousand dollars per annum each, fifteen thousand dollars.

Traveling expenses, etc.

For necessary traveling expenses of five Indian inspectors, including telegraphing and incidental expenses of inspection and investigation, eight thousand dollars.

Superintendent of schools.

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

Traveling expenses.

For necessary traveling expenses of one superintendent of Indian schools, including sleeping car fare and cost of transportation, telegraphing and incidental expenses of inspection and investigation, two thousand dollars or so much thereof as may be necessary: *Provided*, That he shall perform such other duties as may be imposed upon him by the Commissioner of Indian Affairs, subject to the approval of the Secretary of the Interior.

Agency buildings.

For buildings and repair of buildings at agencies, twenty thousand dollars.

Contingent expenses.

For contingencies of the Indian service, including traveling and incidental expenses of Indian agents, and of their offices, and of the Commissioner of Indian Affairs, also traveling and incidental expenses of five special agents, at three dollars per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses now authorized by law; for pay of employees not otherwise provided for, and for pay of five special agents at two thousand dollars per annum each, forty thousand dollars.

Special agents.

Citizen commission.

For the expenses of the commission of citizens, serving without compensation, appointed by the President under the provisions of the fourth section of the act of April tenth, eighteen hundred and sixty-nine, five thousand dollars.

Vol. 16, p. 40.

FULFILLING TREATY STIPULATIONS WITH AND SUPPORT OF INDIAN TRIBES. Fulfilling treaties.

APACHES, KIWAS, AND COMANCHES.

Apaches, Kiowas, and Comanches.

For twenty-fifth of thirty installments, as provided to be expended under the tenth article of treaty of October twenty-first, eighteen hundred and sixty-seven, concluded at Medicine Lodge Creek, in Kansas, with the Kiowas and Comanches, and under the third article of treaty of the same date with the Apaches, thirty thousand dollars;

Vol. 15, pp. 590, 584.

For purchase of clothing, as provided in the same treaties, eleven thousand dollars.

For pay of carpenter, farmer, blacksmith, miller, and engineer, four thousand five hundred dollars;

For pay of physician and two teachers, two thousand seven hundred dollars; in all, forty-eight thousand two hundred dollars.

CHEYENNES AND ARAPAHOES.

Cheyennes and Arapahoes.

For twenty-fifth of thirty installments, as provided to be expended under the tenth article of treaty of October twenty-eighth, eighteen hundred and sixty-seven, twenty thousand dollars;

Vol. 15, p. 596.

For purchase of clothing, as per same article, twelve thousand dollars;

For pay of physician and teacher, as per thirteenth article of same treaty, two thousand dollars;

For pay of carpenter, farmer, blacksmith, miller, and engineer, as per same article, four thousand five hundred dollars; in all, thirty-eight thousand five hundred dollars.

CHICKASAWS.

Chickasaws.

For permanent annuity, in goods, three thousand dollars.

Vol. 1, p. 619.

CHIPPEWAS OF THE MISSISSIPPI.

Chippewas of the Mississippi.

For forty-sixth and last of forty-six installments, to be paid to Chief Hole-in-the-Day, or his heirs, per third article of treaty of August second, eighteen hundred and forty-seven, and fifth article of treaty of March nineteenth, eighteen hundred and sixty-seven, one thousand dollars;

Vol. 9, p. 904.

For the support of a school or schools upon said reservation, during the pleasure of the President, in accordance with third article of treaty of March nineteenth, eighteen hundred and sixty-seven, four thousand dollars; in all, five thousand dollars.

Vol. 16, p. 720.

Vol. 16, p. 720.

CHIPPEWAS, PILLAGERS, AND LAKE WINNEBAGOSHISH BANDS.

Chippewas, Pillagers, and Lake Winnebagoish bands.

For thirty-eighth of forty installments of annuity, in money, per third article of treaty of February twenty-second, eighteen hundred and fifty-five, and third article of treaty of May seventh, eighteen hundred and sixty-four, ten thousand six hundred and sixty-six dollars and sixty-six cents;

Vol. 10, p. 1168.

For thirty-eighth of forty installments of annuity, in goods, per same articles of same treaties, eight thousand dollars;

Vol. 13, p. 694.

For thirty-eighth of forty installments, for purpose of utility, per same articles of same treaties, four thousand dollars; in all, twenty-two thousand six hundred and sixty-six dollars and sixty-six cents.

CHOCTAWS.

Choctaws.

For permanent annuity, per second article of treaty of November sixteenth, eighteen hundred and five, and fourteenth article of treaty

Permanent annuities. Vol. 7, p. 99.

Vol. 11, p. 614.
Vol. 7, p. 213.
Vol. 11, p. 614.
Vol. 7, p. 212.
Vol. 7, p. 236.
Vol. 11, p. 614.

of June twenty-second, eighteen hundred and fifty-five, three thousand dollars;

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

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

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

Vol. 7, p. 236.
Vol. 11, p. 614.

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

Interest.

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

Vol. 7, p. 236.
Vol. 11, p. 614.

Coeur d'Alenes.

CŒUR D'ALENES.

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

Vol. 26, p. 1028.

For support of Coeur d'Alenes: Pay of blacksmith, carpenter, and physician, and purchase of medicines, as per the eleventh article of said agreement, three thousand five hundred dollars; in all, eleven thousand five hundred dollars. Upon the consent of the Coeur d'Alene Indians thereto, obtained in a manner satisfactory to the Secretary of the Interior, the following tract of land within the Coeur d'Alene Reservation in Idaho, commencing at a point on the boundary line between the reservation and the ceded lands on the east bank where it crosses the Coeur d'Alene River, and running thence east on said boundary line one-half mile, thence south at right angles to said boundary line one-half mile, thence west at right angles to said south line to the east shore of the Coeur d'Alene Lake, thence north with the shore of said lake to the place of beginning, containing three hundred and twenty acres more or less, is hereby restored to the public domain upon the payment of five dollars per acre into the United States Treasury, said money to be paid by the Secretary of the Interior to said Indians or expended by him for their benefit as desired; said land to be subject to entry only under the town-site laws of the United States: *Provided*, That those who have made settlement thereon prior to the passage of this act shall be permitted to purchase the lots occupied by them at that time at the rate of five dollars per acre.

Vol. 26, p. 1029.

Purchase of land from.

Proviso.
Sales to occupants.

Columbias and Colvilles.

COLUMBIAS AND COLVILLES.

Chief Moses.

For annuity of Chief Moses, as per agreement of July seventh, eighteen hundred and eighty-three, ratified by act approved July fourth, eighteen hundred and eighty-four, one thousand dollars;

Vol. 23, p. 79.
Employees.

For employees, as provided in said agreement, ratified by act of July

fourth, eighteen hundred and eighty-four, six thousand dollars; in all, seven thousand dollars.

CREEKS.

Creeks

For permanent annuity, in money, per fourth article of treaty of August seventh, seventeen hundred and ninety, and fifth article of treaty of August seventh, eighteen hundred and fifty-six, one thousand five hundred dollars;

Permanent annuities.
Vol. 7, p. 36.
Vol. 11, p. 700.

For permanent annuity, in money, per second article of treaty of June sixteenth, eighteen hundred and two, and fifth article of treaty of August seventh, eighteen hundred and fifty-six, three thousand dollars.

Vol. 7, p. 69.
Vol. 11, p. 700.

For permanent annuity, in money, per fourth article of treaty of January twenty-fourth, eighteen hundred and twenty-six, and fifth article of treaty of August seventh, eighteen hundred and fifty-six, twenty thousand dollars;

Vol. 7, p. 287.
Vol. 11, p. 700.

For permanent annuity, for blacksmith and assistant, and for shop and tools, per eighth article of treaty of January twenty-fourth, eighteen hundred and twenty-six, and fifth article of treaty of August seventh, eighteen hundred and fifty-six, eight hundred and forty dollars;

For permanent annuity, for iron and steel for shop, per same articles and treaties, two hundred and seventy dollars;

For permanent annuity, for pay of a wheelwright, per same articles of same treaties, six hundred dollars;

For five per centum interest on two hundred thousand dollars, for purposes of education, per sixth article of treaty of August seventh, eighteen hundred and fifty-six, ten thousand dollars;

Interest.
Vol. 11, p. 701.

For interest on two hundred and seventy-five thousand one hundred and sixty-eight dollars, at the rate of five per centum per annum, to be expended under the direction of the Secretary of the Interior, under provisions of third article of treaty of June fourteenth, eighteen hundred and sixty-six, thirteen thousand seven hundred and fifty-eight dollars and forty cents; in all, forty-nine thousand nine hundred and sixty-eight dollars and forty cents.

Vol. 14, p. 787.

CROWS.

Crows.

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

Vol. 22, p. 43.

For twenty-fourth of thirty installments, to supply male persons, six hundred in number, over fourteen years of age, with a suit of good substantial woolen clothing, consisting of a coat, hat, pantaloons, flannel shirt, and woolen socks, as per ninth article of treaty of May seventh, eighteen hundred and sixty-eight, six thousand dollars;

Vol. 15, p. 651.

For twenty-fourth of thirty installments, to supply each female, seven hundred in number, over twelve years of age, with a flannel skirt, or the goods necessary to make the same, a pair of woolen hose, twelve yards of calico and twelve yards of cotton domestic, as per same article, four thousand dollars;

For twenty-fourth of thirty installments, to supply three hundred and fifty boys and three hundred and fifty girls, under the ages named, such flannel and cotton goods as may be needed to make each a suit as aforesaid, together with a pair of woolen hose for each, per same article, five thousand dollars;

For pay of a physician, per tenth article of same treaty, one thousand two hundred dollars;

Vol. 15, p. 652.

For pay of carpenter, miller, engineer, farmer, and blacksmith, under tenth article of same treaty, three thousand three hundred dollars;

For pay of second blacksmith, and iron and steel, as per eighth article of same treaty, one thousand five hundred dollars;

Vol. 15, p. 651.

Food.

For this amount, or so much thereof as may be necessary, to furnish such articles of food as from time to time the condition and necessities of the Indians may require, thirty thousand dollars; in all, eighty-one thousand dollars.

Allotments not to include mining claims, etc.

Vol. 26, p. 1043.

No right of selection by, or allotment to the Crow Indians of Montana secured by the provisions of section thirty-four of the Indian appropriation act, approved March third, eighteen hundred and ninety-one, shall be so used as to include mining claims nor shall they include lands settled upon, or improvements made by, qualified pre-emptors or homesteaders who were misled to settle on said reservation by reason of an erroneous survey by deputy United States surveyors of the public lands, or of said Crow reservation, and who at the time they so settled there believed their said settlement was not on the said reservation:

Proviso.

Rights not impaired

Provided, That nothing herein contained shall be construed to impair any rights acquired under any contract with the Crow Indians heretofore ratified by Congress.

Delawares.

DELAWARES.

Payment for lands sold to Leavenworth, Pawnee and Western Railroad Company.

The sum of thirty-nine thousand and six hundred and seventy-five dollars and sixteen cents, of which ten thousand seven hundred and fifteen dollars and seventy-five cents shall be paid to individual members of the said tribes for improvements upon lands sold to the Leavenworth, Pawnee and Western Railroad Company under the provisions of the treaty with the Delaware tribe of Indians of date May thirtieth, eighteen hundred and sixty, in accordance with the concluding paragraph of article two of said treaty, and twenty-eight thousand nine hundred and fifty-nine dollars and forty-one cents shall be paid to the individual members of said tribe through whose allotted lands the said Leavenworth, Pawnee and Western Railroad Company secured right of way, in accordance with the concluding clause of article three of said treaty of May thirtieth, eighteen hundred and sixty: *Provided*, That the amount to be paid each member of said tribe claiming indemnity for improvements taken and damages on account of right of way of said railroad company through the allotted lands shall be determined by the Commissioner of Indian Affairs and approved by the Secretary of the Interior. And the Attorney-General is hereby authorized and directed to institute the necessary legal proceedings against the Leavenworth, Pawnee and Western Railroad Company, its successors or assigns, for recovery of the amounts heretofore found by the Department of the Interior to be due from said railroad company, its successors or assigns, under the last paragraph of the second article of the treaty with the Delaware tribe of Indians of May thirtieth, eighteen hundred and sixty, and under the concluding clause of the third article of said treaty, and for damage done the said Indians in the taking and destruction of the property by said railroad company, which sums when recovered shall be used to reimburse the United States for the sum appropriated in the foregoing paragraph.

Vol. 12, p. 1130.

Proviso.

Determination of amount.

Suit to be entered against railroad company.

Reimbursement.

Fort Hall Indians.

FORT HALL INDIANS.

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

Vol. 25, p. 688.

Blackfeet Agency Indians.

INDIANS AT BLACKFEET AGENCY.

For fifth of ten installments of one hundred and fifty thousand dollars each, to be expended under the direction of the Secretary of the Interior, for the support and civilization of the Indians attached to the Blackfeet Agency, Montana, as per act approved May first, eighteen hundred and eighty-eight, one hundred and fifty thousand dollars.

Vol. 25, p. 114.

INDIANS AT FORT BELKNAP AGENCY.

Fort Belknap Indians.

For fifth of ten installments of one hundred and fifteen thousand dollars each, to be expended under the direction of the Secretary of the Interior, for the support and civilization of the Indians attached to the Fort Belknap Agency, Montana, as per act approved May first, eighteen hundred and eighty-eight, one hundred and fifteen thousand dollars.

Vol. 25, p. 114.

INDIANS AT FORT PECK AGENCY.

Fort Peck Indians.

For fifth of ten installments of one hundred and sixty-five thousand dollars each, to be expended under the direction of the Secretary of the Interior, for the support and civilization of the Indians attached to the Fort Peck Agency, Montana, as per act approved May first, eighteen hundred and eighty-eight, one hundred and sixty-five thousand dollars.

Vol. 25, p. 114.

INDIANS AT FORT BERTHOLD AGENCY.

Fort Berthold Indians.

For second of ten installments of eighty thousand dollars each, to be expended under the direction of the Secretary of the Interior as per second article of agreement ratified by act approved March third, eighteen hundred and ninety-one, eighty thousand dollars.

Vol. 26, p. 1033.

IOWAS.

Iowas.

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

Interest.

Vol. 10, p. 1071.

IOWAS IN OKLAHOMA.

Iowas, Oklahoma.

For second of five installments, first series, to be paid per capita under the seventh article of agreement ratified by act approved February thirteenth, eighteen hundred and ninety-one, three thousand six hundred dollars.

Vol. 26, p. 756.

KANSAS.

Kansas.

For interest in lieu of investment on one hundred and thirty-five thousand dollars, being the amount due the Kansas tribe of Indians, per second article of treaty of January fourteenth, eighteen hundred and forty-six, six thousand seven hundred and fifty dollars.

Interest.

Vol. 9, p. 842.

KICKAPOOS.

Kickapoos.

For interest on seventy-two thousand two hundred and ninety-seven dollars and fifty-four cents, at five per centum per annum, for educational and other beneficial purposes, per treaty of May eighteenth, eighteen hundred and fifty-four, three thousand six hundred and fourteen dollars and eighty-seven cents.

Interest.

Vol. 10, p. 1079.

This amount to enable the President of the United States to carry out the provisions of the third article of the treaty made with the Kickapoos, dated June twenty-eighth, eighteen hundred and sixty-two, to be paid as provided in said treaty and under such rules as the Secretary of the Interior may prescribe, to four Kickapoo Indians who have become citizens of the United States, such sum as may be their proportion of the one hundred thousand dollars provided for said tribe for education and other beneficial purposes, per treaty of May eighteenth, eighteen hundred and fifty-four, one thousand three hundred

Payment to Kickapoos who have become citizens.
Vol. 13, p. 624.

Vol. 10, p. 1079.

and fifty-one dollars and thirty-two cents; in all, four thousand nine hundred and sixty-six dollars and nineteen cents.

Molels.

MOLELS.

Schools.

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

Vol. 12, p. 981.

Nez Perces.

NEZ PERCES.

Schools.

For salaries of two matrons, to take charge of the boarding schools, and two assistant teachers, one farmer, one carpenter, and two millers, per fifth article of treaty of June ninth, eighteen hundred and sixty-three, six thousand dollars.

Vol. 14, p. 650.

Northern Chey-
ennes and Arapahoes.

NORTHERN CHEYENNES AND ARAPAHOES.

Subsistence.

For subsistence and civilization of the Northern Cheyennes and Arapahoes, as per agreement with the Sioux Indians, approved February twenty-eighth, eighteen hundred and seventy-seven, seventy-five thousand dollars;

Vol. 19, p. 256.

Clothing.

For twenty-fourth of thirty installments, for purchase of clothing, as per sixth article of treaty of May tenth, eighteen hundred and sixty-eight, seventeen thousand dollars: *Provided*, That the amount in this and preceding paragraph shall be expended pro rata, as near as may be, for the Northern Cheyennes and Arapahoes in Wyoming, and on the Tongue River, in Montana;

Vol. 15, p. 657.

Proviso.

Division.

For pay of physician, two teachers, two carpenters, one miller, two farmers, a blacksmith, and engineer, per seventh article of same treaty, nine thousand dollars; in all, one hundred and one thousand dollars.

Vol. 15, p. 658.

Osages.

OSAGES.

Interest.

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

Vol. 7, p. 242.

Otoes and Missou-
rias.

OTOES AND MISSOURIAS.

Vol. 10, p. 1039.

For tenth of twelve installments; being the last series, in money or otherwise, per fourth article of treaty of March fifteenth, eighteen hundred and fifty-four, five thousand dollars.

Pawnees.

PAWNEES.

Annuity.

For perpetual annuity, at least one-half of which is to be paid in goods and such articles as may be deemed necessary for them, per second article of treaty of September twenty-fourth, eighteen hundred and fifty-seven, thirty thousand dollars;

Vol. 11, p. 729.

For support of two manual-labor schools, per third article of same treaty, ten thousand dollars;

For pay of two farmers, two blacksmiths, and two apprentices, one miller and apprentice, and two teachers, one shoemaker, and one carpenter, five thousand four hundred dollars;

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

Vol. 11, p. 730.

For purchase of iron and steel and other necessaries for the shops, as per fourth article of treaty of September twenty-fourth, eighteen hundred and fifty-seven, five hundred dollars; in all, forty-seven thousand one hundred dollars.

POTTAWATOMIES.

Pottawatomies.

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

Annuities.
Vol. 7, p. 51.

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

Vol. 7, p. 114.

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

Vol. 7, p. 185.

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

Vol. 7, p. 317.

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

Vol. 7, p. 320.
Vol. 7, p. 317.

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

Vol. 7, p. 318.

Vol. 9, p. 855.

For permanent provision for three blacksmiths and assistants, and for iron and steel for shops, per third article of treaty of October sixteenth, eighteen hundred and twenty-six, second article of treaty of September twentieth, eighteen hundred and twenty-eight, and second article of treaty of July twenty-ninth, eighteen hundred and twenty-nine, one thousand and eight dollars and ninety-nine cents;

Vol. 7, p. 296.

Vol. 7, p. 318.

Vol. 7, p. 321.

For permanent provision for fifty barrels of salt, per second article of treaty of July twenty-ninth, eighteen hundred and twenty-nine, one hundred and fifty-six dollars and fifty-four cents, or so much thereof as may be necessary;

Vol. 7, p. 320.

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

Interest.

Vol. 9, p. 854.

QUAPAWS.

Quapaws.

For education, during the pleasure of the President, per third article of treaty of May thirteenth, eighteen hundred and thirty-three, one thousand dollars;

Vol. 7, p. 425.

For blacksmith and assistants, and tools, iron, and steel for blacksmith shop, per same article and treaty, five hundred dollars; and the Secretary of the Interior is hereby authorized in his discretion and with the written consent of the Indians, to pay this amount in money instead of in kind; in all, one thousand five hundred dollars.

Payment in money

SACS AND FOXES OF THE MISSISSIPPI.

Sacs and Foxes of the Mississippi.

For permanent annuity, in goods or otherwise, per third article of treaty of November third, eighteen hundred and four, one thousand dollars;

Annuity.
Vol. 7, p. 83.

For interest on two hundred thousand dollars, at five per centum, per second article of treaty of October twenty-first, eighteen hundred and thirty-seven, ten thousand dollars;

Interest.
Vol. 7, p. 541.

For interest on eight hundred thousand dollars, at five per centum, per second article of treaty of October eleventh, eighteen hundred and

Vol. 7, p. 596.

Proviso. forty-two, forty thousand dollars: *Provided*, That the sum of one thousand five hundred dollars of this amount shall be used for the pay of a physician and for purchase of medicine; in all, fifty-one thousand dollars.

Sacs and Foxes of the Missouri.

SACS AND FOXES OF THE MISSOURI.

Interest. For interest on one hundred and fifty-seven thousand four hundred dollars, at five per centum, under the direction of the President, per second article of treaty of October twenty-first, eighteen hundred and thirty-seven, seven thousand eight hundred and seventy dollars: *Provided*, That in making payments under this appropriation no one shall be recognized as a member of the tribe whose name was not upon the roll January first, eighteen hundred and ninety, but this shall not be held to impair or otherwise affect the rights or equities of any person whose claim to membership in said tribe is now pending and being investigated;

School. For support of a school, per fifth article of treaty of March sixth, Vol. 12, p. 1173. eighteen hundred and sixty-one, two hundred dollars; in all, eight thousand and seventy dollars.

Seminoles.

SEMINOLES.

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

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

Vol. 14, p. 757. For interest on fifty thousand dollars, at the rate of five per centum per annum, to be paid annually, for the support of schools, as per third article of treaty of March twenty-first, eighteen hundred and sixty-six, two thousand five hundred dollars;

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

Senecas.

SENECAS.

Annuities. For permanent annuity, in specie, per fourth article of treaty of September twenty-ninth, eighteen hundred and seventeen, five hundred Vol. 7, p. 161. dollars;

Vol. 7, p. 179. For permanent annuity, in specie, per fourth article of treaty of September seventeenth, eighteen hundred and eighteen, five hundred dollars;

Vol. 7, p. 349. For permanent annuity for blacksmith and miller, per fourth article of treaty of February twenty-eighth, eighteen hundred and thirty-one, to be annually paid to them as a national fund, to be expended by them for such articles and wants and improvements in agriculture as their chiefs (with the consent of their agent) may designate, as stipulated in the seventh article of the treaty of February twenty-third, eighteen hundred and sixty-seven, one thousand six hundred and sixty dollars;

Vol. 7, p. 179. For permanent annuity, in specie, per fourth article of treaty of September seventeenth, eighteen hundred and eighteen, and fifth article of treaty of February twenty-third, eighteen hundred and sixty-seven, five hundred dollars;

Vol. 7, p. 352. For blacksmith and assistant, shops and tools, iron and steel, per *Vol. 15, p. 515.* fourth article of treaty of July twentieth, eighteen hundred and thirty-one, and fifth article of treaty of February twenty-third, eighteen hundred and sixty-seven, five hundred and thirty dollars; in all, three thousand six hundred and ninety dollars.

SENECAS OF NEW YORK.

Senecas of New York.

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

Annuity.
Vol. 4, p. 442.

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

Vol. 9, p. 35.

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

Vol. 4, p. 442.

SHAWNEES.

Shawnees.

For permanent annuity, for educational purposes, per fourth article of treaty of August third, seventeen hundred and ninety-five, and third article of treaty of May tenth, eighteen hundred and fifty-four, one thousand dollars.

Annuities.
Vol. 7, p. 51.
Vol. 10, p. 1056.

For permanent annuity, in specie, for educational purposes, per fourth article of treaty of September twenty-ninth, eighteen hundred and seventeen, and third article of treaty of May tenth, eighteen hundred and fifty-four, two thousand dollars;

Vol. 7, p. 161.

For interest, at five per centum, on forty thousand dollars, for educational purposes, per third article of last-named treaty, two thousand dollars; in all, five thousand dollars.

Vol. 10, p. 1056.

Interest.
Vol. 10, p. 1056.

EASTERN SHAWNEES.

Eastern Shawnees.

For permanent annuity, in specie, per fourth article of treaty of September seventeenth, eighteen hundred and eighteen, and fifth article of treaty of February twenty-third, eighteen hundred and sixty-seven, five hundred dollars;

Annuity.
Vol. 7, p. 179.
Vol. 15, p. 515.

For blacksmith and assistant, shops and tools, iron and steel, per fourth article of treaty of July twentieth, eighteen hundred and thirty-one, and fifth article of treaty of February twenty-third, eighteen hundred and sixty-seven, five hundred and thirty dollars; in all, one thousand and thirty dollars.

Vol. 7, p. 352.
Vol. 15, p. 515.

SHOSHONES AND BANNOCKS.

Shoshones and Bannocks.

Shoshones: For twenty-third of thirty installments, to purchase suits of clothing for males over fourteen years of age, flannel, hose, calico, and domestics for females over the age of twelve years, and such goods as may be needed to make suits for boys and girls under the ages named, as per ninth article of treaty of July third, eighteen hundred and sixty-eight, ten thousand dollars.

Shoshones.
Supplies.

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

Physician, etc.
Vol. 15, p. 676.

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

Bannocks: For twenty-third of thirty installments, to purchase suits of clothing for males over fourteen years of age, flannel, hose, calico, and domestics for females over twelve years of age, and such flannel and cotton goods as may be needed to make suits for boys and girls under the ages named, as per ninth article of the same treaty, five thousand dollars;

Bannocks.
Supplies.

For pay of a physician, teacher, carpenter, miller, engineer, farmer, and blacksmith, as per tenth article of treaty of July third, eighteen

Vol. 15, p. 676.
Physician, etc.
Vol. 15, p. 676.

hundred and sixty-eight, five thousand dollars; in all, twenty-six thousand dollars.

Six Nations of New York.

SIX NATIONS OF NEW YORK.

Vol. 7, p. 46.

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

Sioux of different tribes.

SIoux OF DIFFERENT TRIBES, INCLUDING SANTEE SIoux OF NEBRASKA.

Supplies.

Vol. 15, p. 638.

For twenty-third of thirty installments, to purchase clothing for males over fourteen years of age, for flannel, hose, and calico, and domestics required for females over twelve years of age, and for such flannel and cotton goods as may be needed to make suits for boys and girls, per tenth article of treaty of April twenty-ninth, eighteen hundred and sixty-eight, one hundred and twenty-five thousand dollars.

For twenty-third of thirty installments, to purchase such articles as may be considered proper by the Secretary of the Interior, at twenty dollars per head, for persons engaged in agriculture, as per tenth article of same treaty, one hundred and sixty thousand dollars, or so much thereof as may be necessary.

Teachers, etc.

Vol. 15, p. 640.

For pay of five teachers, one physician, one carpenter, one miller, one engineer, two farmers, and one blacksmith, per thirteenth article of same treaty, ten thousand four hundred dollars;

Employees.

For pay of additional employees at the several agencies for the Sioux in Nebraska and Dakota, twenty thousand dollars;

Schools.

For industrial schools at the Santee Sioux and Crow Creek agencies, six thousand dollars;

Matron.

Subsistence, etc.

Vol. 19, p. 254.

For pay of matron at Santee Agency, five hundred dollars;

For subsistence of the Sioux, and for purposes of their civilization as per agreement ratified by act of Congress approved February twenty-eighth, eighteen hundred and seventy-seven, one million two hundred and twenty-five thousand dollars: *Provided*, That this sum shall include transportation of supplies from the termination of railroad or steamboat transportation; and in this service Indians shall be employed wherever practicable: *And provided*, That forty thousand dollars of this amount may be used for substations for the issue of supplies in the discretion of the Secretary of the Interior: *And provided further*, That the number of rations issued shall not exceed the number of Indians on each reservation, and any excess in the number of rations issued shall be disallowed in the settlement of the agent's account.

Provisos.

Transportation.

Supplies at substations.

Limit of rations.

Blacksmith, etc.

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

Schools.

Vol. 15, p. 637.

Vol. 25, p. 894.

For support and maintenance of day and industrial, schools, including erection and repairs of school buildings, in accordance with article seven of treaty of April twenty-ninth, eighteen hundred and sixty-eight, which article is continued in force for twenty years by section seventeen of the act of March second, eighteen hundred and eighty-four, one hundred and fifty thousand dollars; *Provided*, That the Secretary of the Interior may in his discretion expend not to exceed fifty thousand dollars of said sum in the construction of two Indian industrial schools, to cost not to exceed twenty-five thousand dollars each, one to be located at or near Chamberlain, South Dakota, and the other at or near Rapid City, South Dakota, upon such tracts of land, not less than eighty acres at each place, as shall be purchased by him for a price not exceeding four thousand dollars, and may also expend not to exceed four thousand five hundred dollars of said sum in the construction of an artesian well at the Indian school at Pierre in said State; in all, one million six hundred and ninety-eight thousand five hundred dollars.

Schools at Chamberlain and Rapid City, S. Dak.

Artesian well, Pierre, S. Dak.

The Secretary of the Interior is hereby authorized to pay out of the common funds belonging to any band or tribe of Indians residing in South Dakota and the band of Santee Sioux of Nebraska the sum of not to exceed one thousand dollars per year for each tribe or band in accordance with the provisions of any contract made by said tribes or bands with any person for services as attorney of such tribe or band, said contract to be first approved by the Secretary of the Interior.

Payment to attorney.

SIoux, YANKTON TRIBE.

Sioux, Yankton tribe.

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

Vol. 11, p. 744.

For subsistence and civilization of two thousand Yankton Sioux, heretofore provided for in appropriations under "Fulfilling treaty with Sioux of different tribes," thirty-five thousand dollars; in all, fifty thousand dollars.

Subsistence, etc. Vol. 19, p. 287.

SISSETON AND WAHPETON INDIANS.

Sissetons and Wahpetons.

For third, fourth, and fifth of thirteen installments of eighteen thousand four hundred dollars each, to be paid per capita, as per third article of agreement with the Sisseton and Wahpeton Indians, dated September twelfth, eighteen hundred and eighty-nine, ratified by act of March third, eighteen hundred and ninety-one, fifty-five thousand two hundred dollars.

Vol. 26, p. 1037.

CONFEDERATED BANDS OF UTES.

Confederated bands, Utes.

For pay of two carpenters, two millers, two farmers, and two blacksmiths, as per tenth article of treaty of October seventh, eighteen hundred and sixty-three, and fifteenth article of treaty of March second, eighteen hundred and sixty-eight, six thousand seven hundred and twenty dollars;

Carpenters, etc. Vol. 13, p. 675. Vol. 15, p. 622.

For pay of two teachers, as per same article of same treaty, one thousand eight hundred dollars:

Vol. 15, p. 621.

For purchase of iron and steel, and the necessary tools for blacksmith shop, per ninth article of same treaty, two hundred and twenty dollars;

For twenty-fourth of thirty installments, to be expended under the direction of the Secretary of the Interior, for clothing, blankets, and such other articles as he may deem proper and necessary, under eleventh article of same treaty, thirty thousand dollars;

Clothing, etc. Vol. 15, p. 622.

For annual amount for the purchase of beef, mutton, wheat, flour, beans, and potatoes, or other necessary articles of food, as per twelfth article of the same treaty, thirty thousand dollars;

Food. Vol. 15, p. 622.

For pay of employees at the several Ute agencies, five thousand dollars; in all, seventy-three thousand seven hundred and forty dollars.

Employees.

WINNEBAGOES.

Winnebagoes.

For interest on eight hundred and four thousand nine hundred and nine dollars and seventeen cents, at five per centum per annum, per fourth article of treaty of November first, eighteen hundred and thirty-seven, and joint resolution of July seventeenth, eighteen hundred and sixty-two, and the Secretary of the Interior is hereby directed to expend said interest for the support, education, and civilization of said Indians, forty thousand two hundred and forty-five dollars and forty-five cents;

Interest.

Vol. 7, p. 545. Vol. 12, p. 628.

For interest on seventy-eight thousand three hundred and forty dollars and forty-one cents, at five per centum per annum, to be expended, under the direction of the Secretary of the Interior, for the erection of houses, improvement of their allotments of land, purchase of stock, agricultural implements, seeds, and other beneficial objects, three

Vol. 16, p. 355.

thousand nine hundred and seventeen dollars and two cents; in all, forty-four thousand one hundred and sixty-two dollars and forty-seven cents.

Chippewas.

CHIPPEWAS.

Interest.
Vol. 25, p. 645.

This amount as advance interest to the Chippewa Indians in Minnesota, as required by section seven of "An act for the relief of of the Chippewa Indians in the State of Minnesota," to be expended under the direction of the Secretary of the Interior in the manner required by said act, reimbursable, ninety thousand dollars.

Miscellaneous supports.

MISCELLANEOUS SUPPORTS.

Apaches, Kiowas, Comanches, Wichitas, etc.

For subsistence and civilization of the Apaches, Kiowas, Comanches, Wichitas, and affiliated bands, who have been collected upon the reservations set apart for their use and occupation, one hundred and twenty-five thousand dollars.

Arapahoes and Cheyennes.

For subsistence and civilization of the Arapahoes and Cheyennes who have been collected on the reservations set apart for their use and occupation, sixty-five thousand dollars.

Chippewas, Lake Superior.

For support and civilization of the Chippewas of Lake Superior, to be expended for agricultural and educational purposes, pay of employees, including pay of physician at one thousand two hundred dollars, purchase of goods and provisions, and for such other purposes as may be deemed for the best interests of the Indians, six thousand dollars.

Chippewas, Red Lake and Pembina.

For support and civilization of Chippewas of Red Lake and Pembina tribe of Chippewas, and for pay of employees, ten thousand dollars.

Chippewas, White Earth Reservation.

Support of Chippewas on White Earth Reservation: For this amount, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Interior, in the care and support of the Otter Tail, Pillager, Pembina, and Mississippi Chippewa Indians on the White Earth Reservation, in Minnesota, to assist them in their agricultural operations, and for pay of physician (not to exceed one thousand two hundred dollars), ten thousand dollars.

Chippewas, Turtle Mountain band.

For support and civilization of Turtle Mountain band of Chippewas, including seeds, thirteen thousand dollars.

Confederated bands, middle Oregon.

For support and civilization of the confederated tribes and bands in middle Oregon, and pay of employees, six thousand dollars.

D'Wamish, etc., Washington.

For support and civilization of the D'Wamish and other allied tribes in the State of Washington, including pay of employees, seven thousand dollars.

Carlos' band, Flatheads.

For support and civilization of Carlos' band of Flathead Indians, including pay of employees, twelve thousand dollars.

Flatheads, etc.

For support and civilization of the Flatheads and other confederated tribes, including pay of employees, ten thousand dollars.

Hualapais.

To enable the Secretary of the Interior to purchase subsistence and other necessaries for the support of the Hualapais Indians in Arizona, seven thousand five hundred dollars.

Apaches, etc., Arizona and New Mexico.

For this amount, to subsist and properly care for the Apache and other Indians in Arizona and New Mexico who have been or may be collected on reservations in New Mexico or Arizona, two hundred thousand dollars: *Provided* always that no part of said sum shall be expended in support of any such Indians in any school without the Territory, or in payment of transportation of any such Indian to or from such school.

Proviso.

Restriction.

Fort Hall Indians.

For support, civilization, and instruction of the Shoshones and Bannocks and other Indians of the Fort Hall Reservation, in Idaho, including pay of employees, thirteen thousand dollars.

Lemhi Agency Indians.

For support, civilization, and instruction of the Shoshones, Bannocks, and Sheepeaters, and other Indians of the Lemhi Agency, in Idaho, including pay of employees, fourteen thousand dollars.

For support, civilization, and instruction of the Klamaths and Modocs, and other Indians of the Klamath Agency, in Oregon, including pay of employees, five thousand dollars.	Klamath Indians.	Agency
For support and civilization of the Kansas Indians, including agricultural assistance and pay of employees, two thousand five hundred dollars.	Kansas.	
For support and civilization of the Kickapoo Indians in the Indian Territory, five thousand dollars.	Kickapoos.	
For support and civilization of the Makahas, including pay of employees, four thousand dollars.	Makahs.	
For the civilization of the Moqui Indians, and pay of employees, six thousand dollars.	Moquis.	
For support and civilization of the Modoc Indians now residing within the Indian Territory, four thousand dollars.	Modocs, Ind. Ter.	
For support and civilization of the Navajo Indians, including pay of employees, seven thousand five hundred dollars;	Navajos.	
For purposes of irrigation and running sawmill on the Navajo Reservation, seven thousand five hundred dollars; in all, fifteen thousand dollars.	Irrigation, etc.	
For additional subsistence and civilization of the Northern Cheyenne and Arapahoe Indians on the Tongue River, in Montana, twenty-five thousand dollars.	Northern Cheyennes and Arapahoës.	
For the purchase of agricultural implements and support and civilization of Joseph's band of Nez Percés Indians, twelve thousand dollars.	Nez Percés, Joseph's band.	
For support and civilization of the Nez Percés Indians in Idaho, including pay of physician, six thousand five hundred dollars.	Nez Percés, Idaho.	
For support and civilization of the Poncas, including pay of employees, eighteen thousand dollars: <i>Provided</i> , That this amount be divided pro rata among all the members of said tribe in the Indian Territory and in South Dakota.	Poncas. <i>Proviso</i> . Division.	
For support and civilization of the Quinaielts and Quillehutes, including pay of employees, four thousand dollars.	Quinaielts and Quillehutes.	
For temporary support and civilization of the Shebits tribe of Indians in Washington County, Utah, to enable them to become self-supporting, the purchase of animals, implements, seeds, clothing, and other necessary articles, for the erection of houses, and for the temporary employment of a person to supervise the purchases and their distribution to the Shebits, five thousand dollars.	Shebits.	
For support and civilization of Shoshone Indians in Wyoming, fifteen thousand dollars.	Shoshones, Wyo.	
For support and civilization of Shoshone Indians in Nevada, including pay of employees, ten thousand dollars.	Shoshones, Nev.	
Support of Seminoles in Florida: For support, civilization, and instruction of the Seminole Indians in Florida, six thousand dollars.	Seminoles, Fla.	
For support and civilization of Sioux of Devils Lake, including pay of employees, six thousand dollars.	Sioux, Devils Lake.	
For support and civilization of the S'Klallam Indians including pay of employees, four thousand dollars.	S'Klallams.	
For support and civilization of the Tonkawa Indians, and for seeds and agricultural implements, five thousand dollars.	Tonkawas.	
For support and civilization, of the Walla Walla, Cayuse, and Umatilla tribes, including pay of employees, six thousand five hundred dollars.	Walla Wallas, Cayuses, and Umatillas	
For support and civilization of the Yakamas and other Indians at said agency, including pay of employees, ten thousand dollars.	Yakamas, etc.	

Incidental expenses,
Indian service in— GENERAL INCIDENTAL EXPENSES OF THE INDIAN SERVICE.

- Arizona. Incidental expenses of Indian service in Arizona: For general incidental expenses of Indian service, including traveling expenses of agents, in Arizona, and for the support and civilization of Indians at the Colorado River, Pima, and Maricopa and Moquis Pueblo agencies, twelve thousand dollars; and pay of employees at same agencies, eight thousand dollars; in all, twenty thousand dollars.
- California. Incidental expenses of Indian service in California: For general incidental expenses of the Indian service, including traveling expenses of agents, in California, and support and civilization of Indians at the Round Valley, Hoopa Valley, and Tule River agencies, fourteen thousand dollars; for support and civilization of Indians at the Mission agency, ten thousand dollars; and pay of employees, including one carpenter (for Hoopa Valley Agency), at same agencies, ten thousand dollars; in all, thirty-four thousand dollars.
- Colorado. Incidental expenses of Indian service in Colorado: For general incidental expenses of the Indian service, including traveling expenses of agents, one thousand five hundred dollars.
- North Dakota. Incidental expenses of Indian service in North Dakota: For general incidental expenses of the Indian service, including traveling expenses of agents, at three agencies in North Dakota, one thousand five hundred dollars.
- South Dakota. Incidental expenses of Indian service in South Dakota: For general incidental expenses of the Indian service including traveling expenses of agents at seven agencies in South Dakota, three thousand five hundred dollars.
- Idaho. Incidental expenses of Indian service in Idaho: For general incidental expenses of the Indian service in Idaho, including traveling expenses of agents, one thousand dollars.
- Montana. Incidental expenses of Indian service in Montana: For general incidental expenses of the Indian service, including traveling expenses of agents, four thousand dollars.
- Nevada. Incidental expenses of Indian service in Nevada: For general incidental expenses of the Indian service, including traveling expenses of agents in Nevada and support and civilization of Indians located on the Piute, Walker River, and Pyramid Lake reservations, and Piutes on the Western Shoshone Reservation, sixteen thousand five hundred dollars; and pay of employees at same agencies, six thousand dollars; in all, twenty-two thousand five hundred dollars.
- New Mexico. Incidental expenses of Indian service in New Mexico: For general incidental expenses of the Indian service, including traveling expenses of agents in New Mexico and support and civilization of Indians at Pueblo Agency, and pay of employees at said agency, five thousand dollars.
- Oregon. Incidental expenses of Indian service in Oregon: For general incidental expenses of the Indian service, including traveling expenses of agents in Oregon and support and civilization of Indians at Grand Ronde and Siletz agencies, ten thousand dollars, and pay of employees at the same agencies, six thousand dollars; in all, sixteen thousand dollars.
- Utah. Incidental expenses of Indian service in Utah: For general incidental expenses of the Indian service, including traveling expenses of agents in Utah, support and civilization of Indians at Uintah Valley and Ouray agencies, and pay of employees at said agencies, eight thousand dollars.
- Washington. Incidental expenses of Indian service in Washington: For general incidental expenses of the Indian service, including traveling expenses of agents at seven agencies and the support and civilization of Indians at Colville and Puyallup agencies, and pay of employees, sixteen thousand dollars.

Incidental expenses of Indian service in Wyoming: For general incidental expenses of the Indian service, including traveling expenses of agents, one thousand dollars.

Wyoming.

MISCELLANEOUS.

Miscellaneous.

Flour mill, Pima Agency, Arizona: Operating and repairing the flour mill at Pima Agency, Arizona, two thousand dollars.

Flour mill, Pima Agency, Ariz.

Substation and mills, Flathead Agency, Montana: Establishment of substation, purchase of saw and flour mills, and construction of necessary buildings for same; purchase of animals and pay of employees at Flathead Agency, Montana, ten thousand dollars.

Flathead Agency, Mont. Substation and mills.

Negotiating with Indians for lands: To enable the Secretary of the Interior in his discretion to negotiate with any Indians for the surrender of portions of their respective reservations, any agreement thus negotiated being subject to subsequent ratification by Congress, eleven thousand five hundred dollars: *Provided*, That fifteen hundred dollars thereof, to be immediately available, may be used to enable the Secretary of the Interior, in his discretion, to appoint a commission, to negotiate with the Crow Indians of Montana, for a modification of the agreement concluded with said Indians, December twenty-eighth, eighteen hundred and ninety, and ratified by Congress March third, eighteen hundred and ninety-one, and to pay the necessary and actual expenses of said commissioners: *Provided*, That no such modification shall be valid unless assented to by a majority of the male adult members of the Crow tribe of Indians, and be approved by the Secretary of the Interior.

Negotiating for surplus lands.

Provisos.

Commission to Crow Indians, Mont.

Vol. 26, p. 1040.

Consent of Indians.

Aiding Indian allottees under act of February eighth, eighteen hundred and eighty-seven, reimbursable: This amount to be expended under the direction of the Secretary of the Interior in aiding Indians who have taken land in severalty under the act of February eighth, eighteen hundred and eighty-seven, entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," to establish themselves in homes thereon, to procure seed, farming implements, and other things necessary, in addition to means already provided by law or treaty, for the commencement of farming, fifteen thousand dollars.

Aiding Indian allottees.

Vol. 24, p. 388.

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

Allotments.

Vol. 24, p. 388.

Relief of destitute Indians: To supply food and other necessaries of life, in cases of distress among the Indians, arising from emergencies not foreseen or otherwise provided for, to be used at the discretion of the Secretary of the Interior, twenty-five thousand dollars.

Emergencies.

Irrigation, Indian reservations: For the construction, purchase, and use of irrigating machinery and appliances, on Indian reservations, in the discretion of the Secretary of the Interior and subject to his control, forty thousand dollars.

Irrigation.

Pay of farmers: To enable the Secretary of the Interior to employ practical farmers, in addition to the agency farmers now employed, at wages not exceeding seventy-five dollars each per month, to superintend and direct farming among such Indians as are making effort for self-

Practical farmers.

- support, seventy thousand dollars; and no person shall be employed as such farmer who has not been for at least five years immediately previous to such employment practically engaged in the occupation of farming.
- Indian police.** Pay of Indian police: For the service of not exceeding eight hundred and fifty privates, at ten dollars per month each, and not exceeding seventy-five officers, at fifteen dollars per month each, of Indian police, to be employed in maintaining order and prohibiting illegal traffic in liquor on the several Indian reservations and within the Territory of Alaska, in the discretion of the Secretary of the Interior, and for the purchase of equipments and rations for policemen of nonration agencies, one hundred and thirty thousand six hundred dollars.
- Judges, Indian courts.** Pay of judges, Indian courts: For compensation of judges of Indian courts, twelve thousand five hundred and forty dollars.
- Vaccination.** Vaccination of Indians: For pure vaccine matter and vaccination of Indians, one thousand dollars.
- Supplies, telegraphing, etc.** Telegraphing and purchase of Indian supplies: To pay the expense of purchasing goods and supplies for the Indian service and pay of necessary employees; advertising, at rates not exceeding regular commercial rates; inspection, and all other expenses connected therewith, including telegraphing, fifty thousand dollars.
- Supplies, transportation.** Transportation of Indian supplies: For this amount, for necessary expenses of transportation of such goods, provisions, and other articles for the various tribes of Indians provided for by this act, including pay and expenses of transportation agents and rent of warehouses, two hundred and seventy-five thousand dollars.
- Survey, etc., allotments in severalty.** Surveying and allotting Indian reservations: For survey and subdivision of Indian reservations and of lands to be allotted to Indians, and to make allotments in severalty, to be expended by the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, fifty-thousand dollars: *Provided*, That ten thousand dollars of this amount shall be immediately available.
- Proviso.*
Available.
Chippewa Indians, Minn.
Vol. 25, p. 642. To enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to carry out an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota, and for other purposes," approved January fourteenth, eighteen hundred and eighty-nine, namely:
- Expenses for civilization, etc.** For the purchase of material and employment of labor for the erection of houses for Indians; for the purchase of agricultural implements, stock, seed, subsistence, and so forth; for breaking and fencing land; for payment of expenses of delegations of Chippewa Indians to visit White Earth Reservation; for the erection and maintenance of day and industrial schools; for pay of employees; for pay of commissioners and their expenses; for removal of Indians and for their allotments, to be reimbursed to the United States out of the proceeds of sale of their lands, one hundred and fifty thousand dollars.
- Surveys, etc.** For completing the necessary surveys within the Chippewa Indian Reservation in Minnesota, including expenses of examining and appraising pine lands, under the provisions of the act approved January fourteenth, eighteen hundred and eighty-nine, to be reimbursed to the United States out of the proceeds of the sale of their lands, fifty thousand dollars.
- Vol. 25, p. 643.**
- Cherokee Commission.**
Vol. 25, p. 1005. To enable the Secretary of the Interior to continue the Cherokee Commission, provided for by act approved March second, eighteen hundred and eighty-nine, fifteen thousand dollars; this amount to be immediately available.
- Negotiations with Shoshones and Arapahoes, Wyo., and Flatheads, etc., Mont.** To enable the Secretary of the Interior in his discretion to reopen the negotiations with the Shoshone and Arapahoe Indians for the surrender of certain portions of their reservation in the State of Wyoming, and Flathead and confederated tribes of Indians in the State of Montana, five thousand dollars, or so much thereof as may be necessary, to be immediately available, and not more than two of the Commissioners
- Commission.**

to be appointed hereunder shall be of the same political party, and any agreement entered into shall be ratified by Congress.

For increase of compensation to the Assistant Attorney-General in charge of Indian depredation claims, to make his compensation the same as that allowed by law to the other assistant Attorneys-General in the Department of Justice, two thousand five hundred dollars, or so much thereof as may be necessary.

Indian depredation claims.
Increase pay to Assistant Attorney-General.

To enable the Commissioner of Indian Affairs to employ suitable persons as matrons to teach Indian girls in house-keeping and other household duties, at a rate not exceeding sixty dollars per month, five thousand dollars.

Matrons to teach housekeeping.

For the purpose of carrying into effect the agreement entered into with the Upper and Middle bands of Spokane Indians, dated March eighteenth, eighteen hundred and eighty-seven, and filed in the office of the Commissioner of Indian Affairs July first, eighteen hundred and eighty seven, which agreement is hereby accepted, ratified and confirmed, the sum of thirty thousand dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated, as the first installment of the sum of ninety-five thousand dollars mentioned in said agreement; the above amount of thirty thousand dollars to be expended for the benefit of those removing to the Coeur d'Alene Reservation, in the erection of houses, assisting them in breaking land, purchase of cattle, seeds, agricultural implements, saw and grist mills, clothing, subsistence, and so forth.

Upper and Middle bands Spokanes.

Agreement with, ratified.

Removal to Coeur d'Alene Reservation, etc.

Sale and allotment of Umatilla Reservation, reimbursable: To carry into effect sections one and two of "An act providing for allotment of lands in severally to the Indians residing upon the Umatilla Reservation, in the State of Oregon, and grant patents therefor, and for other purposes," approved March third, eighteen hundred and eighty-five, eight thousand dollars, or so much thereof as may be necessary, said amount to be reimbursed to the United States out of the proceeds of sale of Umatilla lands.

Umatilla Reservation, Oreg.
Sale and allotment.

Vol. 23, pp. 341, 342.

Repayment to Menomonee Indians: To repay to the Menomonee tribe of Indians in Wisconsin the sum of twenty-seven thousand four hundred and fifty-three dollars and forty cents, amount covered into the Treasury, being the balance of proceeds of sales of logs cut on their reservation during the years eighteen hundred and ninety and eighteen hundred and ninety-one, to be used in the same manner as other moneys received as proceeds of sale of logs from said reservation.

Menomonee Indians, Wis.

Repayment for logs sold.
Vol. 26, p. 146.

RELIEF OF FOND DU LAC CHIPPEWA INDIANS.

Fond du Lac Chippewas.

This amount to be expended under the direction of the Secretary of the Interior for the benefit of the Fond du Lac Chippewa Indians, of the State of Minnesota, being the sum recovered by the United States in compromise of suits against certain parties for timber depredations upon the Fond du Lac reservation, in Minnesota, and which sum has been deposited in the United States Treasury as a miscellaneous receipt, twenty thousand four hundred and forty-six dollars and fifty-two cents.

Payment to, of amount recovered from timber depredations.

That the President of the United States is hereby authorized to appoint a commission to consist of three persons familiar with Indian affairs, not more than two of whom shall be of the same political party, who shall negotiate with the Turtle Mountain band of Chippewa Indians in North Dakota for the cession and relinquishment to the United States of whatever right or interest they may have in and to any and all land in said State to which they claim title, and for their removal to and settlement upon lands to be hereafter selected and determined upon by the Secretary of the Interior upon the recommendation of the proposed commissioners, subject to the approval of Congress. Said commissioners shall also report to the Secretary of the Interior the number of the said Chippewa Indians and the number of Mixed Bloods, if any, who are entitled to consideration by the United States Government;

Turtle Mountain band, Chippewas.
Commission to treat with, for lands, removal, etc.

Number of Indians, etc., to be reported.

and the sum of six thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the purpose of defraying the expense of the proposed negotiations.

Support of schools.

FOR SUPPORT OF SCHOOLS.

Day and industrial schools.

For support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for, including pay of draftsman to be employed in the office of the Commissioner of Indian Affairs, one million and seventy-five thousand dollars; for construction, purchase, and repair of school buildings, one hundred thousand dollars, of which sum not exceeding five thousand dollars shall be expended for a school building and furnishing same complete on the Sac and Fox Indian Reservation in Iowa; and for purchase of horses, cattle, sheep, and swine for schools, twenty thousand dollars, five thousand dollars of which shall be immediately available: *Provided*, That the entire cost of any boarding-school building, exclusive of outbuildings, to be built from the moneys appropriated hereby, shall not exceed fifteen thousand dollars, and the entire cost of any day-school building to be so built shall not exceed six hundred dollars; in all, one million one hundred and ninety-five thousand dollars: *Provided*, That not more than two hundred dollars shall be expended for any one pupil, and that all school houses erected under this appropriation, shall be built on reservations or as near the boundary lines as practicable, but this provision shall not affect schools in course of construction in any county where a reservation exists or the construction of schools where land has been already purchased in such county as a site.

Building and repairs.

Sac and Fox Reservation, Iowa. Horses, etc.

Provisos.
Cost of buildings.

Expense per pupil.

Location of new buildings.

Albuquerque, N. Mex.

For support and education of Indian pupils at Albuquerque, New Mexico, at one hundred and seventy-five dollars per annum for each pupil, and for the erection, repairs of buildings and pay of superintendent, at one thousand eight hundred dollars per annum, sixty thousand dollars: *Provided*, That not more than eight thousand dollars shall be used for erecting, repairing, and furnishing buildings.

Proviso.
Limit.

Carlisle, Pa.

For support of Indian industrial school at Carlisle, Pennsylvania, at not exceeding one hundred and sixty-seven dollars for each pupil, for transportation of pupils to and from Carlisle school, and for the repair of buildings, one hundred and five thousand dollars; and the sum of five thousand dollars of this amount to be immediately available for the transportation of pupils to and from said school: *Provided*, That not more than five thousand dollars of this amount shall be used in repairing buildings: *And provided further*, That no more Indian children shall enter and be educated and supported at said school who have not attended some other school for a period of at least three years. For additional to the salary of any military officer, while acting as superintendent, one thousand dollars; in all, one hundred and six thousand dollars.

Provisos.

Repairs.

Qualification for admission.

Allowance to superintendent.

Chillico, Ind. Ter.

For support of Indian pupils, at one hundred and sixty-seven dollars per annum each; purchase of material, heating appliances, erection of barn, and repairs of buildings at Indian school at Chillico, Indian Territory (formerly near Arkansas City, Kansas), and for pay of superintendent of said school, at two thousand dollars per annum, sixty-two thousand one hundred and ten dollars: *Provided*, That not more than fifteen thousand dollars of this amount shall be used in repairs, heating, and furnishing buildings.

Proviso.

Repairs, etc.

Carson City, Nev.

For support of Indian pupils, at one hundred and seventy-five dollars per annum each; erection and repairs of school buildings at the Indian school at Carson City, Nevada, and for pay of superintendent of said school at one thousand five hundred dollars per annum, twenty-four thousand dollars: *Provided*, That not more than five thousand dollars shall be used for the erection and repairs of school buildings.

Proviso.
Repairs, etc.

Pierre, S. Dak.

For support of Indian pupils, at one hundred and sixty-seven dollars

per annum each; erection and repairs of school buildings at the Indian school at Pierre, South Dakota, and for pay of superintendent of said school, at one thousand five hundred dollars per annum, thirty-three thousand two hundred dollars: *Provided*, That not more than five thousand dollars of this amount shall be used in erection and repairs of buildings.

Proviso.
Repairs, etc.

For the purpose of erecting, constructing, and completing suitable school buildings and for the support of an Indian industrial school, near the village of Flandreau, South Dakota, twenty thousand dollars: *Provided*, That any unexpended balance of former appropriations is hereby reappropriated, not to exceed ten thousand dollars.

Flandreau, S. Dak.

Proviso.
Reappropriation.

For support of Indian pupils, at one hundred and seventy-five dollars per annum each; repairs of school buildings and irrigation at the Indian school at Santa Fé, New Mexico, and for pay of superintendent of said school, at one thousand five hundred dollars per annum, forty-five thousand dollars: *Provided*, That out of this amount not more than four thousand dollars may be used for establishing brick and harness making and blacksmith shop, and repairing buildings.

Santa Fé, N. Mex.

Proviso.
Shop and repairs.

For support of Indian pupils, at one hundred and sixty-seven dollars per annum each; pay of superintendent, at two thousand dollars per annum; erection of warehouse, repairs of buildings at Indian school, Genoa, Nebraska, including heating apparatus, sixty-three thousand dollars: *Provided*, That not more than three thousand dollars of this amount shall be used to erect warehouse, repairs of building, and heating apparatus.

Genoa, Nebr.

Proviso.
Repairs, etc.

For support of Indian pupils, at one hundred and seventy-five dollars per annum each; for necessary repairs, furnishings, tools and implements, and for pay of superintendent at the Indian industrial school at Shoshone Reservation, Wyoming, at one thousand five hundred dollars per annum, twenty thousand five hundred dollars.

Shoshone Reservation, Wyo.

For support of Indian pupils, at one hundred and seventy-five dollars per annum each; for necessary repairs, furnishings, tools, and farm implements; cost of water for irrigating purposes, and for pay of superintendent at the Indian school, Grand Junction, Colorado, at one thousand five hundred dollars per annum, twenty-nine thousand dollars: *Provided*, That not more than ten thousand dollars of this amount shall be used for erecting and repairing buildings, heating, and furnishing school.

Grand Junction Colo.

Proviso.
Repairs, etc.

For support of Indian pupils, at one hundred and sixty-seven dollars per annum each; repairs of buildings at the Indian school, Fort Totten, North Dakota, and for pay of superintendent of said school, at one thousand eight hundred dollars per annum, fifty-four thousand three hundred dollars: *Provided*, That not more than ten thousand dollars of this amount may be used in the settlement of indebtedness incurred for this school, during the fiscal year eighteen hundred and ninety-two.

Fort Totten, N. Dak.

Proviso.
Payment of indebtedness.

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

Hampton, Va.

For support of Indian pupils, at one hundred and sixty-seven dollars per annum each; necessary repairs at the Indian school at Lawrence, Kansas, and for pay of superintendent of said school, at two thousand dollars per annum, ninety thousand dollars: *Provided*, That not more than four thousand five hundred dollars of this amount shall be used in repairs for school and outbuildings.

Lawrence, Kans.

Proviso.
Repairs.

For support and education of two hundred Indian pupils at Lincoln Institution, Philadelphia, at one hundred and sixty-seven dollars per annum each, thirty-three thousand four hundred dollars.

Lincoln Institution, Philadelphia.

For support of pupils, at one hundred and seventy-five dollars per annum each, erection and repairs of school buildings, and pay of superintendent at Phoenix, Arizona, at one thousand eight hundred dollars per annum, thirty-eight thousand six hundred and seventy-five dollars: *Provided*, That not more than fifteen thousand dollars of this amount shall be expended in the erection and repairs of school buildings.

Phoenix, Ariz.

Proviso.
Erection and repairs.

- Salem, Oregon. For support of Indian pupils, at one hundred and seventy-five dollars per annum each; erection and necessary repairs at the Indian school at Salem, Oregon (formerly Forest Grove School), and for pay of the superintendent of said school, at two thousand dollars per annum, fifty-three thousand seven hundred and fifty dollars: *Provided*, That not more than eight thousand dollars of this amount shall be used for erection and repairs of buildings.
- Proviso.*
- Erection and repairs.
- St. Ignatius Mission, Mont. For support of three hundred Indian pupils at the Saint Ignatius Mission school, on the Jocko Reservation, in Montana, at one hundred and fifty dollars per annum each, forty-five thousand dollars.
- White's Manual Labor Institute, Wabash, Ind. Cherokee, N. C. For support of sixty Indian pupils at White's Manual Labor Institute, of Wabash, Indiana, ten thousand and twenty dollars.
- For support of pupils at the Training school at Cherokee, North Carolina, at one hundred and sixty-seven dollars per annum each; for pay of superintendent, at one thousand two hundred dollars per annum, and for the purchase of buildings, supplies, and improvements required for the use of the school, to an amount not exceeding four thousand dollars; in all, eighteen thousand five hundred and sixty dollars.
- St. John's University and St. Benedict's Academy, Minn. For education and support of one hundred Chippewa boys and girls at Saint John's University, and at Saint Benedict's Academy, in Stearns County, State of Minnesota, at one hundred and fifty dollars each per annum, and for the education and support of one hundred Indian pupils at Saint Paul's Industrial School at Clontarf, in the State of Minnesota, thirty thousand dollars.
- Fort Mojave, Ariz. For support of Indian pupils, at one hundred and sixty-seven dollars per annum each; necessary buildings, repairs, fencing, and irrigation at Indian industrial school at Fort Mojave, Arizona, and for pay of superintendent of said school, at one thousand five hundred dollars per annum, thirty-two thousand five hundred dollars: *Provided*, That not more than ten thousand dollars of this amount shall be used for the erection and repairs of buildings.
- Proviso.*
- Erection and repairs.
- Other schools. For care, support, and education of Indian pupils at industrial, agricultural, mechanical, and other schools, other than those herein provided for, in any of the States or Territories of the United States, at a rate not to exceed one hundred and sixty-seven dollars for each pupil, seventy-five thousand dollars.
- Mount Pleasant, Mich. For finishing the building for the school, and completing the establishment of such school by the necessary heating apparatus, outhouses, schoolrooms, laundry, and for incidental expenses of opening the farm and school, ten thousand dollars; and for support of Indian pupils, at the rate of one hundred and sixty-seven dollars per annum each after the school shall have been opened; furnishings, tools, and agricultural implements, and for pay of superintendent at the Indian industrial school at Mount Pleasant, Michigan, at one thousand five hundred dollars per annum, fifteen thousand dollars.
- St. Joseph's, Rensselaer, Ind. For support and education of sixty Indian pupils at Saint Joseph's Normal School at Rensselaer, Indiana, eight thousand three hundred and thirty dollars.
- Tomah, Wis. For finishing the building for the school, and completing the establishment of such school by the necessary heating apparatus, outhouses, schoolrooms, laundry, and for incidental expenses of opening the farm and school, ten thousand dollars; and for support of Indian pupils at the rate of one hundred and sixty-seven dollars per annum each after the school shall have been opened; furnishings, tools, and farm implements, and for pay of superintendent at the Indian industrial school at Tomah, Wisconsin, at one thousand five hundred dollars per annum, fifteen thousand dollars.
- St. Boniface's, Banning, Cal. For support and education of one hundred Indian pupils at Saint Boniface's Industrial School at Banning, California, twelve thousand five hundred dollars.
- Pipestone, Minn. For support of Indian pupils, at one hundred and sixty-seven dollars per annum each; furnishings, tools and implements, and for pay of

superintendent at one thousand five hundred dollars per annum, at the Indian industrial school at Pipestone, Minnesota, fifteen thousand dollars: *Provided*, That five thousand dollars of said amount may be expended in procuring a steam plant and necessary structures and appliances for heating the building and furnishing power.

Proviso.
Heating, etc.

For the education and support of one hundred Indian children at the Holy Family Indian School at Blackfeet Agency, Montana, twelve thousand five hundred dollars.

Holy Family School,
Mont.

For support of Indian pupils, at one hundred and sixty-seven dollars per annum each; furnishings, tools, and implements, and for pay of superintendent at one thousand five hundred dollars per annum, at the Indian industrial school near Perris, California, fifteen thousand dollars.

Perris, Cal.

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

Transporting, etc.,
pupils.

That hereafter in the expenditure of money appropriated for any of the purposes of education of Indian children, those children of Indians who have taken lands in severalty under any existing law shall not, by reason thereof, be excluded from the benefits of such appropriation.

Children of Indians
taking lands in sever-
alty not excluded.

That hereafter the Commissioner of Indian Affairs, subject to the direction of the Secretary of the Interior, is hereby authorized and directed to make and enforce by proper means such rules and regulations as will secure the attendance of Indian children of suitable age and health at schools established and maintained for their benefit.

Rules to secure at
tenance.

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

Secretary of Interior
to direct expenditures,
etc.

INTEREST ON TRUST-FUND STOCKS.

Interest, trust-fund
stocks.

SEC. 2. That for payment of interest on certain abstracted and non-paying State stocks belonging to the various Indian tribes and held in trust by the Secretary of the Interior, for the year ending June thirtieth, eighteen hundred and ninety-two, namely:

For trust-fund interest due Cherokee national fund, twenty-five thousand six hundred and forty dollars;

Cherokee national
fund.

For trust-fund interest due Cherokee school fund, one thousand six hundred and thirty dollars;

Cherokee school
fund.

For trust-fund interest due Chickasaw national fund, nineteen thousand eight hundred and twenty dollars;

Chickasaw national
fund.

For trust-fund interest due Choctaw general fund, twenty-seven thousand dollars;

Choctaw general
fund.

For trust-fund interest due Iowas, three thousand two hundred and eighty dollars;

Iowas.

For trust-fund interest due Delaware general fund, two thousand and seventy dollars;

Delaware general
fund.

For trust-fund interest due Menomonees, nine hundred and fifty dollars; in all, eighty thousand three hundred and ninety dollars.

Menomonees.

SEC. 3. That no purchase of supplies for which appropriations are herein made, exceeding in the aggregate five hundred dollars in value at any one time, shall be made without first giving at least three weeks' public notice by advertisement, except in cases of exigency, when, in the discretion of the Secretary of the Interior, who shall make official record of the facts constituting the exigency and shall report the same

Purchases of sup-
plies to be advertised;
exceptions.

Irrigation. to Congress at its next session, he may direct that purchases may be made in open market in amount not exceeding three thousand dollars at any one purchase: That funds herein and heretofore appropriated for construction of ditches and other works for irrigating, may, in the discretion of the Secretary of the Interior, be expended in open market: *Provided further*; That purchase in open market may be made from Indians under the direction of the Secretary of the Interior: *And provided further*, That the Secretary of the Interior is authorized, for the period of thirty days after the approval of this act, to purchase in open market supplies necessary for the Indian service, until contracts are executed and approved and contractors have had time to deliver supplies to the several agencies, to an amount not exceeding ten thousand dollars at any one time, a special report thereof to be made to Congress at its next session.

Provisos.
Purchases from Indians.
Purchases until contracts are executed.

Immediately available. SEC 4. That so much of the appropriations herein made as may be required to pay for goods and supplies, for expenses incident to their purchase, and for transportation of same, for the year ending June thirtieth, eighteen hundred and ninety-three, shall be immediately available; but no such goods or supplies shall be distributed or delivered to any of said Indians prior to July first, eighteen hundred and ninety-two. And hereafter the Commissioner of Indian Affairs is authorized to advertise in the spring of each year for bids, and enter into contracts, subject to the approval of the Secretary of the Interior, for goods and supplies for the Indian service required for the ensuing fiscal year, notwithstanding the fact that the appropriations for such fiscal year have not been made: *Provided*, that the contracts so made shall be on the basis of the appropriations for the preceding fiscal year: *And provided further*, That these contracts shall contain a clause that no deliveries shall be made under the same and no liability attach to the United States in consequence of such execution if Congress fails to make an appropriation for the fiscal year for which those supplies are required. And the Secretary of the Interior, under the direction of the President, may use any surplus that may remain in any of the said appropriations herein made for the purchase of subsistence for the several Indian tribes, to an amount not exceeding twenty-five thousand dollars in the aggregate, to supply any subsistence deficiency that may occur: *Provided, however*, That funds appropriated to fulfill treaty obligations shall not be so used: *And provided further*, That any diversions which shall be made under authority of this section shall be reported in detail, and the reason therefor, to Congress at the session of Congress next succeeding such diversion: *And provided further*, That the Secretary of the Interior, under the direction of the President, may use any sums appropriated in this act for subsistence, and not absolutely necessary for that purpose, for the purchase of stock cattle for the benefit of the tribe for which such appropriation is made, or for the assistance of such Indians to become farmers, and in aiding such Indians as have taken allotments to build houses and other buildings for residence or improvements of such allotments, and shall report to Congress at its next session thereafter, an account of his action under this provision.

Advertisements before appropriation.

Provisos.
Basis of contracts.
Conditions.

Diversion of surplus for subsistence.

Limit.

Treaty funds.
Report.

Purchase of stock cattle, etc.

Transfer of funds for employees. SEC 5. That when not required for the purpose for which appropriated the funds herein provided for the pay of specified employees at any agency may be used by the Secretary of the Interior for the pay of other employes at such agency, but no deficiency shall be thereby created; and, when necessary, specified employees may be detailed for other service when not required for the duty for which they were engaged; and that the several appropriations herein made for millers, blacksmiths, engineers, carpenters, physicians, and other persons, and for various articles provided for by treaty-stipulation for the several Indian tribes, may be diverted to other uses for the benefit of said tribes, respectively, within the discretion of the President, and with the consent of said tribes, expressed in the usual manner; and that he

cause report to be made to Congress, at its next session thereafter, of his action under this provision.

Report.

SEC. 6. That whenever, after advertising for bids for supplies in accordance with section three of this act, those received for any article contain conditions detrimental to the interest of the Government, they may be rejected, and the articles specified in such bids purchased in open market, at prices not to exceed those of the lowest bidder, and not to exceed the market price of the same until such time as satisfactory bids can be obtained, for which immediate advertisement shall be made.

Rejection of bids.

Purchases in open market.

SEC 7. That at any of the Indian reservations where there is now on hand Government property not required for the use and benefit of the Indians at said reservation the Secretary of the Interior is hereby authorized to move such property to other Indian reservations where it may be required, or to sell it and apply the proceeds of same in the purchase of such articles as may be needed for the use of the Indians for whom said property was purchased; and he shall make report of his action hereunder to the next session of Congress thereafter.

Sale of property not used.

SEC 8. That when in the judgment of the Secretary of the Interior any Indian tribe, or part thereof, who are receiving rations and clothing under this act, are sufficiently advanced in civilization to purchase such rations and clothing judiciously, they may commute the same and pay the value thereof in money per capita to such tribe or part thereof, the manner of such payment to be prescribed by the Secretary of the Interior.

Commutation of rations to civilized Indians.

That the funds now in the Treasury belonging to the Santee Sioux Indians in the State of Nebraska and at Flandreau in the State of South Dakota, resulting from the sale of lands in Minnesota, and thirty-two thousand dollars heretofore appropriated to purchase lands for the Santee Indians in Nebraska, who have not received allotments may in the discretion of the Secretary of the Interior, be paid in cash.

Santee Sioux. Payment to.

SEC 9. The Commissioner of Indian Affairs shall report annually to Congress, specifically showing the number of employees at each agency, industrial, and boarding school, which are supported in whole out of the appropriations in this act; giving name, when employed, in what capacity employed, male or female, whether white or Indian, amount of compensation paid, and out of what item or fund of the appropriation paid. Also number of employees in his office here in Washington; when employed, in what capacity employed, male or female, full name, amount of compensation paid, and out of what fund paid, and under what law employed.

Report of all employees to be made annually.

Approved, July 13, 1892.

CHAP. 165.—An act making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, eighteen hundred and ninety-three.

July 13, 1892.

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 for the service of the Post-Office Department, in conformity with the act of July second, eighteen hundred and thirty-six, as follows:

Appropriations for postal service. Vol. 5, p. 80.

OFFICE OF THE POSTMASTER GENERAL.

Postmaster-General.

For advertising, eighteen thousand dollars.
For miscellaneous items in the office of the Postmaster-General, one thousand dollars.

Advertising. Miscellaneous.

OFFICE OF THE FIRST ASSISTANT POSTMASTER GENERAL.

First Assistant Postmaster-General.

For compensation to postmasters, fifteen million two hundred and fifty thousand dollars.

Postmasters.

For two railway trucks of thirty tons capacity, seven hundred dollars.

Railroad tracks, etc. For the purchase of railroad tracks, sidings, frogs, and switches (about six miles of track in all), belonging to railroad companies, and now on the United States reservation at Sandy Hook, and for altering, relaying, and repairing the same, for Government use by the Ordnance Department, United States Army, at the United States Proving Ground at Sandy Hook, twenty-six thousand six hundred and seventy-six dollars, or so much thereof as may be necessary, and the Secretary of War is hereby empowered to purchase from the Central Railroad Company of New Jersey, or other owners of said tracks, so much of said tracks as he may deem desirable and advantageous to the United States, and provided that the tracks can be purchased at satisfactory prices.

Watertown Arsenal, Mass. Gun-carriage plant. WATERTOWN ARSENAL, WATERTOWN, MASSACHUSETTS: For enlargement and improvement of the heavy gun-carriage plant at Watertown Arsenal, Watertown, Massachusetts, one hundred and fifty-one thousand dollars.

New shop. For fitting up new carpenter and pattern shop, moving and setting up machinery and shaftings, including new machines required, nine thousand four hundred dollars.

Board of Ordnance and Fortification. For the following, to be expended under the direct supervision of the Board of Ordnance and Fortification, created by the fortifications appropriation act approved September twenty-second, eighteen hundred and eighty-eight, and in the manner prescribed by said act, namely:

Vol. 25, p. 489.

Purchases, tests, etc. BOARD OF ORDNANCE AND FORTIFICATION: To enable the board to make all needful and proper purchases, experiments and tests to ascertain, with a view to their utilization by the Government, the most effective guns, small arms, cartridges, projectiles, fuses, explosives, torpedoes, armor plates, and other implements and engines of war, and to purchase or cause to be manufactured under authority of the Secretary of War, such guns, carriages, armor plates, and other war materials and articles as may, in the judgment of the Board, be necessary in the proper discharge of the duty devolved upon it by the act approved September twenty-second, eighteen hundred and eighty-eight; to pay the salary of the civilian member of the Board of Ordnance and Fortification provided by the act of February twenty-fourth, eighteen hundred and ninety-one, and for the necessary traveling expenses of said member when traveling on duty as contemplated in said act; for payment of the necessary expenses of the Board, including a per diem allowance to each officer detailed to serve thereon when employed on duty away from his permanent station of two dollars and fifty cents a day; and for the test of experimental guns and carriages procured in accordance with the recommendations of the Board of Ordnance and Fortification, two hundred and ten thousand dollars.

Vol. 25, p. 489.

Civilian member.

Vol. 26, p. 769.

Expenses.

Purchases to be of American manufacture. Exception. That all material purchased under the foregoing provisions of this act shall be of American manufacture, except in cases when, in the judgment of the Secretary of War, it is to the manifest interest of the United States to make purchases in limited quantities abroad, which material shall be admitted free of duty.

Approved, July 23, 1892.

July 23, 1892.

CHAP. 234.—An act to amend sections twenty-one hundred and thirty-nine, twenty-one hundred and forty, and twenty-one hundred and forty-one of the Revised Statutes touching the sale of intoxicants in the Indian country, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section twenty-one hundred and thirty-nine of the Revised Statutes be amended and re-enacted so as to read as follows:

Indians. R. S., sec. 2139, p. 373.

Introduction of intoxicating liquors in Indian country forbidden.

“SEC. 2139. No ardent spirits, ale, beer, wine, or intoxicating liquor or liquors of whatever kind shall be introduced, under any pretense,

into the Indian country. Every person who sells, exchanges, gives, barter, or disposes of any ardent spirits, ale, beer, wine, or intoxicating liquors of any kind to any Indian under charge of any Indian superintendent or agent, or introduces or attempts to introduce any ardent spirits, ale, wine, beer, or intoxicating liquor of any kind into the Indian country shall be punished by imprisonment for not more than two years, and by fine of not more than three hundred dollars for each offense. But it shall be a sufficient defense to any charge of introducing or attempting to introduce ardent spirits, ale, beer, wine, or intoxicating liquors into the Indian country that the acts charged were done under authority in writing from the War Department, or any officer duly authorized thereunto by the War Department. All complaints for the arrest of any person or persons made for violation of any of the provisions of this act shall be made in the county where the offense shall have been committed, or if committed upon or within any reservation not included in any county, then in any county adjoining such reservation, and, if in the Indian Territory, before the United States court commissioner, or commissioner of the circuit court of the United States residing nearest the place where the offense was committed, who is not for any reason disqualified; but in all cases such arrests shall be made before any United States court commissioner residing in such adjoining county, or before any magistrate or judicial officer authorized by the laws of the State in which such reservation is located to issue warrants for the arrest and examination of offenders by section ten hundred and fourteen of the Revised Statutes of the United States. And all persons so arrested shall, unless discharged upon examination, be held to answer and stand trial before the court of the United States having jurisdiction of the offense."

Penalty.

Authority from War Department.

Complaints.

Arrests.

R. S., sec. 1014, p. 189.

Trial.

Approved, July 23, 1892.

CHAP. 235.—An act to provide for a May term of the district court of the United States for the eastern district of South Carolina.

July 23, 1892.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be a term of the district court of the United States for the eastern district of South Carolina, to be holden on the first Monday in May in each year, in the city of Charleston, which term shall be in lieu of the term now provided by law for the first Monday in April in each year.

South Carolina eastern judicial district.

Term at Charleston.

Vol. 26, p. 71.

Approved, July 23, 1892.

CHAP. 236.—An act to amend "An act to define the jurisdiction of the police court of the District of Columbia," approved March third, eighteen hundred and ninety-one.

July 23, 1892.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an act entitled "An act to define the jurisdiction of the police court of the District of Columbia," approved March third, eighteen hundred and ninety-one, be amended as follows: Strike out all of section two of said act, and in lieu thereof insert the following:

Police court, D. C. Vol. 26, p. 848.

"**SEC. 2.** That prosecutions in the police court shall be on information by the proper prosecuting officer. In all prosecutions within the jurisdiction of said court in which, according to the Constitution of the United States, the accused would be entitled to a jury trial, the trial shall be by jury, unless the accused shall in open court expressly waive such trial by jury and request to be tried by the judge, in which case the trial shall be by such judge, and the judgment and sentence shall have the same force and effect in all respects as if the same had been entered and pronounced upon the verdict of a jury. In all cases where the accused would not by force of the Constitution of the United States

Prosecutions.

Jury trials.

Waiving jury.

Cases where jury may be demanded.

sale thereof, shall be placed in the Treasury for the benefit of those members of said bands of Indians who have not received any land by allotment, and shall be paid per capita to those entitled to share therein who are of age, and to others as they shall arrive at the age of twenty-one years, upon the order of the Secretary of the Interior, or shall be expended for their benefit in such manner as the Secretary of the Interior may deem for their best interest.

That when a purchaser shall have made full payment for a tract of land, as herein provided, patent shall be issued as in case of public lands under the homestead and preemption laws.

That, for the purpose of carrying out the provisions of this section, there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of one thousand dollars, or so much thereof as may be necessary, which sum shall be reimbursed as follows: All expenses of appraisal and sale out of the proceeds of such sale, and all other expenses out of the funds of said Chippewa and Munsee or Christian Indians, now held for them by the United States, said sum being on the first day of January, eighteen hundred and ninety-six, forty-two thousand five hundred and sixty dollars and thirty-six cents.

That the Secretary of the Interior be, and he is hereby, authorized to pay over to the said Chippewa and Munsee or Christian Indians, per capita, the remainder of said funds of forty-two thousand five hundred and sixty dollars and thirty-six cents, trust funds now to their credit on the books of the Treasury Department, after deducting the expenses incurred in carrying out the provisions of this section.

That no proceedings shall be taken under this section until the said bands of Indians shall file with the Commissioner of Indian Affairs their consent thereto expressed in open council.

SEC. 10. That section eight of an Act making appropriations for the current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, eighteen hundred and ninety-seven, and for other purposes, be amended by striking out from the last paragraph of said section the following proviso, to wit: "*Provided, however,* That any person who, in good faith, prior to the passage of this Act, had discovered and opened or located a mine of coal or other mineral shall have a preference right of purchase for ninety days from and after the official filing in the local land office of the approved plat of survey provided for by this section."

That section nine of said Act be amended by striking out from the last paragraph thereof the following proviso, to wit:

"*Provided, however,* That any person who, in good faith, prior to the passage of this Act, had discovered and opened or located a mine of coal or other mineral shall have a preference right of purchase for ninety days from and after the official filing in the local land office of the approved plat of survey provided for by this section."

SEC. 11. That hereafter, where funds appropriated in specific terms for a particular object are not sufficient for the object named, any other appropriation, general in its terms, which otherwise would be available may, in the discretion of the Secretary of the Interior, be used to accomplish the object for which the specific appropriation was made.

AGREEMENT WITH THE SHOSHONE AND ARAPAHOE TRIBES OF INDIANS IN WYOMING.

SEC. 12. That the following amended agreement with the Shoshone and Arapahoe tribes of Indians in the State of Wyoming is hereby accepted, ratified, and confirmed, and shall be binding upon said Indians when they shall in the usual manner agree to the amendment herein made thereto, and as amended is as follows, namely:

Articles of agreement made and entered into at Shoshone Agency, in the State of Wyoming, on the twenty-first day of April, eighteen

Appropriation.

Reimbursement.

Per capita payment of trust funds, etc.

Consent.

Preference to discoverers of coal.

Vol. 29, p. 353, chap. 398, sec. 8, amended.

Vol. 29, p. 353, chap. 398, sec. 9, amended.

Insufficiency of specific appropriation, how supplied.

Agreement with the Shoshone and Arapahoe Indians.

hundred and ninety-six, by and between James McLaughlin, United States Indian inspector, on the part of the United States, and the Shoshone and Arapahoe tribes of Indians in the State of Wyoming.

ARTICLE I.

Lands relinquished. For the consideration hereinafter named the said Shoshone and Arapahoe tribes of Indians hereby cede, convey, transfer, relinquish, and surrender forever and absolutely all their right, title, and interest of every kind and character in and to the lands and the water rights appertaining thereunto embraced in the following-described tract of country, embracing the Big Horn Hot Springs in the State of Wyoming:

All that portion of the Shoshone Reservation described as follows, to wit: Beginning at the northeastern corner of the said reservation, where Owl Creek empties into the Big Horn River; thence south ten miles, following the eastern boundary of the reservation; thence due west ten miles; thence due north to the middle of the channel of Owl Creek, which forms a portion of the northern boundary of the reservation; thence following the middle of the channel of said Owl Creek to the point of beginning.

ARTICLE II.

Consideration. In consideration for the lands ceded, sold, relinquished, and conveyed as aforesaid, the United States stipulates and agrees to pay to the said Shoshone and Arapahoe tribes of Indians the sum of sixty thousand dollars, to be expended for the benefit of the said Indians in the manner hereinafter described.

ARTICLE III.

Per capita distribution of portion of consideration money, etc. *Post*, p. 581. Of the said sixty thousand dollars provided for in Article II of this agreement it is hereby agreed that ten thousand dollars shall be available within ninety days after the ratification of this agreement, the same to be distributed per capita, in cash, among the Indians belonging on the reservation. That portion of the aforesaid ten thousand dollars to which the Arapahoes are entitled is, by their unanimous and expressed desire, to be expended, by their agent, in the purchase of stock cattle for distribution among the tribe, and that portion of the before-mentioned ten thousand dollars to which the Shoshones are entitled shall be distributed per capita, in cash, among them: *Provided*, That in cases where heads of families may so elect, stock cattle to the amount to which they may be entitled may be purchased for them by their agent.

Proviso.
Stock cattle.

Payment of remainder of consideration. *Post*, p. 534.

The remaining fifty thousand dollars of the aforesaid sixty thousand dollars is to be paid in five annual installments of ten thousand dollars each, the money to be expended, in the discretion of the Secretary of the Interior, for the civilization, industrial education, and subsistence of the Indians; said subsistence to be of bacon, coffee, and sugar, and not to exceed at any time five pounds of bacon, four pounds of coffee, and eight pounds of sugar for each one hundred rations.

ARTICLE IV.

Existing annuities. Nothing in this agreement shall be construed to deprive the Indians of any annuities or benefits to which they are entitled under existing agreements or treaty stipulations.

ARTICLE V.

Ratification. This agreement shall not be binding upon either party until ratified by the Congress of the United States.

Done at Shoshone Agency, in the State of Wyoming, on the twenty-first day of April, A. D. eighteen hundred and ninety-six.

JAMES McLAUGHLIN. [SEAL.]
U. S. Indian Inspector.

(Here follow the signatures of Washakie, chief of the Shoshones, Sharp Nose, chief of the Arapahoes, and two hundred and seventy-one other male adult Indians over eighteen years of age, belonging on the Shoshone Reservation.)

I certify that, at the request of Indian Inspector James McLaughlin, I read the foregoing agreement to the Indians in joint council, and that it was explained to the interpreters, paragraph by paragraph.

JOHN S. LOUD,
Captain 9th Cavalry, U. S. Army,
Commanding Fort Washakie, Wyo.

We certify that the foregoing agreement was fully explained in joint council to the Shoshone's and Arapahoe's tribes, that they fully understand the nature of the agreement, and agree to the same.

EDMO. LE CLAIR,
NORKOK, his x mark,
Shoshone Interpreters,

HENRY LEE
WILLIAM SHAKESPEARE
Arapahoe Interpreters.

Witnesses:

THOS. R. BEASON,
JNO. W. TWIGGS, Jr.

I certify that the foregoing names, though in some cases duplicates, in every instance represents different individuals.

EDMO. LE CLAIR,
Special Interpreter.

Witnesses to the foregoing agreement and signatures of the Indians.

JOHN S. LOUD,
Captain 9th Cavalry.

JOHN F. McBLAIN,
1st Lt. 9th Cavalry.

JNO. W. TWIGGS, Jr.

THOS. R. BEASON.

JNO. W. CLARK,
Allotting Agent.

JOHN ROBERTS,
Missionary of the Protestant Episcopal Church to the Indians.

I certify that the Indians, Shoshones and Arapahoes, numbering two hundred and seventy-three (273) persons, who have signed the foregoing agreement, constitute a majority of all male Indians over eighteen (18) years of age, belonging on the Shoshone Reservation, Wyoming.

RICHARD H. WILSON,
Captain 8th Infty., Acting Ind. Agent.

That for the purpose of making the payment stipulated for in the first paragraph of article three of the foregoing agreement, the same to be paid to the Indians belonging on the Shoshone Reservation per capita in cash, or expended for them by their agent in the purchase of stock cattle, as in said article provided, the sum of ten thousand dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated.

Appropriation.

One mile square granted to State of Wyoming.

That of the lands ceded, sold, relinquished, and conveyed to the United States by the foregoing agreement herein amended, and accepted, ratified, and confirmed, one mile square at and about the principal hot spring thereon contained, is hereby ceded, granted, relinquished, and conveyed unto the State of Wyoming; said mile square to be determined as follows: Commencing at a point one-fourth mile due east from said main spring, running thence one-half mile north, thence one mile west, thence one mile south, thence one mile east, thence one-half mile north to the point of beginning, and the remainder of the said lands, ceded, sold, relinquished, and conveyed to the United States, by the agreement herein ratified and confirmed, are hereby declared to be public lands of the United States, subject to entry, however, only under the homestead and town-site laws of the United States.

Remainder to be public lands, etc.

Approved, June 7, 1897.

June 7, 1897.

CHAP. 4.—An Act To adopt regulations for preventing collisions upon certain harbors, rivers, and inland waters of the United States.

Navigation. Vol. 26, p. 320. Vol. 28, pp. 82, 281. Vol. 29, p. 381.

Whereas the provisions of chapter eight hundred and two of the laws of eighteen hundred and ninety, and the amendments thereto, adopting regulations for preventing collisions at sea, apply to all waters of the United States connected with the high seas navigable by sea-going vessels, except so far as the navigation of any harbor, river, or inland waters is regulated by special rules duly made by local authority; and

Inland waters.

Whereas it is desirable that the regulations relating to the navigation of all harbors, rivers, and inland waters of the United States, except the Great Lakes and their connecting and tributary waters as far east as Montreal and the Red River of the North and rivers emptying into the Gulf of Mexico and their tributaries, shall be stated in one Act: Therefore,

Regulations to prevent collisions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following regulations for preventing collision shall be followed by all vessels navigating all harbors, rivers, and inland waters of the United States, except the Great Lakes and their connecting and tributary waters as far east as Montreal and the Red River of the North and rivers emptying into the Gulf of Mexico and their tributaries, and are hereby declared special rules duly made by local authority:

PRELIMINARY.

Meaning of terms. Sailing vessel. Steam vessel.

In the following rules every steam-vessel which is under sail and not under steam is to be considered a sailing-vessel, and every vessel under steam, whether under sail or not, is to be considered a steam vessel.

The word "steam-vessel" shall include any vessel propelled by machinery.

"Under way."

A vessel is "under way," within the meaning of these rules, when she is not at anchor, or made fast to the shore, or aground.

Rules concerning lights, etc.

RULES CONCERNING LIGHTS, AND SO FORTH.

Meaning of "visible."

The word "visible" in these rules, when applied to lights, shall mean visible on a dark night with a clear atmosphere.

Period of compliance.

ARTICLE 1. The rules concerning lights shall be complied with in all weathers from sunset to sunrise, and during such time no other lights which may be mistaken for the prescribed lights shall be exhibited.

ART. 2. A steam-vessel when under way shall carry—(a) On or in front of the foremast, or, if a vessel without a foremast, then in the fore

March 3, 1905.
[H. R. 17994.]
[Public. No. 185.]

CHAP. 1452.—An Act To ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation in the State of Wyoming and to make appropriations for carrying the same into effect.

Preamble.

Whereas James McLaughlin, United States Indian inspector, did on the twenty-first day of April, nineteen hundred and four, make and conclude an agreement with the Shoshone and Arapahoe tribes of Indians belonging on the Shoshone or Wind River Reservation in the State of Wyoming, which said agreement is in words and figures as follows:

Agreement with Indians of the Shoshone or Wind River Reservation, Wyo.

This agreement made and entered into on the twenty-first day of April, nineteen hundred and four, by and between James McLaughlin, United States Indian Inspector, on the part of the United States, and the Shoshone and Arapahoe tribes of Indians belonging on the Shoshone or Wind River Indian Reservation, in the State of Wyoming, witnesseth:

Lands ceded.

ARTICLE I. The said Indians belonging on the Shoshone or Wind River Reservation, Wyoming, for the consideration hereinafter named, do hereby cede, grant, and relinquish to the United States, all right, title, and interest which they may have to all the lands embraced within the said reservation, except the lands within and bounded by the following described lines: Beginning in the midchannel of the Big Wind River at a point where said stream crosses the western boundary of the said reservation; thence in a southeasterly direction following the midchannel of the Big Wind River to its conjunction with the Little Wind or Big Popo-Agie River, near the northeast corner of township one south, range four east; thence up the midchannel of the said Big Popo-Agie River in a southwesterly direction to the mouth of the North Fork of the said Big Popo-Agie River; thence up the midchannel of said North Fork of the Big Popo-Agie River to its intersection with the southern boundary of the said reservation, near the southwest corner of section twenty-one, township two south, range one west; thence due west along the said southern boundary of the said reservation to the southwest corner of the same; thence north along the western boundary of said reservation to the place of beginning: *Provided,* That any individual Indian, a member of the Shoshone or Arapahoe tribes, who has, under existing laws or treaty stipulations, selected a tract of land within the portion of said reservation hereby ceded, shall be entitled to have the same allotted and confirmed to him or her, and any Indian who has made or received an allotment of land within the ceded territory shall have the right to surrender such allotment and select other lands within the diminished reserve in lieu thereof at any time before the lands hereby ceded shall be opened for entry.

Allotments to Indians.

Disposal of lands.

ARTICLE II. In consideration of the lands ceded, granted, relinquished, and conveyed by Article I of this agreement, the United States stipulates and agrees to dispose of the same as hereinafter provided under the provisions of the homestead, town-site, coal, and mineral land laws, or by sale for cash as hereinafter provided at the following prices per acre: All lands entered under the homestead law within two years after the same shall be opened for entry shall be paid for at the rate of one dollar and fifty cents per acre; after the expiration of this period, two years, all lands entered under the homestead law, within three years therefrom, shall be paid for at the rate of one dollar and twenty-five cents per acre; that all homestead entrymen who shall make entry of the lands herein ceded, within two years after the opening of the same to entry, shall pay one dollar and fifty cents per acre for the land embraced in their entry, and for all of the said lands thereafter entered under the homestead law, the sum of one dollar and twenty-five cents per acre shall be paid; payment in all cases to be made as follows: Fifty cents per acre at the time of making

entry and twenty-five cents per acre each year thereafter until the price per acre hereinbefore provided shall have been fully paid; that lands entered under the town-site, coal and mineral land laws shall be paid for in an amount and manner as provided by said laws; and in case any entryman fails to make the payments herein provided for or any of them, within the time stated, all rights of the said entryman to the lands covered by his or her entry shall at once cease and any payments theretofore made shall be forfeited, and the entry shall be forfeited and canceled, unless the Secretary of the Interior shall in his discretion, and for good cause, excuse for not exceeding six months, the said failure, application for which must be made by the settler on or before the date of the payment which would bring him or her in default, and all lands except mineral and coal lands herein ceded, remaining undisposed of at the expiration of five years from the opening of said lands to entry, shall be sold to the highest bidder for cash at not less than one dollar per acre under rules and regulations to be prescribed by the Secretary of the Interior: *Provided*, That any lands remaining unsold eight years after the said lands shall have been opened to entry may be sold to the highest bidder for cash without regard to the above minimum limit of price; that lands disposed of under the town-site, coal, and mineral land laws shall be paid for at the prices provided for by law, and the United States agrees to pay the said Indians the proceeds derived from the sales of said lands, and also to pay the said Indians the sum of one dollar and twenty-five cents per acre for sections sixteen and thirty-six, or an equivalent of two sections in each township of the ceded lands, the amounts so realized to be paid to and expended for said Indians in the manner hereinafter provided.

Proviso.
Unsold lands.

ARTICLE III. It is further agreed that of the amount to be derived from the sale of said lands, as stipulated in article II of this agreement, the sum of eighty-five thousand dollars shall be devoted to making a per capita payment to the said Indians of fifty dollars each in cash within sixty days after the opening of the ceded lands to settlement, or as soon thereafter as such sum shall be available, which per capita payment shall be from the proceeds of the sale of sections sixteen and thirty-six or an equivalent of two sections in each township within the ceded territory, and which sections are to be paid for by the United States at the rate of one dollar and twenty-five cents per acre: *And provided further*, That upon the completion of the said fifty dollars per capita payment, any balance remaining in the said fund of eighty-five thousand dollars, shall at once become available and shall be devoted to surveying, platting, making of maps, payment of the fees, and the performance of such acts as are required by the statutes of the State of Wyoming in securing water rights from said State for the irrigation of such lands as shall remain the property of said Indians, whether located within the territory intended to be ceded by this agreement or within the diminished reserve.

Distribution of proceeds.

Proviso.
Balance.

ARTICLE IV. It is further agreed that of the moneys derived from the sale of said lands the sum of one hundred and fifty thousand dollars, or so much thereof as may be necessary, shall be expended under the direction of the Secretary of the Interior for the construction and extension of an irrigation system within the diminished reservation for the irrigation of the lands of the said Indians: *Provided*, That in the employment of persons for the construction, enlargement, repair and management of such irrigation system, members of the said Shoshone and Arapahoe tribes shall be employed wherever practicable.

Irrigation.

Proviso.
Indian labor.

ARTICLE V. It is agreed that at least fifty thousand dollars of the moneys derived from the sale of the ceded lands shall be expended, under the direction of the Secretary of the Interior, in the purchase of live stock for issue to said Indians, to be distributed as equally as

Live stock.

possible among the men, women and children of the Shoshone or Wind River Reservation.

Schools.

ARTICLE VI. It is further agreed that the sum of fifty thousand dollars of the moneys derived from the sales of said ceded lands shall be set aside as a school fund, the principal and interest on which at four per centum per annum shall be expended under the direction of the Secretary of the Interior for the erection of school buildings and maintenance of schools on the diminished reservation, which schools shall be under the supervision and control of the Secretary of the Interior.

General welfare fund.

ARTICLE VII. It is further agreed that all the moneys received in payment for the lands hereby ceded and relinquished, not set aside as required for the various specific purposes and uses herein provided for, shall constitute a general welfare and improvement fund, the interest on which at four per centum per annum shall be annually expended under the direction of the Secretary of the Interior for the benefit of the said Indians; the same to be expended for such purposes and in the purchase of such articles as the Indians in council may decide upon and the Secretary of the Interior approve: *Provided, however,* That a reasonable amount of the principal of said fund may also be expended each year for the erection, repair and maintenance of bridges needed on the reservation, in the subsistence of indigent and infirm persons belonging on the reservation, or for such other purposes for the comfort, benefit, improvement, or education of said Indians as the Indians in council may direct and the Secretary of the Interior approve. And it is further agreed that an accounting shall be made to said Indians in the month of July in each year until the lands are fully paid for, and the funds hereinbefore referred to shall, for the period of ten years after the opening of the lands herein ceded to settlement, be used in the manner and for the purposes herein provided, and the future disposition of the balance of said funds remaining on hand shall then be the subject of further agreement between the United States and the said Indians.

Proviso. Annual expenditure.

Proceeds.

ARTICLE VIII. It is further agreed that the proceeds received from the sales of said lands, in conformity with the provisions of this agreement, shall be paid into the Treasury of the United States and paid to the Indians belonging on the Shoshone or Wind River Reservation, or expended on their account only as provided in this agreement.

Government to act only as trustee to sell, etc.

ARTICLE IX. It is understood that nothing in this agreement contained shall in any manner bind the United States to purchase any portion of the land herein described, except sections sixteen and thirty-six or the equivalent in each township or to dispose of said land except as provided herein, or to guarantee to find purchasers for said land or any portion thereof, it being the understanding that the United States shall act as trustee for said Indians to dispose of said lands and to expend for said Indians and pay over to them the proceeds received from the sale thereof only as received, as herein provided.

Existing rights not impaired.

ARTICLE X. It is further understood that nothing in this agreement shall be construed to deprive the said Indians of the Shoshone or Wind River Reservation, Wyoming, of any benefits to which they are entitled under existing treaties or agreements, not inconsistent with the provisions of this agreement.

Effect.

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

In witness whereof, the said James McLaughlin, U. S. Indian Inspector, on the part of the United States, and the male adult Indians belonging on the Shoshone or Wind River Indian Reservation, Wyo-

ming, have hereunto set their hands and seals at the Shoshone Agency, Wyoming, this twenty-first day of April, A. D. Nineteen hundred and four.

JAMES McLAUGHLIN, [SEAL.]
U. S. Indian Inspector.

No.	Name.	Age.	Mark.	Tribe.
1	George Terry.....	48	Shoshone (Seal).
2	Myron Hunt..... (And 280 more Indian signatures.)	48	X	" (Seal).

We, the undersigned, hereby certify that the foregoing agreement was fully explained by us in open council to the Indians of the Shoshone or Wind River Reservation, Wyoming; that it was fully understood by them before signing, and that the agreement was duly executed and signed by 282 of said Indians.

CHARLES LAHOE,
Shoshone Interpreter.
MICHAEL MANSON,
Arapahoe Interpreter.

SHOSHONE AGENCY, WYOMING,
April 22, 1904.

We, the undersigned, do hereby certify that we witnessed the signatures of James McLaughlin, U. S. Indian Inspector, and of the two hundred and eighty-two (282) Indians of the Shoshone or Wind River Reservation, Wyoming, to the foregoing agreement.

JOHN ROBERTS,
Missionary of the Protestant Episcopal
Church on the Reservation.
JOHN S. CHURCHWARD,
Assistant Clerk, Shoshone Agency, Wyo.

SHOSHONE AGENCY, WYOMING,
April 22nd, 1904.

I hereby certify that the total number of male adult Indians, over eighteen (18) years of age, belonging on the Shoshone or Wind River Reservation, Wyoming, is four hundred and eighty-four (484), of whom two hundred and eighty-two (282) have signed the foregoing agreement.

H. E. WADSWORTH,
U. S. Indian Agent.

SHOSHONE AGENCY, WYOMING,
April 22nd, 1904.

Therefore

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the said agreement be, and the same is hereby, accepted, ratified, and confirmed, except as to Articles II, III, and IX, which are amended and modified as follows, and as amended and modified are accepted, ratified, and confirmed:

ARTICLE II. In consideration of the lands ceded, granted, relinquished, and conveyed by Article I of this agreement, the United States stipulates and agrees to dispose of the same, as hereinafter provided, under the provisions of the homestead, town-site, coal and mineral land laws, or by sale for cash, as hereinafter provided, at the following prices per acre: All lands entered under the homestead

Agreement ceding
lands Shoshone Res-
ervation, Wyo.,
amended and ratified.

Disposal of lands.

Homestead entries.

law within two years after the same shall be opened for entry shall be paid for at the rate of one dollar and fifty cents per acre; after the expiration of this period, two years, all lands entered under the homestead law within three years therefrom shall be paid for at the rate of one dollar and twenty-five cents per acre; that all homestead entrymen who shall make entry of the lands herein ceded within two years after the opening of the same to entry shall pay one dollar and fifty cents per acre for the land embraced in their entry, and for all of the said lands thereafter entered under the homestead law the sum of one dollar and twenty-five cents per acre shall be paid; payment in all cases to be made as follows: Fifty cents per acre at the time of making entry and twenty-five cents per acre each year thereafter until the price per acre hereinbefore provided shall have been fully paid; that lands entered under the town-site, coal and mineral land laws shall be paid for in an amount and manner as provided by said laws; and in case any entryman fails to make the payments herein provided for, or any of them, within the time stated, all rights of the said entryman to the lands covered by his or her entry shall at once cease and any payments theretofore made shall be forfeited and the entry shall be held for cancellation and canceled, and all lands, except mineral and coal lands herein ceded, remaining undisposed of at the expiration of five years from the opening of said lands to entry shall be sold to the highest bidder for cash, at not less than one dollar per acre, under rules and regulations to be prescribed by the Secretary of the Interior: *And provided*, That nothing herein contained shall impair the rights under the lease to Asmus Boysen, which has been approved by the Secretary of the Interior; but said lessee shall have for thirty days from the date of the approval of the surveys of said land a preferential right to locate, following the Government surveys, not to exceed six hundred and forty acres in the form of a square, of mineral or coal lands in said reservation; that said Boysen at the time of entry of such lands shall pay cash therefor at the rate of ten dollars per acre and surrender said lease and the same shall be canceled: *Provided further*, That any lands remaining unsold eight years after the said lands shall have been opened to entry may be sold to the highest bidder for cash without regard to the above minimum limit of price; that lands disposed of under the town-site, coal and mineral land laws shall be paid for at the prices provided for by law, and the United States agrees to pay the said Indians the proceeds derived from the sales of said lands, the amount so realized to be paid to and expended for said Indians in the manner hereinafter provided.

Town-site, coal, and mineral entries.

Provisos.
Asmus Boysen.

Rights under lease.

Sale after eight years.

Proceeds.
Per capita payment.

Proviso.
Securing water rights.

United States to act as trustee.

ARTICLE III. It is further agreed that of the amount to be derived from the sale of said lands, as stipulated in Article II of this agreement, the sum of eighty-five thousand dollars shall be devoted to making a per capita payment to the said Indians of fifty dollars each in cash within sixty days after the opening of the ceded lands to settlement, or as soon thereafter as such sum shall be available: *And provided further*, That upon the completion of the said fifty dollars per capita payment any balance remaining in the said fund of eighty-five thousand dollars shall at once become available and shall be devoted to surveying, platting, making of maps, payment of the fees, and the performance of such acts as are required by the statutes of the State of Wyoming in securing water rights from said State for the irrigation of such lands as shall remain the property of said Indians, whether located within the territory intended to be ceded by this agreement or within the diminished reserve.

ARTICLE IX. It is understood that nothing in this agreement contained shall in any manner bind the United States to purchase any portion of the lands herein described or to dispose of said lands except as provided herein, or to guarantee to find purchasers for said lands

or any portion thereof, it being the understanding that the United States shall act as trustee for said Indians to dispose of said lands and to expend for said Indians and pay over to them the proceeds received from the sale thereof only as received, as herein provided.

SEC. 2. That the lands ceded to the United States under the said agreement shall be disposed of under the provisions of the homestead, town-site, coal and mineral land laws of the United States and shall be opened to settlement and entry by proclamation of the President of the United States on June fifteenth, nineteen hundred and six, which proclamation shall prescribe the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, and enter said lands except as prescribed in said proclamation until after the expiration of sixty days from the time when the same are opened to settlement and entry, and the rights of honorably discharged Union soldiers and sailors of the late civil and of the Spanish wars, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes of the United States as amended by the Act of March first, nineteen hundred and one, shall not be abridged.

Opening of lands to entry.

Proclamation.

R. S., secs. 2304, 2305, p. 422. Vol. 31, p. 847.

Homestead entries. Payments.

All homestead entrymen who shall make entry of the lands herein ceded within two years after the opening of the same to entry shall pay one dollar and fifty cents per acre for the land embraced in their entry, and for all of the said lands thereafter entered under the homestead law the sum of one dollar and twenty-five cents per acre shall be paid, payment in all cases to be made as follows: Fifty cents per acre at the time of making entry and twenty-five cents per acre each year thereafter until the price per acre hereinbefore provided shall have been fully paid. Upon all entries the usual fees and commissions shall be paid as provided for in homestead entries on lands the price of which is one dollar and twenty-five cents per acre. Lands entered under the town-site, coal, and mineral land laws shall be paid for in amount and manner as provided by said laws. Notice of location of all mineral entries shall be filed in the local land office of the district in which the lands covered by the location are situated, and unless entry and payment shall be made within three years from the date of location all rights thereunder shall cease; and in case any entryman fails to make the payments herein provided for, or any of them, within the time stated, all rights of the said entryman to the lands covered by his or her entry shall cease, and any payments theretofore made shall be forfeited, and the entry shall be held for cancellation and canceled; that nothing in this Act shall prevent homestead settlers from commuting their entries under section twenty-three hundred and one of the Revised Statutes of the United States by paying for the land entered the price fixed herein; that all lands, except mineral and coal lands, herein ceded remaining undisposed of at the expiration of five years from the opening of said lands to entry shall be sold to the highest bidder for cash at not less than one dollar per acre under rules and regulations to be prescribed by the Secretary of the Interior: *Provided*, That any lands remaining unsold eight years after the said lands shall have been opened to entry may be sold to the highest bidder for cash without regard to the above minimum limit of price.

Town-site, coal, and mineral entries.

Commutation. R. S., sec. 2301, p. 421.

Proviso. Lands unsold after eight years.

Appropriation for per capita.

Reimbursable.

Surveys, etc.

SEC. 3. That there is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of eighty-five thousand dollars to make the per capita payment provided in article three of the agreement herein ratified, the same to be reimbursed from the first money received from the sale of the lands herein ceded and relinquished. And the sum of thirty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury of the United States not otherwise

Irrigation.

appropriated, the same to be reimbursed from the proceeds of the sale of said lands; for the survey and field and office examination of the unsurveyed portion of the ceded lands, and the survey and marking of the outboundaries of the diminished reservation, where the same is not a natural water boundary; and the sum of twenty-five thousand dollars is hereby appropriated out of any money in the Treasury of the United States not otherwise appropriated, the same to be reimbursed from the proceeds of the sale of said lands, to be used in the construction and extension of an irrigation system on the diminished reserve, as provided in article four of the agreement.

Approved, March 3, 1905.

March 3, 1905.
[H. R. 18196.]

CHAP. 1453.—An Act To amend section forty-four hundred and five of the Revised Statutes of the United States.

[Public, No. 186.]

Steamboat-Inspection Service.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section forty-four hundred and five of the Revised Statutes of the United States be, and it is hereby, amended to read as follows:

Meetings of board; assignment of districts.
R. S., sec. 4405, p. 868, amended.

“SEC. 4405. The supervising inspectors and the Supervising Inspector-General shall assemble as a board once in each year, at the city of Washington, District of Columbia, on the third Wednesday in January, and at such other times as the Secretary of Commerce and Labor shall prescribe, for joint consultation, and shall assign to each of the supervising inspectors the limits of territory within which he shall perform his duties. The board shall establish all necessary regulations required to carry out in the most effective manner the provisions of this title, and such regulations, when approved by the Secretary of Commerce and Labor, shall have the force of law. The supervising inspector for the district embracing the Pacific coast shall not be under obligation to attend the meetings of the board oftener than once in two years; but when he does not attend such meeting he shall make his communications thereto, in the way of a report, in such manner as the board shall prescribe: *Provided,* That the Secretary of Commerce and Labor may at any time call in session, after reasonable public notice, a meeting of an executive committee, to be composed of the Supervising Inspector-General and any two supervising inspectors, which committee, with the approval of the said Secretary, shall have power to alter, amend, add to, or repeal any of the rules and regulations made, with the approval of the Secretary of Commerce and Labor, by the board of supervising inspectors, either by virtue of this section or under any power granted by this title, or any amendments thereof, such alteration, amendment, addition, or repeal, when approved by the said Secretary, to have the force of law, and to continue in effect until thirty days after the adjournment of the next meeting of the board of supervising inspectors. The foregoing powers of such executive committee, acting with the said Secretary, shall also extend to the approval of the instruments, machines, and equipments referred to in section forty-four hundred and ninety-one of this title.”

Regulations to be approved by secretary of Commerce and Labor.

Proviso.
Executive committee authorized.
Amendment, etc., of regulations.

Use of instruments for security of life.
R. S., sec. 4491, p. 868.

Effect.

SEC. 2. That this Act shall take effect and be in force on and after the first day of July, nineteen hundred and five.

Approved, March 3, 1905.

CHAP. 362.—An Act To amend an Act approved May twenty-ninth, nineteen hundred and eight, entitled "An Act to amend an Act to authorize the Baltimore and Washington Transit Company, of Maryland, to enter the District of Columbia," approved June eighth, eighteen hundred and ninety-six.

August 21, 1916.
[S. 5976.]

[Public, No. 217.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section two of an Act approved May twenty-ninth, nineteen hundred and eight, entitled "An Act to amend an Act to authorize the Baltimore and Washington Transit Company, of Maryland, to enter the District of Columbia, approved June eighth, eighteen hundred and ninety-six," be amended to read as follows:

District of Columbia. Baltimore and Washington Transit Company. Vol. 29, p. 264.

"**SEC. 2.** That the said transit company shall be empowered to construct, maintain, equip, and operate a single or double track street railway over said line, with all necessary buildings, switches, machinery, appliances, appurtenances, and other devices necessary to operate the same by electricity, compressed air, storage battery, or other motive power, to be approved by the Public Utilities Commission of said District.

Construction and motive power. Vol. 35, p. 473, amended.

That section four of the Act entitled "An Act to authorize the Baltimore and Washington Transit Company, of Maryland, to enter the District of Columbia," approved June eighth, eighteen hundred and ninety-six, be, and the same is hereby, repealed: *Provided, however,* That said railway shall be constructed of good material, with rails of approved pattern, and in a neat and substantial manner, subject to the supervision and approval of the Public Utilities Commission of the District of Columbia; the standard gauge to be used, and the surfaces of the tracks to conform to the grades of the streets established by the Commissioners of the District of Columbia, and where the tracks lie within the streets of the District of Columbia the said transit company shall comply with the laws and regulations relating to the paving and repairing of streets in the District of Columbia.

Former restriction repealed. Vol. 29, p. 264.

Provido. Construction, etc., subject to Public Utilities Commission, etc.

Approved, August 21, 1916.

CHAP. 363.—An Act To authorize the Secretary of the Interior to lease, for production of oil and gas, ceded lands of the Shoshone or Wind River Indian Reservation in the State of Wyoming.

August 21, 1916.
[S. 6308.]

[Public, No. 218.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized and empowered to lease, for the production of oil and gas therefrom, lands within the ceded portion of the Shoshone or Wind River Indian Reservation in the State of Wyoming, under such terms and conditions as shall be by him prescribed; and the proceeds or royalties arising from any such leases shall be first applied to the extinguishment of any indebtedness of the Shoshone Indian Tribe to the United States and thereafter shall be applied to the use and benefit of said tribe in the same manner as though secured from the sale of said lands as provided by the Act of Congress approved March third, nineteen hundred and five, entitled "An Act to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation in the State of Wyoming, and to make appropriations for carrying the same into effect": *Provided, however,* That nothing contained in this Act shall be construed to abridge or enlarge any asserted or initiated rights or claims under any law of the United States.

Shoshone Indian Reservation, Wyo. Oil and gas leases on ceded lands of, authorized.

Proceeds to Indians.

Vol. 33, p. 1020.

Provido. Prior rights not affected.

Royalties.

SEC. 2. That the leases granted under this Act shall be conditioned upon the payment by the lessee of such royalty as may be fixed in the lease, which shall not be less than one-tenth in amount or value of the production and the payment in advance of a rental of not less than

Terms, etc.

\$1 per acre per annum during the continuance of the lease. The rental paid for any one year to be credited against the royalties as they accrue for that year. Leases shall be for a period of twenty years with the preferential right in the lessee to renew the same for successive periods of ten years each upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior, unless otherwise provided by law at the time of expiration of any such period; said leases shall be irrevocable except for the breach of the terms and conditions of the same and may be forfeited and canceled by an appropriate proceeding in the United States District Court for the District of Wyoming whenever the lessee fails to comply with their terms and conditions.

Approved August 21, 1916.

August 21, 1916.
[S. 6372.]

[Public, No. 219]

CHAP. 364.—An Act To authorize the counties of Baldwin and Mobile, Alabama, their successors and assigns, to construct, maintain, and operate a bridge across Spanish River at or near the junction of Raft and Spanish Rivers.

Spanish River.
Baldwin and Mobile
Counties, Ala., may
bridge.

Location.

Construction.
Vol. 34, p. 84.

Amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the counties of Baldwin and Mobile, in the State of Alabama, their successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Spanish River at or near the junction of Raft and Spanish Rivers, at a point suitable to the interests of navigation, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters," approved March twenty-third, nineteen hundred and six.

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

Approved, August 21, 1916.

August 21, 1916.
[H. R. 20.]

[Public, No. 220.]

CHAP. 365.—An Act Authorizing the county of Gunnison, Colorado, to purchase certain public lands for public park purposes.

Public lands.
Granted to Gunnison
County, Colo., for
public park.

Description.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the county of Gunnison, Colorado, is hereby authorized for a period of five years from and after the passage of this Act, to purchase, and the Secretary of the Interior is hereby directed to convey to said county for public park purposes, for the use and benefit of said county, the following described lands, or so much thereof as the said county may desire, to wit: The southeast quarter of southwest quarter, section eleven, the east half of the northwest quarter, the southwest quarter, and the southwest quarter of the southeast quarter of section fourteen; the west half of the northeast quarter, the northwest quarter, the northeast quarter of the southeast quarter, the west half of the southeast quarter, and the southwest quarter of section twenty-three; and the southeast quarter of the northeast quarter, the northeast quarter of the southeast quarter and west half of the southeast quarter of section twenty-two, all in township forty-eight north, range five west, New Mexico principal meridian, in Gunnison County, containing one thousand acres, more or less.

Payment.

SEC. 2. That the said conveyance shall be made of the said lands to the said county by the Secretary of the Interior upon the payment by said county for the said land or such portions thereof as they may select, at the rate of \$1.25 per acre, and patent issued to said county for the said land selected to have and to hold for public park purposes, but the grant hereby made shall not include any lands which at the

Prior rights not affected.

DEPARTMENT OF THE INTERIOR

OFFICE OF THE SECRETARY

Printing and binding.

Printing and binding, Department of the Interior: For an additional amount for printing and binding for the Department of the Interior, fiscal year 1937, \$110.

GENERAL LAND OFFICE

Registers.

Registers: For an additional amount for salaries and commissions of registers of district land offices, fiscal year 1938, \$57.85.

BUREAU OF INDIAN AFFAIRS

Purchase, etc., of Indian supplies.

Purchase and transportation of Indian supplies: For additional amounts for expenses of purchase and transportation of goods and supplies for the Indian Service for the following fiscal years:

- For 1936, \$1,500;
- For 1937, \$600;
- For 1938, \$30,000;
- For 1939, \$160,000.

Wind River Reservation, Wyo. Purchase of land. 25 U. S. C., Supp. V, § 573.

Purchase of land, Wind River Reservation, Wyoming (tribal funds): Not to exceed \$150,000 of the amount authorized by section 3 of the Act of July 27, 1939 (53 Stat. 1130), to be expended from the tribal funds of the Shoshone Indians, Wyoming, is hereby made available for the purchase within Hot Springs County, Wyoming, of lands or interests therein, together with improvements thereon, including water rights or surface rights to lands, located outside the ceded portion of the Wind River Reservation but adjacent thereto, and owned by holders of grazing permits covering undisposed of surplus or ceded lands within said portion of the reservation, such purchases to be made subject to the provisions of section 6 of the Act of July 27, 1939, supra.

25 U. S. C., Supp. V, § 576.

Construction and repair, Alaska.

53 Stat. 711.

Construction and repair: For an additional amount for construction and repair, Alaska, hospital and quarters, fiscal year 1940, including the same objects specified under this head in the Interior Department Appropriation Act, 1940, \$20,000.

Quinalielt Reservation, Wash., attorneys.

Ante, p. 48.

Compensation of attorneys, Quinalielt Reservation, Washington: For payment to the attorneys of record for certain Quinalielt Indians, in accordance with the provisions of the Act of March 9, 1940 (Public, Numbered 430, Seventy-sixth Congress), fiscal year 1940, \$20,107.16, to remain available until June 30, 1941.

Osage Indians, Okla., attorneys.

Compensation of attorneys, Osage Indians, Oklahoma (tribal funds): For compensation of an attorney or attorneys for the Osage Indians employed under a contract approved by the Secretary of the Interior on February 18, 1938, \$25,000, payable from funds on deposit to the credit of the Osage Indians.

Menominee Indians in Wisconsin. Per capita payments.

Menominee Indians in Wisconsin: The Secretary of the Interior is hereby authorized and directed to withdraw from the Treasury of the United States during the fiscal year ending June 30, 1941, the sum of \$105,000 of any funds on deposit to the credit of the Menominee Indians in Wisconsin, and to expend such sum, or as much thereof as may be necessary, for making a per capita payment of \$50 to each enrolled member of the Menominee Tribe, such per capita payments to be made in two equal monthly installments during July and September 1940: *Provided*, That such per capita payment shall be in lieu of the payments authorized by the Act of June 15, 1934 (48 Stat. 964), for the fair market stumpage value of timber cut on the Menominee Reservation during the fiscal years 1940 and 1941: *Provided further*, That the amounts expended for making such per capita payment shall be reimbursed to the tribal funds utilized

Provisos. In lieu of timber payments.

Reimbursement.

therefor from sums that would otherwise be paid such Indians pursuant to the Act of June 15, 1934, supra.

BUREAU OF FISHERIES

Inquiry respecting food fishes: For an additional amount for inquiry into the cause of the decrease in food fishes in the waters of the United States, and for investigations, and experiments in respect to the aquatic animals, fiscal year 1941, including the objects specified under this head in the Interior Department Appropriation Act, 1941, \$7,500, of which amount not to exceed \$3,200 may be expended for personal services.

Inquiry respecting food fishes.

Ante, p. 456.

Alaska crab investigation: For salaries and all other necessary expenses of the Bureau of Fisheries in conducting for one year a technical, economic, and biological investigation of the king-crab fishery off the coast of Alaska, locating the areas of abundance, and carrying on experiments to develop improved methods of taking and canning king crabs, including the charter of fishing and cannery vessels with or without officers and crews and without regard to section 3709 of the Revised Statutes (41 U. S. C. 5); purchase of fuel, oil, rubber boots, oilskins, rubber and canvas gloves, nets, fishing gear, tin cans and liners, packing cases, chemicals, and first-aid outfits; rental of canning machinery; traveling expenses; provisions and rations or commutation thereof (not to exceed \$1 per man per day) for vessel officers and crews, and money accruing from commutation of rations and provisions may be paid on proper vouchers to the persons having charge of the mess of such vessels, fiscal year 1941, \$100,000, to be immediately available: *Provided*, That the Secretary of the Interior is hereby authorized to dispose, by public sale, of the manufactured products resulting from this investigation, and moneys derived from such sales shall be covered into the Treasury of the United States as miscellaneous receipts: *Provided further*, That employees engaged in this investigation may be appointed without regard to the civil-service laws and regulations or the Classification Act of 1923, as amended.

Alaska crab investigation. Salaries and expenses.

Provisos. Sale of manufactured products.

Appointments. 42 Stat. 1488. 5 U. S. C. §§ 661-674; Supp. V, §§ 673, 673c.

Propagation of food fishes: The limitation of \$468,890 for pay of permanent employees, contained under the heading "Bureau of Fisheries, propagation of food fishes", in the Interior Department Appropriation Act, 1941, is hereby increased to \$474,130.

Propagation of food fishes.

Ante, p. 455.

DIVISION OF TERRITORIES AND ISLAND POSSESSIONS

For expenses of the Division of Territories and Island Possessions in the investigation and survey of natural resources of the land and sea areas of the Antarctic regions, including personal services in the District of Columbia and elsewhere without regard to the civil-service laws or the Classification Act of 1923, as amended, or by contract, if deemed necessary, without regard to the provisions of section 3709 of the Revised Statutes, rent, traveling expenses, purchase of necessary books, documents, newspapers and periodicals, stationery, hire of automobiles, purchase of equipment, supplies and provisions, and all other necessary expenses, fiscal year 1941, \$171,000: *Provided*, That fuel, repairs, and emergency supplies to be paid for out of this appropriation may be contracted for in foreign ports.

Survey, etc., of Antarctic regions. Expenses.

42 Stat. 1488. 5 U. S. C. §§ 661-674; Supp. V, §§ 673, 673c.

Proviso. Contracts for fuel, etc., in foreign ports.

NATIONAL PARK SERVICE

Investigation and purchase of water rights: The unexpended balance of the appropriation for the investigation and establishment of water rights contained in the Interior Department Appropriation Act for the fiscal year 1940 is continued available for the same purposes until June 30, 1941.

Investigation and purchase of water rights. Ante, p. 451.

53 Stat. 730.

HOWARD UNIVERSITY

General expenses. General expenses: For an additional amount for general expenses, Howard University, fiscal year 1940, including the same objects specified under this head in the Interior Department Appropriation Act, 1940, \$7,000.
53 Stat. 737.

DEPARTMENT OF JUSTICE

OFFICE OF THE ATTORNEY GENERAL

Personal services. For personal services in the District of Columbia, as follows:
Ante, p. 200. For an additional amount for salaries, Administrative Division, fiscal year 1941, \$75,000;
For an additional amount for salaries, Criminal Division, fiscal year 1941, \$25,000.

Contingent expenses. Contingent expenses: For an additional amount for contingent expenses, Department of Justice, 1941, including the objects and subject to the limitations specified under this head in the Department of Justice Appropriation Act, 1941, \$20,000.
Ante, p. 200.

Traveling expenses. Traveling expenses: For an additional amount for traveling expenses, Department of Justice, including the same objects specified under this head in the Department of Justice Appropriation Acts, for the fiscal years that follow:

53 Stat. 897. For 1940, \$10,000;
Ante, p. 87. For 1941, \$15,000.
Ante, p. 200.

Printing and binding. Printing and binding: For an additional amount for printing and binding, Department of Justice, for the fiscal years that follow:
53 Stat. 897. For 1940, \$21,500;
Ante, p. 200. For 1941, \$12,500.

FEDERAL BUREAU OF INVESTIGATION

Salaries and expenses, detection, etc., of crimes (emergency). Salaries and expenses, detection and prosecution of crimes (emergency): For an additional amount for salaries and expenses in the District of Columbia and elsewhere, during the national emergency, in the detection and prosecution of crimes against the United States, and so forth, fiscal year 1941, including the objects and for the purposes specified under this head in the Department of Justice Appropriation Act, 1941, \$500,000: *Provided*, That this appropriation shall not become available unless and until H. R. 5138, Seventy-sixth Congress, is enacted into law.
Ante, p. 201.
Proviso.
Availability.
Post, p. 670.

Claims for damages. Claims for damages: For the payment of claims for damages to any person or damages to or loss of privately owned property caused by employees of the Federal Bureau of Investigation, acting within the scope of their employment, considered, adjusted, and determined by the Attorney General, under the provisions of the Act entitled "An Act to provide for the adjustment and settlement of certain claims arising out of the activities of the Federal Bureau of Investigation", approved March 20, 1936 (5 U. S. C. 300b), as fully set forth in House Document Numbered 756, Seventy-sixth Congress, \$657.39.
Ante, p. 88.
49 Stat. 1184.
5 U. S. C., Supp. V, § 300b.

MISCELLANEOUS OBJECTS, DEPARTMENT OF JUSTICE

Taxes and Penalties Unit. Taxes and Penalties Unit: For an additional amount for salaries and expenses of the Taxes and Penalties Unit, Department of Justice, including the same objects specified under this head in the Department of Justice Appropriation Act, 1937, \$124.23.
49 Stat. 1323.

Miscellaneous salaries and expenses, field. Miscellaneous salaries and expenses, field: The sum of \$57,350 is hereby transferred from the appropriation "Miscellaneous Salaries, United States Courts, 1941", contained in the Judiciary Appropria-

tion Act, 1941, to the appropriation "Miscellaneous Salaries and Expenses, Field, Department of Justice, 1941", and the amount which may be expended from the latter appropriation for salaries not otherwise specifically provided for is increased from \$110,000 to \$170,000.

Ante, p. 203.

Lands Division: For an additional amount, fiscal year 1941, for personal services in the District of Columbia and elsewhere, including the same objects specified under this head in the Department of Justice Appropriation Act, 1941, \$500,000.

Lands Division.

Ante, p. 203.

Salaries and expenses of district attorneys, and so forth: For an additional amount for salaries and expenses of United States district attorneys, and so forth, fiscal year 1941, including the objects specified under this head in the Department of Justice Appropriation Act, 1941, \$72,500.

District attorneys, etc.

Ante, p. 203.

Salaries and expenses of marshals, and so forth: For an additional amount for salaries and expenses of marshals, and so forth, Department of Justice, 1941, including the objects and under the conditions specified under this head in the Department of Justice Appropriation Act, 1941, \$250,000.

Marshals, etc.

Ante, p. 204.

PENAL AND CORRECTIONAL INSTITUTIONS

Penitentiaries and reformatories: For an additional amount for maintenance and operation of United States penitentiaries and reformatories, fiscal year 1940, including the same objects specified under this head in the Department of Justice Appropriation Act, 1940, \$75,000.

Penitentiaries and reformatories.

53 Stat. 901.

Jails and correctional institutions: For an additional amount for maintenance and operation of Federal jails and correctional institutions, fiscal year 1940, including the same objects specified under this head in the Department of Justice Appropriation Act, 1940, \$85,000.

Jails and correctional institutions. *Ante*, p. 68.

53 Stat. 901.

Support of United States prisoners: For an additional amount for support of United States prisoners in non-Federal institutions and in the Territory of Alaska, fiscal year 1940, including the same objects specified under this head in the Department of Justice Appropriation Act, 1940, \$340,000.

Support of U. S. prisoners.

53 Stat. 902.

IMMIGRATION AND NATURALIZATION SERVICE

Salaries, office of Commissioner: Departmental salaries: For an additional amount for the Commissioner and other personal services in the District of Columbia, fiscal year 1941, \$100,000.

Salaries, office of Commissioner; Departmental. *Ante*, p. 576.

Salaries and expenses, Immigration and Naturalization Service (Alien Registration): For salaries and expenses in conducting and maintaining a national registration of aliens, including such investigation of matters relating to alien registration as may be directed by the Attorney General, pursuant to the provisions of H. R. 5138, Seventy-sixth Congress, as finally enacted, including personal services and rentals in the District of Columbia and elsewhere; stationery, furniture and repairs, floor coverings, file holders and cases; purchase, exchange, or rental of punching, tabulating, sorting, and other labor-saving machines, including technical, mechanical, and other services in connection therewith; traveling expenses, including the attendance at meetings concerned with the purposes of this appropriation; miscellaneous expenditures, including telegraphing and telephones, postage, labor, purchase and rental of typewriters and adding machines and the exchange thereof and repairs thereto, street car fares, and press clippings; purchase, including exchange, and hire, maintenance and operation of motor-propelled passenger-carrying

Salaries and expenses. Alien Registration.

Post, p. 670.

vehicles; printing and binding and all other contingent expenses in the District of Columbia and in the field, fiscal year 1941, \$3,000,000, of which not to exceed \$60,000 may be expended for personal services without regard to the Civil Service Laws or the Classification Act of 1923, as amended: *Provided*, That the Attorney General may transfer to, or reimburse, any other department, agency, or office of the Federal, State, or local Governments, funds in such amounts as may be necessary for salaries and expenses incurred by them in rendering authorized assistance to the Department of Justice in connection with conducting and maintaining the registration of aliens: *Provided further*, That this appropriation shall not become available unless and until H. R. 5138, Seventy-sixth Congress, is enacted into law.

42 Stat. 1488.
5 U. S. C. §§ 661-674;
Supp. V, §§ 673, 673c.
Provisos.
Reimbursement to cooperating agencies, etc.

Availability.

Post, p. 670.

Salaries, field service.

Ante, p. 576.

General expenses.

Ante, p. 577.

Maintenance, etc., of aircraft.

Contingent expenses.

Ante, p. 574.

Traveling expenses.

Ante, p. 575.

Printing and binding.

Ante, p. 575.

Salaries, field service: For an additional amount for salaries of field personnel of the Immigration and Naturalization Service, fiscal year 1941, including the objects, conditions, and limitations specified under this head in the Department of Labor Appropriation Act, 1941, \$1,718,050.

General expenses (other than salaries): For an additional amount for expenses of the Immigration and Naturalization Service, 1941, including the objects and under the conditions specified under this head in the Department of Labor Appropriation Act, 1941, and including maintenance and operating expenses of aircraft, \$446,800, of which amount not to exceed \$114,600 may be expended for the purchase, including exchange, of motor-propelled passenger-carrying vehicles, and not to exceed \$45,000 for the procurement, including exchange, of aircraft.

Contingent expenses: For contingent expenses, Immigration and Naturalization Service, fiscal year 1941, in addition to the sum of \$69,850 included for this purpose in the appropriation "Contingent Expenses, Department of Labor", in the Department of Labor Appropriation Act, 1941, \$5,150.

Traveling expenses: For traveling expenses, Immigration and Naturalization Service, fiscal year 1941, in addition to the sum of \$164,200 included for this purpose in the appropriation "Traveling Expenses, Department of Labor", in the Department of Labor Appropriation Act, 1941, \$20,000.

Printing and binding: For printing and binding, Immigration and Naturalization Service, fiscal year 1941, in addition to the sum of \$51,000 included for this purpose in the appropriation "Printing and Binding, Department of Labor", in the Department of Labor Appropriation Act, 1941, \$10,000.

THE JUDICIARY

UNITED STATES SUPREME COURT

Miscellaneous expenses.
53 Stat. 903.

Miscellaneous expenses: For an additional amount for miscellaneous expenses of the Supreme Court of the United States, to be expended as the Chief Justice may approve, fiscal year 1940, \$1,000.

UNITED STATES COURTS

Fees of commissioners.
Ante, p. 209.

49 Stat. 1327.

Fees of commissioners: For an additional amount for the fiscal year 1941 for fees of United States Commissioners and other committing magistrates acting under section 1014, Revised Statutes (18 U. S. C. 591), including fees and expenses of conciliation commissioners, United States courts, including the objects and subject to the conditions specified for such fees and expenses of conciliation commissioners in the Department of Justice Appropriation Act,

1937, \$50,000, together with the unexpended balance of the appropriation for conciliation commissioners, United States courts, for the fiscal year ending June 30, 1940.

Fees of jurors: The Secretary of the Treasury, upon request of the Director of the Administrative Office of the United States Courts and with the consent of the Attorney General, is hereby authorized to transfer an amount not to exceed \$55,000 from the unexpended balance of the appropriation "Fees of Jurors and Witnesses, United States Courts, 1939", to the appropriation "Fees of Jurors, United States Courts, 1940".

Miscellaneous expenses (other than salaries): For an additional amount for the fiscal year 1940, for such miscellaneous expenses of the United States courts as may be authorized or approved by the Director of the Administrative Office of the United States Courts, including the same objects and subject to the same conditions pertaining to said courts specified under this head in the Department of Justice Appropriation Act, 1940, \$64,180.

Traveling expenses: For an additional amount for the fiscal year 1940 for traveling expenses, not otherwise provided for, incurred by the Judiciary, \$38,300.

Reappropriation.

Fees of jurors.

52 Stat. 268.
53 Stat. 905.

Miscellaneous expenses.

53 Stat. 906.

Traveling expenses.
53 Stat. 897.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

Miscellaneous expenses: The appropriation "Miscellaneous Expenses, Administrative Office of the United States Courts", contained in the Judiciary Appropriation Act, 1941, is hereby made available in such amounts (not to exceed a total of \$8,700) as may be necessary and approved by the Director of the Administrative Office of the United States Courts, for transfer to the appropriation "Care of Supreme Court Building and Grounds, 1941" and expenditure by the Architect of the Capitol, for structural changes, alterations, and installations of fixtures in the Supreme Court Building, necessary for the accommodation of the Administrative Office of the United States Courts in such building.

Miscellaneous expenses.

Ante, p. 211.

Ante, p. 207.
Alterations, etc., Supreme Court Building.

DEPARTMENT OF LABOR

DIVISION OF LABOR STANDARDS

Salaries and expenses, Division of Labor Standards: Not to exceed \$1,472 of the unexpended balance of the appropriation "Salaries and expenses, Division of Labor Standards, Department of Labor, 1939", may be used for personal services by contract without regard to section 3709 of the Revised Statutes in connection with the preparation of a handbook on Federal labor laws.

Salaries and expenses.
Handbook on Federal labor laws.
52 Stat. 285.

41 U. S. C. § 5.

Salaries and Expenses, Division of Labor Standards: For an additional amount, fiscal year 1941, for salaries and expenses, Division of Labor Standards, to be used exclusively for the promotion of an apprenticeship program, in addition to such sums as may be expended from the regular annual appropriation for 1941 for this purpose, including the objects specified under this head in the Department of Labor Appropriation Act, 1941, \$120,000, from which amount transfers may be made to other appropriations for the Department of Labor, 1941, as follows: \$1,750 to Contingent Expenses, \$15,875 to Traveling Expenses, \$500 to Printing and Binding; and the limitation on the amount which may be expended under this head for personal services in the District of Columbia is hereby increased to \$184,200.

Apprenticeship program.

Ante, p. 575.

Transfer of funds.

Ante, pp. 574, 575.

BUREAU OF LABOR STATISTICS

Salaries and ex-
penses.
Occupational out-
look surveys.

Ante, p. 576.

Transfer of funds.

Ante, pp. 574, 575.

Salaries and Expenses: For an additional amount, fiscal year 1941, for salaries and expenses, Bureau of Labor Statistics, to be used exclusively for occupational outlook surveys in addition to such sums as may be expended from the regular annual appropriations for this purpose, including the objects specified under this head in the Department of Labor Appropriation Act, 1941, \$75,000, from which transfers may be made to other appropriations for the Department of Labor, 1941, as follows: \$9,500 to Contingent Expenses; \$6,000 to Travel Expenses; \$1,000 to Printing and Binding; and the limitation on the amount which may be expended under this head for personal services in the District of Columbia is hereby increased by the sum of \$58,500.

NAVY DEPARTMENT

OFFICE OF THE SECRETARY

Naval petroleum re-
serves.

Ante, p. 267.

41 Stat. 813.

34 U. S. C. § 524;
Supp. V, § 524.

53 Stat. 759.

Collision damage
claims.

Ante, p. 89.

42 Stat. 1066.

34 U. S. C. § 599.

Operation and conservation of naval petroleum reserves: For an additional amount to enable the Secretary of the Navy to carry out the provisions contained in the Act approved June 4, 1920 (34 U. S. C. 524), requiring him to conserve, develop, use, and operate the naval petroleum reserves, including the same objects specified under this head in the Naval Appropriation Act, fiscal year 1940, \$15,000, and to remain available until June 30, 1941.

Claims for damages by collision with naval vessels: To pay claims for damages adjusted and determined by the Secretary of the Navy under the provisions of the Act entitled "An Act to amend the Act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels", approved December 28, 1922, as fully set forth in House Document Numbered 758, Seventy-sixth Congress, \$170.

BUREAU OF AERONAUTICS

Aviation, Navy,
1938.

50 Stat. 111.

Aviation, Navy, 1938: Not to exceed \$8,158,768 of the appropriation "Aviation, Navy, 1938", contained in the Naval Appropriation Act for the fiscal year 1938, shall continue available until June 30, 1941, for the payment of obligations incurred under contracts executed prior to September 30, 1938.

MARINE CORPS

General expenses.

Ante, p. 235.

Purchase of rifles.

53 Stat. 776.

Ante, p. 32.

Marine Band, ex-
penses.

Ante, p. 598.

General expenses, Marine Corps: Not to exceed a total of \$693,960 of the unobligated balances on June 30, 1940, of the total amounts appropriated under this head in the Act entitled "An Act making appropriations for the Navy Department and naval service for the fiscal year ending June 30, 1940, and for other purposes", approved May 25, 1939, and in the Emergency Supplemental Appropriation Act, 1940, approved February 12, 1940, shall continue available for obligation until June 30, 1941, for the purchase of rifles.

For expenses of the United States Marine Band in attending the Convention of the Grand Army of the Republic to be held at Springfield, Illinois, September 8 to 13, 1940, as authorized by H. R. 9296, Seventy-sixth Congress, Public, Numbered —, approved June —, 1940, fiscal year 1941, \$6,900.

POST OFFICE DEPARTMENT

OUT OF THE POSTAL REVENUES

OFFICE OF THE FIRST ASSISTANT POSTMASTER GENERAL

Clerks, first- and second-class post offices: For an additional amount for compensation to clerks and employees at first- and second-class post offices, and so forth, including the same objects specified under this head in the Post Office Department Appropriation Act, 1940, fiscal year 1940, \$6,000,000 and, in addition, the sum of \$500,000 which is hereby transferred to this appropriation from the appropriation "Star Route Service, 1940".

Clerks, first- and second-class post offices.

53 Stat. 677.

53 Stat. 678.

City delivery carriers: For an additional amount for pay of letter carriers, City Delivery Service, fiscal year 1940, \$5,500,000.

City delivery carriers.
53 Stat. 677.

Domestic air-mail service: For an additional amount for the inland transportation of mail by aircraft, and so forth, including the same objects and subject to the same conditions specified under this head in the Post Office Department Appropriation Act, 1941, \$625,000.

Domestic air-mail service.

Ante, p. 73.

Foreign air-mail transportation: For an additional amount for transportation of foreign mails by aircraft, as authorized by law, fiscal year 1941, \$173,000.

Foreign air-mail transportation.
Ante, p. 73.

The Postmaster General is hereby authorized to incur obligations for the transportation of mail by aircraft during the fiscal year 1941 between Seattle, Washington, and Juneau, Alaska, via Ketchikan, Alaska, and the appropriation "Foreign air-mail transportation, 1941", is hereby made available for payment of such obligations.

Air-mail service between Seattle, Wash., and Juneau, Alaska.

Ante, p. 73.

OFFICE OF THE SECOND ASSISTANT POSTMASTER GENERAL

Railroad transportation and mail-messenger service: For inland transportation by railroad routes, and so forth, including the same objects and subject to the same conditions specified under this head in the Post Office Department Appropriation Act, 1940, \$7,000,000.

Railroad transportation, etc., service.

53 Stat. 678.

MISCELLANEOUS

The Comptroller General of the United States is hereby authorized and directed to transfer from such appropriations contained in the Post Office Department Appropriation Act, 1940, having unobligated balances, such amounts as the Postmaster General shall recommend to certain other appropriations in amounts not to exceed in the aggregate the amounts specified as follows: To "Salaries, Office of First Assistant Postmaster General, 1940", \$13,000; to "Payment of Rewards, 1939", \$6,800; to "Special-Delivery Fees, 1939", \$22,000; to "Special-Delivery Fees, 1940", \$675,000; to "Contract Air Mail Service, 1936", \$75,000; to "Contract Air Mail Service, 1937", \$81,000; to "Contract Air Mail Service, 1938", \$84,000; to "Domestic Air Mail Service, 1940", \$525,000; to "Foreign Air Mail Transportation, 1940", \$130,000; to "Power-Boat Service, 1940", \$50,000; to "Railway Mail Service, Salaries, 1940", \$600,000; to "Railway Postal Clerks, Traveling Allowances, 1940", \$100,000; and to "Manufacture and Distribution of Stamps and Stamped Paper, 1940", \$250,000: *Provided*, That the limitations contained in the appropriation "Domestic Air Mail Service, 1940", on the amounts that may be expended for supervisory officials and clerks at air-mail transfer points, and for personal services in the District of Columbia, are hereby increased to \$39,500 and \$54,500, respectively: *Provided further*, That \$7,500 of the appropriation "Foreign Mail Transportation, 1941" is hereby made available, and shall remain available until June 30, 1942, for expenses of dele-

Transfer of funds.

53 Stat. 675.

Providos.
Domestic Air Mail Service.

Expenses of delegates to designated Congress.
Ante, p. 74.

gates designated from the Post Office Department by the Postmaster General to the Fifth Congress of the Postal Union of the Americas and Spain, to be expended in the discretion of the Postmaster General and accounted for on his certificate notwithstanding the provisions of any other law.

DEPARTMENT OF STATE

OFFICE OF THE SECRETARY OF STATE

Salaries.

Salaries: For an additional amount for "Salaries, Department of State, 1941", including the same objects and under the same limitations specified under this head in the Department of State Appropriation Act, 1941, \$50,000.

Ante, p. 181.

FOREIGN INTERCOURSE

Contingent expenses, Foreign Service.

Contingent expenses, Foreign Service: The limitation of \$35,000 on the amount which may be expended during each of the fiscal years 1940 and 1941, for reimbursement of appropriations for the Navy Department for the purposes specified in the last proviso contained under this head in the Department of State Appropriation Acts for 1940 and 1941, is increased to \$40,000.

53 Stat. 889.
Ante, p. 189.

Emergencies, Diplomatic and Consular Service.

Emergencies arising in the Diplomatic and Consular Service: For an additional amount to enable the President to meet unforeseen emergencies arising in the Diplomatic and Consular Service, and to extend the commercial and other interests of the United States and to meet the necessary expenses attendant upon the execution of the Neutrality Act, to be expended pursuant to the requirement of section 291 of the Revised Statutes (31 U. S. C. 107), fiscal year 1941, \$1,000,000; of which \$50,000 shall, in the discretion of the President, be available for personal services in the District of Columbia.

Ante, p. 12.
22 U. S. C., Supp. V,
§§ 245j-245j-19.

INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND MEXICO

Rio Grande canalization project.

Rio Grande canalization project: For an additional amount for Rio Grande canalization, Department of State, including the reconstruction or replacement of certain bridges over the Rio Grande within the Rio Grande canalization project, as authorized by and subject to the provisions of the Act approved April 22, 1940 (Public, Numbered 472, Seventy-sixth Congress), fiscal year 1941, to remain available until expended, \$310,000.

Ante, p. 151.

INTERNATIONAL JOINT COMMISSION, UNITED STATES AND GREAT BRITAIN

Salaries and expenses.

Salaries and expenses: For an additional amount for salaries and expenses, International Joint Commission, United States and Great Britain, fiscal year 1941, including the objects specified under the appropriation for such purpose in the State Department Appropriation Act, 1941, and including also the salary of one Commissioner on the part of the United States, notwithstanding the provision to the contrary contained in such Act, who shall serve at the pleasure of the President, \$7,500.

Ante, p. 190.
Commissioner.

MISCELLANEOUS INTERNATIONAL CONGRESSES, CONFERENCES, AND COMMISSIONS

Mixed Claims Commission, U. S. and Germany.

Mixed Claims Commission, United States and Germany: For the Mixed Claims Commission, United States and Germany, fiscal year 1941, including the objects specified under this head in the First Deficiency Appropriation Act, fiscal year 1936, \$15,500.

49 Stat. 1631.

Arbitration of smelter fumes controversy, United States and Canada: For an additional amount for completing the arbitration of smelter fumes controversy, United States and Canada, fiscal year 1940, including the same objects specified under this head in the Department of State Appropriation Act, 1937, \$10,000, to remain available until June 30, 1941.

Arbitration of smelter fumes controversy.

49 Stat. 1319.

Meeting of Treasury Representatives, Quito, Ecuador: For the expenses of participation by the Government of the United States in the Meeting of Treasury Representatives, to be held at Quito, Ecuador, fiscal year 1941, including personal services in the District of Columbia or elsewhere; travel expenses; communication services; stenographic reporting, translating, and other services by contract if deemed necessary; local transportation; equipment; transportation of things; rent; printing and binding; entertainment; official cards; purchase of newspapers, periodicals, books, and documents; stationery; and such other expenses as may be authorized by the Secretary of State, including the reimbursement of other appropriations from which payments may have been made for any of the purposes herein specified, \$3,000.

Meeting of Treasury Representatives, Quito, Ecuador.

Reimbursements.

Ninth International Seed Testing Congress: The unexpended balance of the appropriation "Ninth International Seed Testing Congress contained in the Department of State Appropriation Act, 1940, is continued available for the same purposes until June 30, 1941.

Ninth International Seed Testing Congress.

53 Stat. 806.

Eighth Pan American Child Congress, San Jose, Costa Rica: The unexpended balance of the appropriation "Eighth Pan American Child Congress, San Jose, Costa Rica", contained in the Urgent Deficiency and Supplemental Appropriation Act, fiscal years 1939 and 1940, is continued available for the same purposes until June 30, 1941.

Eighth Pan American Child Congress, San Jose, Costa Rica.

53 Stat. 987.

International Committee on Political Refugees: The unexpended balance of the appropriation "International Committee on Political Refugees" contained in the Urgent Deficiency and Supplemental Appropriation Act, fiscal years 1939 and 1940, is continued available for the same purposes until June 30, 1941.

International Committee on Political Refugees.

53 Stat. 988.

International Monetary and Economic Conference, 1933-1940, and General Disarmament Conference, Geneva, Switzerland, 1933-1940: The unexpended balances of the appropriations "International Monetary and Economic Conference" and "General Disarmament Conference, Geneva, Switzerland", contained in the Urgent Deficiency and Supplemental Appropriation Act, fiscal years 1939 and 1940, are continued available for the same purposes until June 30, 1941.

International conferences.

53 Stat. 988.

Agrarian Claims Commission, United States and Mexico: For an additional amount, fiscal year 1941, for the expenses of participation by the United States in the settlement of claims of citizens of the United States against the Government of Mexico on account of expropriations of agrarian properties since August 30, 1927, as authorized by and in accordance with the Act of April 10, 1939, \$15,000, together with the unexpended balance of the appropriation for this purpose for the fiscal years 1939 and 1940 in the Third Deficiency Appropriation Act, fiscal year 1939.

Agrarian Claims Commission, U. S. and Mexico.

53 Stat. 573.

53 Stat. 1324.

COOPERATION WITH THE AMERICAN REPUBLICS

Salaries and expenses: For an additional amount for salaries and expenses, cooperation with the American republics, fiscal year 1941, including the objects specified under this head in the Department of State Appropriation Act, 1941, and including also the recording and sound-tracking of motion pictures; traveling expenses, in accordance with the Standardized Government Travel Regulations and the

Salaries and expenses.
Post, p. 1044.

Ante, p. 192.
Traveling expenses.

44 Stat. 688.
5 U. S. C. §§ 821-833.

22 U. S. C., Supp. V,
§ 249a.

Transfer of funds to
designated agencies,
etc.

Act of June 3, 1926, as amended, of citizens of the United States and the other American republics selected as professors and students; traveling expenses of members of advisory committees in accordance with section 2, of the Act of August 9, 1939 (53 Stat. 1290); and not exceeding \$10,000 additional for printing and binding, \$250,000; and the Secretary of State is hereby authorized, subject to the approval of the President, to transfer to other departments, agencies, and independent establishments of the Government for expenditure in the United States and in the other American republics not exceeding the following amounts, respectively: Federal Security Agency for the Public Health Service, \$20,000; Department of Labor, for the Children's Bureau, \$7,500, and the Women's Bureau, \$5,000; Civil Aeronautics Authority, \$20,000; Smithsonian Institution, \$28,500; Department of the Interior, for the Travel Bureau, \$12,500, for the Bureau of Fisheries, \$5,000, and for the Geological Survey, \$25,000; Department of Commerce, for the Coast and Geodetic Survey, \$9,000; Library of Congress, \$18,500; Tariff Commission, \$5,000.

TREASURY DEPARTMENT

OFFICE OF THE SECRETARY

Adjusted Compensation Payment Act, 1936, expenses.

49 Stat. 1099.
38 U. S. C., Supp. V,
§§ 686-688b.

Salaries and expenses, foreign owned property control.

12 U. S. C. § 95a.

Reimbursements.

Administrative expenses, Adjusted Compensation Payment Act, 1936, Treasury Department: For transfer to the Post Office Department to cover registry fees and postage on mailings of bonds, issued under the provisions of the Adjusted Compensation Payment Act of 1936, fiscal year 1940, \$15,000.

Salaries and expenses, foreign owned property control: For expenditure under the direction of the Secretary of the Treasury for any purpose in connection with the carrying out of the provisions of section 5 (b) of the Act of October 6, 1917 (40 Stat. 411, 415), as amended, and any proclamations, orders, or regulations that have been or may be issued thereunder, including personal services (without regard to classification and civil-service laws) and rent in the District of Columbia and elsewhere, printing, and all other necessary expenses incurred in carrying out instructions issued by the Secretary of the Treasury pursuant to section 5 (b) of the Act of October 6, 1917, as amended, or proclamations, orders, or regulations issued thereunder, including reimbursement of any other appropriation or other funds of the United States or any agency, instrumentality, territory, or possession thereof, including the Philippine Islands, and reimbursement of any Federal Reserve bank for printing and other expenditures, fiscal year 1940, \$700,000, to remain available until June 30, 1941.

OFFICE OF GENERAL COUNSEL

Salaries.
Ante, p. 55.

Salaries: For an additional amount, fiscal year 1941, for the general counsel and other personal services in the District of Columbia, \$10,600.

OFFICE OF THE CHIEF CLERK

Salaries.
Ante, p. 56.

Salaries: For an additional amount, fiscal year 1941, for the chief clerk and other personal services in the District of Columbia, \$26,580.

CUSTODY OF TREASURY BUILDINGS

Salaries of operating force.

Salaries of operating force, Treasury Department buildings: For an additional amount, fiscal year 1941, for the Superintendent of Treasury Buildings and other personal services in the District of

Columbia, including the same objects specified under this head in the Treasury Department Appropriation Act, 1941, \$45,984.

Ante, p. 56.

DIVISION OF PRINTING

Stationery: For an additional amount for stationery for the Treasury Department, fiscal year 1936, including the objects specified under this head in the Treasury Department Appropriation Act, 1936, \$217.02.

Stationery.

49 Stat. 220.

For an additional amount for stationery for the Treasury Department, fiscal year 1941, including the objects specified under this head in the Treasury Department Appropriation Act, 1941, \$39,000.

Ante, p. 57.

OFFICE OF COMMISSIONER OF ACCOUNTS AND DEPOSITS

Salaries: For an additional amount, fiscal year 1941, for the Commissioner of Accounts and Deposits and other personal services in the District of Columbia, including the Division of Bookkeeping and Warrants, \$35,420.

Salaries.
Ante, p. 57.

Contingent expenses, public moneys: For additional amounts for contingent expenses, public moneys, including the objects specified under this head in the Treasury Department Appropriation Acts for the fiscal years that follow:

Contingent ex-
penses, public
moneys.

For 1934, \$16.44;

47 Stat. 1492.

For 1936, \$296.65.

49 Stat. 220.

Payment of unclaimed moneys: For an additional amount for payment of unclaimed moneys, fiscal year 1940, including the same objects specified under this head in the Treasury Department Appropriation Act, 1940, \$16,874.49, payable from the funds held by the United States in the trust fund receipt account "Unclaimed Moneys of Individuals Whose Whereabouts are Unknown".

Payment of un-
claimed moneys.
Ante, p. 91.

53 Stat. 658.

PUBLIC DEBT SERVICE

Expenses of loans: The limitation on the amount that may be obligated during the fiscal year 1940 under the indefinite appropriation "Expenses of Loans, Act of September 24, 1917, as Amended and Extended", contained in the Treasury Department Appropriation Act, 1940, is hereby increased from \$3,595,000 to \$3,784,000.

Expenses of loans.

40 Stat. 292.
31 U. S. C. §§ 760,
761; Supp. V, §§ 760,
761.
53 Stat. 659.

BUREAU OF CUSTOMS

Refunds and drawbacks: For an additional amount for the refund or payment of customs collections or receipts, and for the payment of debentures or drawbacks, bounties, and allowances as authorized by law, fiscal year 1940, \$2,000,000.

Refunds and draw-
backs.
53 Stat. 660.

BUREAU OF INTERNAL REVENUE

Salaries and expenses: For an additional amount for expenses of assessing and collecting the internal-revenue taxes, fiscal year 1941, including the objects specified under this head in the Treasury Department Appropriation Act, 1941, \$5,000,000, of which \$164,850 shall be available for printing and binding and \$187,120 for personal services in the District of Columbia.

Salaries and
expenses.

Ante, p. 60.

Printing and bind-
ing.

COAST GUARD

Rebuilding and repairing stations: The unexpended balance of the appropriation "Rebuilding and repairing stations, and so forth", contained in the Second Deficiency Appropriation Act, fiscal year 1939, is hereby continued available for the same purposes until June 30, 1941.

Rebuilding and re-
pairing stations.

53 Stat. 640.

Special projects, etc.

Special projects, vessels, and aids to navigation: For an additional amount for special projects, aids to navigation, Lighthouse Service, Coast Guard, including the same objects specified under the heading "Special projects, vessels, and aids to navigation", in the Department of Commerce Appropriation Act, 1940, \$550,000, and in addition thereto, not to exceed \$160,000 may be transferred to said appropriation for special projects, aids to navigation, from the appropriation "Fuel and Water, Coast Guard, 1940", to continue available until expended.

53 Stat. 914.

Transfer of funds.

Claims for damages, operation of vessels. *Ante*, p. 91.

Claims for damages, operation of vessels: To pay claims for damages adjusted and determined by the Secretary of the Treasury under the provisions of the Act entitled "An Act to provide for the adjustment and settlement of certain claims for damages resulting from the operation of vessels of the Coast Guard and the Public Health Service, in sums not exceeding \$3,000 in any one case", approved June 15, 1936, as fully set forth in House Document Numbered 757, Seventy-sixth Congress, \$406.85.

49 Stat. 1514.
14 U. S. C., Supp. V, § 71.

SECRET SERVICE DIVISION

Suppressing counterfeiting, etc.

Suppressing counterfeiting and other crimes: For an additional amount, fiscal year 1941, for suppressing counterfeiting and other crimes, including the objects and subject to the limitations specified under this head in the Treasury Department Appropriation Act, 1941, \$27,000.

Ante, p. 67.

White House Police. *Ante*, pp. 68, 156.

White House Police: For an additional amount for salaries at the rates of pay provided by law, fiscal year 1941, \$49,000.

For an additional amount for uniforming and equipping the White House Police, including the same objects specified under this head in the Treasury Department Appropriation Act, 1941, \$3,500.

Ante, p. 68.

BUREAU OF THE MINT

Transportation of bullion and coin. *Ante*, p. 68.

Transportation of bullion and coin: For an additional amount for transportation of bullion and coin, between mints, assay offices, and bullion depositories, including compensation of temporary employees, fiscal year 1940, \$1,608,000, to remain available until June 30, 1941.

Medal for Howard Hughes.

Medal for Howard Hughes: For carrying out the provisions of the Act entitled "An Act to provide for the presentation of a medal to Howard Hughes in recognition of his achievement in advancing the science of aviation", approved August 7, 1939 (Private Act Numbered 214), fiscal year 1941, \$250.

53 Stat. 1525.

Medal for Rev. Francis X. Quinn.

Medal for Reverend Francis X. Quinn: For carrying out the provisions of the Act entitled "An Act to provide for the presentation of a medal to Reverend Francis X. Quinn in recognition of his valor in saving the lives of two of his fellow citizens", approved August 10, 1939 (Private Act Numbered 235), fiscal year 1941, \$250.

53 Stat. 1533.

WAR DEPARTMENT

MILITARY ACTIVITIES

OFFICE OF THE SECRETARY OF WAR

Claims for damages to and loss of private property. 53 Stat. 599. *Ante*, p. 92.

Claims for damages to and loss of private property: To pay claims for damages adjusted and determined by the Secretary of War under the provisions of an Act entitled "An Act making appropriations for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes", approved August 24, 1912, as fully set forth in House Document Numbered 759, Seventy-sixth Congress, \$1,449.92.

37 Stat. 586.
5 U. S. C. § 208.

GENERAL STAFF CORPS

Miscellaneous expenses, military intelligence activities: For an additional amount for miscellaneous expenses, military intelligence activities, fiscal year 1941, including the same objects specified under this head in the Military Appropriation Act, 1941, to be immediately available, \$135,000.

Miscellaneous expenses, military intelligence activities.

Ante, p. 353.

QUARTERMASTER CORPS

Acquisition of land for radiobeacons, Army: Not to exceed \$1,500 of the unexpended balance of the appropriation for the acquisition of land for sites for radiobeacons contained in the Military Appropriation Act, 1939, is hereby made available until expended for the acquisition of land for sites for radiobeacons in the vicinity of Amarillo, Texas, and Albuquerque, New Mexico, as authorized by the Act of August 12, 1935.

Acquisition of land for radiobeacons.

52 Stat. 652.

49 Stat. 610, 10 U. S. C., Supp. V, §§ 1343a, 1343d.

Choctawhatchee National Forest, Fla. Acquisition of land.

Acquisition of land, Choctawhatchee National Forest, Florida: For the acquisition of title to all privately owned land within the established boundaries of the Choctawhatchee National Forest, Florida, including expenditures necessary to terminate and liquidate existing forest-products contracts, and reimbursement to special-use permittees for the present value of their improvements, \$76,750, fiscal year 1940, to remain available until expended: *Provided*, That all Government-owned land in the Choctawhatchee National Forest, Florida, is hereby transferred from the control and jurisdiction of the Forest Service, Department of Agriculture, to the control and jurisdiction of the War Department for use for military purposes: *Provided further*, That in the event the area hereby transferred, together with any land hereafter acquired by the War Department within or adjacent to said national forest, shall cease to be needed for military purposes it may, by proclamation or order of the President, be restored to a national-forest status: *Provided further*, That the Secretary of War is hereby authorized, under such terms and conditions as he may prescribe, to discontinue all forest activities within the area hereby transferred, and which may hereafter be acquired, to terminate all existing special-use permits, and to renew such thereof as to which there may be no military objection.

Provisos. Transfer of Government-owned land.

Restoration to national-forest status.

Discontinuance, etc., of forest activities.

Military posts: Of the funds appropriated under the title "Military Posts" in the Supplemental Military Appropriation Act, 1940, not to exceed \$13,000 may be applied to the satisfaction of claims in connection with the extinguishment of private licenses on military lands in the Panama Canal Zone: *Provided*, That the respective amounts to be awarded to claimants shall be restricted to the reasonable value of improvements placed by them on such lands, as determined by a board of officers appointed by the commanding general, Panama Canal Department, and approved by the Secretary of War.

Military lands, Canal Zone. 53 Stat. 994.

Proviso. Awards to claimants.

Not to exceed \$25,000 of any funds available to the War Department during the fiscal year 1941 for the construction of buildings, utilities, and appurtenances at military posts may be used for the payment to the owner of the transmission lines on Moffett Field Military Reservation, California, of excess cost of removing said lines to a new location, as determined by and in accordance with conditions approved by the Secretary of War.

Moffett Field, Calif. Payment to owner of transmission lines.

All moneys available on July 1, 1940, under the appropriation "Construction of Buildings, Utilities, and Appurtenances at Military Posts" may be used in connection with the purposes of such appropriation for the employment of personnel at the seat of Government or elsewhere without regard to civil-service requirements and restrictions of law relating thereto.

Personal services; use of designated funds.

Army Medical Library and Museum.

Ante, p. 363.

41 U. S. C. § 5.

Transfer of funds, limitation.

Ante, p. 350.

Army Medical Library and Museum: The design for the Army Medical Library and Museum, the appropriation on account of which is contained in the Military Appropriation Act, 1941, shall be prepared under the direction and supervision of the Secretary of War and Surgeon General of the Army, who shall select and employ the architect, by contract or otherwise, without reference to section 3709 of the Revised Statutes or the civil service or classification laws; and such appropriation shall be available for payment for such design. Not to exceed 5 per centum of any of the appropriations for the Military Establishment for the fiscal year 1941 may be transferred with the approval of the Director of the Bureau of the Budget to any other of such appropriations, but no appropriation shall be increased more than 5 per centum thereby.

CIVIL FUNCTIONS

CORPS OF ENGINEERS

Claims for damages, rivers and harbors.

41 Stat. 1015.

Claims for damages, rivers and harbors: To pay claims for damages under river and harbor work adjusted and determined by the War Department under the provision of section 9 of the River and Harbor Act, approved June 5, 1920 (33 U. S. C. 564), as set forth in Senate Document Numbered 227 and House Document Numbered 760, Seventy-sixth Congress, \$14,767.25.

PANAMA CANAL

Trans-Isthmian Highway.

53 Stat. 1870.

Construction of a Trans-Isthmian Highway: For every expenditure requisite for, and incident to, the construction of that portion of a Trans-Isthmian Highway between the Canal Zone boundary near Cativa and a junction with the Fort Randolph Road near France Field in accordance with article II of the convention between the United States and the Republic of Panama with regard to the construction of a Trans-Isthmian Highway between the cities of Panama and Colón, signed March 2, 1936, and to the ratification of which the United States Senate gave its advice and consent July 25, 1939, fiscal year 1940, \$325,000, to remain available until expended and to be expended under the direction of the Governor of the Panama Canal.

TITLE II—JUDGMENTS AND AUTHORIZED CLAIMS

PROPERTY DAMAGE CLAIMS

Payment.

42 Stat. 1066.
31 U. S. C. §§ 215-217.

SEC. 201. (a) For the payment of claims for damages to or losses of privately owned property adjusted and determined by the following respective departments and independent offices, under the provisions of the Act entitled "An Act to provide a method for the settlement of claims arising against the Government of the United States in the sums not exceeding \$1,000 in any one case", approved December 28, 1922 (31 U. S. C. 215), as fully set forth in the House Document Numbered 755 of the Seventy-sixth Congress, as follows:
Civil Aeronautics Authority, \$992.48;
Federal Works Agency:
Public Works Administration, \$10.01;
Public Buildings Administration, \$51.15;
Works Progress Administration, \$494.66;
Veterans' Administration, \$37.50;
Department of Agriculture, \$7,090.09;
Department of the Interior, \$1,181.47;

Department of Justice, \$52.33;
 Department of Labor, \$8.65;
 Navy Department, \$953.99;
 Treasury Department, \$22;
 War Department, \$4,242.01;
 Post Office Department (payable from postal revenues), \$1,103.15;
 In all, \$16,239.49.

(b) For the payment of claims for damages to or losses of privately owned property adjusted and determined by the following respective departments and independent offices, under the provisions of the Act entitled "An Act to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding \$1,000 in any one case", approved December 28, 1922 (31 U. S. C. 215), as fully set forth in Senate Document Numbered 225 of the Seventy-sixth Congress, as follows:

Federal Works Agency:
 Works Progress Administration, \$130.35;
 Department of Agriculture, \$3,398.44;
 Department of the Interior, \$178.00;
 Navy Department, \$668.72;
 Treasury Department, \$76.25;
 War Department, \$2,780.37;
 In all, \$7,232.13.

Payment.

42 Stat. 1066.
 31 U. S. C. §§ 215-217.

JUDGMENTS, UNITED STATES COURTS

SEC. 202. (a) For the payment of the final judgments, including costs of suits, which have been rendered under the provisions of the Act of March 3, 1887, entitled "An Act to provide for the bringing of suits against the Government of the United States", as amended by Section 297 of the Act of March 3, 1911 (28 U. S. C. 761), certified to the Seventy-sixth Congress in House Document Numbered 761, under the following departments:

Department of Agriculture, \$6,736.94;
 Navy Department, \$1,708.11;

In all, \$8,445.05, together with such additional sum as may be necessary to pay costs and interest as specified in such judgments or as provided by law.

(b) For the payment of judgments, including cost of suits, rendered against the Government of the United States by United States district courts under the provisions of an Act entitled "An Act authorizing suits against the United States in admiralty for damages caused by and salvage services rendered to public vessels belonging to the United States, and for other purposes", approved March 3, 1925 (46 U. S. C. 781-789), certified to the Seventy-sixth Congress in Senate Document Numbered 222 and House Document Numbered 761, under the following department:

Navy Department, \$8,309.82;

In all, \$8,309.82, together with such additional sum as may be necessary to pay interest as and where specified in such judgments or as provided by law.

(c) For the payment of the costs of final judgment and decree rendered against J. Edwin Larson, Collector of Internal Revenue, in his official capacity only, certified to the Seventy-sixth Congress in House Document Numbered 761, under the Treasury Department, \$599.55.

(d) None of the judgments contained under this caption shall be paid until the right of appeal shall have expired except such as have become final and conclusive against the United States by failure of the parties to appeal or otherwise.

Payment of final judgments, etc.

24 Stat. 505; 36 Stat. 1168.

Costs and interest.

Payment of judgments, etc.

43 Stat. 1112.
 46 U. S. C. §§ 781-790.

Interest.

J. Edwin Larson.
 Payment of costs of final judgment, etc., against.

Time of payment.

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Interest.

(e) Payment of interest wherever provided for judgments contained in this Act shall not in any case continue for more than thirty days after the date of approval of this Act.

JUDGMENTS, COURT OF CLAIMS

Payment of judgments.

SEC. 203. (a) For payment of the judgments rendered by the Court of Claims and reported to the Seventy-sixth Congress in Senate Document Numbered 226 and House Document Numbered 763, under the following establishment and departments, namely:

Federal Works Agency, \$109,707.43;
 Veterans' Administration, \$277.75;
 Department of Commerce, \$7,109.15;
 Department of the Interior, \$796.62;
 Navy Department, \$8,147.93;
 Treasury Department, \$19,565;
 War Department, \$202,890.22;

Interest.

In all, \$348,494.10, together with such additional sum as may be necessary to pay interest as and where specified in such judgments.

Time of payment.

(b) None of the judgments contained under this caption shall be paid until the right of appeal shall have expired, except such as have become final and conclusive against the United States by failure of the parties to appeal or otherwise.

AUDITED CLAIMS

Payment.

SEC. 204. (a) For the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been carried to the surplus fund under the provisions of section 5 of the Act of June 20, 1874 (31 U. S. C. 713), and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1937 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the Act of July 7, 1884 (5 U. S. C. 266), as fully set forth in House Document Numbered 765, Seventy-sixth Congress, there is appropriated as follows:

18 Stat. 110.

23 Stat. 254.

Executive.

Executive: For National Industrial Recovery, National Resources Board, \$32.44.

Independent Offices.

Independent Offices: For National Industrial Recovery, Civil Works Administration, \$6.

For maintenance of air-navigation facilities, Civil Aeronautics Authority, \$1,151.48.

40 Stat. 1009.

For salaries and expenses, National Archives, 26 cents.

For operations under Mineral Act of October 5, 1918, \$3,605.33.

For housing for war needs, \$766.67.

For general administrative expenses, Public Buildings Branch, Procurement Division, \$260.59.

For general administrative expenses, Public Works Branch, Procurement Division, \$309.86.

For National Industrial Recovery, Federal Emergency Administration of Public Works, \$116.37.

For Quarantine Service, \$7.22.

For National Industrial Recovery, Labor, United States Employment Service, 80 cents.

For wage records, Social Security Board, \$2.27.

For pay of other employees, Public Health Service, \$4.83.

For pay of personnel and maintenance of hospitals, Public Health Service, \$91.59.

For diseases and sanitation investigations, Social Security Act, Public Health Service, \$1.57.

49 Stat. 635,
42 U. S. C., Supp.
V, § 803.

For salaries and expenses, Veterans' Administration, \$2,624.54.

For medical and hospital services, Veterans' Bureau, \$32.20.

Department of Agriculture: For National Industrial Recovery, Resettlement Administration, submarginal lands (transfer to Agriculture), \$14,017.74.

Department of Agri-
culture.

For exportation and domestic consumption of agricultural commodities, Department of Agriculture, \$614.48.

For increase of compensation, Department of Agriculture, \$10.

For loans and relief in stricken agricultural areas (transfer to Farm Credit Administration), \$19.79.

For salaries and expenses, Bureau of Plant Industry, \$30.

For salaries and expenses, Bureau of Chemistry and Soils, \$6.25.

For conservation and use of agricultural land resources, Department of Agriculture, \$777.

For acquisition of lands for protection of watersheds of navigable streams, \$122.

For salaries and expenses, Food and Drug Administration, \$403.92.

For salaries and expenses, Forest Service, \$248.57.

For soil-erosion investigations, \$9.99.

For National Industrial Recovery, Agricultural Adjustment Administration, \$63.03.

For farmers' crop production and harvesting loans, Farm Credit Administration, \$52.81.

For salaries and expenses, Weather Bureau, \$6.44.

For salaries and expenses, Bureau of Agricultural Economics, \$2.91.

For miscellaneous expenses, Department of Agriculture, \$54.24.

For loans and relief in stricken agricultural areas (transfer to Agriculture, silviculture), \$17.95.

For grasshopper control, \$11.07.

For National Industrial Recovery, Interior, soil-erosion prevention (transfer to Agriculture), \$7.24.

For emergency conservation fund (transfer from War to Agriculture, Act June 19, 1934), \$262.17.

For emergency conservation fund (transfer from War to Agriculture, Act March 31, 1933), \$2.14.

For salaries and expenses, Soil Conservation Service, \$28,168.24.

Department of Commerce: For equipment, Bureau of Standards, \$550.

Department of
Commerce.

District of Columbia: For fees of jurors and witnesses, Supreme Court, District of Columbia, \$1.50.

District of Colum-
bia.

For workhouse and reformatory, District of Columbia, \$948.78.

Department of the Interior: For National Industrial Recovery, Interior, National Park Service, recreational demonstration projects, \$592.75.

Department of the
Interior.

For migratory bird conservation fund (receipt limitation), 68 cents.

For testing fuel, Bureau of Mines, \$16.25.

For miscellaneous expenses, Bureau of Fisheries, \$44.60.

For Indian school support, \$43.53.

For emergency conservation work (transfer to Interior, Indians, Act June 22, 1936), \$65.14.

For emergency conservation fund (transfer from War to Interior, Indians, Act March 31, 1933), \$12.03.

For expenses, sale of timber (reimbursable), \$30.70.

For Indian Service supply fund, \$809.05.

For emergency conservation work (transfer to Interior, Indians, Act February 9, 1937), \$33.04.

For agriculture and stock raising among Indians, \$8.45.

For conservation of health among Indians, \$11.65.

For support of Indians and administration of Indian property, \$191.50.

Department of Justice.

Department of Justice: For fees of commissioners, United States courts, \$301.58.

For salaries and expenses, veterans' insurance litigation, Department of Justice, \$15.

For United States Penitentiary, Atlanta, Georgia, maintenance, \$12.17.

For fees of jurors and witnesses, United States courts, \$65.20.

For salaries and expenses, Bureau of Prohibition, \$5.72.

For miscellaneous expenses, United States courts, \$45.85.

For salaries, fees, and expenses of marshals, United States courts, \$108.90.

For support of United States prisoners, \$2.95.

For probation system, United States courts, \$2.50.

Department of Labor.

Department of Labor: For salaries and expenses, Immigration and Naturalization Service, \$1.

For payment to officers and employees of the United States in foreign countries due to appreciation of foreign currencies (Labor), \$54.61.

For salaries and expenses, Bureau of Labor Statistics, \$2.

Navy Department.

Navy Department: For pay, Marine Corps, \$204.46.

For payment to officers and employees of the United States in foreign countries due to appreciation of foreign currencies (Navy), \$44.49.

For ordnance and ordnance stores, Bureau of Ordnance, \$43,345.38.

For pay, subsistence, and transportation, Navy, \$4,485.

For general expenses, Marine Corps, \$258.69.

For aviation, Navy, \$153,496.84.

For maintenance, Bureau of Supplies and Accounts, \$694.22.

For engineering, Bureau of Engineering, \$10,743.89.

For pay of the Navy, \$59.83.

For organizing the Naval Reserve, \$25.92.

For miscellaneous expenses, Navy, \$51.13.

For Medical Department, Bureau of Medicine and Surgery, \$223.31.

Department of State.

Department of State: For transportation of Foreign Service officers, \$657.75.

Treasury Department.

Treasury Department: For expenses, Emergency Banking, Gold Reserve, and Silver Purchase Acts, \$9.

For collecting the revenue from customs, \$13.70.

For collecting the internal revenue, \$95.50.

For communication lines, Coast Guard, 64 cents.

For general expenses, Lighthouse Service, \$112.76.

For salaries, keepers of lighthouses, \$82.29.

For pay and allowances, Coast Guard, \$213.92.

For rebuilding and repairing stations, and so forth, Coast Guard, \$750.

War Department.

War Department: For general appropriations, Quartermaster Corps, \$15,064.79.

For pay, and so forth, of the Army, \$4,304.52.

For pay of the Army, \$7,022.19.

For Army transportation, \$230.98.

For travel, military and civil personnel, War Department, \$62.55.

For replacing medical supplies, \$3,179.76.

For pay of National Guard for armory drills, \$3.45.

For National Industrial Recovery, War, Quartermaster Corps, \$325.39.

For travel of the Army, \$76.69.

For clothing and equipage, \$26.22.

For medical and hospital department, \$216.14.

For medical and hospital department, Army, \$1.13.

For ordnance service and supplies, Army, \$323.39.

For Signal Service of the Army, \$21.14.

For barracks and quarters, \$550.84.

For barracks and quarters, Army, \$383.83.

For Air Corps, Army, \$5.49.

For Organized Reserves, \$18.80.

For citizens' military training camps, \$1.34.

For increase of compensation, Military Establishment, \$72.66.

For seacoast defenses, \$219.03.

For subsistence of the Army, \$40.84.

For National Guard, \$166.42.

For replacing Army transportation, \$20.55.

For supplies, services, and transportation, Quartermaster Corps, \$92.

For emergency conservation fund (transfer to War, Act March 31, 1933), \$243.14.

For emergency conservation fund (transfer to War, Act June 19, 1934), \$769.09.

For loans and relief in stricken agricultural areas (transfer from emergency conservation work to War, Act June 19, 1934), \$17.92.

For emergency conservation work (transfer to War, Act June 22, 1936), \$715.41.

For emergency conservation work (transfer to War, Act February 9, 1937), \$632.18.

Emergency relief: For emergency relief, Agriculture, administrative expenses, \$53.65.

Emergency relief.

For emergency relief, Agriculture, Biological Survey, \$2,150.40.

For emergency relief, Agriculture, Biological Survey, flood control and other conservation, \$27.60.

For emergency relief, Agriculture, Forest Service, forestation, and so forth, \$120.

For emergency relief, Agriculture, Forest Service, parks and recreational facilities, \$120.49.

For emergency relief, Agriculture, Forest Service, flood control and other conservation, \$6.

For emergency relief, Agriculture, Soil Conservation Service, \$210.47.

For emergency relief, Agriculture, Soil Conservation Service, flood control and other conservation, \$11.

For emergency relief, Resettlement Administration, rural rehabilitation, loans and relief to farmers, and so forth (transfer to Agriculture), \$253.

For emergency relief, Resettlement Administration, administrative expenses (transfer to Agriculture), \$121.25.

For emergency relief, Resettlement Administration, rural rehabilitation (transfer to Agriculture), \$1,213.55.

For emergency relief, Resettlement Administration, sanitation, prevention of soil erosion, and so forth (transfer to Agriculture), \$6,808.63.

For emergency relief, emergency conservation work, Interior, Indians, miscellaneous projects, Indian reservations, \$208.89.

For emergency relief, Interior, Puerto Rico Reconstruction Administration, public utilities, and so forth, \$8,250.

For emergency relief, Interior, Puerto Rico Reconstruction Administration, public buildings, \$815.90.

For emergency relief, Justice, administrative expenses, \$140.

For emergency relief, Treasury, administrative expenses, \$12.51.

For emergency relief, Treasury, Coast Guard, \$41.50.

For emergency relief, War, rivers and harbors, flood control, and so forth, \$4,295.

For emergency relief, emergency conservation work, War, Civilian Conservation Corps, \$1,472.85.

For emergency relief, Works Progress Administration, administrative expenses, \$154.25.

For emergency relief, Works Progress Administration, women's projects, \$6.58.

For emergency relief, Works Progress Administration, work-relief projects, \$3.04.

For emergency relief, Works Progress Administration, miscellaneous work projects, \$26.76.

For emergency relief, Works Progress Administration, public buildings, \$9.52.

For emergency relief, Works Progress Administration, public utilities, and so forth, \$18.24.

For emergency relief, Works Progress Administration, highways, roads, and streets, \$617.10.

For emergency relief, Works Progress Administration, forestation, prevention of soil erosion, and so forth, \$38.76.

For emergency relief, Works Progress Administration, assistance for educational, professional, and clerical persons, \$232.65.

For emergency relief, Works Progress Administration, grants to States, and so forth, \$3,294.59.

For emergency relief, Works Progress Administration (non-Federal projects approved prior to June 22, 1936), \$1,187.34.

For emergency relief, Works Progress Administration, parks and recreational facilities, \$66.26.

For emergency relief, Works Progress Administration, National Youth Administration, non-Federal projects, \$33.05.

For emergency relief, National Resources Committee, administrative expenses, \$7,344.80.

Post Office Department.

Post Office Department—Postal Service (out of the Postal Revenues): For clerks, first- and second-class post offices, \$710.72.

For contract air-mail service, \$22,342.24.

For freight, express, and motor transportation of equipment, and so forth, \$1.09.

For indemnities, domestic mail, \$36.06.

For rent, light, and fuel, \$142.25.

For Rural Delivery Service, \$78.55.

For vehicle service, \$259.24.

Total; additional sum.

Total, audited claims, section 204 (a), \$376,711.51, together with such additional sum due to increases in rates of exchange as may be necessary to pay claims in the foreign currency and interest as specified in certain of the settlements of the General Accounting Office.

Payment of designated claims.

(b) For the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been carried to the surplus fund under the provisions of section 5 of the Act of June 20, 1874 (31 U. S. C. 713), and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1937 and prior years, unless otherwise stated, and

18 Stat. 110.

which have been certified to Congress under section 2 of the Act of July 7, 1884 (5 U. S. C. 266), as fully set forth in Senate Document Numbered 224, Seventy-sixth Congress, there is appropriated as follows:

23 Stat. 254.

Independent Offices: For maintenance of air-navigation facilities, Civil Aeronautics Authority, \$759.20.

Independent Offices.

For Interstate Commerce Commission, \$23.95.

For salaries and expenses, Veterans' Administration, \$187.78.

For National Industrial Recovery, Federal Emergency Administration of Public Works, \$313.30.

For repair, preservation, and equipment, Public Buildings, Procurement Division, \$14.80.

Department of Agriculture: For salaries and expenses, Soil Conservation Service, \$12.80.

Department of Agriculture.

For salaries and expenses, Forest Service, \$51.89.

For salaries and expenses, Bureau of Animal Industry, \$11.66.

For exportation and domestic consumption of agricultural commodities, Department of Agriculture, \$55.83.

For acquisition of lands for protection of watersheds of navigable streams, \$502.80.

For farmers' crop production and harvesting loans, Farm Credit Administration, \$20.

For conservation and use of agricultural land resources, Department of Agriculture, \$30.

For National Industrial Recovery, Resettlement Administration, submarginal lands (transfer to Agriculture), \$1,607.54.

Department of the Interior: For salaries and expenses, Division of Investigation, Department of the Interior, \$43.94.

Department of the Interior.

For Indian boarding schools, \$31.44.

For support of Indians and administration of Indian property, \$131.25.

Department of Justice: For support of United States prisoners, \$61.55.

Department of Justice.

Department of Labor: For salaries and expenses, Immigration and Naturalization Service, \$12.73.

Department of Labor.

For salaries and expenses, Bureau of Labor Statistics, \$2.

Navy Department: For pay, subsistence, and transportation, Navy, \$441.10.

Navy Department.

For pay, Marine Corps, \$51.74.

For aviation, Navy, \$8,130.

For ordnance and ordnance stores, Bureau of Ordnance, \$52,017.86.

For payment to officers and employees of the United States in foreign countries due to appreciation of foreign currencies (Navy), \$8.31.

Post Office Department: For operating supplies for public buildings, Post Office Department, general fund, \$13.24.

Post Office Department.

Department of State: For contingent expenses, Foreign Service, \$6.44.

Department of State.

Treasury Department: For increase of compensation, Treasury Department, \$10.

Treasury Department.

For general expenses, Lighthouse Service, \$42.

For Coast Guard, \$57.95.

For pay and allowances, Coast Guard, \$57.

For collecting the internal revenue, \$5.25.

War Department: For general appropriations, Quartermaster Corps, \$3,518.95.

War Department.

For pay, and so forth, of the Army, \$1,355.58.

For pay of the Army, \$139.52.

For Army transportation, \$24.48.
 For travel, military and civil personnel, War Department, \$278.07.
 For travel of the Army, \$22.50.
 For ordnance service and supplies, Army, \$3.37.
 For increase of compensation, Military Establishment, \$2.90.
 For National Guard, \$132.26.
 For Reserve Officers' Training Corps, \$9.87.
 For working fund, War, Chemical Warfare Service (Navy, construction and repair), \$5,135.82.
 For emergency conservation fund (transfer to War, Act June 19, 1934), \$22.57.
 For emergency conservation work (transfer to War, Act June 22, 1936), \$201.85.
 For emergency conservation work (transfer to War, Act February 9, 1937), \$900.18.

Emergency relief.

Emergency Relief: For emergency relief, Agriculture, administrative expenses, \$1.88.

For emergency relief, Agriculture, public roads, highways, roads, and streets, \$151,585.83.

For emergency relief, Resettlement Administration, flood control and other conservation (transfer to Agriculture), \$30.53.

For emergency relief, Resettlement Administration, rural rehabilitation (transfer to Agriculture), \$2,477.25.

For emergency relief, Resettlement Administration, sanitation, prevention of soil erosion, and so forth (transfer to Agriculture), \$23.45.

For emergency relief, emergency conservation work, War, Civilian Conservation Corps, \$530.35.

For emergency relief, Interior, National Park Service, parks and recreational facilities, \$4.30.

For emergency relief, Interior, National Park Service, parks and recreational facilities, non-Federal projects, 47 cents.

For emergency relief, Interior, National Park Service, sanitation, prevention of soil erosion, and so forth, \$6.94.

For emergency relief, Works Progress Administration, administrative expenses, \$211.28.

For emergency relief, Works Progress Administration, grants to States, and so forth, \$163.92.

For emergency relief, Works Progress Administration (non-Federal projects approved prior to June 22, 1936), \$962.50.

Post Office Department.

Post Office Department—Postal Service (out of the Postal Revenues): For contract Air Mail Service, \$44.76.

For operating force for public buildings, Post Office Department, \$71.97.

For compensation to postmasters, \$133.74.

Total; additional sum.

Total, audited claims, section 204 (b), \$232,712.44, together with such additional sum due to increase in rates of exchange as may be necessary to pay claims in the foreign currency and interest as specified in certain of the settlements of the General Accounting Office.

Payment of designated claims.

(c) For the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been carried to the surplus fund under the provisions of section 5 of the Act of June 20, 1874 (31 U. S. C. 713), and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1937 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the Act of July 7, 1884 (5 U. S. C. 266), as fully set forth in Senate Document

18 Stat. 110.

23 Stat. 254.

Numbered 223, Seventy-sixth Congress, there is appropriated as follows:

Independent Offices: For maintenance of air-navigation facilities, Civil Aeronautics Authority, \$11. Independent Offices.

For air-navigation facilities, \$6.

For Civil Aeronautics Authority fund, \$2.90.

For operations under Mineral Act of October 5, 1918, \$90,815.15. 40 Stat. 1009.

For Interstate Commerce Commission, \$10.

For pay of personnel and maintenance of hospitals, Public Health Service, \$18.

For general administrative expenses, Public Works Branch, Procurement Division, \$7.67.

For salaries and expenses, Veterans' Administration, \$24.03.

For medical and hospital services, Veterans' Bureau, \$45.

Department of Agriculture: For salaries and expenses, Soil Conservation Service, \$25.20. Department of Agriculture.

For salaries and expenses, Forest Service, \$148.

For salaries and expenses, Bureau of Agricultural Economics, \$167.87.

For National Industrial Recovery, Resettlement Administration, submarginal lands (transfer to Agriculture), \$1,536.95.

For National Industrial Recovery, Resettlement Administration, subsistence homesteads (transfer to Agriculture), \$60.38.

For loans and relief in stricken agricultural areas (transfer to Agriculture) (silviculture), \$17.95.

For exportation and domestic consumption of agricultural commodities, Department of Agriculture, \$58.95.

For soil-erosion investigations, \$29.14.

For farmers' crop production and harvesting loans, Farm Credit Administration, \$17.14.

Department of the Interior: For migratory bird conservation fund (receipt limitation), \$4.08. Department of the Interior.

For purchase of Indian supplies, \$9.01.

Department of Justice: For salaries, fees, and expenses of marshals, United States courts, \$264.51. Department of Justice.

Navy Department: For aviation, Navy, \$6,883.95. Navy Department.

For pay, subsistence, and transportation, Navy, \$6.41.

For engineering, Bureau of Engineering, \$22.40.

For pay, Marine Corps, \$685.25.

For maintenance, Bureau of Yards and Docks, \$1.

For ordnance and ordnance stores, Bureau of Ordnance, \$766.92.

For payment to officers and employees of the United States in foreign countries due to appreciation of foreign currencies (Navy), \$5.32.

Department of State: For transportation of Foreign Service officers, \$201.30. Department of State.

For United States contributions to international commissions, congresses, and bureaus, \$17.73.

For payment to officers and employees of the United States in foreign countries due to appreciation of foreign currencies, \$69.58.

Treasury Department: For collecting the internal revenue, \$10.60. Treasury Department.

War Department: For general appropriations, Quartermaster Corps, \$3,174.08. War Department.

For pay of the Army, \$873.91.

For pay, and so forth, of the Army, \$921.85.

For subsistence of the Army, \$37.40.

For National Guard, \$324.35.

For ordnance service and supplies, Army, \$14.52.

For emergency conservation fund (transfer to War, Act March 31, 1933), \$8.50.

For emergency conservation fund (transfer to War, Act June 19, 1934), \$152.04.

For emergency conservation work (transfer to War, Act February 9, 1937), \$159.38.

For emergency conservation work (transfer to War, Act June 22, 1936), \$659.30.

Emergency relief.

Emergency Relief: For emergency relief, Agriculture, Forest Service, flood control and other conservation, \$159.36.

For emergency relief, Agriculture, Forest Service, forestation, and so forth, \$27.

For emergency relief, Agriculture, Soil Conservation Service, flood control and other conservation, \$11.95.

For emergency relief, Emergency Conservation work, War, Civilian Conservation Corps, \$619.81.

For emergency relief, Interior, National Park Service, parks and recreational facilities, non-Federal projects, \$175.97.

For emergency relief, Interior, National Park Service, parks and recreational facilities, \$1.18.

For emergency relief, Resettlement Administration, rural rehabilitation, loans and relief to farmers, and so forth (transfer to Agriculture), \$2,112.38.

For emergency relief, Resettlement Administration, rural rehabilitation (transfer to Agriculture), \$612.10.

For emergency relief, Resettlement Administration, sanitation, prevention of soil erosion, and so forth (transfer to Agriculture), \$13,680.

For emergency relief, War, rivers and harbors, flood control, and so forth, \$4.16.

For emergency relief, Works Progress Administration, grants to States, and so forth, \$26.10.

For emergency relief, Works Progress Administration, highways, roads, and streets, \$271.12.

For emergency relief, Works Progress Administration, National Youth Administration, non-Federal projects, \$9.15.

For emergency relief, Works Progress Administration (non-Federal projects approved prior to June 22, 1936), \$1,009.51.

For emergency relief, Works Progress Administration, parks and recreational facilities, \$115.95.

For emergency relief, Works Progress Administration, public buildings, \$1,177.94.

For emergency relief, Works Progress Administration, public buildings (Federal projects), \$3.38.

For emergency relief, Works Progress Administration, public utilities, and so forth, \$820.83.

Post Office Department.

Post Office Department—Postal Service (out of the Postal Revenues): For compensation to postmasters, \$21.75.

For Rural Delivery Service, \$60.30.

Total; additional sum.

Total, audited claims, section 204 (c), \$129,194.66, together with such additional sum due to increases in rates of exchange as may be necessary to pay claims in the foreign currency and interest as specified in certain of the settlements of the General Accounting Office.

Volunteers, War with Spain, extra pay. Payment of claims. 30 Stat. 784; 31 Stat. 205.

SEC. 205. For the payment of claims allowed by the General Accounting Office pursuant to the Acts of January 12, 1899, and May 26, 1900, which have been certified to Congress under the Permanent

Appropriations Repeal Act, approved June 26, 1934 (31 U. S. C. 725b), in House Document Numbered 762, Seventy-sixth Congress, §135.20.

48 Stat. 1228.

SEC. 206. For the payment of claim allowed by the General Accounting Office pursuant to Private Act Numbered 107 of the Seventy-sixth Congress, approved July 25, 1939, which has been certified to Congress under section 2 of the Act of July 7, 1884 (5 U. S. C. 266), in Senate Document Numbered 229, Seventy-sixth Congress, §165.

Capt. Robert E. Coughlin.
Payment of claim.
53 Stat. 1455.

23 Stat. 254.

SEC. 207. For the payment of a claim allowed by the General Accounting Office pursuant to Public Act Numbered 505 of the Seventy-sixth Congress, approved May 2, 1940, which has been certified to Congress under section 2 of the Act of July 7, 1884 (U. S. C. title 5, sec. 266), in Senate Document Numbered 228, Seventy-sixth Congress, §6,219.22.

Volunteers, War with Spain, travel pay, etc.
Payment of claim.
Ante, p. 176.
23 Stat. 254.

SEC. 208. This Act may be cited as the "Second Deficiency Appropriation Act, 1940".

Short title.

Approved, June 27, 1940.

[CHAPTER 438]

AN ACT

To amend an Act entitled "An Act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and Acts amendatory thereof and supplementary thereto.

June 28, 1940
[H. R. 9139]
[Public, No. 669]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 81 of chapter IX of the Act entitled "An Act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, as amended, is amended to read as follows:

Bankruptcy Act of 1898, amendment.
30 Stat. 544; 50 Stat. 654.
11 U. S. C., Supp. V, § 401.

"SEC. 81. This Act and proceedings thereunder are found and declared to be within the subject of bankruptcies and, in addition to the jurisdiction otherwise exercised, courts of bankruptcy shall exercise original jurisdiction as provided in this chapter for the composition of indebtedness of, or authorized by, any of the taxing agencies or instrumentalities hereinafter named, payable (a) out of assessments or taxes, or both, levied against and constituting liens upon property in any of said taxing agencies or instrumentalities, or (b) out of property acquired by foreclosure of any such assessments or taxes or both, or (c) out of income derived by such taxing agencies or instrumentalities from the sale of water or power or both, or (d) from any combination thereof: (1) Drainage, drainage and levee, levee, levee and drainage, reclamation, water, irrigation, or other similar districts, commonly designated as agricultural improvement districts or local improvement districts, organized or created for the purpose of constructing, improving, maintaining, and operating certain improvements or projects devoted chiefly to the improvement of lands therein for agricultural purposes; or (2) local improvement districts, such as sewer, paving, sanitary, or other similar districts, organized or created for the purposes designated by their respective names; or (3) local improvement districts, such as road, highway, or other similar districts, organized or created for the purpose of grading, paving, or otherwise improving public streets, roads, or highways; or (4) public-school districts or public-school authorities organized or created for the purpose of constructing, maintaining, and operating public schools or public-school facilities; or (5) local improvement districts, such as port, navigation, or other similar districts, organized or created for the purpose

Additional jurisdiction.
Composition of indebtedness of taxing agencies, etc.

Agricultural improvement districts.

Sewer, paving, etc., districts.

Highway, etc., districts.

Public-school districts.

Port, navigation, etc., districts.

Section consolidates said sections 548 and 549 of title 18, U.S.C., 1940 ed. Section 548 of said title covered 10 crimes. Section 549 of said title covered the same except robbery and incest.

The 1932 amendment of section 548 of title 18, U.S.C., 1940 ed., constituting the last paragraph of the section, is omitted and section 549 of said title to which it applied likewise is omitted. The revised section therefore suffices to cover prosecution of the specific offenses committed on all reservations as intended by Congress.

Words "Indian country" were substituted for language relating to jurisdiction extending to reservations and rights-of-way, in view of definitive section 1151 of this title.

Paul W. Hyatt, president, board of commissioners, Idaho State Bar, recommended that said section 548 be considered with other sections in title 25, Indians, U.S.C., 1940 ed., and revised to insure certainty as to questions of jurisdiction, and punishment on conviction. Insofar as the recommendation came within the scope of this revision, it was followed.

The proviso in said section 548 of title 18, U.S.C., 1940 ed., which provided that rape should be defined in accordance with the laws of the State in which the offense was committed, was changed to include burglary so as to clarify the punishment for that offense.

Venue provisions of said section 548 of title 18, U.S.C., 1940 ed., are incorporated in section 3242 of this title.

Section 549 of title 18, U.S.C., 1940 ed., conferred special jurisdiction on the United States District Court for South Dakota of all crimes of murder, manslaughter, rape, assault with intent to kill, assault with a dangerous weapon, arson, burglary, and larceny committed within the limits of any Indian reservation within the State, whether by or against Indians or non-Indians. The Act of February 2, 1903, 32 Stat. 793, from which said section 549 was derived, accepted the cession by South Dakota of such jurisdiction.

The effect of revised sections 1151, 1152, and 1153 of this title is to deprive the United States District Court for the District of South Dakota of jurisdiction of offenses on Indian reservations committed by non-Indians against non-Indians and to restore such jurisdiction to the courts of the State of South Dakota as in other States. This reflects the views of the United States attorney, George Philip, of the district of South Dakota.

Minor changes were made in translation and phraseology.

1949 ACT

This section [section 26] removes an ambiguity in section 1153 of title 18, U.S.C., by eliminating the provision that the crime of rape in the Indian country is to be punished in accordance with the law of the State where the offense was committed, leaving the definition of the offense to be determined by State law, but providing that punishment of rape of an Indian by an Indian is to be by imprisonment at the discretion of the court. The offense of rape, other than rape of an Indian by an Indian within the Indian country, is covered by section 2031 of title 18, U.S.C., and the offense of burglary by sections 1152 and 3242 of such title.

AMENDMENTS

2006—Subsec. (a). Pub. L. 109-248 inserted "felony child abuse or neglect," after "years."

1994—Subsec. (a). Pub. L. 103-322 substituted "kidnaping" for "kidnapping" and inserted "(as defined in section 1365 of this title), an assault against an individual who has not attained the age of 16 years" after "serious bodily injury".

1988—Subsec. (a). Pub. L. 100-690 substituted "maiming, a felony under chapter 109A, incest" for "'maiming' and all that follows through 'incest'", thus clarifying execution of amendment by Pub. L. 99-646 and Pub. L. 99-654 but resulting in no change in text. See 1986 Amendment note below.

1986—Pub. L. 99-646 and Pub. L. 99-654 which directed that section be amended identically by substituting in

first par. "a felony under chapter 109A," for "rape, involuntary sodomy, carnal knowledge of any female, not his wife, who has not attained the age of sixteen years, assault with intent to commit rape," and by striking out in second and third pars. "involuntary sodomy," was executed by making the substitution in subsec. (a) for "rape, involuntary sodomy, felonious sexual molestation of a minor, carnal knowledge of any female, not his wife, who has not attained the age of sixteen years, assault with intent to commit rape," to reflect the probable intent of Congress in view of prior amendment of this section by Pub. L. 99-303, but amendment to second and third pars. could not be executed because such pars. were struck out by Pub. L. 99-303.

Pub. L. 99-303 inserted section catchline which had been eliminated by general amendment by section 1009 of Pub. L. 98-473, designated first par. as subsec. (a) and inserted "felonious sexual molestation of a minor," struck out second par. which provided that, as used in this section, the offenses of burglary, involuntary sodomy, and incest be defined and punished in accordance with the laws of the State in which such offense was committed as are in force at the time of such offense, and struck out third par. and restated the provisions thereof in a new subsec. (b), substituting "Any offense referred to in subsection (a) of this section that is" for "In addition to the offenses of burglary, involuntary sodomy, and incest, any other of the above offenses which are".

1984—Pub. L. 98-473 amended section generally, inserting offenses of maiming, involuntary sodomy and a felony committed under section 661 of this title and striking out reference to larceny in first par., and inserting "involuntary sodomy," after "burglary" in third par.

1976—Pub. L. 94-297 made changes in phraseology, added offense of kidnapping to the enumerated list of offenses subjecting any Indian to the same laws and penalties as all other persons, struck out applicability to assault with a dangerous weapon and assault resulting in serious bodily injury from paragraph covering the offenses of burglary and incest only, and substituted paragraph, relating to offenses in addition to offenses of burglary and incest, for paragraph relating to offenses of rape and assault with intent to commit rape.

1968—Pub. L. 90-284 inserted offense of assault resulting in serious bodily injury.

1966—Pub. L. 89-707 inserted offenses of carnal knowledge and assault with intent to commit rape, defined and proscribed the punishment for assault with intent to commit rape in accordance with the laws of the State in which the offense was committed, and required assault with a dangerous weapon and incest to be defined and punished in accordance with the laws of the State in which the offense was committed.

1949—Act May 24, 1949, struck out provision that the crime of rape is to be punished in accordance with the law of the State where the offense was committed and in lieu inserted provision leaving punishment up to the discretion of the court.

EFFECTIVE DATE OF 1986 AMENDMENTS

Amendments by Pub. L. 99-646 and Pub. L. 99-654 effective, respectively, 30 days after Nov. 10, 1986, and 30 days after Nov. 14, 1986, see section 87(e) of Pub. L. 99-646 and section 4 of Pub. L. 99-654, set out as an Effective Date note under section 2241 of this title.

§ 1154. Intoxicants dispensed in Indian country

(a) Whoever sells, gives away, disposes of, exchanges, or barter any malt, spirituous, or vinous liquor, including beer, ale, and wine, or any ardent or other intoxicating liquor of any kind whatsoever, except for scientific, sacramental, medicinal or mechanical purposes, or any essence, extract, bitters, preparation, compound, composition, or any article whatsoever, under

any name, label, or brand, which produces intoxication, to any Indian to whom an allotment of land has been made while the title to the same shall be held in trust by the Government, or to any Indian who is a ward of the Government under charge of any Indian superintendent, or to any Indian, including mixed bloods, over whom the Government, through its departments, exercises guardianship, and whoever introduces or attempts to introduce any malt, spirituous, or vinous liquor, including beer, ale, and wine, or any ardent or intoxicating liquor of any kind whatsoever into the Indian country, shall, for the first offense, be fined under this title or imprisoned not more than one year, or both; and, for each subsequent offense, be fined under this title or imprisoned not more than five years, or both.

(b) It shall be a sufficient defense to any charge of introducing or attempting to introduce ardent spirits, ale, beer, wine, or intoxicating liquors into the Indian country that the acts charged were done under authority, in writing, from the Department of the Army or any officer duly authorized thereunto by the Department of the Army, but this subsection shall not bar the prosecution of any officer, soldier, sutler or storekeeper, attaché, or employee of the Army of the United States who barter, donates, or furnishes in any manner whatsoever liquors, beer, or any intoxicating beverage whatsoever to any Indian.

(c) The term "Indian country" as used in this section does not include fee-patented lands in non-Indian communities or rights-of-way through Indian reservations, and this section does not apply to such lands or rights-of-way in the absence of a treaty or statute extending the Indian liquor laws thereto.

(June 25, 1948, ch. 645, 62 Stat. 758; May 24, 1949, ch. 139, §27, 63 Stat. 94; Pub. L. 103-322, title XXXIII, §330016(1)(G), (I), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

1948 ACT

Based on sections 241, 242, 244a, 249, 254 of title 25, U.S.C., 1940 ed., Indians (R.S. §2139; Feb. 27, 1877, ch. 69, §1, 19 Stat. 244; July 4, 1884, ch. 180, §1, 23 Stat. 94; July 23, 1892, ch. 234, 27 Stat. 260; Mar. 2, 1917, ch. 146, §17, 39 Stat. 983; June 13, 1932, ch. 245, 47 Stat. 302; Mar. 5, 1934, ch. 43, 48 Stat. 396; June 27, 1934, ch. 846, 48 Stat. 1245; June 15, 1938, ch. 435, §1, 52 Stat. 696).

Section consolidates sections 241, 242, 244a, and 249 of title 25, U.S.C., 1940 ed., Indians. The portion of section 241 of said title which defined the substantive offense became subsection (a); the portion relating to the scope of the term "Indian country" was omitted as unnecessary in view of definition of "Indian country" in section 1151 of this title; the portion of section 241 of said title excepting liquors introduced by the War Department became subsection (c), as limited by section 249 of said title; the portion respecting making complaint in county of offense, and with reference to arraignment, was omitted as covered by rule 5 of the Federal Rules of Criminal Procedure; and the remainder of section 241 of said title was incorporated in section 1156 of this title.

Section 254 of title 25, U.S.C., 1940 ed., Indians, was omitted as covered by this section and section 1156 of this title. That section was enacted in 1934 and excluded from the Indian liquor laws lands outside reservations where the land was no longer held by Indians

under a trust patent or a deed or patent containing restrictions against alienation. Such enactment was prior to the June 15, 1938, amendment of section 241 of title 25, U.S.C., 1940 ed., Indians, in which the term "Indian country" was defined as including allotments where the title was held in trust by the Government or where it was inalienable without the consent of the United States. This provision, by implication, excluded cases where there was no trust or restriction on alienation and thereby achieved the same result as section 254 of title 25, U.S.C., 1940 ed., Indians. That amendment also repealed the act of Jan. 30, 1897, referred to in section 254 of title 25, U.S.C., 1940 ed., Indians. Insofar as the reference in section 254 of said title to "special Indian liquor laws" included section 244 of title 25, U.S.C., 1940 ed., Indians, the definition of Indian country in section 1151 of this title covers section 254 of title 25, U.S.C., 1940 ed., Indians.

Words "or agent" were deleted as there have been no Indian agents since 1908. See section 64 of title 25, U.S.C., 1940 ed., Indians, and note thereunder.

Mandatory punishment provisions were rephrased in the alternative and provision for commitment for non-payment of fine was deleted. This change was also recommended by United States District Judge T. Blake Kennedy on the ground that, otherwise, section would be practically meaningless since, in most cases, offenders cannot pay a fine.

The exception of intoxicating liquor for scientific, sacramental, medicinal or mechanical purposes was inserted for the same reason that makes this exception appropriate to section 1262 of this title.

Minor changes were made in phraseology.

1949 ACT

Subsection (a) of this section [section 27(a)] substitutes "Department of the Army" for "War Department", in subsection (b) of section 1154 of title 18, U.S.C., to conform to such redesignation by act July 26, 1947 (ch. 343, title 11, §205(a), 61 Stat. 501 (5 U.S.C., 1946 ed., §181-1)). Subsection (b) of this section [section 27(b)] adds subsection (c) to such section 1154 in order to conform it and section 1156 more closely to the laws relating to intoxicating liquor in the Indian country as they have heretofore been construed.

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-322 substituted "fined under this title" for "fined not more than \$500" after "first offense, be" and for "fined not more than \$2,000" after "subsequent offense, be".

1949—Subsec. (b). Act May 24, 1949, §27(a), substituted "Department of the Army" for "War Department".

Subsec. (c). Act May 24, 1949, §27(b), added subsec. (c).

TRANSFER OF FUNCTIONS

Functions of all other officers of Department of the Interior and functions of all agencies and employees of such Department, with two exceptions, transferred to Secretary of the Interior, with power vested in him to authorize their performance or performance of any of his functions by any of such officers, agencies, and employees, by Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 1155. Intoxicants dispensed on school site

Whoever, on any tract of land in the former Indian country upon which is located any Indian school maintained by or under the supervision of the United States, manufactures, sells, gives away, or in any manner, or by any means furnishes to anyone, either for himself or another, any vinous, malt, or fermented liquors, or any other intoxicating drinks of any kind whatsoever, except for scientific, sacramental, medicinal or mechanical purposes, whether medicated

or not, or who carries, or in any manner has carried, into such area any such liquors or drinks, or who shall be interested in such manufacture, sale, giving away, furnishing to anyone, or carrying into such area any of such liquors or drinks, shall be fined under this title or imprisoned not more than five years, or both.

(June 25, 1948, ch. 645, 62 Stat. 758; Pub. L. 103-322, title XXXIII, §330016(1)(G), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on sections 241a, 244a, of title 25, U.S.C., 1940 ed., Indians (Mar. 1, 1895, ch. 145, §8, 28 Stat. 697; Mar. 5, 1934, ch. 43, 48 Stat. 396.)

Section consolidates sections 241a and 244a of title 25, U.S.C., 1940 ed., Indians. The effect of section 244a of said title in repealing section 241a of said title, except as to lands upon which Indian schools are maintained, was to continue prohibiting the dispensing of liquor in such areas.

The words "upon conviction thereof" were omitted as unnecessary, since punishment cannot be imposed until a conviction is secured.

The minimum punishment provision was omitted to conform to the policy adopted in revision of the 1909 Criminal Code.

Mandatory punishment provision was rephrased in the alternative.

The exception of intoxicating liquor for scientific, sacramental, medicinal or mechanical purposes was inserted for the same reason that makes this exception appropriate to section 1262 of this title.

Minor changes were made in phraseology.

AMENDMENTS

1994—Pub. L. 103-322 substituted "fined under this title" for "fined not more than \$500".

§ 1156. Intoxicants possessed unlawfully

Whoever, except for scientific, sacramental, medicinal or mechanical purposes, possesses intoxicating liquors in the Indian country or where the introduction is prohibited by treaty or an Act of Congress, shall, for the first offense, be fined under this title or imprisoned not more than one year, or both; and, for each subsequent offense, be fined under this title or imprisoned not more than five years, or both.

The term "Indian country" as used in this section does not include fee-patented lands in non-Indian communities or rights-of-way through Indian reservations, and this section does not apply to such lands or rights-of-way in the absence of a treaty or statute extending the Indian liquor laws thereto.

(June 25, 1948, ch. 645, 62 Stat. 759; May 24, 1949, ch. 139, §28, 63 Stat. 94; Pub. L. 103-322, title XXXIII, §330016(1)(G), (I), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

1948 ACT

Based on sections 241, 244, 244a, 254 of title 25, U.S.C., 1940 ed., Indians (R.S. 2139; Feb. 27, 1877, ch. 69, §1, 19 Stat. 244; July 23, 1892, ch. 234, 27 Stat. 260; May 25, 1918, ch. 86, §1, 40 Stat. 563; June 30, 1919, ch. 4, §1, 41 Stat. 4; Mar. 5, 1934, ch. 43, 48 Stat. 396; June 27, 1934, ch. 846, 48 Stat. 1245; June 15, 1938, ch. 435, §1, 52 Stat. 696).

The revision of section 244 of title 25, U.S.C., 1940 ed., Indians, conforms with the effect thereon of sections 241, 244a, and 254 of said title.

The provisions relating to scope of term "Indian country" were omitted as unnecessary in view of definition of "Indian country" in section 1151 of this title.

Mandatory punishment provisions were rephrased in the alternative and provision for commitment for non-payment of fine was deleted. Such change was also recommended by United States District Judge T. Blake Kennedy. (See reviser's note under section 1154 of this title.)

The exception of intoxicating liquor for scientific, sacramental, medicinal or mechanical purposes was inserted for the same reason that makes this exception appropriate to section 1262 of this title.

Minor changes were made in phraseology.

1949 ACT

This section [section 28] adds to section 1156 of title 18, U.S.C., a paragraph to conform this section and section 1154 of such title more closely to the laws relating to intoxicating liquors in the Indian country as they have been heretofore construed.

AMENDMENTS

1994—Pub. L. 103-322 substituted "fined under this title" for "fined not more than \$500" after "first offense, be" and for "fined not more than \$2,000" after "subsequent offense, be" in first par.

1949—Act May 24, 1949, inserted last par.

[§ 1157. Repealed. Pub. L. 85-86, July 10, 1957, 71 Stat. 277]

Section, acts June 25, 1948, ch. 645, 62 Stat. 759; May 24, 1949, ch. 139, §29, 63 Stat. 94; Aug. 15, 1953, ch. 506, §2(a), 67 Stat. 590, prohibited purchase of Indian-owned livestock subject to unpaid loans from Federal revolving fund or from tribal loan funds.

§ 1158. Counterfeiting Indian Arts and Crafts Board trade mark

Whoever counterfeits or colorably imitates any Government trade mark used or devised by the Indian Arts and Crafts Board in the Department of the Interior as provided in section 305a of Title 25, or, except as authorized by the Board, affixes any such Government trade mark, or knowingly, willfully, and corruptly affixes any reproduction, counterfeit, copy, or colorable imitation thereof upon any products, or to any labels, signs, prints, packages, wrappers, or receptacles intended to be used upon or in connection with the sale of such products; or

Whoever knowingly makes any false statement for the purpose of obtaining the use of any such Government trade mark—

Shall (1) in the case of a first violation, if an individual, be fined under this title or imprisoned not more than five years, or both, and, if a person other than an individual, be fined not more than \$1,000,000; and (2) in the case of subsequent violations, if an individual, be fined not more than \$1,000,000 or imprisoned not more than fifteen years, or both, and, if a person other than an individual, be fined not more than \$5,000,000; and (3) shall be enjoined from further carrying on the act or acts complained of.

(June 25, 1948, ch. 645, 62 Stat. 759; Pub. L. 101-644, title I, §106, Nov. 29, 1990, 104 Stat. 4665; Pub. L. 103-322, title XXXIII, §330016(1)(U), Sept. 13, 1994, 108 Stat. 2148.)

HISTORICAL AND REVISION NOTES

Based on section 305d of title 25, U.S.C., 1940 ed., Indians (Aug. 27, 1935, ch. 748, §5, 49 Stat. 892).

The reference to the offense as a misdemeanor was omitted as unnecessary in view of the definition of misdemeanor in section 1 of this title.

Section 172, R.S. §2112, related to imposition of a penalty for carrying seditious messages intending to contravene a United States treaty or law.

Section 173, R.S. §2113, related to imposition of a penalty for corresponding with foreign nations intending to incite Indians to war.

§ 174. Superintendence by President over tribes west of Mississippi

The President is authorized to exercise general superintendence and care over any tribe or nation which was removed upon an exchange of territory under authority of the act of May 28, 1830, "to provide for an exchange of lands with the Indians residing in any of the States or Territories, and for their removal west of the Mississippi;" and to cause such tribe or nation to be protected, at their new residence, against all interruption or disturbance from any other tribe or nation of Indians, or from any other person or persons whatever.

(R.S. §2114.)

CODIFICATION

R.S. §2114 derived from act May 28, 1830, ch. 148, §§7, 8, 4 Stat. 412.

AMERICAN INDIAN POLICY REVIEW COMMISSION

Pub. L. 93-580, Jan. 2, 1975, 88 Stat. 1910, as amended by Pub. L. 94-80, §§1-4, Aug. 9, 1975, 89 Stat. 415, 416; Pub. L. 95-5, Feb. 17, 1977, 91 Stat. 13, provided for the establishment, membership, etc., of the American Indian Policy Review Commission, and for investigations, studies, and a final report respecting Indian tribal government affairs, with the Commission to cease to exist three months after submission of the final report but not later than June 30, 1977, and Congressional committee reports to Congress within two years after referral to committee of the final report by the President of the Senate and Speaker of the House.

§ 175. United States attorneys to represent Indians

In all States and Territories where there are reservations or allotted Indians the United States attorney shall represent them in all suits at law and in equity.

(Mar. 3, 1893, ch. 209, §1, 27 Stat. 631; June 25, 1948, ch. 646, §1, 62 Stat. 909.)

CHANGE OF NAME

"United States attorney" substituted in text for "United States district attorney" on authority of act June 25, 1948. See section 541 of Title 28, Judiciary and Judicial Procedure.

§ 176. Survey of reservations

Whenever it becomes necessary to survey any Indian or other reservations, or any lands, the same shall be surveyed under the direction and control of the Bureau of Land Management, and as nearly as may be in conformity to the rules and regulations under which other public lands are surveyed.

(R.S. §2115; 1946 Reorg. Plan No. 3, §403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

CODIFICATION

R.S. §2115 derived from act Apr. 8, 1864, ch. 48, §6, 13 Stat. 41.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with cer-

tain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

"Bureau of Land Management" substituted in text for "General Land Office" pursuant to section 403 of Reorg. Plan No. 3 of 1946, set out in the Appendix to Title 5, which established the Bureau and transferred thereto the powers and duties of the General Land Office.

§ 177. Purchases or grants of lands from Indians

No purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto, from any Indian nation or tribe of Indians, shall be of any validity in law or equity, unless the same be made by treaty or convention entered into pursuant to the Constitution. Every person who, not being employed under the authority of the United States, attempts to negotiate such treaty or convention, directly or indirectly, or to treat with any such nation or tribe of Indians for the title or purchase of any lands by them held or claimed, is liable to a penalty of \$1,000. The agent of any State who may be present at any treaty held with Indians under the authority of the United States, in the presence and with the approbation of the commissioner of the United States appointed to hold the same, may, however, propose to, and adjust with, the Indians the compensation to be made for their claim to lands within such State, which shall be extinguished by treaty.

(R.S. §2116.)

CODIFICATION

R.S. §2116 derived from act June 30, 1834, ch. 161, §12, 4 Stat. 730.

§ 178. Fees on behalf of Indian parties in contests under public land laws

In contests initiated by or against Indians, to an entry, filing or other claims, under the laws of Congress relating to public lands for any sufficient cause affecting the legality or validity of the entry, filing or claim, the fees to be paid by and on behalf of the Indian party in any case shall be one-half of the fees provided by law in such cases, and said fees shall be paid by the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, on an account stated by the proper land officers through the Secretary of the Interior or such officer as he may designate.

(Mar. 3, 1893, ch. 209, §1, 27 Stat. 631; 1946 Reorg. Plan No. 3, §403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

"Secretary of the Interior or such officer as he may designate" substituted in text for "Commissioner of the General Land Office" on authority of section 403(d) and (e) of Reorg. Plan No. 3 of 1946, set out in the Appendix to Title 5, which abolished office of Commis-

sioner of General Land Office and transferred functions of General Land Office to Secretary of the Interior or such officers and agencies of Department of the Interior as he may designate.

§ 179. Driving stock to feed on lands

Every person who drives or otherwise conveys any stock of horses, mules, or cattle, to range and feed on any land belonging to any Indian or Indian tribe, without the consent of such tribe, is liable to a penalty of \$1 for each animal of such stock. This section shall not apply to Creek lands.

(R.S. §2117; Mar. 1, 1901, ch. 676, §37, 31 Stat. 871; June 30, 1902, ch. 1323, §17, 32 Stat. 504.)

CODIFICATION

R.S. §2117 derived from act June 30, 1834, ch. 161, §9, 4 Stat. 730.

§ 180. Settling on or surveying lands belonging to Indians by treaty

Every person who makes a settlement on any lands belonging, secured, or granted by treaty with the United States to any Indian tribe, or surveys or attempts to survey such lands, or to designate any of the boundaries by marking trees, or otherwise, is liable to a penalty of \$1,000. The President may, moreover, take such measures and employ such military force as he may judge necessary to remove any such person from the lands.

(R.S. §2118.)

CODIFICATION

R.S. §2118 derived from act June 30, 1834, ch. 161, §11, 4 Stat. 730.

§ 181. Rights of white men marrying Indian women; tribal property

No white man, not otherwise a member of any tribe of Indians, who may after August 9, 1888, marry an Indian woman, member of any Indian tribe in the United States, or any of its Territories except the Five Civilized Tribes in the Indian Territory, shall by such marriage after August 9, 1888, acquire any right to any tribal property, privilege, or interest whatever to which any member of such tribe is entitled.

(Aug. 9, 1888, ch. 818, §1, 25 Stat. 392.)

§ 182. Rights of Indian women marrying white men; tribal property

Every Indian woman, member of any such tribe of Indians, who may be married after August 9, 1888, to any citizen of the United States, is hereby declared to become by such marriage a citizen of the United States, with all the rights, privileges, and immunities of any such citizen, being a married woman: *Provided*, That nothing in sections 181 to 183 of this title contained shall impair or in any way affect the right or title of such married woman to any tribal property or any interest therein.

(Aug. 9, 1888, ch. 818, §2, 25 Stat. 392.)

§ 183. Marriage of white men to Indian women; evidence

Whenever the marriage of any white man with any Indian woman, a member of any such tribe

of Indians, is required or offered to be proved in any judicial proceeding, evidence of the admission of such fact by the party against whom the proceeding is had, or evidence of general repute, or of cohabitation as married persons, or any other circumstantial or presumptive evidence from which the fact may be inferred, shall be competent.

(Aug. 9, 1888, ch. 818, §3, 25 Stat. 392.)

§ 184. Rights of children born of marriages between white men and Indian women

All children born of a marriage solemnized prior to June 7, 1897, between a white man and an Indian woman by blood and not by adoption, where said Indian woman was on that date, or was at the time of her death, recognized by the tribe, shall have the same rights and privileges to the property of the tribe to which the mother belongs, or belonged at the time of her death, by blood, as any other member of the tribe, and no prior Act of Congress shall be construed as to debar such child of such right.

(June 7, 1897, ch. 3, 30 Stat. 90.)

§ 185. Protection of Indians desiring civilized life

Whenever any Indian, being a member of any band or tribe with whom the Government has or shall have entered into treaty stipulations, being desirous to adopt the habits of civilized life, has had a portion of the lands belonging to his tribe allotted to him in severalty, in pursuance of such treaty stipulations, the agent and superintendent of such tribe shall take such measures, not inconsistent with law, as may be necessary to protect such Indian in the quiet enjoyment of the lands so allotted to him.

(R.S. §2119.)

CODIFICATION

R.S. §2119 derived from act June 14, 1862, ch. 101, §1, 12 Stat. 427.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

INDIAN AGENTS

The services of Indian agents have been dispensed with. See note set out under section 64 of this title.

§ 186. Repealed. May 21, 1934, ch. 321, 48 Stat. 787

Section, R.S. §2120, related to trespassing on lands of civilized Indians.

§ 187. Omitted

CODIFICATION

Section, R.S. §2121, which directed the Superintendent of Indian Affairs to suspend a trespasser (as described in section 186 of this title) who is the chief or headman of a band or tribe from his office for 3 months and to deprive him of all benefits and emoluments of such office during that time but allowed the Superintendent to restore him to his office sooner if the Superintendent should so decide, was omitted in view of the repeal of section 186 of this title.

have not been conveyed to the allottee with full power of alienation.

(Mar. 3, 1901, ch. 832, §4, 31 Stat. 1084.)

§312. Rights-of-way for railway, telegraph, and telephone lines; town-site stations

A right of way for a railway, telegraph, and telephone line through any Indian reservation in any State or Territory, except Oklahoma, or through any lands reserved for an Indian agency or for other purposes in connection with the Indian service, or through any lands which have been allotted in severalty to any individual Indian under any law or treaty, but which have not been conveyed to the allottee with full power of alienation, is granted to any railroad company organized under the laws of the United States, or of any State or Territory, which shall comply with the provisions of sections 312 to 318 of this title and such rules and regulations as may be prescribed thereunder: *Provided*, That no right of way shall be granted under said sections until the Secretary of the Interior is satisfied that the company applying has made said application in good faith and with intent and ability to construct said road, and in case objection to the granting of such right of way shall be made, said Secretary shall afford the parties so objecting a full opportunity to be heard: *Provided further*, That where a railroad has heretofore been constructed, or is in actual course of construction, no parallel right of way within ten miles on either side shall be granted by the Secretary of the Interior unless, in his opinion, public interest will be promoted thereby: *Provided, also*, That as a condition precedent to each and every grant of a right of way under authority of said sections, each and every railway company applying for such grant shall stipulate that it will construct and permanently maintain suitable passenger and freight stations for the convenience of each and every town site established by the Government along said right of way.

(Mar. 2, 1899, ch. 374, §1, 30 Stat. 990; Feb. 28, 1902, ch. 134, §23, 32 Stat. 50; June 25, 1910, ch. 431, §16, 36 Stat. 859.)

§313. Width of rights-of-way

Such right of way shall not exceed fifty feet in width on each side of the center line of the road, except where there are heavy cuts and fills, when it shall not exceed one hundred feet in width on each side of the road, and may include grounds adjacent thereto for station buildings, depots, machine shops, sidetracks, turn-outs, and water stations, not to exceed two hundred feet in width by a length of three thousand feet, and not more than one station to be located within any one continuous length of ten miles of road.

(Mar. 2, 1899, ch. 374, §2, 30 Stat. 990; June 21, 1906, ch. 3504, 34 Stat. 330.)

§314. Survey; maps; compensation

The line of route of said road may be surveyed and located through and across any of said lands at any time, upon permission therefor being obtained from the Secretary of the Interior; but before the grant of such right of way shall be-

come effective a map of the survey of the line or route of said road must be filed with and approved by the Secretary of the Interior, and the company must make payment to the Secretary of the Interior for the benefit of the tribe or nation, of full compensation for such right of way, including all damage to improvements and adjacent lands, which compensation shall be determined and paid under the direction of the Secretary of the Interior, in such manner as he may prescribe. Before any such railroad shall be constructed through any land, claim, or improvement, held by individual occupants or allottees in pursuance of any treaties or laws of the United States, compensation shall be made to such occupant or allottee for all property to be taken, or damage done, by reason of the construction of such railroad. In case of failure to make amicable settlement with any such occupant or allottee, such compensation shall be determined by the appraisement of three disinterested referees, to be appointed by the Secretary of the Interior, who, before entering upon the duties of their appointment, shall take and subscribe before competent authority an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award to the Secretary of the Interior. If the referees cannot agree, then any two of them are authorized to make the award. Either party being dissatisfied with the finding of the referees shall have the right within sixty days after the making of the award and notice of the same, to appeal, if said land is situated in any State or Territory other than Oklahoma, to the United States district court for such State or Territory, where the case shall be tried de novo and the judgment for damages rendered by the court shall be final and conclusive.

When proceedings are commenced in court as aforesaid, the railroad company shall deposit the amount of the award made by the referees with the court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with the construction of the railway. Each of the referees shall receive for his compensation the sum of \$4 per day while engaged in the hearing of any case submitted to them under sections 312 to 318 of this title. Witnesses shall receive the fees usually allowed by courts within the district where such land is located. Costs, including compensation of the referees, shall be made part of the award or judgment, and be paid by such railroad company.

(Mar. 2, 1899, ch. 374, §3, 30 Stat. 991; Feb. 28, 1902, ch. 134, §23, 32 Stat. 50.)

§315. Time for completion of road; forfeiture

If any such company shall fail to construct and put in operation one-tenth of its entire line in one year, or to complete its road within three years after the approval of its map of location by the Secretary of the Interior, the right of way granted shall be deemed forfeited and abandoned ipso facto as to that portion of the road not then constructed and in operation: *Provided*, That the Secretary may, when he deems proper, extend, for a period not exceeding two years, the

or lease referred to in section 459c(a) of this title, or otherwise, shall be administered in accordance with the laws and regulations applicable to receipts from property held in trust by the United States for Indian tribes.

(Pub. L. 94-114, § 5, Oct. 17, 1975, 89 Stat. 579.)

REFERENCES IN TEXT

Act of July 20, 1956, referred to in subsec. (a), is act July 20, 1956, ch. 645, 70 Stat. 581, as amended, which is set out as a note under section 465 of this title. For complete classification of this Act to the Code, see Tables.

Act of August 2, 1956, referred to in subsec. (a), is act Aug. 2, 1956, ch. 886, 70 Stat. 941, which was not classified to the Code.

Act of October 9, 1972, referred to in subsec. (a), is Pub. L. 92-480, Oct. 9, 1972, 86 Stat. 795, which was not classified to the Code.

Section 1 of the Act of October 13, 1972, referred to in subsec. (a), is section 1 of Pub. L. 92-488, Oct. 13, 1972, 86 Stat. 806, which was not classified to the Code.

For statutes cited in section 459 of this title, referred to in subsec. (a), see text of such section and References in Text note set out thereunder.

The Mineral Leasing Act of 1920, referred to in subsec. (a), is act Feb. 25, 1920, ch. 85, 41 Stat. 437, as amended, known as the Mineral Leasing Act, which is classified generally to chapter 3A (§181 et seq.) of Title 30, Mineral Lands and Mining. For complete classification of this Act to the Code, see Short Title note set out under section 181 of Title 30 and Tables.

§ 459e. Tax exemption for conveyed lands and gross receipts; distribution of gross receipts to tribal members

All property conveyed to tribes pursuant to this subchapter and all the receipts therefrom referred to in section 459d of this title, shall be exempt from Federal, State, and local taxation so long as such property is held in trust by the United States. Any distribution of such receipts to tribal members shall neither be considered as income or resources of such members for purposes of any such taxation nor as income, resources, or otherwise utilized as the basis for denying or reducing the financial assistance or other benefits to which such member or his household would otherwise be entitled to under the Social Security Act [42 U.S.C. 301 et seq.] or any other Federal or federally assisted program.

(Pub. L. 94-114, § 6, Oct. 17, 1975, 89 Stat. 579.)

REFERENCES IN TEXT

The Social Security Act, referred to in text, is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended, which is classified generally to chapter 7 (§301 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

SUBCHAPTER V—PROTECTION OF INDIANS AND CONSERVATION OF RESOURCES

§ 461. Allotment of land on Indian reservations

On and after June 18, 1934, no land of any Indian reservation, created or set apart by treaty or agreement with the Indians, Act of Congress, Executive order, purchase, or otherwise, shall be allotted in severalty to any Indian.

(June 18, 1934, ch. 576, § 1, 48 Stat. 984.)

SHORT TITLE OF 2004 AMENDMENT

Pub. L. 108-204, §1(a), Mar. 2, 2004, 118 Stat. 542, provided that: "This Act [amending sections 476, 640d-24,

and 712e of this title and provisions set out as notes under section 301 of Title 7, Agriculture, section 7420 of Title 10, Armed Forces, and section 431 of Title 16, Conservation] may be cited as the 'Native American Technical Corrections Act of 2004'."

SHORT TITLE

Act June 18, 1934, which enacted this section and sections 462, 463, 464, 465, 466 to 470, 471, 472, 473, 474, 475, 476 to 478, and 479 of this title, is popularly known as the "Indian Reorganization Act".

§ 462. Existing periods of trust and restrictions on alienation extended

The existing periods of trust placed upon any Indian lands and any restriction on alienation thereof are extended and continued until otherwise directed by Congress.

(June 18, 1934, ch. 576, § 2, 48 Stat. 984.)

§ 462a. Omitted

CODIFICATION

Section, act Apr. 11, 1940, ch. 80, 54 Stat. 106, related to reimposition and extension of trust period on lands of Crow Reservation.

§ 463. Restoration of lands to tribal ownership

(a) Protection of existing rights

The Secretary of the Interior, if he shall find it to be in the public interest, is authorized to restore to tribal ownership the remaining surplus lands of any Indian reservation heretofore opened, or authorized to be opened, to sale, or any other form of disposal by Presidential proclamation, or by any of the public-land laws of the United States: *Provided, however*, That valid rights or claims of any persons to any lands so withdrawn existing on the date of the withdrawal shall not be affected by this Act: *Provided further*, That this section shall not apply to lands within any reclamation project heretofore authorized in any Indian reservation.

(b) Papago Indians; permits for easements, etc.

(1), (2) Repealed. May 27, 1955, ch. 106, § 1, 69 Stat. 67.

(3) Water reservoirs, charcos, water holes, springs, wells, or any other form of water development by the United States or the Papago Indians shall not be used for mining purposes under the terms of this Act, except under permit from the Secretary of the Interior approved by the Papago Indian Council: *Provided*, That nothing herein shall be construed as interfering with or affecting the validity of the water rights of the Indians of this reservation: *Provided further*, That the appropriation of living water heretofore or hereafter affected, by the Papago Indians is recognized and validated subject to all the laws applicable thereto.

(4) Nothing herein contained shall restrict the granting or use of permits for easements or rights-of-way; or ingress or egress over the lands for all proper and lawful purposes.

(June 18, 1934, ch. 576, § 3, 48 Stat. 984; Aug. 28, 1937, ch. 866, 50 Stat. 862; May 27, 1955, ch. 106, § 1, 69 Stat. 67.)

REFERENCES IN TEXT

"Heretofore", referred to in subsec. (a), means before June 18, 1934.

The public-land laws of the United States, referred to in subsec. (a), are classified generally to Title 43, Public Lands.

This Act, referred to in subsecs. (a) and (b)(3), is act June 18, 1934, which is classified generally to this subchapter. For complete classification of this Act to the Code, see Short Title note set out under section 461 of this title and Tables.

AMENDMENTS

1955—Subsec. (b)(1). Act May 27, 1955, repealed par. (1) which restored lands of Papago Indian Reservation to exploration and location.

Subsec. (b)(2). Act May 27, 1955, repealed par. (2) which required person desiring a mineral patent to pay \$1 per acre in lieu of annual rental.

Subsec. (b)(4). Act May 27, 1955, struck out provisions relating to authority to issue or promulgate rules or regulations in conflict with Executive Order of Feb. 1, 1917 or act of Feb. 21, 1931 (46 Stat. 1202).

1937—Subsec. (a). Act Aug. 28, 1937, designated existing provisions of first par. as subsec. (a).

Subsec. (b)(1). Act Aug. 28, 1937, designated existing provisions of first par. as par. (1), substituted "damages shall be paid to the superintendent or other officer in charge of the reservation for the credit of the owner thereof" for "damages shall be paid to the Papago Tribe" and "to be the fair and reasonable value of such improvement" for "but not to exceed the cost of said improvements" and struck out "and payments derived from damages or rentals shall be deposited in the Treasury of the United States to the credit of the Papago Tribe" after "mining operations,".

Subsec. (b)(2). Act Aug. 28, 1937, designated existing provisions of first par. as par. (2), inserted "pay to the superintendent or other officer in charge of the reservation, for" before "deposit", substituted "Provided, That an applicant for patent shall also pay to the Secretary or other officer in charge of the said reservation for the credit of the owner" for "Provided further, That patentee shall also pay into the Treasury of the United States to the credit of the Papago Tribe" substituted "but the sum thus deposited, except for a deduction of rental at the annual rate hereinbefore provided, shall be refunded to the applicant in the event that patent is not acquired" for "the payment of \$1.00 per acre for surface use to be refunded to patentee in the event that patent is not acquired" after "determination by the Secretary of the Interior, but not to exceed the cost thereof".

Subsec. (b)(3). Act Aug. 28, 1937, added par. (3).

Subsec. (b)(4). Act Aug. 28, 1937, designated second par. as par. (4).

TRANSFER OF FUNCTIONS

Functions of all other officers of Department of the Interior and functions of all agencies and employees of Department, with two exceptions, transferred to Secretary of the Interior, with power vested in him to authorize their performance or performance of any of his functions by any of those officers, agencies, and employees, by Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

RESTORATION OF VACANT AND UNDISPOSED-OF CEDED LANDS IN CERTAIN INDIAN RESERVATIONS

Pub. L. 85-420, May 19, 1958, 72 Stat. 121, provided: "That all lands now or hereafter classified as vacant and undisposed-of ceded lands (including townsite lots) on the following named Indian reservations are hereby restored to tribal ownership, subject to valid existing rights:

Reservation and State	Approximate acreage
Klamath River, California	159.57
Coeur d'Alene, Idaho	12,877.65
Crow, Montana	10,260.95

Reservation and State	Approximate acreage
Fort Peck, Montana	41,450.13
Spokane, Washington	5,451.00

Provided, That such restoration shall not apply to any lands while they are within reclamation projects heretofore authorized.

"SEC. 2. Title to the lands restored to tribal ownership by this Act shall be held by the United States in trust for the respective tribe or tribes, and such lands are hereby added to and made a part of the existing reservations for such tribe or tribes.

"SEC. 3. The lands restored to tribal ownership by this Act may be sold or exchanged by the tribe, with the approval of the Secretary of the Interior."

PAPAGO INDIAN RESERVATION

Act May 27, 1955, ch. 106, § 1, 69 Stat. 67, provided: "That the provisions with respect to subjection of mineral lands within the Papago Indian Reservation to exploration, location, and entry under the mining laws of the United States in the Executive order dated February 1, 1917, creating the Papago Indian Reservation, and in the third proviso in section 1 of the Act of February 21, 1931 (46 Stat. 1202), and the provisions of subsection (b)(1) and (2) and of the remainder, following the word 'purposes', of subsection (b)(4) of section 3 of the Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 461-479), as amended by the Act of August 28, 1937 (50 Stat. 862, 863; 25 U.S.C. 463) [this section], are hereby repealed, all tribal lands within the Papago Indian Reservation are hereby withdrawn from all forms of exploration, location, and entry under such laws, the minerals underlying such lands are hereby made a part of the reservation to be held in trust by the United States for the Papago Indian Tribe, and such minerals shall be subject to lease for mining purposes pursuant to the provisions of the Act of May 11, 1938 (52 Stat. 347) [sections 396a to 396g of this title]: Provided, That the provisions of this Act shall not be applicable to lands within the Papago Indian Reservation for which a mineral patent has heretofore been issued or to a claim that has been validly initiated before the date of this Act and thereafter maintained under the mining laws of the United States."

§ 463a. Extension of boundaries of Papago Indian Reservation

Whenever all privately owned lands except mining claims within the following-described area have been purchased and acquired as authorized in sections 463b and 463c of this title, the boundary of the Papago Indian Reservation in Arizona shall be extended to include the west half of section 4; west half of section 9, township 17 south, range 8 east; all of township 18 south, range 2 west, all of fractional township 19 south, range 2 west; and all of fractional townships 18 and 19 south, range 3 west, except sections 6, 7, 18, 19, 30, and 31 in township 18 south, range 3 west, Gila and Salt River meridian. This extension shall not affect any valid rights initiated prior to July 28, 1937, nor the reservation of a strip of land sixty feet wide along the United States-Mexico boundary made by proclamation of the President dated May 27, 1907 (35 Stat. 2136). The lands herein described when added to the Papago Indian Reservation as provided in sections 463a to 463c of this title shall become a part of said reservation in all respects and upon all the same terms as if said lands had been included in the Executive order issued by the President on February 1, 1917: Provided, That lands acquired under sections 463a to 463c of this

(Pub. L. 103-435, §15, Nov. 2, 1994, 108 Stat. 4573.)

§ 575. Restoration of lands

The Secretary of the Interior is directed to restore to tribal ownership all undisposed-of surplus or ceded lands within the land use districts which are not at present under lease or permit to non-Indians; and, further, to restore to tribal ownership the balance of said lands progressively as and when the non-Indian owned lands within a given land use district are acquired by the Government for Indian use pursuant to the provisions of sections 571 to 577 of this title. All such restorations shall be subject to valid existing rights and claims: *Provided*, That no restoration to tribal ownership shall be made of any lands within any reclamation project heretofore authorized within the diminished or ceded portions of the reservation.

(July 27, 1939, ch. 387, §5, 53 Stat. 1129.)

LANDS CEDED FOR RIVERTON PROJECT

Act Aug. 15, 1953, ch. 509, §4, 67 Stat. 613, set out as a note under section 611 of this title, provided that all lands of the Wind River Indian Reservation ceded for the Riverton reclamation project in Wyoming and not used for such project were restored to the ownership of the Arapaho and Shoshone Tribes.

§ 576. Purchase of lands; reimbursement of expenditures

The sum of \$1,000,000 authorized in section 573 of this title for use in carrying out the land purchase and consolidation program hereinbefore authorized shall remain available until expended and any amount expended shall be reimbursed with interest at 4 per centum per annum to the Shoshone Tribe of Indians of the Wind River Reservation from joint funds to the credit of the Shoshone and Arapaho Tribes of the Wind River Reservation or from future accruals to said joint fund, as and when said funds accrue. Title to all land purchases made hereunder shall be taken in the name of the United States in trust for the Shoshone and Arapaho Tribes of Indians of the Wind River Reservation, Wyoming. All purchases of lands or interests therein made pursuant to this section shall receive the approval of the Shoshone and Arapaho Tribal Councils or of the business committees thereof.

(July 27, 1939, ch. 387, §6, 53 Stat. 1130.)

§ 577. Liability of judgment funds for debts

In no event shall any portion of the Shoshone judgment fund become liable, payable, or subject to any debt or debts contracted prior to July 27, 1939, by any Indian of the Shoshone Tribe except debts to the United States or to the tribe.

(July 27, 1939, ch. 387, §7, 53 Stat. 1130.)

§ 581. Disposition of funds

The funds on deposit in the Treasury of the United States to the credit of the Shoshone Nation or Tribe of Indians and the Shoshone-Bannock Tribes that were appropriated by the Act of June 19, 1968 (82 Stat. 239), to pay a judgment in the sum of \$15,700,000 entered by the Indian Claims Commission in consolidated dockets

numbered 326-D, 326-E, 326-F, 326-G, 326-H, 366, and 367, and the interest thereon, after deducting attorneys' fees, litigation expenses, and other appropriate deductions, shall be apportioned by the Secretary of the Interior to the Shoshone Tribe of the Wind River Reservation, Wyoming, the Shoshone-Bannock Tribes of the Fort Hall Reservation, Idaho, and the Northwest Band of Shoshone Indians (hereinafter the "three groups"), as set forth in sections 581 to 590 of this title.

(Pub. L. 92-206, §1, Dec. 18, 1971, 85 Stat. 737.)

REFERENCES IN TEXT

Act of June 19, 1968, referred to in text, is Pub. L. 90-352, June 19, 1968, 82 Stat. 239, which provided for supplemental appropriation for fiscal year ending June 30, 1968, and was not classified to the Code.

The Indian Claims Commission, referred to in text, terminated Sept. 30, 1978. See Codification note set out under former section 70 et seq. of this title.

§ 582. Shoshone-Bannock Tribes of the Fort Hall Reservation; credit of funds

The sum of \$500,000, and the interest thereon, less attorneys' fees and other appropriate deductions all in the proportion that the \$500,000 bears to the \$15,700,000, shall be credited to the Shoshone-Bannock Tribes of the Fort Hall Reservation for claims of the tribes enumerated in dockets numbered 326-D, 326-E, 326-F, 326-G, and 366.

(Pub. L. 92-206, §2, Dec. 18, 1971, 85 Stat. 737.)

§ 583. Northwestern Bands of Shoshone Indians; credit of funds

The sum of \$1,375,000 plus the earned interest thereon less \$181,732 shall be credited to the Northwestern Bands of Shoshone Indians for claims of the bands enumerated in dockets numbered 326-H, and 367.

(Pub. L. 92-206, §3, Dec. 18, 1971, 85 Stat. 737.)

§ 584. Apportionment of remaining funds; Shoshone-Bannock Tribes of the Fort Hall Reservation and the Shoshone Tribe of the Wind River Reservation

The remainder of the award shall be apportioned between the Shoshone-Bannock Tribes of the Fort Hall Reservation and the Shoshone Tribe of the Wind River Reservation in accordance with an agreement entered into between the Shoshone-Bannock Tribes and the Shoshone Tribe of the Wind River Reservation in May 1965, approved by the Associate Commissioner of Indian Affairs in December 1965.

(Pub. L. 92-206, §4, Dec. 18, 1971, 85 Stat. 737.)

§ 585. Membership rolls; preparation; eligibility for enrollment; application; finality of determination

For the purpose of apportioning the award in accordance with sections 581 to 590 of this title, membership rolls, duly approved by the Secretary of the Interior, shall be prepared for each of the three groups, as follows:

(a) The governing body of the Shoshone Tribe of the Wind River Reservation and the governing body of the Shoshone-Bannock Tribes, each shall, with the assistance of the Secretary, bring

current the membership rolls of their respective tribes, to include all persons born prior to and alive on December 18, 1971, who are enrolled or eligible to be enrolled in accordance with the membership requirements of their respective tribes.

(b) The proposed roll of the Northwestern Bands of Shoshone Indians entitled to participate in the distribution of the judgment funds shall be prepared by the governing officers of said Northwestern Bands, with the assistance of the Secretary of the Interior, within six months after December 18, 1971, authorizing distribution of said funds. The roll shall include all persons who meet all of the following requirements of eligibility:

(1) They were born prior to and alive on December 18, 1971;

(2) Either their names appear on one of the following Indian census rolls of the Washakie Sub-Agency of the Fort Hall jurisdiction:

(a) Roll dated January 1, 1937, by F. A. Gross, Superintendent of the Fort Hall Reservation.

(b) Roll dated January 1, 1940, by F. A. Gross, Superintendent of the Fort Hall Reservation.

(c) Roll dated March 10, 1954.

(d) Roll dated April 21, 1964.

or they possess one-quarter Shoshone Indian blood and they are descendants of those appearing on at least one of said rolls;

(3) They are not recognized as members of the Shoshone-Bannock Tribes of the Fort Hall Reservation, the Shoshone Tribe of the Wind River Reservation, or any other Indian Tribe; and

(4) They shall elect not to participate in any settlement of claims pending before the Indian Claims Commission in docket 326-J, Shoshone-Goshute, and docket 326-K, Western Shoshone.

The proposed roll shall be published in the Federal Register, and in a newspaper of general circulation in the State of Utah. Any person claiming membership rights in the Northwestern Bands of Shoshone Indians, or any interest in said judgment funds, or a representative of the Secretary on behalf of any such person, within sixty days from the date of publication in the Federal Register, or in the newspaper of general circulation, as hereinbefore provided, whichever publication date is last, may file an appeal with the Secretary contesting the inclusion or omission of the name of any person on or from such proposed roll. The Secretary shall review such appeals, and his decision thereon shall be final and conclusive. After disposition of all such appeals to the Secretary, the roll of the Northwestern Bands of Shoshone Indians shall be published in the Federal Register and such roll shall be final.

(Pub. L. 92-206, § 5, Dec. 18, 1971, 85 Stat. 737.)

REFERENCES IN TEXT

The Indian Claims Commission, referred to in par. (4), terminated Sept. 30, 1978. See Codification note set out under former section 70 et seq. of this title.

§ 586. Northwestern Band of Shoshone Indians; payment to enrollees; heirs or legatees; trust for minors and persons under legal disability

The funds apportioned to the Northwestern Band of Shoshone Indians, less attorney's fees, and expenses due the attorneys representing the Northwestern Band under an approved contract, effective March 1, 1968, shall be placed to its credit in the United States Treasury and shall be distributed equally to the members whose names appear on the final roll and in accordance with the provisions of sections 581 to 590 of this title.

(a) The per capita shares shall be determined on the basis of the number of persons listed on the proposed roll published as hereinbefore provided and the number of persons on whose behalf an appeal has been taken to the Secretary contesting omission from such proposed roll. The share of those persons excluded from the final roll by reason of the decision of the Secretary on appeal shall be distributed equally to the persons included on the final roll.

(b) The Secretary shall distribute a share payable to a living enrollee directly to such enrollee. The per capita share of a deceased enrollee shall be paid to his heirs or legatees upon proof of death and inheritance satisfactory to the Secretary, whose findings upon such proof shall be final and conclusive. A share or interest therein payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines appropriate to protect the best interest of such persons.

(Pub. L. 92-206, § 6, Dec. 18, 1971, 85 Stat. 738.)

§ 587. Funds apportioned to Shoshone-Bannock Tribes of the Fort Hall Reservation

(a) Distribution to enrollees

The funds apportioned to the Shoshone-Bannock Tribes of the Fort Hall Reservation shall be placed to their credit in the United States Treasury. Seventy-five percent of such funds shall be distributed per capita to all persons born on or before and living on December 18, 1971, who are duly enrolled on the roll prepared in accordance with section 585(a) of this title.

(b) Determination of per capita share

The per capita shares shall be determined on the basis of the number of persons eligible for per capita and the number of persons rejected for per capita who have taken a timely appeal. The shares of those persons whose appeals are denied shall revert to the Shoshone-Bannock Tribes to be expended for any purpose designated by the tribal governing body and approved by the Secretary.

(c) Trust for minors and persons under legal disability

Sums payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary