

Source: <https://indianlaw.mt.gov/fedstate/acts/cskt>

# Acts of Congress

## Flathead Reservation

- 1972 Distributes judgment of Flathead Tribes (86 Stat. 64)
- 1969 Disposition of Court of Claims judgment (83 Stat. 123)
- 1968 Provide for sale or exchange of isolated tracts of tribal lands on Flathead Reservation (82 Stat. 356)
- 1966 Set aside certain lands in Montana for Indians of Flathead Reservation (80 Stat. 332)
- 1964 Appropriation to complete irrigation and power system (78 Stat. 1042)
- 1953 Permit exchange and adjustment of farm units on Federal Irrigation projects (67 Stat. 566)
- 1952 Authorizes patenting land to Ronan (66 Stat. 32)
- 1950 Authorizes elimination of lands from Flathead irrigation project (64 Stat. 418)
- 1950 Amends provision dealing with merchantable timber (64 Stat. 229)
- 1950 Amends provision relating to Flathead irrigation project (64 Stat. 192)
- 1949 Adjusts irrigation charges (63 Stat. 722)
- 1949 Appropriation for Polson drainage system (63 Stat. 621)
- 1949 Authorizes Secretary to patent land to Lake County (63 Stat. 614)
- 1948 Provide for adjustment of irrigation charges on Flathead Indian Irrigation Project (62 Stat. 269)
- 1948 Authorizes sale of land to State of Montana (62 Stat. 248)
- 1948 Authorizes sale of lots in Polson (62 Stat. 35)
- 1947 Authorizes Secretary to defer collection of irrigation charges (61 Stat. 494)

1946 Confers jurisdiction on Court of Claims to hear claims of Salish and Kootenai (60 Stat. 715)

1946 Authorizes expenditure of tribal funds for health resort at Hot Springs (60 Stat. (340) 360)

1946 Provides for disposition of tribal funds (60 Stat. 302)

1938 Authorizes Secretary to grant concessions on reservoir sites for canals (52 Stat. 193)

1933 Authorizes Secretary to add certain names to Flathead tribal rolls (47 Stat. 1753)

1928 Authorizes Secretary and Federal Power Commission to issue licenses for development of power sites on Flathead Reservation (45 Stat. (200) 212)

1927 Provides for regulations for irrigation charges (44 Stat. (934) 945)

1926 Provides for regulations for irrigation charges (44 Stat. (453) 464)

1920 On timbered land, timber is reserved to Flathead Tribes until first cutting of merchantable timber is made (41 Stat. 452, see also amendments of 64 Stat. 229)

1920 Authorizes in lieu selection of 200 acres of land in Flathead Reservation by State of Montana (41 Stat. (408) 421)

1919 Provides for stock watering on unallotted land (40 Stat. 1203)

1919 Authorizes sale of land to school district in Missoula County (40 Stat. 1053)

1918 Authorizes Secretary to issue patent to G.H. Beckwith (40 Stat. 616)

1916 Authorizes homestead entries on timber land (39 Stat. (123) 138)

1914 Authorizes patenting and assignment of land within Flathead Irrigation Projects (38 Stat. 510)

1912 Authorizes sale of land to Ronan (37 Stat. 192)

1911 Reserves easement in lands bordering on Flathead Lake for water power (36 Stat. 1066)

1910 Authorizes Secretary to subdivide lands fronting on Flathead Lake and to sell allotments (36 Stat. 296)

1909 Regarding bison range (35 Stat. 1051)

1909 Indian allotments placed under irrigation project (35 Stat. 795)

1908 Amends act opening Flathead Reservation to settlement (35 Stat. (444) 448)

1908 Provide for bison range on Flathead Reservation (35 Stat. 267, see also amendments of 35 Stat. 1052)

1907 Survey for allotments (34 Stat. 1034)

1906 Amend allotment act to set aside town sites (34 Stat. (325) 354)

1906 Reimbursement for allotment surveys (34 Stat. 205)

1905 Provide land for mission purposes on Flathead Reservation (33 Stat. 1080, sec. 9)

1904 Provides for survey and allotment of lands now embraced within limits of Flathead Reservation and sale and disposal of all surplus lands after allotment (33 Stat. 302, see also amendment of 36 Stat. 296)

1900 Provides rights to homesteads on Flathead Reservation (31 Stat. 269)

1898 Authorizes Secretary to re-appraise and sell unsold land in Bitterroot Valley (30 Stat. (571) 596)

1891 Grants right-of-way through Flathead Reservation to Missoula and Northern Railroad Co. (26 Stat. 1091)

1889 Act to Provide for the Sale of Lands - Flathead Band of Indians (25 Stat. 871)

1874 Extends time for sale of preempted lands in Bitterroot Valley (18 Stat. 15)

1872 Authorizes President to remove Flathead Indians from Bitterroot Valley (17 Stat. 226)

1864 Granting right-of-way to Northern Pacific Railway Company across Flathead Reservation with full right and title to land; Indian titles to be extinguished to all lands falling under this right-of-way (13 Stat. 365)

1854 - Treaty with the Omaha (10 Stat. 1043) (Referenced in Treaty of Hellgate))

1856 - 1855 Treaty with the Blackfeet (Judith River Treaty) (11 Stat. 657)

1859 - 1855 Treaty with the Flatheads (12 Stat. 975)

Public Law 92-253

AN ACT

March 17, 1972  
[S. 602]

To provide for the disposition of judgments, when appropriated, recovered by the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, in paragraphs 7 and 10, docket numbered 50233, United States Court of Claims, and for other purposes.

Indians.  
Confederated  
Salish and  
Kootenai Tribes,  
Mont.  
Judgment funds.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the funds appropriated to the credit of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, in satisfaction of judgments awarded in paragraphs 7 and 10 in docket numbered 50233, United States Court of Claims, including interest thereon, after payment of attorneys fees and other litigation expenses, shall be used as follows: 85 per centum thereof shall be distributed in equal per capita shares to each person who is enrolled or entitled to be enrolled on the date of this Act; the remainder may be advanced, expended, invested or reinvested for any purposes that are authorized by the tribal governing body and approved by the Secretary of the Interior.

Tax exemption.

SEC. 2. Any part of such funds that may be distributed to members of the Tribes shall not be subject to Federal or State income tax.

SEC. 3. Sums payable under this Act to enrollees or their heirs or legatees who are less than eighteen 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 of the Interior determines appropriate to protect the best interests of such persons.

Approved March 17, 1972.

Public Law 91-75

AN ACT

September 29, 1969  
[S. 1766]

To provide for the disposition of a judgment recovered by the Confederated Salish and Kootenai Tribes of Flathead Reservation, Montana, in paragraph 11, docket numbered 50233, United States Court of Claims, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the funds appropriated to the credit of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, in satisfaction of a judgment awarded in paragraph 11 of the final decision in docket numbered 50233, United States Court of Claims, including interest thereon, after payment of attorneys' fees and other litigation expenses, may be advanced, expended, invested or reinvested for any purposes that are authorized by the tribal governing body and approved by the Secretary of the Interior.

Indians.  
Confederated  
Salish and  
Kootenai Tribes,  
Mont.  
Judgment funds.

SEC. 2. Any part of such funds that may be distributed to members of the tribes shall not be subject to Federal or State income tax.

Approved September 29, 1969.

## Public Law 90-402

July 18, 1968  
[S. 2701]

## AN ACT

To provide for sale or exchange of isolated tracts of tribal lands on the Flathead Reservation, Montana.

Flathead Reser-  
vation, Mont.  
Tribal lands,  
sale or exchange.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That upon request of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, acting through their governing body, the Secretary of the Interior is authorized to dispose of the following described tribal lands within the exterior boundaries of the reservation by sale at not less than fair market value or by exchange: *Provided,* That

the values of any lands so exchanged either shall be approximately equal in fair market value, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require:

Township 17 north, range 20 west, M.P.M., section 6, lots 2, 3, 4, containing 118.53 acres.

Township 18 north, range 21 west, M.P.M., section 20, north half north half northwest quarter southeast quarter, containing 10.00 acres.

Township 19 north, range 21 west, M.P.M., section 28 south half northeast quarter, containing 80.00 acres.

Township 20 north, range 21 west, M.P.M., section 1 northeast quarter southwest quarter, containing 40.00 acres.

Township 22 north, range 22 west, M.P.M., section 3 north half southeast quarter, containing 80.00 acres.

Township 19 north, range 23 west, M.P.M., section 5 northeast quarter southwest quarter, containing 40.00 acres; section 35 south half northeast quarter, southeast quarter northwest quarter, northeast quarter southeast quarter, containing 160.00 acres.

Township 20 north, range 23 west, M.P.M., section 15 northeast quarter, southeast quarter northwest quarter, containing 200.00 acres; section 17 west half southwest quarter, containing 80.00 acres; section 18 southeast quarter northeast quarter, east half southeast quarter, containing 120.00 acres; section 29 northwest quarter southwest quarter, containing 40.00 acres; section 30 northeast quarter southeast quarter, containing 40.00 acres; section 29 west half southwest quarter southwest quarter southwest quarter, containing 5.00 acres; section 32 northwest quarter northwest quarter northwest quarter northwest quarter, containing 2.50 acres.

Township 22 north, range 23 west, M.P.M., section 9 southwest quarter northeast quarter, southeast quarter northwest quarter, east half southwest quarter, west half southeast quarter, containing 240.00 acres.

Township 23 north, range 23 west, M.P.M., section 3 southwest quarter northeast quarter, containing 40.00 acres; section 5 west half southeast quarter northwest quarter, southwest quarter northwest quarter, containing 60.00 acres; section 17 southeast quarter southeast quarter, containing 40.00 acres; section 19 lots 2 and 4, southeast quarter northwest quarter, containing 103.21 acres.

Township 24 north, range 23 west, M.P.M., section 19, southwest quarter, northeast quarter, northeast quarter southwest quarter, east half southeast quarter, containing 160.00 acres; section 20, southwest quarter southwest quarter, containing 40.00 acres; section 30, northeast quarter northeast quarter, containing 40.00 acres.

Township 23 north, range 24 west, M.P.M., section 1, northeast quarter southwest quarter, containing 40.00 acres; section 3, northwest quarter southeast quarter, containing 40.00 acres; section 24, northeast quarter southeast quarter northeast quarter, south half southeast quarter northeast quarter, southeast quarter southeast quarter southeast quarter, containing 40.00 acres.

Township 24 north, range 24 west, M.P.M., section 1, lot 2, containing 26.10 acres; section 35, northwest quarter northeast quarter, containing 40.00 acres.

The net proceeds from the sale or exchange of lands pursuant to this section shall be used to acquire within a reasonable time additional lands within the reservation boundaries in accordance with section 2 of this Act.

SEC. 2. Upon request of the Confederated Salish and Kootenai Tribes, the Secretary of the Interior is authorized to acquire Indian- or non-Indian-owned lands within the reservation boundaries for such tribes, and such lands may be held for tribal use or for sale to tribal members. Title to lands acquired pursuant to this authority shall be taken in the name of the United States in trust for the tribes or the tribal member to whom the land is sold.

Approved July 18, 1968.

## Public Law 89-524

August 1, 1966  
[S. 2948]

## AN ACT

To set aside certain lands in Montana for the Indians of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana.

Indians.  
Confederated  
Salish and  
Kootenai Tribes,  
Mont.  
Lands.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all of the right, title, and interest of the United States in the 487 acres, more or less, described below are hereby declared to be held in trust for the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana.

## PRINCIPAL MERIDIAN, MONTANA

Township 18 north, range 21 west, section 8, lot 7; section 17, lot 2. The areas described aggregate 66.54 acres.

Township 19 north, range 23 west, section 31, northeast quarter southwest quarter.

The area described contains 40 acres.

Beginning at the southwest corner of southeast quarter southeast quarter section 14, township 18 north, range 20 west, principal meridian, from the initial point—

north 0 degrees 01 minutes west, 660 feet, east 330 feet,  
north 0 degrees 01 minutes west, 1,320 feet, east 990 feet,  
south 0 degrees 01 minutes east, 275.9 feet,  
south 59 degrees 0 minutes west, 849.6 feet,  
south 45 degrees 33 minutes east, 43.1 feet,  
south 58 degrees 50 minutes west, 96 feet,  
south 31 degrees 10 minutes east, 130 feet,  
south 56 degrees 37 minutes east, 298 feet,  
south 0 degrees 22 minutes east, 72.7 feet,  
north 56 degrees 37 minutes west, 377.6 feet,  
south 0 degrees 22 minutes east, 462.8 feet,  
north 89 degrees 35 minutes east, 314.3 feet,  
south 0 degrees 22 minutes east, 589.5 feet,  
west 858 feet to the point of beginning.

The tract as described contains 28.66 acres, more or less.

Township 21 north, range 20 west, section 36, southeast quarter southeast quarter, east half east half east half northeast quarter southwest quarter southwest quarter southeast quarter, north half southeast quarter southwest quarter southeast quarter, east half east half southwest quarter southeast quarter southwest quarter southeast quarter, southeast quarter southeast quarter southwest quarter southwest quarter, northeast quarter southwest quarter southeast quarter.

The areas described aggregate 58.4375 acres.

Beginning at the northwest corner of section 1, township 20 north, range 20 west, principal meridian, Montana.

Thence from the initial point, east along north line of said section 1,660 feet, south 0 degrees 01 minutes east, 396 feet, west 660 feet, north 0 degrees 01 minutes west, 396 feet, to the point of beginning.

The area described contains 6 acres, more or less.

Township 22 north, range 24 west, section 33, southeast quarter southeast quarter.

The area described contains 40 acres.

Township 21 north, range 20 west, section 11, east half southeast quarter northeast quarter, section 12, northeast quarter northwest quarter, southwest quarter northwest quarter, south half northwest quarter northwest quarter, northeast quarter northwest quarter northwest quarter, south half northwest quarter northwest quarter northwest quarter, northeast quarter northwest quarter northwest quarter northwest quarter.

The areas described aggregate 137.5 acres.

Township 16 north, range 19 west, section 16, west half east half southwest quarter, northwest quarter southwest quarter.

The area described contains 80 acres.

Beginning at the southwest corner of section 16, township 16 north, range 19 west, from the initial point—

north 0 degrees 02 minutes west 1,320 feet, east 1,317.36 feet, south 0 degrees 02 minutes east 528 feet, west 462 feet, south 0 degrees 22 minutes east, 792 feet, west 857.34 feet, along section line to point of beginning, excepting east half northwest quarter northeast quarter southwest quarter southwest quarter and west half west half northeast quarter northeast quarter southwest quarter southwest quarter section 16, township 16 north, range 19 west.

The area described contains 29.725 acres, more or less.

The areas of the tracts listed above aggregate 486.8625 acres, more or less.

SEC. 2. This Act shall become effective when the Tribal Council of the Confederated Salish and Kootenai Tribes by resolution accepts the transfer of the property involved.

Effective date.

SEC. 3. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the title conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission. The Court of Claims is directed to make the same determination in connection with any claim against the United States adjudicated by it.

25 USC 70a.

Approved August 1, 1966.

## Public Law 88-640

October 8, 1964  
[S. 1531]

## AN ACT

To increase the appropriation authorization for the completion of the construction of the irrigation and power systems of the Flathead Indian irrigation project, Montana.

Flathead Indian  
irrigation project,  
Mont.  
Appropriation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That subsection 5(c) of the Act of May 25, 1948 (62 Stat. 269), is hereby amended by changing \$1,000,000 to "\$6,200,000 (December 1962 prices) plus or minus such amount, if any, as may be required by reason of changes in construction costs as indicated by engineering cost indices applicable to the types of construction involved therein,".

Approved October 8, 1964.

## Public Law 258

## CHAPTER 428

August 13, 1953  
[S. 887]

## AN ACT

To permit the exchange and amendment of farm units on Federal irrigation projects, and for other purposes.

Federal irrigation projects.  
Exchange of farm units.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That any entryman on an unpatented farm unit on a Federal irrigation project which shall be found by the Secretary of the Interior, pursuant to a land classification, to be insufficient to support a family shall be entitled, upon timely application to the Secretary to exchange his farm unit for another farm unit of unentered public land within the same or any other such project, or, upon terms and conditions satisfactory to the Secretary, for any other available farm unit on the same or any other such project. He shall be given credit under the homestead laws for residence, improvement, and cultivation made or performed upon the original entry, and if satisfactory final proof of residence, improvement, and cultivation has been made on the original entry it shall not be necessary to submit such proof upon the lieu entry. Rights under this Act shall not be assignable.

Eligibility for benefits.

SEC. 2. The benefits of section 1 of this Act shall, and those of the following sections may, be extended by the Secretary to (a) any lawful assignee of an unpatented farm unit on a Federal irrigation project who took the assignment in good faith not knowing and not having reason to believe the farm unit to be insufficient to support a family; and (b) any resident owner of private lands on any such project whose lands shall be found to be insufficient to support a family and (i) who, apart from his ownership of the lands to be conveyed pursuant to clause (iii) hereof and apart from his having previously exhausted his homestead right, if such be the case, is eligible to enter unappropriated public lands under Revised Statutes, section 2289, as amended (43 U. S. C. 161), (ii) who lawfully acquired his lands as an entire farm unit under the Federal reclamation laws from the United States or, in the case of a widow, widower, heir, or devisee, from a spouse or ancestor, as the case may be, who so acquired them, and (iii) who conveys, free from all encumbrances, to the United States all of his lands served by the project or such portion thereof as the Secretary may designate.

Irrigation construction charges.

SEC. 3. (a) If an entryman making an exchange under the provisions of this Act becomes the direct obligor for payment to the United States of irrigation construction charges for his lieu farm unit or undertakes a contract under which the equivalent, in whole or in part, of such charges is returned to the United States, the Secretary, to the extent to which such charges upon the original farm unit or the equivalent thereof have actually been paid to the United States or to an irrigation district or other form of organization under contract with the United States, may give him credit for such charges upon the lieu unit.

(b) If an irrigation district or other form of organization within the boundaries of which is located the lieu farm unit of an entryman making an exchange under the provisions of this Act is or becomes the direct obligor for payment to the United States of irrigation construction charges or undertakes or has undertaken a contract under which the equivalent, in whole or in part, of such charges is returned to the United States, the Secretary may, to the extent to which it gives credit to the entryman for such charges or the equivalent thereof actually paid upon the original farm unit, give the district or other form of organization credit for payment of such charges. Upon the making of an exchange pursuant to the provisions of this Act, the

Secretary may reduce (i) the reimbursable construction costs of the project or division thereof upon which the original farm unit was located by the amount of such costs which were properly assignable to the original farm unit and which were not then due and payable, and (ii) the reimbursable construction costs of the project or division thereof upon which the lieu farm unit is located by the amount of credit which might be given under the provisions of this section.

(c) In any case in which the benefits of this Act are extended to an assignee of an unpatented farm unit or to a resident owner of private lands, as provided in subsection (b) of section 2 of this Act, an appropriate extension of benefits may also be made to an irrigation district or other form of organization under subsection (b) of this section.

SEC. 4. (a) After his approval of any application for an exchange as provided in this Act, the Secretary may cancel and release, in whole or in part, any and all charges or liens against the entryman or against the relinquished farm unit which are within his administrative jurisdiction. In administering the provisions of this subsection the Secretary shall take into consideration other charges and liens and the rights and interests of other lien holders as to him may seem just and equitable.

Cancellation of charges, etc.

(b) An entryman making an exchange under the provisions of this Act may be given credit by the Secretary upon any land development charges made by the United States in connection with the lieu farm unit for any such charges paid to the United States in connection with the original unit. A resident owner making an exchange under the provisions of this Act may, to the extent to which he or, in the case of a widow, widower, heir, or devisee, his spouse or ancestor, as the case may be, has paid to the United States the purchase price of the original farm unit, be given credit by the Secretary upon the purchase price of his lieu farm unit; such credit may also be applied in the manner and circumstances provided in section 3 of this Act upon irrigation construction charges for or properly assignable to his lieu farm unit.

Credits.

SEC. 5. Within ninety days after receipt of notice of the approval by the Secretary of the application for exchange of entry and subject to the rights and interests of other parties, the entryman may dispose of, and he or his transferee or vendee may remove, any and all improvements placed on the relinquished unit. Upon the making of an exchange under this Act, any water right appurtenant to the original lands under the Federal reclamation laws shall cease and the water supply theretofore used or required to satisfy such right shall be available for disposition under those laws. Any land relinquished or conveyed to the United States under this Act shall revert to or become a part of the public domain and be subject to disposition by the Secretary under any of the provisions of the Federal reclamation laws.

Disposal of improvements, etc.

Revertibility of relinquished land.

SEC. 6. Upon timely application by an entryman on an unpatented farm unit on a Federal irrigation project, which shall be found by the Secretary, pursuant to a land classification, to be insufficient to support a family, the Secretary may, upon terms and conditions satisfactory to him, amend the farm unit of said entryman, combine all or a part of the lands of said farm unit with other contiguous or noncontiguous lands on the same project which are declared by the Secretary to be open to entry or purchase, and thereby form and designate an amended farm unit for said entryman, which in no event shall exceed three hundred and twenty acres of land containing not more than one hundred and sixty irrigable acres designated by the Secretary. The acceptance of the amended farm unit by the applicant shall be deemed an exchange within the meaning of this Act. In extending the benefits

Amendment of farm unit.

of this section to a resident owner of private lands as provided in section 2 of this Act, the Secretary may waive, in whole or in part, the provisions of clause (iii) of subsection (b) of that section.

Mortgage con-  
tracts.

SEC. 7. Any exchange pursuant to this Act of land that is subject to a mortgage contract with the Secretary of Agriculture under the Act of October 19, 1949 (63 Stat. 883; 7 U. S. C., 1946 edition, secs. 1006a and 1006b), and any disposition pursuant to this Act of property that is subject to such a mortgage contract, shall be effected only in such form and manner and upon such terms and conditions as are consistent with the authority of the Secretary of Agriculture over such mortgage contract and such property under the Bankhead-Jones Farm Tenant Act (50 Stat. 522; 7 U. S. C., sec. 1000 et seq.), as amended, as supplemented by said Act of October 19, 1949.

Veterans' prefer-  
ence.

SEC. 8. Where there are two or more timely applicants for a farm unit on a particular project or division thereof under the provisions of this Act, one or more of whom is an ex-serviceman who would be entitled under the applicable statutes to a preference in making entry of farm units on such project or division, the ex-serviceman, or one of them, shall have a preference in making such exchange. Any timely applicant for an exchange under the provisions of this Act shall be entitled to preference over any other applicant for a farm unit on the same project or division thereof.

Establishment of  
farm units.

SEC. 9. In administering section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U. S. C. 434), sections 1 and 5 of the Act of June 27, 1906 (34 Stat. 519; 43 U. S. C. 434, 448), as amended, and section 3 of the Act of August 9, 1912 (37 Stat. 265, 266; 43 U. S. C. 544), the Secretary may, to the extent found necessary as shown by a land classification to provide farm units sufficient in size to support a family, establish such units of not more than three hundred and twenty acres containing not more than one hundred and sixty irrigable acres designated by him and may permit entry and assignment under the homestead laws, and retention and assignment under the desert land laws, of such units. The lands included in farm units established pursuant to the authority of this section and entered under the homestead laws may be contiguous or noncontiguous.

Repeal.

SEC. 10. Subsection M of section 4 of the Act of December 5, 1924 (43 Stat. 672; 43 U. S. C., sec. 438), is hereby repealed. Nothing contained in this Act shall be held to repeal, supersede, or supplement the provisions for exchange and matters related thereto contained in the Act of May 25, 1926 (44 Stat. 636), as amended and supplemented.

43 USC 423-  
423g, 610.

43 USC 371.

SEC. 11. As used in this Act, the term "Federal irrigation project" means any irrigation project subject to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), to which laws this Act itself shall be deemed a supplement.

SEC. 12. The Secretary may perform any and all acts and make all rules and regulations necessary and proper for carrying out the purposes of this Act.

Appropriations.

SEC. 13. Appropriations heretofore or hereafter made for carrying on the functions of the Bureau of Reclamation shall be available for credits, expenses, charges, and costs provided by or incurred under this Act. Expenses incurred in carrying out the provisions of sections 1 to 7, inclusive, of this Act, shall be nonreimbursable and non-returnable under the Federal reclamation laws.

Approved August 13, 1953.

## Public Law 288

## CHAPTER 126

## AN ACT

April 1, 1952  
[H.R. 3847]

To authorize the Secretary of the Interior to issue to School District Numbered 28, Ronan, Montana, a patent in fee to certain Indian land.

Interior Department.  
Issuance of land patent, Mont.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior is authorized and directed, with the consent of the Tribal Council of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, to issue to School District Numbered 28, Ronan, Montana, a patent in fee to certain land situated in Ronan, Montana, and more particularly described as follows: South half northwest quarter southwest quarter southeast quarter, section 36, township 21 north, range 20 west, containing five acres, more or less, of Tribal Agency Reserve Land.

Approved April 1, 1952.

## [CHAPTER 644]

## AN ACT

August 8, 1950  
 [H. R. 2196]  
 [Public Law 671]

To authorize the elimination of lands from the Flathead Indian irrigation project, Montana.

Flathead Indian Ir-  
 rigation project.  
 Elimination of des-  
 ignated land.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior is hereby authorized to eliminate from the Flathead Indian irrigation project, on application by the owner thereof, twelve acres, more or less, of land in the northwest quarter of northwest quarter of section 6, township 21 north, range 23 west, of the Montana meridian: *Provided,* That the landowner shall pay all accrued irrigation charges heretofore assessed against the land and relinquish the water right to the United States for the benefit of the Flathead irrigation project, and no further charges shall be assessed against the land: *Provided further,* That the obligations of the Flathead irrigation district for the repayment of the reimbursable construction costs of the Camas division of the Flathead Indian irrigation project shall not be reduced or otherwise affected by reason of the elimination of the land, and such elimination shall not be made until the Board of Commissioners of that district has consented thereto: *And provided further,* That, notwithstanding the elimination of said land from the Flathead irrigation project, there shall be reserved to the United States a right-of-way for ditches and canals now or hereafter needed for the operation and maintenance of the project works, and the owner of said land shall release the United States and its assigns from all liability for damage to said land by reason of the operations of the project.

Approved August 8, 1950.

[CHAPTER 264]

## AN ACT

To amend the Act of February 25, 1920 (41 Stat. 452), and for other purposes.

June 16, 1950  
[H. R. 4509]  
[Public Law 557]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the second proviso of the Act entitled "An Act for the relief of certain members of the Flathead Nation of Indians, and for other purposes", approved February 25, 1920 (41 Stat. 452), is amended by striking out "when the merchantable timber has been cut from any lands allotted hereunder" and substituting in lieu thereof "when the first cutting of merchantable timber from any lands allotted hereunder has been completed".

Flathead Reserva-  
tion.  
Cutting of timber.

SEC. 2. The right heretofore reserved to the United States in any of the patents for allotments issued under the provisions of said Act of February 25, 1920 (41 Stat. 452), to cut and market timber for the benefit of the Confederated Salish and Kootenai Tribes of the Flathead Reservation shall be limited to the cutting of so much of the merchantable timber on such allotments as may be cut during the first cutting operations on such allotments, and when such cutting operations have been completed, the title to the residual timber on such allotments shall thereupon pass to the respective allottees or their heirs or devisees.

Approved June 16, 1950.

[CHAPTER 201]

AN ACT

May 25, 1950  
[H. R. 8199]  
[Public Law 528]

To amend certain provisions of the Act of May 25, 1948 (Public Law 554, Eightieth Congress), relating to the Flathead Indian irrigation project.

Flathead Indian ir-  
rigation project.  
62 Stat. 269.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the repayment adjustments and other provisions of sections 1 and 2 of the Act of May 25, 1948 (Public Law 554, Eightieth Congress), providing for the adjustment of irrigation charges on the Flathead Indian irrigation project, Montana, and for other purposes, shall be effective as to lands included in any irrigation district which has or which shall have entered into a contract conforming to the provisions of said Act on or before May 25, 1951. Said Act as herein amended shall not be deemed to defer the repayment obligations provided for in existing contracts between the Secretary of the Interior and any irrigation district on the Flathead Indian irrigation project which has not entered into a repayment contract conforming to the provisions of the Act of May 25, 1948, as herein amended, unless and until such district shall have entered into such a contract: *Provided*, That the appropriation authorizations of said Act shall be effective, and moneys appropriated thereunder shall be available for expenditure, when an irrigation district or districts containing not less than 70 per centum

Availability of ap-  
propriations.

of the irrigable acreage of the non-Indian lands within the Flathead Indian irrigation project shall have entered into repayment contracts under said Act.

Approved May 25, 1950.

## [CHAPTER 630]

## AN ACT

October 6, 1949  
[H. R. 4986]  
[Public Law 333]

To amend an Act entitled "An Act to provide for the adjustment of irrigation charges on the Flathead Indian irrigation project, Montana, and for other purposes", approved May 25, 1948.

Flathead Indian ir-  
rigation project, Mont.

62 Stat. 272.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the first sentence of section 4 of the Act entitled "An Act to provide for the adjustment of irrigation charges on the Flathead Indian irrigation project, Montana, and for other purposes", approved May 25, 1948, is hereby amended to read as follows:

“Sec. 4. Unpaid charges for operation and maintenance of the irrigation system which were assessed prior to May 10, 1926, against any lands within the project, amounting to a sum not exceeding \$40,549.89, together with all unpaid interest and penalties on such charges, and unpaid charges due from consumers for electric energy sold through the power system between July 1, 1931, and June 30, 1942, amounting to a sum not exceeding \$2,195.16, together with interest thereon, are hereby canceled.”

Cancellation of certain unpaid charges.

Approved October 6, 1949.

[CHAPTER 487]

## AN ACT

To authorize an appropriation in aid of a system of drainage and sanitation for the city of Polson, Montana.

August 19, 1949  
[H. R. 2869]  
[Public Law 255]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of \$100,000 or so much thereof as may be necessary for the repair and rehabilitation or replacement of the drainage structures of a system of drainage for lands within and adjacent to the city of Polson, Montana, on the Flathead Indian Reservation, in sections 3, 4, 8, 9, and 10, township 22 north, range 20 west, Montana principal meridian: *Provided,* That the said city or the residents in the affected area form a drainage-sanitation district and levy an assessment to provide additional funds to convert the drainage lines into a dual purpose system for drainage and sewer disposal purposes and agree to take title to the system and operate and maintain it in perpetuity.

Polson, Mont.  
Appropriation au-  
thorized for drainage  
system.

Additional funds.

SEC. 2. Nothing in this Act shall be construed as an admission of liability on the part of the United States for damages that may be claimed by any property owner as resulting from seepage in the affected area, and the drainage-sanitation district formed pursuant to section 1 hereof shall specifically agree to hold the United States harmless against any and all damage claims that may be asserted by property owners of the area.

Nonliability of U. S.

Approved August 19, 1949.

[CHAPTER 472]

AN ACT

August 18, 1949  
[H. R. 1892]  
[Public Law 245]

Authorizing the Secretary of the Interior to issue to Lake County, Montana, a patent in fee to certain Indian lands.

Lake County, Mont.  
Patent in fee.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior is authorized and directed, with the consent and approval of the tribal council of the Consolidated Tribes of Flathead, Kootenai, and Salish Indians, to issue to Lake County, Montana, a patent in fee to the following-described lands on the Flathead Indian Reservation, Montana: The north half of the northwest quarter of the southwest quarter of the southeast quarter of section 36, township 21 north, range 20 west, Montana principal meridian, containing five acres more or less.

Approved August 18, 1949.

## [CHAPTER 340]

## AN ACT

To provide for adjustment of irrigation charges on the Flathead Indian irrigation project, Montana, and for other purposes.

May 25, 1948  
[H. R. 5669]  
[Public Law 564]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the repayment to the United States of all reimbursable costs heretofore or hereafter incurred for the construction of the irrigation and power systems of the Flathead Indian irrigation project in Montana (hereinafter called the project), including such operation and maintenance costs as have been covered into construction costs under the Act of March 7, 1928 (45 Stat. 200, 212-213), and supplemental Acts, and including the unpaid operation and maintenance costs for the irrigation seasons of 1926 and 1927 which are hereby covered into construction costs, shall be accomplished as prescribed by this Act, notwithstanding any provision of law to the contrary.

Flathead Indian irrigation project, Mont.  
Adjustment of irrigation charges.

SEC. 2. (a) All costs heretofore or hereafter incurred for the construction of the irrigation system shall be allocated to the Mission Valley, Camas, and Jocko divisions of the project in proportion to the amount of such costs incurred for the respective benefit of each of these divisions.

Allocation of costs.

(b) The net revenues heretofore and hereafter accumulated from the power system shall be determined by deducting from the gross revenues the expenses of operating and maintaining the power system, and the funds necessary to provide for the creation and maintenance of appropriate reserves in accordance with section 3 of the Act of August 7, 1946 (60 Stat. 895; 31 U. S. C., sec. 725s-3).

Net revenues from power system.

(c) The deferred obligation established by the Act of May 10, 1926 (44 Stat. 453, 464-466), for repayment of the per acre costs of the Camas division in excess of the per acre costs of the Mission Valley division shall be determined on the basis of the costs heretofore incurred for the construction of those divisions, and shall be liquidated

Deferred obligation.

Reduction of reimbursable costs.

from the net revenues heretofore accumulated from the power system.

(d) The remainder of the net revenues heretofore accumulated from the power system shall be applied to reduce the reimbursable costs heretofore incurred for the construction of the power system, and the reimbursable costs heretofore incurred for the construction of the irrigation system (exclusive of the deferred obligation for the excess costs of the Camas division) as allocated among the several divisions pursuant to subsection (a) of this section, in proportion to the respective amounts of each of the foregoing categories of costs.

Reimbursable costs of irrigation system.

Annual installments.

(e) The reimbursable costs heretofore incurred for the construction of the irrigation system of each division of the project and not repaid through the credits provided for in subsections (c) and (d) of this subsection shall be scheduled for repayment in annual installments of approximately equal amount, in a manner which will provide for liquidation of such costs over a period of fifty years from January 1, 1950. The reimbursable costs hereafter incurred for the construction of the irrigation system shall be added to the schedule of repayments established pursuant to this subsection by increasing the amount or the number, or both, of the annual installments maturing after the incurrence of such costs, in a manner which will provide for their liquidation within a period not exceeding the useful life of the works involved, or not exceeding fifty years from the time when the additional costs are incurred, whichever period is the lesser. Each annual installment shall be distributed over all irrigable lands within the division on an equal per acre basis, and the costs so charged against any parcel of lands within the division shall constitute a first lien thereon under the Act of May 10, 1926 (44 Stat. 453, 464-466). Upon the maturity or prepayment of any annual installment, the amount of the installment shall be reduced by deducting any sums included therein which are chargeable to lands on which the collection of construction costs is then deferred under the Act of July 1, 1932 (47 Stat. 564; 25 U. S. C., sec. 386a), or which are chargeable to other lands and have been already repaid to the United States.

Reimbursable costs of power system.

Annual installments.

(f) The reimbursable costs heretofore incurred for the construction of the power system and not repaid through the credits provided for in subsections (c) and (d) of this subsection, or through other credits from the revenues of the power system, shall be scheduled for repayment in annual installments of approximately equal amount, in a manner which will provide for liquidation of such costs over a period not exceeding the remaining useful life of the power system as a whole, or not exceeding fifty years from January 1, 1950, whichever period is the lesser. The reimbursable costs hereafter incurred for the construction of the power system shall be added to the schedule of repayments established pursuant to this subsection by increasing the amount or the number, or both, of the annual installments maturing after the incurrence of such costs, in a manner which will provide for their liquidation within a period not exceeding the useful life of the works involved, or not exceeding fifty years from the time when the additional costs are incurred, whichever period is the lesser. Each annual installment shall be repaid to the United States solely out of the revenues from the power system.

Sale of electric energy.

(g) Electric energy available for sale through the power system shall be sold at the lowest rates which, in the judgment of the Secretary of the Interior, will produce net revenues sufficient to liquidate the annual installments of the power system construction costs established pursuant to subsection (f) of this section, and (for the purpose of reducing the irrigation system construction costs chargeable against the lands embraced within the project and of insuring the carrying out of the intent and purpose of legislation and repayment contracts

applicable to the project) to yield a reasonable return on the unliquidated portion of the power system construction costs, and (for the same purpose) to yield such additional sums as will cover the amount by which the wholesale value of the electric energy sold exceeds the cost thereof where such excess is the result of the electric energy having been obtained on a special basis in return for water rights or other grants.

(h) All net revenues hereafter accumulated from the power system shall be applied annually to the following purposes, in the following order of priority:

Net revenues from power system.

(1) To liquidate all matured installments of the schedule of repayments for construction costs of the power system;

(2) To liquidate all matured installments of the schedule of repayments for construction costs of the irrigation system of each division, on an equal per acre basis for all irrigable lands within the division;

(3) To liquidate unmatured installments of the schedule of repayments for construction costs of the power system which will mature at a date not later than the maturity of any unliquidated installment of irrigation system construction costs;

(4) To liquidate unmatured installments of the schedule of repayments for construction costs of the irrigation system of each division which will mature at a date prior to the maturity of any unliquidated installment of power system construction costs, on an equal per acre basis for all irrigable lands within the division;

(5) To liquidate construction costs chargeable against Indian-owned lands the collection of which is deferred under the Act of July 1, 1932 (47 Stat. 564; 25 U. S. C., sec. 386a); and

(6) To liquidate the annual operation and maintenance costs of the irrigation system.

(i) In applying net revenues from the power system to the annual installments of irrigation system construction costs for any division of the project under the preceding subsection, allowance shall be made for any construction costs deferred under the Act of July 1, 1932 (47 Stat. 564; 25 U. S. C., sec. 386a), or already repaid to the United States which have been deducted from such installments under subsection (e) of this section, by distributing the net revenues available for such application over all irrigable lands within the division on an equal per acre basis, and by applying the net revenues distributed to the lands chargeable with the construction costs that have been so deferred or repaid, in amounts proportionate to the deductions made on account of such costs, to any then unpaid or subsequently assessed costs of operating and maintaining the irrigation system which are chargeable against the same lands.

Allowance for construction costs.

(j) Any matured installment of irrigation system construction costs, or portion thereof, which is not liquidated at or before its maturity through the application thereto of net revenues from the power system under subsection (h) of this section shall be repaid to the United States by an assessment against the lands chargeable with the construction costs included in the installment. Such repayment shall be deferred for any period of time that may be requisite to provide for the assessment and collection of such costs in conformity with the laws of the State of Montana, but shall be completed within two years after the maturity of the installment concerned.

Assessment against lands.

SEC. 3. The repayment adjustments provided for in sections 1 and 2 of this Act shall not become effective unless, within two years after the approval of this Act, the irrigation districts embracing lands within the project not covered by trust or restricted patents have entered into contracts satisfactory to the Secretary of the Interior, whereby such districts (1) obligate themselves for the repayment of

Supplemental contracts.

the construction costs chargeable against all irrigable lands embraced within the districts contracting (exclusive of Indian-owned lands on which the collection of construction costs is deferred) to the extent and in the manner prescribed by sections 1 and 2 of this Act; (2) consent to such revisions in the limits of cost for the project, or any division thereof, as the Secretary and the districts contracting may mutually agree upon in order to facilitate the making of needed improvements and extensions to the irrigation and power systems; (3) provide for redetermination by the Secretary of the irrigable area of the project, or any division thereof, and for the exclusion of lands from the project, with the consent of the holder of any water rights that would be canceled by such exclusion; and (4) make such other changes in the existing repayment contracts as the Secretary and the districts contracting may mutually agree upon for accomplishment of the purposes of this Act. In order to facilitate the commencement of repayment at the earliest practicable time, such contracts may provide for adjusting the maturity dates or amounts of the annual installments in a manner which will ultimately place the repayment schedules on substantially the same basis as though such contracts had been entered into prior to their actual execution, but not earlier than January 1, 1949.

Cancellation of certain unpaid charges.

SEC. 4. Unpaid charges for operation and maintenance of the irrigation system which were assessed prior to May 10, 1926, against any lands within the project, amounting to a sum not exceeding \$40,549.89, and unpaid charges due from consumers for electric energy sold through the power system between July 1, 1931, and June 30, 1942, amounting to a sum not exceeding \$2,195.16, are hereby canceled. The cancellation of the operation and maintenance charges shall be reported in the reimbursable accounts rendered to the Comptroller General of the United States, pursuant to the Act of April 14, 1910 (36 Stat. 269, 270; 25 U. S. C., sec. 145), as deductions from the total indebtedness of the project without regard to the fiscal years in which, or the appropriations from which, the expenditures were made.

Appropriations authorized.

SEC. 5. There is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the following sums, for the following purposes, to be reimbursed to the United States as hereinafter provided:

Confederated Salish and Kootenai Tribes.

(a) The sum of \$64,161.18, with interest thereon at the rate of 4 per centum per annum from May 18, 1916, and the sum of \$409.38, with interest thereon at the same rate from December 1, 1925, to be used to repay the Confederated Salish and Kootenai Tribes of the Flathead Reservation in Montana the balance remaining due them under the Act of May 18, 1916 (39 Stat. 123, 141). The aggregate principal amount of \$64,570.56 so repaid shall be added to the construction costs of the project and shall be reimbursable.

(b) The sum of \$400,000 to be deposited in the United States Treasury to the credit of the Confederated Salish and Kootenai Tribes of the Flathead Reservation in Montana; of which sum one-half shall be in full settlement of all claims of said tribes on account of the past use of tribal lands for the physical works and facilities of the irrigation and power systems of the project, or for wildlife refuges; and the other one-half shall be in full payment to said tribes for a permanent easement to the United States, its grantees and assigns, for the continuation of any and all of the foregoing uses, whether heretofore or hereafter initiated, upon the tribal lands now used or reserved for the foregoing purposes. The said tribes shall have the right to use such tribal lands, and to grant leases or concessions thereon, for any and all purposes not inconsistent with such permanent easement. The amount deposited in the Treasury pursuant to this subsection shall be added to the construction costs of the project and shall be reimbursable.

(c) The sum of \$1,000,000 to continue the construction of the irrigation and power systems of the project. Amounts expended pursuant to this subsection shall be added to the construction costs of the project and shall be reimbursable.

(d) No expenditure shall be made from any appropriation granted under the authorizations contained in this section until the repayment of all reimbursable construction costs incurred through such expenditure has been secured by contracts conforming to the requirements of section 3 of this Act.

SEC. 6. In each fiscal year commencing after the approval of this Act for which an appropriation of the power revenues from the project is made in an indefinite amount pursuant to section 3 of the Act of August 7, 1946 (60 Stat. 895; 31 U. S. C., sec. 725s-3), the power revenues so appropriated shall be available, to the extent of not to exceed \$75,000, for the purpose, in addition to those other purposes now required or permitted by law, of making such improvements and extensions to the power system as the Secretary of the Interior may deem requisite for the provision of electric service to persons whose applications for such service could not otherwise be complied with in due course of business. Amounts so expended shall be added to the unmatured portion of the reimbursable construction costs of the power system in accordance with subsection 2 (f) of this Act, so as not to reduce the net power revenues available for application under subsection 2 (h) of this Act.

SEC. 7. Consistent with the terms of the repayment contracts heretofore or hereafter executed, the Secretary of the Interior is hereby authorized to issue such public notices fixing construction costs and apportioning construction charges, to enter into such contracts, to make such determinations, to effect such adjustments in project accounts, to prescribe such regulations, and to do such other acts and things as may be necessary or appropriate to accomplish the purposes of this Act.

SEC. 8. All Acts or parts thereof inconsistent with the provisions of this Act are hereby repealed.

Approved May 25, 1948.

Construction.

Restriction.

Availability of appropriations.

Issuance of public notices.

## [CHAPTER 325]

## AN ACT

To authorize the sale of certain individual Indian land on the Flathead Reservation to the State of Montana.

May 20, 1948  
[H. R. 5118]  
[Public Law 542]

Flathead Reserva-  
tion, Mont.  
Sale of individual  
land.

25 U. S. C. §§ 461-  
479.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That Clara Keenan Dumontier, a Flathead Indian, is hereby authorized to sell and convey to the State of Montana the following-described tract of land held by the United States in trust for her under the provisions of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), said conveyance to be made by an appropriate warranty deed approved by the Secretary of the Interior or his authorized representative: A tract of land in the north half of the southwest quarter, section 1, township 16 north, range 20 west, Montana principal meridian; more particularly described as follows: Beginning at the southwest corner of the said north half southwest corner, section 1, thence from the said point of beginning northerly along the west line of the said point of beginning northerly along the west line of the said section 1, two hundred and fourteen and five-tenths feet, to a point; thence south eighty degrees forty-eight minutes east one thousand three hundred and forty and five-tenths feet, to a point, on the south line of the said north half of the southwest quarter, section 1; thence westerly along the south line of the said north half of the southwest quarter, section 1, one thousand three hundred and twenty-three and three-tenths feet, to the said point of beginning, containing three and twenty-six hundredths acres, more or less.

Approved May 20, 1948.

[CHAPTER 68]

AN ACT

Authorizing the sale of undisposed of lots in Michel addition to the town of Polson, Montana.

February 25, 1948  
[S. 1607]  
[Public Law 416]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior is authorized and directed to sell, under existing rules and regulations, the undisposed of lots in blocks 3, 4, and 5, in the Michel addition to the city of Polson, Montana, said lots being embraced in the trust allotment of Angeline Michel, deceased, Flathead allottee numbered 1914.

Polson, Mont.  
Sale of lots.

Approved February 25, 1948.

## [CHAPTER 340]

## AN ACT

July 26, 1947  
[S. 753]  
[Public Law 250]

To authorize the Secretary of the Interior to defer the collection of certain irrigation construction charges against lands under the Flathead Indian irrigation project.

Flathead Indian ir-  
rigation project.

25 U. S. C. §§ 339-  
339e.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any provisions of the Act entitled "An Act to authorize the Secretary of the Interior to investigate and adjust irrigation charges on irrigation lands within projects on Indian reservations, and for other purposes", approved June 22, 1936 (49 Stat. 1803), the Secretary of the Interior is authorized and directed to defer the collection of irrigation construction charges on the Flathead Indian irrigation project until January 1, 1949.*

Approved July 26, 1947.

## [CHAPTER 701]

## AN ACT

Conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render judgment in any and all claims which the Confederated Salish and Kootenai Tribes of Indians of the Flathead Reservation in Montana, or any tribe or band thereof, may have against the United States, and for other purposes.

July 30, 1946  
[H. R. 6983]  
[Public Law 566]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That jurisdiction is hereby conferred upon the Court of Claims, subject to review by the Supreme Court of the United States on writ of certiorari as in other cases, to hear, examine, adjudicate, and render judgment in any and all legal and equitable claims of whatsoever nature which the Confederated Salish and Kootenai Tribes of Indians of the Flathead Reservation of Montana, or any tribe or band thereof, may have against the United States.

Confederated Salish  
and Kootenai Tribes  
of Indians.  
Claims.

SEC. 2. That suit or suits under this Act may be instituted by the Confederated Salish and Kootenai Tribes of Indians, or any tribe or band thereof, either separately or jointly, as party or parties plaintiff, against the United States as party defendant, by filing within five years after the approval of this Act a petition or petitions in the Court of Claims and serving with respect to each suit a copy thereof on the Attorney General of the United States, who, either in person or by some attorney from the Department of Justice to be designated by him, shall appear and defend the interests of the United States. Such petition or petitions shall set forth the facts upon which the claim or claims for recovery is or are based and shall be verified by the attorney or attorneys employed by said Indians, under contract approved in accordance with existing law, to prosecute said claims, which may be made upon information and belief, and no other verification shall be necessary. The petition or petitions shall be subject to amendment at any time prior to final submission of the case to the Court of Claims. Such petition or petitions may, in addition to alleging specific claims, demand a general accounting of all funds and property expended or used by the United States for the account of said Indians, in which event the General Accounting Office shall within a reasonable time from date of filing said petition or petitions make a complete audit of said accounts, and, in addition to the usual copies furnished the Attorney General, shall furnish a copy thereof to the attorney or attorneys for said Indians; and the court, after full hearing, shall state the account and render judgment in accordance therewith.

Presentation of  
claims.

Time limitation for  
filing petition.

Amendments to pe-  
tition.

Audit of accounts.

SEC. 3. That at the trial of any suit instituted hereunder the court shall settle and determine the rights therein, both legal and equitable, of said Indians against the United States, notwithstanding lapse of time or statutes of limitation. In the determination of the validity of any claim asserted or defense interposed hereunder, the court shall have the full power and authority of a court of equity.

Settlement, etc., of  
rights of Indians.

SEC. 4. That the court shall have authority, by proper orders and process, to make parties to any suit or suits instituted hereunder any other tribe, band, or group of Indians deemed by it necessary or proper to a final determination of the matters in controversy.

Joining of other  
Indians to suit.

SEC. 5. That in any suit instituted hereunder any letter, paper, document, map, or record in the possession of any officer or department of the United States (or certified copies thereof) may be used in evidence, and the departments of the Government of the United States shall give full and free access to the attorney or attorneys for said Indians to such letters, papers, documents, maps, or records as may be useful to said attorney or attorneys in the preparation for trial or trials of such suit or suits.

Use of documents,  
etc., as evidence.

Set-offs, etc.

SEC. 6. That no payment or payments which have been made by the United States upon any claim or claims asserted in any suit brought hereunder, or expended for any of the said Indians, shall operate as an estoppel against any suit brought hereunder, but there shall be set off against any recovery obtained by said Indians hereunder any payment made by the United States on any claim asserted by said Indians, together with such gratuity expenditures as are directed to be set off by the Act of Congress, approved August 12, 1935 (49 Stat. 596): *Provided*, That no moneys expended for the benefit of said Indians under the Wheeler-Howard Act, approved June 18, 1934 (48 Stat. 984), shall be applicable as set-offs.

25 U. S. C. § 475a.

25 U. S. C. §§ 461-479.

Attorneys' fees.

SEC. 7. That upon the final determination of any suit or suits instituted hereunder, the Court of Claims, in the event of judgment for said Indians shall determine such fees or compensation to be paid the attorney or attorneys as said court shall find reasonable or equitable, and in addition thereto such actual and necessary expenses as shall have been incurred by the attorney or attorneys in the prosecution of said claims. In no case shall the fees or compensation decreed by said Court of Claims be in excess of the amount stipulated in the contract or contracts approved by the Commissioner of Indian Affairs and the Secretary of the Interior, and in no event to exceed 10 per centum of the amount of the recovery, and shall be paid out of any money appropriated by Congress for the benefit of said Indians pursuant to any judgment hereunder.

Deposit of amounts recovered to credit of Indians.

SEC. 8. That the amount of any judgment recovered for said Indians, less attorneys' fees and expenses, shall be placed to the credit of said Indians in the Treasury of the United States and shall draw interest at the rate of 4 per centum per annum from date of judgment and shall thereafter be subject to appropriation by Congress and used for the benefit of said Indians, including, but without limitations, the purchase of lands, livestock, farming implements, erection of buildings and improvements, and for productive enterprises, with the approval of the Secretary of the Interior and the consent of said Indians.

Approved July 30, 1946.

Flathead Indian Res-  
ervation, Mont.

Development of Hot Springs enterprise, Confederated Salish and Kootenai Tribes, Montana (tribal funds) : For all expenses necessary for the development of a health resort on the Flathead Indian Reservation at Hot Springs, Montana, including the construction of buildings, and the payment of private architectural and engineering fees, \$350,000, to remain available until expended, payable from funds held by the United States in trust for the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana.

## [CHAPTER 460]

## AN ACT

June 24, 1946  
[H. R. 3843]  
[Public Law 428]

To provide for the disposition of tribal funds of the Confederated Salish and Kootenai Tribes of Indians of the Flathead Reservation in Montana.

Indians.  
Availability of designated tribal funds.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding any other provision of existing law, the tribal funds now on deposit or hereafter placed to the credit of the Confederated Salish and Kootenai Tribes of Indians of the Flathead Reservation in Montana, in the United States Treasury, shall be available for such purposes as may be designated by the tribal council of said tribe and approved by the Secretary of the Interior: *Provided,* That any expenditures so designated and approved shall be in accordance with the provisions of the tribal constitution and charter.

Expenditures.

Approved June 24, 1946.

[CHAPTER 63]

## AN ACT

To authorize the Secretary of the Interior to grant concessions on reservoir sites and other lands in connection with Federal Indian irrigation projects wholly or partly Indian, and to lease the lands in such reserves for agricultural, grazing, and other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to grant concessions on reservoir sites, reserves for canals or flowage areas, and other lands under his jurisdiction which have been withdrawn or otherwise acquired in connection with the San Carlos, Fort Hall, Flathead, and Duck Valley or Western Shoshone irrigation projects for the benefit in whole or in part of Indians, and to lease such lands for agricultural, grazing, or other purposes: Provided, That no lands so leased shall be eligible for benefit payments under the crop control program, or the soil conservation act: Provided further, That such concessions may be granted or lands leased by the Secretary of the Interior under such rules, regulations, and laws as govern his administration of the public domain as far as applicable, for such considerations, monetary or otherwise, and for such periods of time as he may deem proper, the term of no concession to exceed a period of ten years: Provided further, That the funds derived from such concessions or leases, except funds so derived from Indian tribal property withdrawn for irrigation purposes and for which the tribe has not been compensated, shall be available for expenditure in accordance with the existing laws in the operation and maintenance of the irrigation projects with which they are connected. Any funds derived from reserves for which the tribe has not been compensated shall be deposited to the credit of the proper tribe: Provided further, That where tribal lands of any Indian tribe organized under section 16 of the Act of June 18, 1934 (48 Stat. 984), have been withdrawn or reserved for the purposes hereinbefore mentioned, such lands may be leased or concessions may be granted thereon only by the proper tribal authorities, upon such conditions and subject to such limitations as may be set forth in the constitution and bylaws or charter of the respective tribes.*

Approved, April 4, 1938.

April 4, 1938  
[S. 1945]  
[Public, No. 459]

Indian irrigation projects.  
Concessions on reservoir sites and other lands, authorized.

Leases for agricultural, grazing, etc., purposes.  
*Providos.*  
Ineligibility for benefit payments.

Conditions prescribed.

Term limitation.  
Maintenance, etc.

Use of funds from reserves for which tribe has not been compensated.

Tribal lands; lease restrictions.  
48 Stat. 987.  
25 U. S. C. § 476.

[CHAPTER 261.]

AN ACT

To provide for the addition of the names of certain persons to the final roll of the Indians of the Flathead Indian Reservation Montana, and for other purposes.

March 3, 1933.  
[S. 2333.]  
[Private, No. 236.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized to add to the final roll of the Indians of the Flathead Indian Reservation, Montana, approved January 22, 1920, under the Act of May 25, 1918 (40 Stat. L. 591), and the Act of June 30, 1919 (41 Stat. L. 9), the names of*

Flathead Indian Res-  
ervation, Mont.  
Additions to final roll  
of Indians of  
Vol. 40, p. 591; Vol.  
41, p. 9.

Per capita payments  
and land allotments.

Exception.

the following persons, descendants of the confederated Flathead Tribes of Indians: Joseph Russell Bird, Daniel Lawrence Pablo, Valerie Roullier, Henry Roullier, junior, Julia Roullier, Laura Soucie, Blanche Soucie, Joseph Soucie, Julie Soucie, Rose Marie Soucie, and Audra Jane Martin. The Secretary of the Interior is also authorized to pay each of the persons named a sum equal to that heretofore paid per capita to those whose names were upon the approved roll, and to allot each of these persons except Audra Jane Martin the same area of land allotted to children of the Flathead Reservation enrolled upon the final roll, such payments to be made from any tribal funds in the Treasury to the credit of the Flathead Indians, the allotments to be made from any available tribal unallotted lands of the Flathead Reservation.

Approved, March 3, 1933.

Fort Belknap Res-  
ervation, Mont.  
Operating.

Flathead Reserva-  
tion, Mont.  
Construction.  
Vol. 44, pp. 464, 945.  
Post, pp. 1574, 1639.

Balances available.

*Provisos.*  
Power plant balance  
may be used for power  
distributing system.

Repayment contract  
required.  
Reimbursement from  
net revenues.

Leases authorized by  
Federal Power Com-  
mission.

For maintenance and operation, including repairs of the irrigation systems on the Fort Belknap Reservation, in Montana, \$20,000, reimbursable in accordance with the provisions of the Act of April 4, 1910.

Flathead irrigation project, Montana: The unexpended balance of the appropriation for continuing construction of the irrigation systems on the Flathead Indian Reservation, Montana, contained in the Act of May 10, 1926 (Forty-fourth Statutes at Large, pages 464-466), as continued available in the Act of January 12, 1927 (Forty-fourth Statutes at Large, page 945), shall remain available for the fiscal year 1929, subject to the conditions and provisions of said Acts: *Provided*, That the unexpended balance of the \$395,000 available for continuation of construction of a power plant may be used, in the discretion of the Secretary of the Interior, for the construction and operation of a power distributing system and for purchase of power for said project but shall be available for that purpose only upon execution of an appropriate repayment contract as provided for in said Acts: *Provided further*, That the net revenues derived from the operation of such distributing system shall be used to reimburse the United States in the order provided for in said Acts: *Provided further*, That the Federal Power Commission is authorized in accordance with the Federal Water Power Act and upon terms satisfactory to the Secretary of the Interior, to issue a permit or permits or a license or licenses for the use, for the develop-

ment of power, of power sites on the Flathead Reservation and of water rights reserved or appropriated for the irrigation projects: *Provided further*, That rentals from such licenses for use of Indian lands shall be paid the Indians of said reservation as a tribe, which money shall be deposited in the Treasury of the United States to the credit of said Indians, and shall draw interest at the rate of 4 per centum: *Provided further*, That the public notice provided for in the Act of January 12, 1927, shall be issued by the Secretary of the Interior upon the 1st day of November, 1930: *Provided further*, That in his discretion the Secretary of the Interior may provide in such repayment contracts for covering into construction costs the operation and maintenance charges for the irrigation season of 1928 and all undistributed operation and maintenance cost, and may extend the time for payment of operation and maintenance charges now due and unpaid for such period as in his judgment may be necessary, the charges now due so extended to bear interest payable annually at the rate of 6 per centum per annum until paid, and to contract for the payment of the construction charges now due and unpaid within such term of years as the Secretary may find to be necessary with interest payable annually at the rate of 6 per centum per annum until paid: *Provided further*, That not more than \$35,000 of said reappropriated balance of \$395,000 shall be immediately available for operation and maintenance, and \$75,000 shall be available for construction of laterals near Ronan upon the execution of appropriate repayment contract as provided for in said Acts.

For maintenance and operation of the Poplar River, Little Porcupine, and Big Porcupine divisions of the irrigation systems on the Fort Peck Indian Reservation in Montana, by and under the direction of the Commissioner of Indian Affairs, including the purchase of any necessary rights or property, \$7,500 (reimbursable).

For improvement, maintenance, and operation of the Two Medicine and Badger-Fisher divisions of the irrigation systems on the Blackfeet Indian Reservation in Montana, by and under the direction of the Commissioner of Indian Affairs, including the purchase of any necessary rights or property, \$45,000 (reimbursable), to be immediately available.

For maintenance and operation of the irrigation systems on the Crow Reservation, Montana, including maintenance assessments payable to the Two Leggings Water Users' Association and Bozeman Trail Ditch Company, Montana, properly assessable against lands allotted to the Indians irrigable thereunder, \$1,000, to be reimbursed under such rules and regulations as may be prescribed by the Secretary of the Interior.

Rentals for Indian lands to be deposited to credit of tribe.

Public notice.

Discretionary conditions in repayment contracts.  
*Post*, p. 1639.

Amount immediately available.

Laterals near Ronan.

Fort Peck Reservation, Mont.  
Operating divisions of systems on.

Blackfeet Reservation, Mont.  
Operating divisions of systems on.

Crow Reservation, Mont.  
Operating systems on.

Reimbursement of

For improvement, maintenance, and operation of the Fort Hall irrigation system, Idaho, \$28,000.

Fort Hall Reservation, Idaho.

For surveys and investigations for the protection of water rights on the Blackfoot River, including investigation of any damage resulting from the operation of the Blackfoot Reservoir, \$12,000, payable from funds received from the sale of excess stored waters of the Blackfoot Reservoir.

Operating system on Blackfoot River, Idaho. Protecting water rights, etc.

For maintenance and operation, including repairs of the irrigation systems on the Fort Belknap Reservation, in Montana, \$18,000, reimbursable in accordance with the provisions of the Act of April 4, 1910.

Irrigation systems, Montana. Fort Belknap Reservation. Operating. Vol. 36, p. 276.

Flathead irrigation project, Montana: For operation and maintenance, \$25,000, to be immediately available: *Provided*, That of the unexpended balance of the appropriation for this project for the fiscal year 1927 there is hereby reappropriated and made available for the fiscal years 1927 and 1928, \$40,000 for construction of the South Side Jocko Canal, available when the Jocko irrigation district shall properly execute an appropriate repayment contract, in form approved by the Secretary of the Interior, which contract shall, except as hereinafter provided, conform to the conditions provided for a contract in the appropriation for this project for the fiscal year 1927: *Provided further*, That of said unexpended balance there is hereby reappropriated and made available for the fiscal years 1927 and 1928 not to exceed the following amounts: Pablo Feed Canal enlargement, \$100,000; Moiese Canal enlargement, \$15,000; Hubbart Feed Canal, \$7,500; Camas A Canal, \$2,500; available when the Flathead irrigation district shall properly execute an appropriate repayment contract, in form approved by the Secretary of the Interior, which contract shall, except as hereinafter provided, conform to the conditions provided for a contract in the appropriation for this project for the fiscal year 1927: *And provided further*, That the remainder of the unexpended balance of the appropriation for this project for the fiscal year 1927 shall at once become available, and remain available for the fiscal years 1927 and 1928, for continuing construction of power plant when an appropriate repayment contract, in form approved by the Secretary of the Interior, and which, except as hereinafter provided, contains the provisions set forth for such a contract in the appropriation for this project for the fiscal year 1927, shall have been executed by a district or districts organized under State law embracing not less than eighty thousand acres of the lands irrigable under the project: *And provided further*, Any contract provided for in this paragraph shall require that the net revenues derived from operation of the power plant shall be used to reimburse the United States in the following order: First, to liquidate the cost of the power development; second, to liquidate payment of the deferred obligation on the Camas Division; third, to liquidate construction cost on an equal per acre basis on each acre of irrigable land within the district or districts contracting; and fourth, to liquidate operation and maintenance costs within such district or districts.

Flathead Reservation. Operating. Provisos.

Balance reappropriated. Construction items. Ante, p. 464.

Jocko district repayment contract required.

Specified allotments,

Conditions of repayment contract.

Allotment to power plant.

Contract requirement.

Reimbursement from operation revenues.

For maintenance and operation of the Poplar River, Little Porcupine, and Big Porcupine divisions of the irrigation systems on the Fort Peck Indian Reservation in Montana, by and under the direction of the Commissioner of Indian Affairs, including the purchase of any necessary rights or property, \$9,000 (reimbursable).

Fort Peck Reservation. Operating divisions of systems.

For improvement, maintenance, and operation of the Two Medicine and Badger-Fisher divisions of the irrigation systems on the Blackfeet Indian Reservation in Montana, by and under the direction of the Commissioner of Indian Affairs, including the purchase of any necessary rights or property, \$15,000 (reimbursable).

Blackfeet Reservation. Operating divisions of systems.

Irrigating systems in  
Montana.  
Fort Belknap Reser-  
vation

For maintenance and operation, including repairs of the irrigation systems on the Fort Belknap Reservation, in Montana, \$20,000, reimbursable in accordance with the provisions of the Act of April 4, 1910.

Flathead Reser-  
vation.

For continuing construction, maintenance, and operation of the irrigation systems on the Flathead Indian Reservation, in Montana, by and under the direction of the Commissioner of Indian Affairs, including the purchase of any necessary rights or property, \$575,000:

*Provided*, That of the total amount herein appropriated not to exceed \$15,000 shall be available for operation and maintenance of the project, the balance to be available for the construction items hereinafter enumerated in not to exceed the following amounts: Pablo Feed Canal enlargement, \$100,000; Moiese Canal enlargement, \$15,000; South Side Jocko Canal, \$40,000; Hubbart Feed Canal, \$7,500; Camas A Canal, \$2,500; continuing construction of power plant, \$395,000, of which sum \$15,000 shall be immediately available for additional surveys and preparation of plans: *Provided further*, That no part of this appropriation, except the \$15,000 herein made immediately available, shall be expended on construction work until an appropriate repayment contract, in form approved by the Secretary of the Interior, shall have been properly executed by a district or districts organized under State law embracing the lands irrigable under the project, except trust patent Indian lands, which contract, among other things, shall require repayment of all construction costs heretofore or hereafter incurred on behalf of such lands, with provision that the total construction cost on the Camas Division in excess of the amount it would be if based on the per acre construction cost of the Mission Valley Division of the project, shall be held and treated as a deferred obligation to be liquidated as hereinafter provided. Such contract shall require that the net revenues derived from the operation of the power plant herein appropriated for shall be used to reimburse the United States in the following order: First, to liquidate the cost of the power development; second, to liquidate payment of the deferred obligation on the Camas Division; third, to liquidate construction cost on an equal per acre basis on each acre of irrigable land within the entire project; and fourth, to liquidate operation and maintenance costs within the entire project. Provision shall also be contained therein requiring payment of operation and maintenance charges annually in advance of each irrigation season and prohibit the granting of a water right to or the use of water by any individual for more than one hundred and sixty acres of land irrigable under constructed works within the project after the Secretary of the Interior shall have issued public notice in accordance with the Act of May 18, 1916 (Thirty-ninth Statutes at Large, pages 123-130); all lands, except lands owned by individual Indians, at the date of public notice in excess of one hundred and sixty acres not disposed of by bona fide sale within two years after said public notice shall be conveyed in fee to the United States free of encumbrance to again become a part of the public domain under contract between the United States and the individual owners at the appraised price fixed at the instance of the Secretary of the Interior, such amount to be credited in reduction of the construction charge against the land within the project retained by such owner. All lands so conveyed to the United States shall be subject to disposition by the Secretary of the Interior in farm units at the appraised price, to which shall be added such amount as may be necessary to cover any accruals against the land and other costs arising from conditions and requirements prescribed by said Secretary: *Provided further*, That trust patent Indian lands shall not be subject to the provisions of the law of any district created as herein provided for but shall, upon the issuance of fee patent therefor, be accorded the same rights and privileges and be subject to the same obligations as other lands within such district or districts: *Provided further*, That all construction, operation, and maintenance costs, except such construction costs on the Camas Division held and treated as a deferred obligation herein provided

*Provisos.*  
Aggregate amount.

Construction items.  
*Post*, p. 945.

Power plant.

Contracts for repayment by irrigation districts, etc., required.

Cost of Camas Division a deferred obligation.

Application of net revenues.

Charges payable in advance.

Limitation to individual water use.

Vol. 39, p. 130.

Lands in excess of 160 acres to be conveyed to United States, if not sold in 5 years.

Owners credited with price.

Disposition of land conveyed to United States.

Trust patent Indian lands.

Construction charges a lien on lands within the project.

for, on this project shall be, and are hereby, made a first lien against all lands within the project, which lien upon any particular farm unit shall be released by the Secretary of the Interior after the total amount charged against such unit shall have been paid, and a recital of such lien shall be made in any instrument issued prior to such release by the said Secretary. The contracts executed by such district or districts shall recognize and acknowledge the existence of such lien: *Provided further*, That pending the issuance of public notice the construction assessment shall be at the same rate heretofore fixed by the Secretary of the Interior, but upon issuance of public notice the assessment rate shall be 2½ per centum per acre, payable annually, in addition to the net revenues derived from operations of the power plant as hereinbefore provided, of the total unpaid construction costs at the date of said public notice: *Provided further*, That the public notice above referred to shall be issued by the Secretary of the Interior upon completion of the construction of the power plant.

Assessment rate.

Issue of notice.

Fort Peck Reservation.  
Operating divisions  
of system.

For maintenance and operation of the Poplar River, Little Porcupine, and Big Porcupine divisions of the irrigation systems on the Fort Peck Indian Reservation in Montana, by and under the direction of the Commissioner of Indian Affairs, including the purchase of any necessary rights or property, \$9,000 (reimbursable).

Blackfeet Reservation.  
Operating divisions  
of system.

For improvement, maintenance, and operation of the Two Medicine and Badger-Fisher divisions of the irrigation systems on the Blackfeet Indian Reservation in Montana, by and under the direction of the Commissioner of Indian Affairs, including the purchase of any necessary rights or property, \$15,000 (reimbursable).

Crow Reservation.  
Operating systems.

For maintenance and operation of the irrigation systems on the Crow Reservation, Montana, including maintenance assessments payable to the Two Leggings Water Users' Association, and Bozeman Trail Ditch Company, Montana, properly assessable against lands allotted to the Indians irrigable thereunder, \$5,000, to be reimbursed under such rules and regulations as may be prescribed by the Secretary of the Interior.

February 25, 1920.  
[S. 2454.]  
[Public, No. 148.]

**CHAP. 87.**—An Act For the relief of certain members of the Flathead Nation of Indians, and for other purposes.

Flathead Indian  
Reservation, Mont.  
Lands on, to unal-  
lotted enrolled chil-  
dren.

*Provides.*  
Lands included.

Timber sales for  
tribal benefit.

Withholding of un-  
sold lands until allot-  
ments completed.

Homestead allot-  
ments.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That during the period of one year from and after the approval of this Act the Secretary of the Interior is hereby authorized, under existing law and under such rules and regulations as he may prescribe, to make allotments on the Flathead Reservation, Montana, to all unallotted, living children enrolled with the tribe, enrolled or entitled to enrollment: *Provided,* That such allotments be made from any unallotted or unsold lands within the original limits of the Flathead Indian Reservation, including the area now classified and reserved as timber lands, cut-over lands, burned or barren lands thereon; and patents issued for allotments hereunder for any lands from which such timber has not been cut and marketed, shall contain a clause reserving to the United States the right to cut and market, for the tribal benefit, as now authorized by law, the merchantable timber on the lands so allotted: *Provided further,* That when the merchantable timber has been cut from any lands allotted hereunder, the title to such timber as remains on such lands will thereupon pass to the respective allottees, and the Secretary of the Interior is hereby directed to withhold from sale or entry all lands unsold and unentered within the said reservation at the date of the passage of this Act until allotments hereunder have been completed: *Provided further,* That not exceeding forty acres of each allotment made under the provisions of this Act shall be designated as a homestead which shall be inalienable and nontaxable during the minority of the allottee, and thereafter until such restrictions may be removed either by Congress or the Secretary of the Interior.

Approved, February 25, 1920.

*Proviso.*  
Credit for residence  
on claim.

Carey Act and upon which such person had established actual bona fide residence or had made substantial and permanent improvements: *Provided*, That each entryman shall be entitled to a credit as residence upon his new homestead entry allowed hereunder of the time that he has actually lived upon the claim as a bona fide resident thereof.

Approved, February 14, 1920.

February 14, 1920.  
[H. R. 11368.]  
[Public, No. 141.]

**CHAP. 75.**—An Act Making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1921.

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 Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and in full compensation for all offices and salaries which are provided for herein for the service of the fiscal year ending June 30, 1921, namely:

Indian reservations.

**SURVEYING AND ALLOTING INDIAN RESERVATIONS.**

Surveying, allotting  
in severalty, etc.  
Vol. 24, p. 388.

For the survey, resurvey, classification, and allotment of lands in severalty under the provisions of the Act of February 8, 1887 (Twenty-fourth Statutes at Large, page 388), entitled "An Act to provide for the allotment of lands in severalty to Indians," and under any other Act or Acts providing for the survey or allotment of Indian lands, \$10,000, reimbursable: *Provided*, That no part of said sum shall be used for the survey, resurvey, classification, or allotment of any land in severalty on the public domain to any Indian, whether of the Navajo or other tribes, within the State of New Mexico and the State of Arizona, who was not residing upon the public domain prior to June 30, 1914.

*Proviso.*  
Use in New Mexico  
and Arizona restricted.

Irrigation on reserva-  
tions.

**IRRIGATION ON INDIAN RESERVATIONS (REIM-  
BURSABLE).**

Construction, main-  
tenance, etc., of proj-  
ects.

For the construction, repair, and maintenance of irrigation systems, and for purchase or rental of irrigation tools and appliances, water rights, ditches, and lands necessary for irrigation purposes for Indian reservations and allotments; for operation of irrigation systems or appurtenances thereto when no other funds are applicable or available for the purpose; for drainage and protection of irrigable lands from damage by floods or loss of water rights, upon the Indian irrigation projects named below:

Allotments to dis-  
tricts.

Irrigation district one: Round Valley Reservation, California, \$1,000.

Irrigation district two: Moapa River, \$1,050; Shivwits, \$800; Walker River, \$9,285; Western Shoshone, \$3,000; total, \$14,135.

Irrigation district three: Tongue River, Montana, \$2,000.

Irrigation district four: Ak Chin, Maricopa Reservation, \$4,000; La Jolla Reservation, \$2,200; Coachella Valley pumping plants, \$8,500; Morongo Reservation, \$5,500; Headgate, McDowell Indians, Salt River Reservation, \$1,500; Pala Reservation, \$4,500; Rincon Reservation, \$2,000; miscellaneous projects, \$15,000; total, \$43,200.

Irrigation district five: San Juan Reservation, \$20,000; New Mexico Pueblos, \$11,000; Zuni Reservation, \$9,800; Navajo and Hopi, miscellaneous projects, including Tes-nos-pos, Moencopi Wash, Captain Tom Wash, and Red Lake, \$18,200; total, \$59,000.

smith (article 10, treaty of May 7, 1868), \$2,580; for pay of second blacksmith (article 8, same treaty), \$720; in all, \$4,500.

For subsistence and civilization of the Northern Cheyennes and Arapahoes (agreement with the Sioux Indians, approved February 28, 1877), including Northern Cheyennes removed from Pine Ridge Agency to Tongue River, Montana, and for pay of physician, two teachers, two carpenters, one miller, two farmers, a blacksmith, and engineer (article 7, treaty of May 10, 1868), \$75,000.

For the employment of "line riders" along the southern and eastern boundaries of the Northern Cheyenne Indian Reservation in the State of Montana, \$1,500.

For the support and civilization of the Rocky Boy Band of Chippewas, and other indigent and homeless Indians in the State of Montana, including pay of employees, \$9,000.

For continuing construction, maintenance, and operation of the irrigation systems on the Flathead Indian Reservation, in Montana, \$200,000 (reimbursable), to remain available until expended.

For continuing construction, maintenance, and operation of the irrigation systems on the Fort Peck Indian Reservation, in Montana, \$40,000 (reimbursable).

For continuing construction, maintenance, and operation of the irrigation systems on the Blackfeet Indian Reservation, in Montana, \$25,000 (reimbursable): *Provided*, That not to exceed \$15,000 of applicable appropriations made for the Flathead, Blackfeet, and Fort Peck irrigation projects shall be available for the maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles for official use upon the aforesaid irrigation project: *Provided, further*, That not to exceed \$3,500 may be used for the purchase of horse-drawn passenger-carrying vehicles, and that not to exceed \$4,000 may be used for the purchase of motor-propelled passenger-carrying vehicles.

That the Secretary of the Interior be, and he is hereby, authorized to withdraw from the Treasury of the United States the sum of \$100,000 of any tribal funds on deposit to the credit of the Crow Indians in the State of Montana, and to expend the same for improvement, maintenance, and operation of the irrigation systems on the Crow Reservation, Montana, including maintenance assessments payable to the Two Leggins Water Users' Association, said sum, or such part thereof as may be used for the purpose indicated, to be reimbursed to the tribe under such rules and regulations as may be prescribed by the Secretary of the Interior.

For the expenditure of \$15,000 in part payment for construction of a public school building within the town site of Browning, Montana, on the Blackfeet Indian Reservation: *Provided*, That Indian children shall at all times be admitted to said public school on an entire equality with white children.

The Indians of the Fort Peck Reservation in Montana entitled to allotments under existing laws may select lands classified as coal and receive patents therefor in accordance with the Act of May 30, 1908 (Thirty-fifth Statutes at Large, page 558), with a reservation, however, to the Fort Peck Indians of the coal deposits therein and of the right to prospect for, mine, and remove the same.

That the State of Montana, acting through its proper officials, is hereby authorized to select two hundred acres of unappropriated, unreserved, and nonmineral lands within the boundaries of the former Flathead Indian Reservation in Montana, or an equal quantity of public lands of like character within the boundaries of said State, in lieu of the northwest quarter and the northeast quarter of the southwest quarter of section sixteen, township eighteen north, range twenty-one west, Montana meridian, Montana, upon due and proper showing that the lands authorized herein to be surrendered by the

Northern Cheyennes and Arapahoes. Subsistence, etc. Vol. 19, p. 256. Physician, etc. Vol. 15, p. 653.

"Line riders."

Rocky Boy Band of Chippewas, etc. Support, etc.

Irrigation systems. Flathead Reservation.

Fort Peck Reservation.

Blackfeet Reservation.

Provisos. Vehicles for irrigation projects.

Purchases limited.

Crow Reservation. Improving irrigation systems, from tribal funds.

Reimbursement of Indians.

Blackfeet Reservation. School building at Browning. Proviso. Condition.

Fort Peck Reservation. Allotments of coal lands to reserve mining rights. Vol. 35, p. 553.

Flathead Reservation. Montana may exchange lands in.

State have not been sold or otherwise encumbered by it, and the selection of such lieu lands by the said State shall be a waiver of its right, title, and claim in and to the tracts in said section sixteen above described: *Provided*, That in case the exchange herein contemplated shall be perfected the lands so surrendered by the State shall be held for the benefit of the Flathead Tribe and be subject to such disposition as shall be directed by the Secretary of the Interior.

*Proviso.*  
Surrendered lands held for benefit of tribe.

Fort Peck Reservation.  
Extension of allotments of irrigable lands in.

Vol. 38, p. 593; Vol. 35, p. 558.

Blackfeet Reservation.  
Bridging Two Medicine Creek on, from tribal funds.

That allotments authorized by the Act of August 1, 1914 (Thirty-eighth Statutes at Large, page 593), to unallotted children on the Fort Peck Reservation may be made from irrigable lands in the same manner and to the same extent as authorized by the Act of May 30, 1908 (Thirty-fifth Statutes at Large, page 558), to members of the tribe "living at the day of the beginning of the work of allotment on said reservation."

For the construction of a bridge across Two Medicine Creek, on the Blackfeet Indian Reservation, in Montana, being a link in the highway connecting Yellowstone National Park with Glacier National Park, to be paid out of funds now in the Treasury of the United States to the credit of said Blackfeet Indians, \$10,000.

Nebraska.

## NEBRASKA.

Genoa School.

SEC. 11. For support and education of four hundred Indian pupils at the Indian school at Genoa, Nebraska, including pay of superintendent, \$82,000; for general repairs and improvements, \$10,000; for extension of water system and additional water supply, \$4,500; in all, \$96,500.

Nevada.

## NEVADA.

Support, etc., of Indians in.

SEC. 12. For support and civilization of Indians in Nevada, including pay of employees, \$18,500.

Carson City School.

For support and education of four hundred Indian pupils at the Indian school at Carson City, Nevada, including pay of superintendent, \$82,000; for general repairs and improvements, \$12,000; in all, \$94,000.

Pyramid Lake Reservation.  
Irrigation system maintenance.

For maintenance and operation of the irrigation system in the Pyramid Lake Reservation, Nevada, \$3,000, reimbursable from any funds of the Indians of this reservation now or hereafter available.

New Mexico.

## NEW MEXICO.

Support, etc., of Indians in.

SEC. 13. For support and civilization of Indians in New Mexico, including pay of employees, \$130,000.

Albuquerque School.

For support and education of four hundred and eighty Indian pupils at the Indian school at Albuquerque, New Mexico, and for pay of superintendent, \$98,250; for general repairs and improvements, \$10,000; for enlarging and improving sewer system, \$7,000; for additional school land and water rights, the title to which is to be held in the United States, \$14,000; in all, \$129,250.

Santa Fe School.

For support and education of four hundred Indian pupils at the Indian school at Santa Fe, New Mexico, and for pay of superintendent, \$82,400; for general repairs and improvements, \$8,000; for water supply, \$2,200; for improvement and enlargement of steam-heating system, \$10,000; in all, \$102,600.

Pueblo Indians.  
Special attorney for.

For the pay of one special attorney for the Pueblo Indians of New Mexico, to be designated by the Secretary of the Interior, and for necessary traveling expenses of said attorney, \$5,000, or so much thereof as the Secretary of the Interior may deem necessary.

Navajo and San Juan Reservation.  
Highway from Mesa Verde Park to Gallup.

For completing the work on the Indian highway extending from the Mesa Verde National Park to Gallup, New Mexico, on the Navajo and San Juan Reservation, \$11,000; said sum to be reimbursed from

**CHAP. 71.**—An Act To provide for stock-watering privileges on certain unallotted lands on the Flathead Indian Reservation, Montana.

February 23, 1919.  
[S. 932.]

[Public, No. 301.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Act of April twenty-third, nineteen hundred and four (Thirty-third Statutes at Large, page three hundred and two), entitled "An Act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana," and all amendments thereto, be amended by adding thereto the following section:

Flathead Indian Reservation, Mont.  
Vol. 33, p. 302; Vol. 34, p. 355; Vol. 35, pp. 448, 795.  
Vol. 35, p. 297, amended.

"SEC. 26. That the Secretary of the Interior be, and he hereby is, authorized and directed to designate as valuable for stock-watering purposes such of the unallotted and unreserved lands of the Flathead Indian Reservation, which border on streams, as may be subject to settlement and disposal under sections nine and thirteen of this Act. Lands so designated shall be disposed of under the terms of this Act, subject to the condition, which shall be expressed in all patents issued for lands so designated, that existing trails crossing said land shall be kept open to the extent necessary to provide access for live stock to streams adjacent to said lands. The Secretary of the Interior is authorized and directed to perform all acts necessary to the enforcement of this condition."

Lands bordering on streams in, to be reserved for stock-watering.  
Vol. 35, p. 449; Vol. 32, p. 305.

Approved, February 28, 1919.

**CHAP. 5.**—An Act To authorize the sale of certain lands to school district numbered twenty-eight, of Missoula County, Montana.

January 7, 1919.  
[H. R. 9865.]

[Public, No. 2464.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to sell and convey to school district numbered twenty-eight, of Missoula County, Montana, the southwest quarter of the southwest quarter of the southeast quarter of section thirty-six, township twenty-one north, range twenty west, on the Flathead Indian Reservation, in Montana, or so much thereof as may be required, for public school purposes, under such terms and regulations as he may prescribe, at not less than its appraised value; and the net proceeds from the sale of said land shall be deposited in the Treasury of the United States to the credit of the Flathead Indians, to draw interest at the rate now provided by law, and to be used for the benefit of the Indians on the Flathead Indian Reservation: *Provided,* That the patent therefor shall contain the condition that Indian children, residing in the said school district numbered twenty-eight, shall at all times be admitted to the privilege of attendance and instruction on equality with white children.

Flathead Indian Res-  
ervation, Mont.  
Sale of land in, to Mis-  
soula County for school.

*Proviso.*  
Admission of Indian  
children.

Approved, January 7, 1919.

June 27, 1918.  
[S. 3391.]

[Public, No. 177.]

**CHAP. 106.**—An Act To authorize the Secretary of the Interior to issue a deed to G. H. Beckwith for certain land within the Flathead Indian Reservation, Montana.

Flathead Indian Res-  
ervation, Mont.  
Land in, conveyed to  
G. H. Beckwith.

Description.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior is hereby authorized to convey by deed, at the appraised price, to G. H. Beckwith, two certain tracts of land in the Flathead Indian Reservation and town of Saint Ignatius, Montana, lying in the southeast quarter of the southeast quarter of section fourteen, township eighteen north, range twenty west, Montana principal meridian, separated by a public highway sixty feet wide, and described as follows: The point of beginning "A" of the first tract is south eighty-nine degrees and forty-six minutes west four hundred and sixty-three and one-tenth feet from the 1/128 corner found in place on the east line of said section fourteen and north eighty-nine degrees and forty-six minutes east thirty-three feet from a 1/128 corner, which in turn is north no degrees and twenty-two minutes west eight hundred and twenty-six and seven-tenths feet from a 1/128 corner found in place on the south line of said section fourteen. Thence from point of beginning "A" north no degrees and twenty-two minutes west fifteen and eight-tenths feet to "B," thence north fifty-six degrees and thirty-seven minutes west three hundred and seventy-seven and six-tenths feet to "K," thence south no degrees and twenty-two minutes east four hundred and sixty-two and eight-tenths feet to "L," thence north eighty-nine degrees and thirty-five minutes east three hundred and fourteen and three-tenths feet to "Z," thence north no degrees and twenty-two minutes west two hundred and

thirty-seven and two-tenths feet to the point of beginning, "A," and containing two and fifty-eight one-hundredths acres. The point of beginning "C" of the second tract is north no degrees and twenty-two minutes west eighty-eight feet from the point of beginning "A" of the first tract, thence north fifty-six degrees and thirty-seven minutes west two hundred and ninety-eight feet to "D," thence north thirty-one degrees and ten minutes west one hundred and thirty feet to "F," thence north fifty-eight degrees and fifty minutes east ninety-six feet to "H," thence south forty-five degrees and thirty-three minutes east one hundred and fifteen feet to "J," thence south sixty-five degrees and six minutes east two hundred and sixty-four and two-tenths feet to "E," thence south thirty-three degrees and twenty-three minutes west one hundred and sixty feet to the point of beginning "C," and containing one and twenty one-hundredths acres: *Provided*, That the land in said tracts shall at no time be used for the sale of intoxicating liquors, and should it be so used, the title to the same shall revert to the Government of the United States and all payments made thereon shall be forfeited: *Provided further*, That whatever business is conducted on this tract shall be under Government supervision as at present, and shall continue under such supervision so long as the United States Government retains control over the Flathead Indians at this point.

*Proviso.*  
Reversion if liquors  
sold thereon.

Governmental super-  
vision.

Approved, June 27, 1918.

Montana.

MONTANA.

Support, etc., of In-  
dians.  
Fort Belknap Agen-  
cy.  
Flathead Agency.

Fort Peck Agency.

Blackfeet Agency.

SEC. 11. For support and civilization of the Indians at Fort Belknap Agency, Montana, including pay of employees, \$20,000.  
 For support and civilization of Indians at Flathead Agency, Montana, including pay of employees, \$20,000, of which amount not exceeding \$4,500 shall be expended for salaries.  
 For support and civilization of Indians at Fort Peck Agency, Montana, including pay of employees, \$30,000.  
 For support and civilization of Indians at Blackfeet Agency, Montana, including pay of employees, \$25,000.

For maintenance and operation, including repairs, of the irrigation systems on the Fort Belknap Reservation, in Montana, \$20,000, reimbursable in accordance with the provisions of the Act of April fourth, nineteen hundred and ten.

Fort Belknap Reservation.  
Irrigation system.  
Vol. 36, p. 277.

For fulfilling treaties with Crows, Montana: For pay of physician, \$1,200; and for pay of carpenter, miller, engineer, farmer, and blacksmith (article ten, treaty of May seventh, eighteen hundred and sixty-eight), \$3,600; for pay of second blacksmith (article eight, same treaty), \$1,200; in all, \$6,000.

Crows.  
Fulfilling treaty.  
Vol. 15, p. 652.

For subsistence and civilization of the Northern Cheyennes and Arapahoes (agreement with the Sioux Indians, approved February twenty-eight, eighteen hundred and seventy-seven), including Northern Cheyennes removed from Pine Ridge Agency to Tongue River, Montana, and for pay of physician, two teachers, two carpenters, one miller, two farmers, a blacksmith, and engineer (article seven, treaty of May tenth, eighteen hundred and sixty-eight), \$80,000.

Northern Cheyennes and Arapahoes.  
Subsistence, etc.  
Vol. 19, p. 256.

Physician, etc.  
Vol. 15, p. 652.

For the employment of "line riders" along the southern and eastern boundaries of the Northern Cheyenne Indian Reservation in the State of Montana, \$1,500.

Employing "line riders."

For the support and civilization of Rocky Boy's Band of Chippewas, and other indigent and homeless Indians in the State of Montana, including pay of employees, \$5,000.

Rocky Boy's Band, etc.  
Support, etc.

That the Secretary of the Interior be, and he is hereby, authorized to withdraw from the Treasury of the United States not to exceed the sum of \$100,000, or so much thereof as may be necessary, of the principal sum on deposit to the credit of the Indians on the Blackfeet Reservation in Montana, for the purpose of purchasing and caring for cattle for the use of individual Indians, seeds, and necessary farming equipment, to enable them to become self-supporting: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment and placed into the Treasury to the credit of the said tribe on or before June thirtieth, nineteen hundred and twenty-five: *Provided further*, That the Secretary of the Interior shall submit to Congress annually on the first Monday in December a detailed statement as to the expenditure of this fund.

Blackfeet Reservation Indians.  
Purchase of cattle, farming implements, etc., for.

Proviso.  
Repayment.

Statement of expenditures.

For the purchase of a strip of land containing sixteen acres, more or less, lying between the Flathead River and the Flathead Indian Agency reserve, Montana, for an addition to said reserve, \$320, and said amount shall be reimbursed to the United States from the proceeds arising from the sale of lands and timber within the Flathead Indian Reservation.

Flathead Reservation.  
Purchase of additional land for.

That lands on the Flathead Indian Reservation in Montana valuable for agricultural or horticultural purposes, heretofore classified as timber lands, may, in the discretion of the Secretary of the Interior, be appraised and opened to homestead entry under regulations prescribed by him, upon condition that homestead entrymen shall at the time of making their original homestead entries pay the full value of the timber found on the land at the time that the appraisal of the land itself is made, such payment to be in addition to the appraised price of the lands apart from the timber.

Homestead entries permitted on timber lands.

Payment for timber.

For continuing construction of the irrigation systems on the Flathead Indian Reservation, in Montana, \$750,000 (reimbursable), which shall be immediately available and remain available until expended: *Provided*, That the payments for the proportionate cost of the construction of said systems required of settlers on the surplus unallotted land by section nine, chapter fourteen hundred ninety-five, Statutes of the United States of America, entitled "An Act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation in the State of Montana, and the sale and dis-

Continuing irrigation systems on Reservation.

Proviso.  
Payment of cost by settlers.  
Vol. 33, p. 304.

<p>Vol. 35, p. 448.</p> <p>Payments by purchasers of expired allotments.</p> <p>Vol. 35, p. 444.</p>	<p>posal of all surplus lands after allotment," as amended by section fifteen of the Act of May twenty-ninth, nineteen hundred and eight (Thirty-fifth Statutes at Large, page four hundred and forty-eight), shall be made as herein provided: <i>Provided further</i>, That nothing contained in the Act of May twenty-ninth, nineteen hundred and eight (Thirty-fifth Statutes at Large, page four hundred and forty-four), shall be construed to exempt the purchaser of any Indian allotment purchased prior to the expiration of the trust period thereon from any charge for construction of the irrigation system incurred up to the time of such purchase, except such charges as shall have accrued and become due in accordance with the public notices herein provided for, or to relieve the owners of any or all land allotted to Indians in severalty from payment of the charges herein required to be made against said land on account of construction of the irrigation systems; and in carrying out the provisions of said section the exemption therein authorized from charges incurred against allotments purchased prior to the expiration of the trust period thereon shall be the amount of the charges or installments thereof due under public notice herein provided for up to the time of such purchase.</p>
<p>Exemptions authorized.</p>	<p>For continuing construction of the irrigation systems on the Fort Peck Indian Reservation, in Montana, \$100,000 (reimbursable), which shall be immediately available: <i>Provided</i>, That the proportionate cost of the construction of said systems required of settlers and entrymen on the surplus unallotted irrigable land by-section two of the Act of May thirtieth, nineteen hundred and eight (Thirty-fifth Statutes at Large, page five hundred and fifty-eight), shall be paid as herein provided: <i>Provided further</i>, That nothing contained in said Act of May thirtieth, nineteen hundred and eight, shall be construed to exempt the purchaser of any Indian allotment purchased prior to the expiration of the trust period thereon from any charge for construction of the irrigation system incurred up to the time of such purchase, except such charges as shall have accrued and become due in accordance with the public notices herein provided for, and the purchaser of any Indian allotment to be irrigated by said systems purchased upon approval of the Secretary of the Interior before the charges against said allotment herein authorized shall have been paid shall pay all charges remaining unpaid at the time of such purchase, and in all patents or deeds for such purchased allotments, and also in all patents in fee to allottees or their heirs issued before payment shall have been made of all such charges herein authorized to be made against their allotments, there shall be expressed that there is reserved upon the lands therein described a lien for such charges, and such lien may be enforced, or upon payment of the delinquent charges may be released by the Secretary of the Interior.</p>
<p>Fort Peck Reservation.</p> <p>Construction of irrigation systems.</p> <p>Provisions.</p> <p>Payment of cost by settlers.</p> <p>Vol. 35, p. 558.</p>	<p>For continuing construction of the irrigation systems on the Blackfeet Indian Reservation, in Montana, \$25,000 (reimbursable), which shall be immediately available: <i>Provided</i>, That the entryman upon the surplus unallotted lands to be irrigated by such systems shall, in addition to compliance with the homestead laws, before receiving patent for the lands covered by his entry, pay the charges apportioned against such tract as herein authorized, and a failure to make any two payments when due shall render the entry subject to cancellation, with the forfeiture to the United States of all rights acquired under the provisions of this act, as well as of any moneys paid on account thereof. The purchaser of any Indian allotment to be irrigated by such systems, purchased upon approval of the Secretary of the Interior, before the charges against said allotment herein authorized shall have been paid, shall pay all charges remaining unpaid at the time of such purchase and in all patents or deeds for such purchased allotments, and also in all patents in fee to allottees or their heirs issued before payment of all such charges herein author-</p>
<p>Lien reserved in patents.</p>	<p></p>
<p>Blackfeet Reservation.</p> <p>Construction of irrigation systems.</p> <p>Provisions.</p> <p>Payment of charges by entrymen.</p>	<p></p>
<p>Forfeiture, etc.</p>	<p></p>
<p>Purchasers of allotments to pay all expenses.</p>	<p></p>
<p>Lien reserved in patents.</p>	<p></p>

ized to be made against their allotments, there shall be expressed that there is reserved upon the lands therein described a lien for such charges, and such lien may be enforced, or, upon payment of the delinquent charges, may be released by the Secretary of the Interior.

The work to be done with the amounts herein appropriated for the completion of the Blackfeet, Flathead, and Fort Peck projects may be done by the Reclamation Service on plans and estimates furnished by that service and approved by the Commissioner of Indian Affairs: *Provided*, That not to exceed \$15,000 of applicable appropriations made for the Flathead, Blackfeet, and Fort Peck irrigation projects shall be available for the maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles for official use upon the aforesaid irrigation projects: *Provided further*, That not to exceed \$7,500 may be used for the purchase of horse-drawn passenger-carrying vehicles, and that not to exceed \$1,500 may be used for the purchase of motor-propelled passenger-carrying vehicles.

That the Secretary of the Interior be, and he is hereby, authorized and directed to announce, at such time as in his opinion seems proper, the charge for construction of irrigation systems on the Blackfeet, Flathead, and Fort Peck Indian Reservations in Montana, which shall be made against each acre of land irrigable by the systems on each of said reservations. Such charges shall be assessed against the land irrigable by the systems on each said reservation in the proportion of the total construction cost which each acre of such land bears to the whole area of irrigable land thereunder.

On the first day of December after the announcement by the Secretary of the Interior of the construction charge the allottee, entryman, purchaser, or owner of such irrigable land which might have been furnished water for irrigation during the whole of the preceding irrigation season, from ditches actually constructed, shall pay to the superintendent of the reservation where the land is located, for deposit to the credit of the United States as a reimbursement of the appropriations made or to be made for construction of said irrigation systems, five per centum of the construction charge fixed for his land, as an initial installment, and shall pay the balance of the charge in fifteen annual installments, the first five of which shall each be five per centum of the construction charge and the remainder shall each be seven per centum of the construction charge. The first of the annual installments shall become due and payable on December first of the fifth calendar year after the initial installment: *Provided*, That any allottee, entryman, purchaser, or owner may, if he so elects, pay the whole or any part of the construction charges within any shorter period: *Provided further*, That the Secretary of the Interior may, in his discretion, grant such extension of the time for payments herein required from Indian allottees or their heirs as he may determine proper and necessary, so long as such land remains in Indian title.

That the tribal funds heretofore covered into the Treasury of the United States in partial reimbursement of appropriations made for constructing irrigation systems on said reservations shall be placed to the credit of the tribe and be available for such expenditure for the benefit of the tribe as Congress may hereafter direct.

The cost of constructing the irrigation systems to irrigate allotted lands of the Indians on these reservations shall be reimbursed to the United States as hereinbefore provided, and no further reimbursements from the tribal funds shall be made on account of said irrigation works except that all charges against Indian allottees or their heirs herein authorized, unless otherwise paid, may be paid from the individual shares in the tribal funds, when the same is available for distribution, in the discretion of the Secretary of the Interior.

Irrigation construction work by Reclamation Service.

*Previous.*  
Maintenance of passenger vehicles.

Purchase of passenger vehicles.

Irrigation construction charges to be announced.

Assessment ratio.

First payment.

Subsequent installments.

*Previous.*  
Prepayments.

Extension of time to Indian allottees.

Tribal funds used for construction to be returned.

Reimbursement of construction cost.

Charges against Indian allottees.

Payment of operation and maintenance charges.

Use of fund.

*Proviso.*  
Refusal of water for nonpayment.

Water rights for Indian lands continued.

Rules, etc., to be prescribed.

*Proviso.*  
Furnishing available water prior to announcement.

That in addition to the construction charges every allottee, entryman, purchaser, or owner shall pay to the superintendent of the reservation a maintenance and operation charge based upon the total cost of maintenance and operation of the systems on the several reservations, and the Secretary of the Interior is hereby authorized to fix such maintenance and operation charge upon such basis as shall be equitable to the owners of the irrigable land. Such charges when collected shall be available for expenditure in the maintenance and operation of the systems on the reservation where collected: *Provided*, That delivery of water to any tract of land may be refused on account of nonpayment of any charges herein authorized, and the same may, in the discretion of the Secretary of the Interior, be collected by a suit for money owed: *Provided further*, That the rights of the United States heretofore acquired, to water for Indian lands referred to in the foregoing provision, namely, the Blackfeet, Fort Peck, and Flathead Reservation land, shall be continued in full force and effect until the Indian title to such land is extinguished.

That the Secretary of the Interior be, and he is hereby, authorized to prescribe such rules and regulations and issue such notices as may be necessary to carry into effect the provisions of this Act, and he is hereby authorized and directed to determine the area of land on each reservation which may be irrigated from constructed ditches and to determine what allowance, if any, shall be made for ditches constructed by individuals for the diversion and distribution of a partial or total water supply for allotted or surplus unallotted land: *Provided*, That if water be available prior to the announcement of the charge herein authorized, the Secretary of the Interior may furnish water to land under the systems on the said reservations, making a reasonable charge therefor, and such charges when collected may be used for construction or maintenance of the systems through which such water shall have been furnished.

July 17, 1914.  
[S. 4441.]

[Public, No. 129.]

**CHAP. 143.**—An Act To extend the provisions of the Act of June twenty-third, nineteen hundred and ten (Thirty-sixth Statutes at Large, page five hundred and ninety-two), authorizing assignment of reclamation homestead entries, and of the Act of August ninth, nineteen hundred and twelve (Thirty-seventh Statutes at Large, page two hundred and sixty-five), authorizing the issuance of patents on reclamation homestead entries, to lands in the Flathead irrigation project, Montana.

Flathead, Mont., ir-  
rigation project.  
Issue of patents, etc.,  
for lands in.  
Vol. 36, p. 592.

Vol. 37, p. 265.

Vol. 33, p. 302.

Vol. 35, p. 449.  
*Proviso.*  
Lien for charges.  
Vol. 37, p. 266.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the provisions of the Act of June twenty-third, nineteen hundred and ten (Thirty-sixth Statutes at Large, page five hundred and ninety-two), authorizing the assignment under certain conditions of homesteads within reclamation projects, and of the Act of August ninth, nineteen hundred and twelve (Thirty-seventh Statutes at Large, page two hundred and sixty-five), authorizing under certain conditions the issuance of patents on reclamation entries, and for other purposes, be, and the same are hereby, extended and made applicable to lands within the Flathead irrigation project, in the former Flathead Indian Reservation, Montana, but such lands shall otherwise be subject to the provisions of the Act of Congress approved April twenty-third, nineteen hundred and four (Thirty-third Statutes at Large, page three hundred and two), as amended by the Act of Congress approved May twenty-ninth, nineteen hundred and eight (Thirty-fifth Statutes at Large, page four hundred and forty-eight): *Provided,* That the lien reserved to the United States on the land patented, as provided for in section two of said Act of August ninth, nineteen hundred and twelve, shall include all sums due or to become due to the United States on account of the Indian price of such land.

Approved, July 17, 1914.

July 10, 1912.  
[S. 6946.]

[Public, No. 223.]

CHAP. 229.—An Act Authorizing the sale of certain lands in the Flathead Indian Reservation to the town of Ronan, State of Montana, for the purposes of a public park and public-school site.

Flathead Indian Res-  
ervation.  
Sale of tract to Ro-  
nan, Mont.

Proviso.  
Proceeds to credit of  
tribe.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to sell and convey to the town of Ronan, Montana, under such terms, conditions, and regulations as he may prescribe, not to exceed twenty acres of unallotted tribal land within the Flathead Indian Reservation, at not less than its appraised price; said lands to be used by the town of Ronan for school, park, or other public purposes: *Provided,* That the net proceeds received from the sale of said lands shall be deposited in the Treasury of the United States to the credit of the Flathead Indians and draw interest at the rate now provided by law, and may thereafter be used for the benefit of said Indians.

Approved, July 10, 1912.

Montana.

## MONTANA.

- Fort Belknap Agency. Support, etc., of Indians. **SEC. 9.** For support and civilization of the Indians at Fort Belknap Agency, Montana, including pay of employees, fifteen thousand dollars.
- Flathead Agency. Support, etc., of Indians. For support and civilization of Indians at Flathead Agency, Montana, including pay of employees, nine thousand dollars.
- Fort Peck Agency. Support, etc., of Indians. For support and civilization of the Indians at Fort Peck Agency, Montana, including pay of employees, thirty-five thousand dollars.
- Fort Belknap Reservation. Irrigation. Provisions. Repayment. Advances a lien on allotments. For the Milk River irrigation system on the Fort Belknap Reservation, in Montana, fifteen thousand dollars: *Provided*, That the portion of the cost of this project paid from public funds shall be repaid into the Treasury of the United States as and when funds may be available therefor: *Provided further*, That in the event any allottee shall receive a patent in fee to an allotment of land irrigated under this project, before the United States shall have been wholly reimbursed as herein provided, then the proportionate cost of the project to be apportioned equitably by the Secretary of the Interior, shall become a first lien on such allotment, and the fact of such lien shall be recited on the face of each patent in fee issued and the amount of the lien set forth thereon, which said lien, however, shall not be enforced so long as the original allottee or his heirs shall actually occupy the allotment as a homestead; and the receipt of the Secretary of the Interior, or of the officer, agent, or employee duly authorized by him for that purpose, for the payment of the amount assessed against any allotment as herein provided shall, when duly recorded by the recorder of deeds in the county wherein the land is located, operate as a satisfaction of such lien.
- Satisfaction. For the construction of irrigation systems to irrigate the allotted lands of the Indians of the Flathead Reservation, in Montana, and the unallotted irrigable lands to be disposed of under authority of law, including the necessary surveys, plans, and estimates, four hundred thousand dollars.
- Flathead Reservation. Irrigation. For continuing construction of first unit of irrigation system to irrigate the allotted lands of the Indians of the Blackfeet Indian Reservation in Montana and the unallotted irrigable lands to be disposed of under authority of law, including the necessary surveys, plans, and estimates, one hundred and fifty thousand dollars.
- Blackfeet Reservation. Irrigation system. Constructing first unit. For fulfilling treaties with Crows, Montana: For pay of physician, one thousand two hundred dollars, and for pay of carpenter, miller, engineer, farmer, and blacksmith (article ten, treaty of May seventh, eighteen hundred and sixty-eight), three thousand six hundred dollars; for pay of second blacksmith (article eight, same treaty), one thousand two hundred dollars; in all, six thousand dollars.
- Crows. Fulfilling treaty. Vol. 15, p. 652. For subsistence and civilization (agreement with the Sioux Indians, approved February twenty-eighth, eighteen hundred and seventy-seven), including subsistence and civilization of Northern Cheyennes removed from Pine Ridge Agency to Tongue River, Montana, ninety thousand dollars; for pay of physician, two teachers, two carpenters, one miller, two farmers, a blacksmith, and engineer (article seven, treaty of May tenth, eighteen hundred and sixty-eight), nine thousand dollars; in all, ninety-nine thousand dollars.
- Northern Cheyennes. Subsistence, etc. Vol. 19, p. 256. For the employment of "line riders" along the southern and eastern boundaries of the Northern Cheyenne Indian Reservation in the State of Montana, one thousand five hundred dollars.
- Physician, etc. Vol. 15, p. 658. In the issuance of patents for all tracts of land bordering upon Flathead Lake, Montana, it shall be incorporated in the patent that "this conveyance is subject to an easement of one hundred linear feet back from a contour of elevation nine feet above the high-water mark of the year nineteen hundred and nine of Flathead Lake, to remain in the Government for purposes connected with the development of water power."
- Employing "line riders." Flathead Lake. Easement reserved for water power.

April 12, 1910.  
[S. 3938.]

[Public, No. 130.]

**CHAP. 156.**—An Act To amend the Act of April twenty-third, nineteen hundred and four (Thirty-third Statutes at Large, page three hundred and two), entitled "An Act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," and all amendments thereto.

Flathead Indian  
Reservation, Mont.  
Opening, to entry.  
Vol. 33, p. 302,  
amended.  
Vol. 34, p. 354; Vol.  
35, p. 448.

Flathead Lake.  
Subdivision and  
sale of land adjoining.  
Post, p. 1066.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Act of April twenty-third, nineteen hundred and four (Thirty-third Statutes at Large, page three hundred and two), entitled "An Act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana," and all amendments thereto, be amended by adding thereto the following sections:

"**SEC. 23.** That the Secretary of the Interior be, and he is hereby, authorized to cause to be surveyed and subdivided into lots of not less than two acres or more than five acres in area all of the unallotted lands fronting on Flathead Lake in the State of Montana, that are embraced within the limits of the Flathead Indian Reservation,

whether classified as grazing, agricultural, or timber lands, and may sell same to the highest bidder at public sale subject to the right to reject any and all bids. The proceeds from the sale of said lands, after deducting the expense of the survey and sale thereof, shall be paid into the Treasury and expended as heretofore provided in section fourteen as amended by the Act of May twenty-ninth, nineteen hundred and eight.

Proceeds.  
Vol. 33, p. 305.

Vol. 35, p. 450.

"SEC. 24. That where allotments of lands have been made in severalty to said Indians from the lands embraced within the area of said Flathead Indian Reservation, which are or may be irrigable lands, the Secretary of the Interior may, upon application of the Indian allottee, sell and dispose of not to exceed sixty acres of such individual allotment of land under such terms and conditions of sale as the Secretary of the Interior may prescribe, one-half of the proceeds of the sale of said individual allotment to be paid to the Indian allottee and the remaining half of the proceeds of sale to be held in trust for the said Indian allottee, upon which he shall be paid annually not less than three per centum interest, the remaining principal sum to be paid to said allottee or his heirs when the full period of his trust patent for the remaining lands covered by his allotment shall have expired, or sooner, should the Secretary of the Interior, in his judgment, deem it best for said Indian allottee.

Irrigable lands.  
Sale of allotments  
on.

Proceeds.

"SEC. 25. That the Secretary of the Interior is hereby authorized to set aside and reserve so much of the surplus unallotted and otherwise unreserved lands of the Flathead Indian Reservation as may be necessary to provide an allotment to each Indian having an allotment on any of the lands set aside and reserved for power or reservoir sites, as authorized by section twenty-two of the Act of March third, nineteen hundred and nine (Thirty-fifth Statutes at Large, page seven hundred and ninety-six), who may relinquish his allotment within such power or reservoir sites.

Reservations, to  
exchange for relinquished allotments on  
power, etc., sites.

Vol. 35, p. 796.

"And in the event of the failure, neglect, or refusal of any such allottee to relinquish any allotment made to him on any land reserved or necessary for reservoir sites, as aforesaid, the Secretary of the Interior is authorized to bring action under the provision of the laws of the State of Montana to condemn and acquire title to any and all lands necessary or useful for said reservoir sites that have heretofore been allotted on said Flathead Indian Reservation lands."

Condemnation of  
allotments on reser-  
voir sites.

Approved, April 12, 1910.

## BUREAU OF BIOLOGICAL SURVEY.

Bureau of Biological  
Survey.

**SALARIES, BUREAU OF BIOLOGICAL SURVEY:** One biologist, who shall be chief of bureau, three thousand dollars; one clerk, class four; one clerk, class two; one clerk, class one; two clerks, at one thousand dollars each; two clerks, at nine hundred dollars each; one messenger, seven hundred and twenty dollars; one messenger or laborer, four hundred and eighty dollars; one laborer, six hundred dollars; in all, thirteen thousand dollars.

Salaries.

**GENERAL EXPENSES, BUREAU OF BIOLOGICAL SURVEY:** For salaries, employment of labor, and rent in the city of Washington and elsewhere, furniture, supplies, traveling, and all other expenses necessary in conducting investigations and carrying out the work of the bureau, as follows:

General expenses.

For the enforcement of the Act approved May twenty-fifth, nineteen hundred, entitled, "An Act to enlarge the powers of the Department of Agriculture, prohibit the transportation by interstate commerce of game killed in violation of local laws, and for other purposes, nine thousand four hundred and twenty dollars;

Preventing carrying  
illegally killed game.  
Vol. 31, p. 187.

For the maintenance of the Montana National Bison Range and other reservations for mammals and birds, seven thousand dollars; and so much of the forty thousand dollars heretofore appropriated for the Montana National Bison Range as remains unexpended is hereby reappropriated, the same to be immediately available, to be expended in fencing said lands, the erection thereon of the necessary sheds and buildings, and enlarging the limits heretofore established so as to make the total acreage not to exceed twenty thousand acres, and the President is hereby directed to reserve and except from the unallotted lands now embraced within the Flathead Indian Reservation, in the State of Montana, a sufficient area to enlarge said range as herein provided;

Montana National  
Bison Range.  
Maintenance of, and  
other reservations.

Enlargement.

For investigating the food habits of North American birds and mammals in relation to agriculture, horticulture, and forestry, including experiments and demonstrations in destroying noxious animals, twenty-five thousand dollars;

Food habits of ani-  
mals.

For biological investigations, including the relations, habits, geographic distribution and migrations of animals and plants and the preparation of maps of the life and crop zones, eighteen thousand dollars;

Biological investi-  
gations.

Administrative ex  
penses.

For general administrative expenses connected with the above-mentioned lines of work, including cooperation with other federal bureaus, departments, boards, and commissions on request from them, fifteen thousand dollars;

In all, for general expenses, seventy-four thousand four hundred and twenty dollars.

Total for Bureau of Biological Survey, eighty-seven thousand four hundred and twenty dollars.

## MONTANA.

For pay of Indian agents in Montana at the following-named agencies at the rates respectively indicated, namely:

At the Crow Agency, Montana, two thousand dollars.

At the Flathead Agency, Montana, one thousand eight hundred dollars.

For support and civilization of the Indians at Fort Belknap Agency, Montana, including pay of employees, twenty thousand dollars.

That any moneys repaid by Indians to the United States under the provisions of the section of the Indian appropriation Act approved April thirtieth, nineteen hundred and eight, appropriating the sum of twenty-five thousand dollars for the purchase of implements and other equipment for the Indians of the Fort Belknap Reservation in the State of Montana (Thirty-fifth Statutes at Large, page eighty-three), shall be available for reexpenditure for the same purposes and under the same conditions until June first, nineteen hundred and fifteen.

For support and civilization of the Crow Indians in Montana, including pay of employees, eight thousand dollars.

For support and civilization of Indians at Flathead Agency, Montana, including pay of employees, nine thousand dollars.

For support and civilization of the Indians at Fort Peck Agency, Montana, including pay of employees, fifty thousand dollars.

To enable the Secretary of the Interior to complete the survey, allotment, classification, and appraisal of the lands in the Black-foot Reservation, in the State of Montana, one hundred thousand dollars: *Provided*, That this sum shall be reimbursed to the United States from the proceeds of the sale of the surplus lands after the allotments are made.

For completion and extension of the Milk River Irrigation System on the Fort Belknap Reservation in Montana, twenty-five thousand dollars, reimbursable.

For construction of irrigation systems to irrigate the allotted lands of the Indians of the Flathead Reservation in Montana and the unallotted irrigable lands to be disposed of under the Act of April twenty-third, nineteen hundred and four, entitled "An Act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation in the State of Montana, and the sale and disposal of all surplus lands after allotment," including the necessary surveys, plans, and estimates, two hundred and fifty thousand dollars, one hundred thousand dollars thereof to be immediately available, the cost of said entire work to be reimbursed from the proceeds of the sale of the lands and timber within said reservation.

That the Act of April twenty-third, nineteen hundred and four (Thirty-third Statutes at Large, page three hundred and two), entitled "An Act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," as amended by the Act of June twenty-first, nineteen hundred and six, and the Act of May twenty-ninth, nineteen hundred and eight, be amended by adding thereto the following sections:

"SEC. 21. That the lands allotted, those retained or reserved, and the surplus lands sold or otherwise disposed of shall be subject for a period of twenty-five years to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country, and that the Indian allottees, whether under the care of an Indian agent or not, shall for a like period be subject to all the laws of the United States prohibiting the sale or other disposition of intoxicants to Indians.

Montana.

Agents.

Crow Agency.

Flathead Agency.

Fort Belknap Agency.  
Support, etc., of Indians.  
Purchase of implements, etc.

Public Laws, 1st sess., p. 83.  
Available for reexpenditure, etc.

Crow Indians.  
Support, etc., of Indians.

Flathead Agency.  
Support, etc., of Indians.

Fort Peck Agency.  
Support, etc., of Indians.

Surveys, etc., Black-foot Reservation.

Proviso.  
Reimbursement.

Fort Belknap Reservation.  
Irrigation.

Flathead Reservation.  
Irrigation.  
Vol. 33, p. 305.

Reimbursement.

Allotments, etc.  
Vol. 33, p. 302.

Vol. 34, p. 354.  
Public Laws, 1st sess., p. 448, amended.

Sale of intoxicants prohibited.  
Prohibition term, 25 years.

Indian allottees.

Power and reservoir sites to be reserved.

"SEC. 22. That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to reserve from location, entry, sale, or other appropriation all lands within said Flathead Indian Reservation chiefly valuable for power sites or reservoir sites, and he shall report to Congress such reservations."

Report to Congress.

Timber lands.  
Vol. 33, p. 304,  
amended.

That section eleven of the Act of April twenty-third, nineteen hundred and four (Thirty-third Statutes at Large, page three hundred and two), entitled "An Act for the survey and allotment of lands now embraced within the limits of the Flathead Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," be amended to read as follows:

Sale of merchantable timber.

"SEC. 11. That all merchantable timber on said lands returned and classified by said commission as timber lands shall be sold and disposed of by the Secretary of the Interior, for cash, under sealed bids or at public auction, as the Secretary of the Interior may determine, and under such regulations as he may prescribe: *Provided*, That after the sale and removal of the timber such of said lands as are valuable for agricultural purposes shall be sold and disposed of by the Secretary of the Interior in such manner and under such regulations as he may prescribe."

*Proviso.*  
Sale of land.

To enable the Secretary of the Interior to complete the survey, allotment, classification, and appraisal of the lands in the Fort Peck Indian Reservation in the State of Montana, fifty thousand dollars: *Provided*, That this sum shall be reimbursed to the United States from the proceeds of the sale of the surplus lands after the allotments are made.

Fort Peck Indian Reservation.  
Allotment, etc., of lands in.

*Proviso.*  
Reimbursement.

Great Northern Railway Company.  
Sale of land to.

That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be appraised the south half of southwest quarter of northeast quarter and south half of south half of northwest quarter; the north half of southwest quarter of section twenty-eight; the south half of south half of northeast quarter and the north half of north half of southeast quarter of section twenty-nine, in township twenty-seven north, range forty-four east, Montana meridian, in the Fort Peck Indian Reservation, for the purpose of granting the same to the Great Northern Railway Company for a ballast pit for ballasting its railway, and upon appraising said land the Secretary of the Interior is authorized to convey the same to said railway upon such terms as he may deem advisable. If the sale of said land shall interfere with any improvements of an individual Indian, provision shall be made for the payment of damages, and the amount of damages awarded shall be paid to such Indian, subject to the control of the Secretary of the Interior as to the funds of incompetent Indians, and if the sale of said land interferes with any allotment, such allottee shall be entitled to reallocation.

Damages, etc.

Reallotment.

Sale of intoxicants.

Public Laws, 1st sess., p. 564, amended.

That the Act of Congress approved May thirtieth, nineteen hundred and eight, entitled "An Act for the survey and allotment of lands now embraced within the limits of the Fort Peck Indian Reservation, in the State of Montana, and the sale and disposal of all the surplus lands after allotment," be, and it is hereby, amended by adding thereto section seventeen, as follows:

Prohibition term, 25 years.

"SEC. 17. That the lands allotted, those retained or reserved, and the surplus lands sold or otherwise disposed of shall be subject for a period of twenty-five years to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country, and that the Indian allottees, whether under the care of an Indian agent or not, shall for a like period be subject to all the laws of the United States prohibiting the sale or other disposition of intoxicants to Indians."

Indian allottees.

Incidentals.

For general incidental expenses of the Indian Service in Montana, including traveling expenses of agents, two thousand five hundred dollars;

Flathead Indian  
Reservation, Mont.  
Allotment and sale  
of lands in.  
Vol. 33, p. 304,  
amended.

SEC. 15. That section nine, chapter fourteen hundred and ninety-five, Statutes of the United States of America, entitled "An Act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and

disposal of all surplus lands after allotment," be, and the same is hereby, amended to read as follows:

"SEC. 9. That said lands shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the time when and the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, or enter any of said lands, except as prescribed in such proclamation: *Provided*, That the rights of honorably discharged Union soldiers and sailors of the late civil and the Spanish wars, as defined and prescribed in section twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes, as amended by the Act of March first, nineteen hundred and one, shall not be abridged: *Provided further*, That the price of said lands shall be the appraised value thereof, as fixed by the said Commission, but settlers under the homestead law who shall reside upon and cultivate the land entered in good faith for the period required by existing law shall pay one-third of the appraised value in cash at the time of entry, and the remainder in five equal annual installments, to be paid one, two, three, four, and five years, respectively, from and after the date of entry, and shall be entitled to a patent for the lands so entered upon the payment to the local land officers of said five annual payments, and in addition thereto the same fees and commissions at the time of commutation or final entry as now provided by law where the price of the land is one dollar and twenty-five cents per acre, and no other and further charge of any kind whatsoever shall be required of such settler to entitle him to a patent for the land covered by his entry: *Provided*, That if any entryman fails to make such payments, or any of them, within the time stated, all rights in and to the land covered by his or her entry shall at once cease, and any payments theretofore made shall be forfeited, and the entry shall be forfeited and canceled: *And provided*, That nothing in this Act shall prevent homestead settlers from commuting their entries under section twenty-three hundred and one, Revised Statutes, by paying for the land entered the price fixed by said Commission, receiving credit for payments previously made: *Provided, however*, That the entryman or owner of any land irrigable by any system hereunder constructed under the provisions of section fourteen of this Act shall in addition to the payment required by section nine of said Act be required to pay for a water right the proportionate cost of the construction of said system in not more than fifteen annual installments, as fixed by the Secretary of the Interior, the same to be paid at the local land office, and the register and receiver shall be allowed the usual commissions on all moneys paid.

"The entryman of lands to be irrigated by said system shall in addition to compliance with the homestead laws reclaim at least one-half of the total irrigable area of his entry for agricultural purposes, and before receiving patent for the lands covered by his entry shall pay the charges apportioned against such tract. No right to the use of water shall be disposed of for a tract exceeding one hundred and sixty acres to any one person, and the Secretary of the Interior may limit the areas to be entered at not less than forty nor more than one hundred and sixty acres each.

"A failure to make any two payments when due shall render the entry and water-right application subject to cancellation, with the forfeiture of all rights under this Act, as well as of any moneys paid thereon. The funds arising hereunder shall be paid into the Treasury of the United States and be added to the proceeds derived from the sale of the lands. No right to the use of water for lands in private ownership shall be sold to any landowner unless he be an actual bona fide resident on such land or occupant thereof residing in the neighbor-

Post, p. 795.

Lands opened to settlement.

*Provisos.*  
Soldiers and sailors' rights not affected.  
R. S., sec. 2304, 2305, p. 422.  
Vol. 31, p. 847.

Price.

Payments.

Forfeiture.

Commutation.

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

Irrigable lands.

Vol. 33, p. 304, amended.

Water rights.

Payment for.

Reclamation of part of irrigable lands.

Restriction.

Cancellation and forfeiture.

Disposal of proceeds.

Payment of annual charges.	hood of such land, and no such right shall permanently attach until all payments therefor are made.
Forfeiture.	"All applicants for water rights under the systems constructed in pursuance of this Act shall be required to pay such annual charges for operation and maintenance as shall be fixed by the Secretary of the Interior, and the failure to pay such charges when due shall render the water-right application and the entry subject to cancellation, with the forfeiture of all rights under this Act as well as of any moneys already paid thereon.
Regulations.	"The Secretary of the Interior is hereby authorized to fix the time for the beginning of such payments and to provide such rules and regulations in regard thereto as he may deem proper. Upon the cancellation of any entry or water-right application, as herein provided, such lands or water rights may be disposed of under the terms of this Act and at such price and on such conditions as the Secretary of the Interior may determine, but not less than the cost originally fixed.
Disposal of canceled entries, etc.	"The land irrigable under the systems herein provided, which has been allotted to Indians in severalty, shall be deemed to have a right to so much water as may be required to irrigate such lands without cost to the Indians for construction of such irrigation systems. The purchaser of any Indian allotment, purchased prior to the expiration of the trust period thereon, shall be exempt from any and all charge for construction of the irrigation system incurred up to the time of such purchase. All lands allotted to Indians shall bear their pro rata share of the cost of the operation and maintenance of the system under which they lie.
Water rights free to Indians.	"When the payments required by this Act have been made for the major part of the unallotted lands irrigable under any system and subject to charges for construction thereof, the management and operation of such irrigation works shall pass to the owners of the lands irrigated thereby, to be maintained at their expense under such form of organization and under such rules and regulations as may be acceptable to the Secretary of the Interior.
Exemptions.	"The Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this Act into full force and effect."
Pro rata share of cost.	That section fourteen of said Act be, and the same is hereby, amended to read as follows:
Unallotted irrigable lands. Maintenance by owners.	"SEC. 14. That the proceeds received from the sale of said lands in conformity with this Act shall be paid into the Treasury of the United States, and after deducting the expenses of the Commission, of classification and sale of lands, and such other incidental expenses as shall have been necessarily incurred, and expenses of the survey of the land, shall be expended or paid, as follows: So much thereof as the Secretary of the Interior may deem advisable in the construction of irrigation systems, for the irrigation of the irrigable lands embraced within the limits of said reservation; one half of the money remaining after the construction of said irrigation systems to be expended by the Secretary of the Interior as he may deem advisable for the benefit of said Indians in the purchase of live stock, farming implements, or the necessary articles to aid said Indians in farming and stock raising and in the education and civilization of said Indians, and the remaining half of said money to be paid to said Indians and persons holding tribal rights on said reservation, semiannually as the same shall become available, share and share alike: <i>Provided</i> , That the Secretary of the Interior may withhold from any Indian a sufficient amount of his pro rata share to pay any charge assessed against land held in trust for him for operation and maintenance of irrigation system."
Regulations.	
Disposal of proceeds. Vol. 33, p. 305, amended.	
Payment of expenses.	
Use of remaining funds.	
Proviso. Payment of assessed charges.	

## MISCELLANEOUS.

Miscellaneous.

NATIONAL BISON RANGE: The President is hereby directed to reserve and except from the unallotted lands now embraced within the Flathead Indian Reservation, in the State of Montana, not to exceed twelve thousand eight hundred acres of said lands, near the confluence of the Pend d'Oreille and Jocko rivers, for a permanent national bison range for the herd of bison to be presented by the American Bison Society. And there is hereby appropriated the sum of thirty thousand dollars, or so much thereof as may be necessary, to enable the Secretary of the Interior to pay the confederated tribes of the Flathead, Kootenai, and

National Bison  
Range, Montana.  
Set apart in Flat-  
head Indian Reserva-  
tion.

Payment to Indians.

Vol. 33, p. 302.

Fencing, etc.

Upper Pend d'Oreille, and such other Indians and persons holding tribal relations or may rightfully belong on said Flathead Indian Reservation, the appraised value of said lands as shall be fixed and determined under the provisions of the Act of Congress approved April twenty-third, nineteen hundred and four, entitled "An Act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment." And the Secretary of Agriculture is hereby authorized and directed to inclose said lands with a good and substantial fence and to erect thereon the necessary sheds and buildings for the proper care and maintenance of the said bison; and there is hereby appropriated therefor the sum of ten thousand dollars or so much thereof as may be necessary; in all, forty thousand dollars.

Montana.	MONTANA.
Agents.	For pay of Indian agents in Montana at the following-named agencies at the rates respectively indicated, namely:
Blackfeet Agency.	At the Blackfeet Agency, Montana, one thousand eight hundred dollars.
Crow Agency.	At the Crow Agency, Montana, one thousand eight hundred dollars.
Flathead Agency.	At the Flathead Agency, Montana, one thousand five hundred dollars.
Flathead Reservation. Allotment, etc. <i>Proviso.</i> Reimbursement.	To enable the Secretary of the Interior to complete the survey, allotment, classification, and appraisalment of the lands in the Flathead Indian Reservation, Montana, thirty thousand dollars: <i>Provided</i> , That this sum shall be reimbursed the United States from the proceeds of the sale of the surplus lands after the allotments are made.
Fort Belknap Agency. Support, etc., of Indians. Leasing of lands for sugar beets, etc.	For support and civilization of the Indians at Fort Belknap Agency, Montana, including pay of employees, twenty thousand dollars. That the Indians of the Fort Belknap Reservation in Montana may lease their lands, both allotted and tribal, not to exceed twenty thousand acres, for the culture of sugar beets and other crops in rotation, upon such terms, regulations, and conditions as shall be prescribed by the Secretary of the Interior, for a term not exceeding ten years.
Crow Indians. Support, etc.	For support and civilization of the Crow Indians in Montana, including pay of employees, eight thousand dollars.
Flathead Agency. Support, etc., of Indians.	For support and civilization of Indians at Flathead Agency, Montana, including pay of employees, nine thousand dollars.
Fort Peck Agency. Support, etc., of Indians.	For support and civilization of the Indians at Fort Peck Agency, Montana, including pay of employees, fifty thousand dollars.
Incidentals.	For general incidental expenses of the Indian Service in Montana, including traveling expenses of agents, two thousand five hundred dollars.

Flathead Reserva-  
tion.  
Town-site provi-  
sions.  
Vol. 33, p. 302,  
amended.

FLATHEAD RESERVATION.

Vol. 33, p. 1080.

Town sites author-  
ized.

Surveys, etc.  
R. S., 2381, p. 436.

Provisos.  
Rights of occupants.

Receiving proof, etc.

That the Act of April twenty-third, nineteen hundred and four (Thirty-third Statutes at Large, page three hundred and two), entitled "An Act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," as amended by section nine of the Act of March third, nineteen hundred and five (Thirty-third Statutes at Large, page one thousand and forty-eight), be amended by adding the following sections:

"SEC. 17. That the Secretary of the Interior is hereby authorized and directed to reserve and set aside for town-site purposes, and to survey, lay out, and plat into town lots, streets, alleys, and parks not less than forty acres of said land at or near each of the present settlements of Arlee, Dayton, Ravalli, Dixon, and Ronan, and not less than eighty acres at the present settlements of Saint Ignatius and Polson, and at such other places as the Secretary of the Interior may deem necessary or convenient for town sites, in such manner as will best subserve the present needs and the reasonable prospective growth of said settlements.

"Such town sites shall be surveyed, appraised, and disposed of as provided in section twenty-three hundred and eighty-one of the United States Revised Statutes: *Provided*, That any person who, at the date when the appraisers commence their work upon the land, shall be an actual resident upon any one such lot and the owner of substantial and permanent improvements thereon, and who shall maintain his or her residence and improvements on such lot to the date of his or her application to enter, shall be entitled to enter, at any time prior to the day fixed for the public sale and at the appraised value thereof, such lot and any one additional lot of which he or she may also be in possession and upon which he or she may have substantial and permanent improvements: *Provided further*, That before making entry of any such lot or lots the applicant shall make proof, to the satisfaction of the register and receiver of the land district in which the land lies, of such residence, possession, and ownership of improvements, under such regulations as to time, notice, manner, and character of proof as may be prescribed by the Commissioner of the General Land

Office, with the approval of the Secretary of the Interior: *Provided further*, That in making their appraisal of the lots so surveyed, it shall be the duty of the appraisers to ascertain the names of the residents upon and occupants of any such lots, the character and extent of the improvements thereon, and the name of the reputed owner thereof, and to report their findings in connection with their report of appraisal, which report of findings shall be taken as prima facie evidence of the facts therein set out. All such lots not so entered prior to the day fixed for the public sale shall be offered at public outcry in their regular order, with the other unimproved and unoccupied lots. That no lot shall be sold for less than ten dollars: *And provided further*, That said lots, when surveyed, shall approximate fifty by one hundred and fifty feet in size.

Duties of appraisers.

Size of lots.

“SEC. 18. That the Secretary of the Interior is hereby authorized and directed to reserve and set aside one hundred and sixty acres of land at and surrounding the present hot springs, situated on said reservation near the settlement of Camas.

Camas Hot Springs reserved.

“That said hot springs and the said one hundred and sixty acres of land last mentioned shall be under the control and direction of the Secretary of the Interior, under such rules and regulations as he may prescribe, but any and all moneys that shall be derived from such use shall be for the benefit of the persons holding tribal relations with said tribes of Indians, the same to be disbursed as provided in section thirteen of this Act.

Control, etc.

“SEC. 19. That nothing in this Act shall be construed to deprive any of said Indians, or said persons or corporations to whom the use of land is granted by the Act, of the use of water appropriated and used by them for the necessary irrigation of their lands or for domestic use or any ditches, dams, flumes, reservoirs constructed and used by them in the appropriation and use of said water.

Water rights.

“SEC. 20. That there is hereby appropriated, for the survey, appraisement, and sale of said town sites, out of any money in the Treasury not otherwise appropriated, the sum of fifteen thousand dollars, or so much thereof as may be necessary, the same to be reimbursable out of the funds arising from the sale of said lands: *Provided*, That the persons employed or detailed under this appropriation shall be allowed therefrom while on duty a per diem in lieu of subsistence, at a rate to be fixed by the Secretary of the Interior, not exceeding three dollars per day each, and actual necessary expenses for transportation, including necessary sleeping-car fares.”

Appropriation for expenses.

*Proviso.*  
Per diem, etc., to employees.

**CHAP. 2567.**—An Act Making appropriations to supply additional urgent deficiencies in appropriations for the fiscal year nineteen hundred and six, and for other purposes.

May 31, 1906.  
[H. R. 19572.]

[Public, No. 186.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is hereby authorized and directed to transfer to the credit of the appropriation "Fees of witnesses, United States courts, nineteen hundred and six," sixty thousand dollars of the unexpended balance of the appropriation "Fees of witnesses, United States courts, nineteen hundred and five," and to the credit of the appropriation "Fees of jurors, United States courts, nineteen hundred and six," thirty thousand dollars of the unexpended balance of the appropriation "Fees of jurors, United States courts, nineteen hundred and five."

Urgent deficiencies appropriations.  
United States courts.  
Fees, witnesses and jurors.  
Balances transferred.

To meet the expenses of opening to entry and settlement during the fiscal years nineteen hundred and six and nineteen hundred and seven the ceded lands of the Flathead Indian Reservation in the State of Montana, under Act of April twenty-third, nineteen hundred and four; the Crow Indian Reservation in the State of Montana, under Act of April twenty-seventh, nineteen hundred and four; the Yakima Indian Reservation in the State of Washington, under Act of December twenty-first, nineteen hundred and four; the Shoshone Indian Reservation in the State of Wyoming, under Act of March third, nineteen hundred and five, and such other Indian reservations that may be open to entry and settlement during the fiscal year nineteen hundred and seven, the sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, to continue available during the fiscal year nineteen hundred and seven: *Provided*, That the expenses pertaining to the opening of each of said reservations and paid for out of this appropriation shall be reimbursed to the United States from the money received from the sale of the lands embraced in said reservations, respectively: *Provided further*, That clerks detailed to assist in the opening of said reservations, while on such duty, shall be allowed per diem, in lieu of subsistence, at a rate not exceeding three dollars per day each, and actual necessary expenses for transportation, including necessary sleeping-car fares.

Opening Indian reservations to entry, etc.  
Expenses.

Vol. 33, p. 301.

Vol. 33, p. 352.

Vol. 33, p. 595.

Vol. 33, p. 1016.

*Provisus.*  
Reimbursement.

Allowances to clerks.

Approved, May 31, 1906.

SEC. 9. That section twelve, chapter fourteen hundred and ninety-five, Statutes of the United States of America, entitled "An Act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," be, and the same is hereby, amended so as to read as follows:

Flathead Indian  
Reservation.  
Land for Catholic  
mission schools, etc.  
*Note*, p. 304, amend-  
ed.

"SEC. 12. That the President may reserve and except from said lands, not to exceed one thousand two hundred and eighty acres, for Catholic mission schools, church, and hospital and such other eleemosynary institutions as may now be maintained by the Catholic Church on said reservation, which lands are hereby granted to those religious organizations of the Catholic Church now occupying the same, known as the Society of Jesus, the Sisters of Charity of Providence, and the Ursuline Nuns, the said lands to be granted in the following amounts, namely: To the Society of Jesus, six hundred and forty acres; to the

Sisters of Charity of Providence, three hundred and twenty acres, and to the Ursuline Nuns, three hundred and twenty acres, such lands to be reserved and granted for the uses indicated only so long as the same are maintained, used, and occupied by said organizations for the purposes indicated, except that forty acres of the six hundred and forty acres hereinbefore mentioned as granted to the Society of Jesus are hereby granted in fee simple to said Society of Jesus, its successors and assigns: *And be it further provided*, That the President shall further reserve and except from said lands for the use of the University of Montana for biological station purposes one hundred and sixty acres, which land is hereby granted to the State of Montana for the use of the University of Montana. The governor of said State, with the approval of the Secretary of the Interior, is hereby authorized to locate said last-mentioned lands.

*Proviso.*  
Lands granted to  
University of Mon-  
tana.

“The President is also authorized to reserve lands upon the same conditions and for similar purposes for any other missionary or religious societies that may make application therefor within one year after the passage of this Act in such quantity as he may deem proper. The President may also reserve such of said lands as may be convenient or necessary for the occupation and maintenance of any and all agency buildings, substations, mills, and other governmental institutions now in use on said reservation, or which may be used or occupied by the Government of the United States.”

Land for other reli-  
gious organizations.

The President is also hereby authorized to reserve not to exceed five thousand acres of timber lands for the use of said Indians as a fuel supply, under such restrictions and regulations as may be prescribed by the Secretary of the Interior.

Indian fuel supply.

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

[Public. No. 159.]

Public lands.  
Flathead Indian  
Reservation, Mont.  
Allotment and sale  
of lands in.  
Vol. 12, p. 975.

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

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior be, and he is hereby, directed to immediately cause to be surveyed all of the Flathead Indian Reservation, situated within the State of Montana, the same being particularly described and set forth in article two of a certain treaty entered into by and between Isaac H. Stevens, governor and superintendent of Indian affairs for the Terri-

tory of Washington, on the part of the United States, and the chiefs, headmen, and delegates of the confederated tribes of the Flathead, Kootenai, and Upper Pend d'Oreille Indians, on the sixteenth day of July, eighteen hundred and fifty-five.

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

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

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

SEC. 5. That said commissioners shall then proceed to personally inspect and classify and appraise, by the smallest legal subdivisions of forty acres each, all of the remaining lands embraced within said reservation. In making such classification and appraisement said lands shall be divided into the following classes: First, agricultural land of the first class; second, agricultural land of the second class; third, timber lands, the same to be lands more valuable for their timber than for any other purpose; fourth, mineral lands; and fifth, grazing lands.

SEC. 6. That said commission shall in their report of lands of the third class determine as nearly as possible the amount of standing saw timber on legal subdivisions thereof and fix a minimum price for the value thereof, and in determining the amount of merchantable timber growing thereon they shall be empowered to employ a timber cruiser, at a salary of not more than eight dollars per day while so actually employed, with such assistants as may be necessary, at a salary not to exceed six dollars per day while so actually employed. Mineral lands shall not be appraised as to value.

SEC. 7. That said commissioners, excepting said special agent and inspector of the Interior Department, shall be paid a salary of not to exceed ten dollars per day each while actually employed in the inspection and classification of said lands; such inspection and classification to be fully completed within one year from date of the organization of said commission.

SEC. 8. That when said commission shall have completed the classification and appraisement of all of said lands and the same shall have been approved by the Secretary of the Interior, the land shall be disposed of under the general provisions of the homestead, mineral, and town-site laws of the United States, except such of said lands as shall have been classified as timber lands, and excepting sections sixteen and thirty-six of each township, which are hereby granted to the State

Allotments.

Commission to appraise unallotted lands.

Composition of.

Organization of commission.

Clerk.

Classification, etc., of lands.

Timber lands.

Mineral lands.

Compensation.

Time limit.

Disposal of lands.

Timber and school lands excepted.

Selection of school lands in lieu of lands formerly allotted.

*Proviso.*  
Price to be paid Indians.

Opening to settlement.

*Provisos.*  
Existing rights of soldiers and sailors unimpaired.  
Vol. 31, p. 347.  
R. S., secs. 2304, 2305, p. 422.

Payments.

Patent.

Forfeiture.

Right to commute entries not affected.

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

Mineral land entries.

*Proviso.*  
Exceptions.

Sale of timberlands.

Reservations.  
For Catholic religious organizations.

of Montana for school purposes. And in case either of said sections or parts thereof is lost to the said State of Montana by reason of allotments thereof to any Indian or Indians now holding the same, or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized, in the tract under consideration, to locate other lands not occupied, not exceeding two sections in any one township, and such selections shall be made prior to the opening of such lands to settlement: *Provided*, That the United States shall pay to said Indians for the lands in said sections sixteen and thirty-six, or the lands selected in lieu thereof, the sum of one dollar and twenty-five cents per acre.

SEC. 9. That said lands shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the time when and the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, or enter any of said lands, except as prescribed in such proclamation: *Provided*, That the rights of honorably discharged Union soldiers and sailors of the late civil and the Spanish wars, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes, as amended by the Act of March first, nineteen hundred and one, shall not be abridged: *Provided further*, That the price of said lands shall be the appraised value thereof, as fixed by the said commission, but settlers under the homestead law who shall reside upon and cultivate the land entered in good faith for the period required by existing law shall pay one-third of the appraised value in cash at the time of entry, and the remainder in five equal annual installments to be paid one, two, three, four, and five years, respectively, from and after the date of entry, and shall be entitled to a patent for the lands so entered upon the payment to the local land officers of said five annual payments, and in addition thereto the same fees and commissions at the time of commutation or final entry as now provided by law where the price of the land is one dollar and twenty-five cents per acre, and no other and further charge of any kind whatsoever shall be required of such settler to entitle him to a patent for the land covered by his entry: *Provided*, That if any entryman fails to make such payments, or any of them, within the time stated, all rights in and to the land covered by his or her entry shall at once cease, and any payments theretofore made shall be forfeited, and the entry shall be forfeited and canceled: *And provided*, That nothing in this Act shall prevent homestead settlers from commuting their entries under section twenty-three hundred and one, Revised Statutes, by paying for the land entered the price fixed by said commission, receiving credit for payments previously made.

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

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

SEC. 12. That the President may reserve and except from said lands not to exceed nine hundred and sixty acres for Catholic mission schools,

church, and hospital and such other eleemosynary institutions as may now be maintained by the Catholic Church on said reservation, which lands are hereby granted to those religious organizations of the Catholic Church now occupying the same, known as the Society of Jesus, the Sisters of Charity of Providence, and the Ursuline Nuns, the said lands to be granted in the following amounts, namely, to the Society of Jesus, six hundred and forty acres, to the Sisters of Charity of Providence, one hundred and sixty acres, and to the Ursuline Nuns, one hundred and sixty acres, such lands to be reserved and granted for the uses indicated only so long as the same are maintained and occupied by said organizations for the purposes indicated. The President is also authorized to reserve lands upon the same conditions and for similar purposes for any other missionary or religious societies that may make application therefor within one year after the passage of this Act, in such quantity as he may deem proper. The President may also reserve such of said lands as may be convenient or necessary for the occupation and maintenance of any and all agency buildings, substations, mills, and other governmental institutions now in use on said reservation or which may be used or occupied by the Government of the United States.

*Post*, p. 1080.

For other religious organizations.

For agency, etc., buildings.

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

Sale of undisposed lands.

Maximum.

SEC. 14. That the proceeds received from the sale of said lands in conformity with this Act shall be paid into the Treasury of the United States, and after deducting the expenses of the commission, of classification and sale of lands, and such other incidental expenses as shall have been necessarily incurred, and expenses of the survey of the lands, shall be expended or paid, as follows: One-half shall be expended from time to time by the Secretary of the Interior as he may deem advisable for the benefit of the said Indians and such persons having tribal rights on the reservation, including the Lower Pend d'Oreille or Kalispel thereon at the time that this Act shall take effect, in the construction of irrigation ditches, the purchase of stock cattle, farming implements, or other necessary articles to aid the Indians in farming and stock raising, and in the education and civilization of said Indians, and the remaining half to be paid to the said Indians and such persons having tribal rights on the reservation, including the Lower Pend d'Oreille or Kalispel thereon at the date of the proclamation provided for in section nine hereof, or expended on their account, as they may elect.

Disposal of proceeds.

*Ante*, p. 304.

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

Payment for lands reserved.  
Appropriation.

*Ante*, pp. 303, 304.

Reimbursement.

*Ante*, p. 302.

SEC. 16. That nothing in this Act contained shall in any manner bind the United States to purchase any portion of the land herein described, except sections sixteen and thirty-six, or the equivalent, in

Liability of the United States limited.

each township, and the reserved tracts mentioned in section twelve, or to dispose of said land except as provided herein, or to guarantee to find purchasers for said lands or any portion thereof, it being the intention of this Act that the United States shall act as trustee for said Indians to dispose of said lands and to expend and pay over the proceeds received from the sale thereof only as received.

Approved, April 23, 1904.

SEC. 2. That any person who has heretofore made entry under the homestead laws and commuted same under provisions of section twenty-three hundred and one of the Revised Statutes of the United States and the amendments thereto shall be entitled to the benefits of the

Additional entry to homesteaders commuting first entry, etc. R. S., sec. 2301, p. 421.

homestead laws, as though such former entry had not been made, except that commutation under the provisions of section twenty-three hundred and one of the Revised Statutes shall not be allowed of an entry made under this section of this Act.

—for forfeiture.

*Proviso.*  
Purchasers of Flat-  
head Indian lands,  
Montana, included.  
Vol. 25, p. 871.

SEC. 3. That any person who prior to the passage of this Act, has made entry under the homestead laws, but from any cause has lost or forfeited the same shall be entitled to the benefits of the homestead laws as though such former entry had not been made: *Provided*, That persons who purchased land under and in accordance with the terms of an Act entitled "An Act to provide for the sale of lands patented to certain members of the Flathead band of Indians in the Territory of Montana, and for other purposes," approved March second, eighteen hundred and eighty-nine, shall not be held to have impaired or exhausted their homestead rights by or on account of any such purchase.

Approved, June 5, 1900.

—report.

*Proviso.*  
Amount for supplies  
immediately avail-  
able.

the consent of said tribes, expressed in the usual manner; and that he cause report to be made to Congress, at its next session thereafter, of his action under this provision. *Provided*, That so much of the appropriations herein made as may be required to pay for goods and supplies, for expenses incident to their purchase, and for transportation of the same, for the year ending June thirtieth, eighteen hundred and ninety-nine, 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-eight.

Rejection of bids.

—purchases in open  
market.

SEC. 5. That whenever, after advertising for bids for supplies, in accordance with sections three and four of this Act, those received for any article contain conditions detrimental to the 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.

Transfer or sale of  
Government property  
on reservations au-  
thorized.

SEC. 6. That hereafter 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.

Commutation of ra-  
tions, etc.

SEC. 7. That hereafter when, in the judgment of the Secretary of the Interior, any Indian tribe, or part thereof, who are receiving rations and clothing and other supplies under this Act, are sufficiently advanced in civilization to purchase such rations and clothing and other supplies 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.

Report on employees  
to be made annually.

SEC. 8. That the Commissioner of Indian Affairs shall report annually to Congress, specifically showing the number of employees at each agency, industrial, and boarding school, which are supported in whole or in part out of the appropriations in this Act, giving name, when employed, in what capacity employed, male or female, whether white or Indian, amount of compensation paid, and out of what item or fund of the appropriation paid, and whether in the opinion of such Commissioner any of such employees are unnecessary.

Flathead Indians,  
reappraisal of certain  
unsold lands of.

—sale.

Vol. 25, p. 871.

SEC. 9. That with the consent of the Indians, severally, the Secretary of the Interior is hereby authorized to cause a reappraisal of the unsold tracts of land of the Flathead Indians, situated in the Bitter Root Valley, Montana, by such person connected with the Indian service as he may designate, and that such lands shall then be sold, at the reappraised value, as provided for in the Act of Congress of March second, eighteen hundred and eighty-nine, chapter three hundred and ninety-one, Twenty-fifth Statutes at Large, page eight hundred and seventy-one.

Northern Cheyenne  
Reservation, Mont.

—report on existing  
conditions by in-  
spector.

SEC. 10. That the Secretary of the Interior be, and he is hereby, directed to send an inspector of his Department to the reservation of the Northern Cheyenne Indians, in the State of Montana, and said agent shall be instructed to make a full and complete report to the Secretary of the Interior upon the conditions existing upon said reservation, said report to be available for use on or before the fifteenth day of November, eighteen hundred and ninety-eight.

—duties of inspector.

It shall be the duty of the said inspector to ascertain if it is feasible to secure the removal of said Northern Cheyenne Indians from the present reservation to some portion of the Crow Indian Reservation, in the State of Montana. He shall also ascertain and report in detail the number and names of the white settlers legally upon the Northern Cheyenne Reservation, the number of acres of land owned by them, its

location and the value thereof and of the improvements thereon. Also the number and names of white settlers who are alleged to be illegally settled upon the reservation, the circumstances attending their settlement thereon, and their location. He shall also enter into negotiations with the white settlers upon said reservation, who have valid titles, for the sale of their lands and improvements to the Government; and he is hereby authorized and empowered to make written agreements with such settlers, which agreements shall not be binding until ratified and approved by the Secretary of the Interior. He shall also make recommendations as to the settlement of the claims of such white settlers as have gone upon said reservation under circumstances which give them an equitable right thereon.

He shall investigate the subject of fencing in the said reservation and shall indicate the lines such fence should follow and the estimated cost of same, and shall report upon the number of cattle and sheep which may safely be pastured within the limits recommended to be fenced. He shall further report upon and make recommendations with reference to any and all matters which in his judgment have any bearing upon the question of securing an equitable adjustment of the difficulties now existing upon said reservation and with especial reference to bringing about a satisfactory settlement with the white settlers, both as to the sale of their lands to the Government and the adjustment of the reservation limits.

SEC. 11. That the Secretary of the Interior is hereby directed to pay out of the appropriation of the Act of Congress of June seventh, eighteen hundred and ninety-seven, such of the Creek warrants as are proven to be held by innocent holders who acquired them in good faith for value and without knowledge, actual or constructive, of irregularity or fraud in the issuance thereof, and such warrants shall upon payment be canceled by the Secretary of the Interior; and all the warrants so issued by said Creek Nation shall be presented to the Secretary of the Interior within ninety days from the passage of this Act, and all warrants not so presented are hereby declared null and void, and such warrants so presented which are not proven to have been issued or acquired in good faith for value and without knowledge, actual or constructive, of irregularity or fraud in the issuance thereof, shall be held by the Secretary and marked upon their face "fraudulent and void."

Payment of Creek warrants in hands of innocent holders. *Ante*, p. 68.

Warrants not presented void, etc.

Approved, July 1, 1898.

**CHAP. 556.**—An act granting to the Missoula and Northern Railroad Company the right of way through the Flathead Indian Reservation, in the State of Montana.

March 3, 1891.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the right of way is hereby granted, as hereinafter set forth, to the Missoula and Northern Railroad Company, a corporation organized and existing under the laws of the State of Montana, for the construction, operation, and maintenance of its railroad through the lands set apart for the use of the Flathead Indians, commonly known as the Flathead Indian Reservation, said railroad line beginning at a point at or near the mouth of Jocko River, on the Northern Pacific Railroad, in the county of Missoula, State of Montana, and running thence by the most practicable route to the northern line of the said State of Montana, and more particularly described, as far as extending through said Indian reservation, as beginning at or near the aforesaid mouth of Jocko River, and running thence in a northerly direction to the southerly end of Flathead Lake, and thence by the most practicable route, either to the east or west of said lake, in a northerly direction to the said northern boundary of Montana.

Missoula and Northern Railroad Company granted right of way through Flathead Indian Reservation, Mont.

Location.

**SEC. 2.** That the right of way hereby granted to said railroad company shall be seventy-five feet in width on each side of the central line of said railroad as aforesaid, and said company shall also have the right to take from lands adjacent to the line of said road material, stone, earth, and timber necessary for the construction thereof; also ground adjacent to said right of way for station buildings, depots, machine shops, side tracks, turn-outs, and water stations, not to exceed in amount three hundred feet in width and three thousand feet in length for each station, to the extent of one station for each ten miles of said road.

Width.

Stations, etc.

**SEC. 3.** That it shall be the duty of the Secretary of the Interior to agree with the Flathead and Confederated tribes on the compensation to be paid them for such right of way, and the time and manner for the payment thereof, but no right of way of any kind shall vest in said railroad company in or to any part of the right of way or station grounds herein provided for until plats thereof, made upon actual survey for the definite location of such road, and including the points for station buildings, depots, machine shops, side tracks, turn-outs, and water stations, shall be filed with and approved by the Secretary of the Interior, which approval shall be made in writing and be open for the inspection of any party interested therein, and until the compensation agreed on has been paid; and the surveys, construction, and operation of such railroad shall be conducted with due regard for the rights of the Indians and in accordance with such

Compensation.

Secretary of the Interior to approve location, etc.

rules and regulations as the Secretary of the Interior may make to carry out the provisions of this act: *Provided*, That the right of way herein granted shall be lost and forfeited by said company unless the road is constructed and in running order through said reservation within three years from the passage of this act: *Provided further*, That when said railroad shall have been constructed to the south end of said Flathead Lake said company may establish a temporary terminal station on the shore of said lake, on grounds not exceeding three thousand feet square, and, pending completion of said railroad, may utilize the waters of said Flathead Lake for transportation purposes.

*Provisos.*  
Completion.

Station at Flathead  
Lake.

Amendment, etc.

SEC. 4. That Congress may at any time amend, alter, or repeal this act.

Approved, March 3, 1891.

**CHAP. 391.**—An act to provide for the sale of lands patented to certain members of the Flathead band of Indians in Montana Territory, and for other purposes.

March 2, 1893.

*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, with the consent of the Indians severally, to whom patents have been issued for lands assigned to them in the Bitter Root Valley, in Montana Territory, under the provisions of an act of Congress approved June fifth, eighteen hundred and seventy-two, entitled "An act to provide for the removal of the Flathead and other Indians from the Bitter Root Valley, in the Territory of Montana" or the heirs at law of such Indians, be, and he hereby is, authorized to cause to be appraised and sold, in tracts not exceeding one hundred and sixty acres, all the lands allotted and patented to said Indians; said lands shall be appraised as if in a state of nature, but the enhanced value thereof, by virtue of the settlement and improvement of the surrounding country, shall be considered in ascertaining their value: *Provided,* That the improvements thereon shall be appraised separate and distinct from land: *Provided, further,* That where any such patentee has died leaving no heirs, the lands and improvements of such deceased patentee shall be appraised and sold in like manner for the common benefit of the tribe to which said patentee belonged.

Bitter Root Valley,  
Mont.  
Sale of lands assigned to Indians.

Vol. 17, p. 227.

*Proviso.*  
Improvements.

Death of patentee without heirs.

To be sold in 100 acre tracts.

**SEC. 2.** That after the appraisement herein authorized shall have been completed, and after due notice, the Secretary of the Interior shall offer said lands for sale through the proper land-office, in tracts not exceeding one hundred and sixty acres, which shall be the limit of the amount any one person shall be allowed to purchase, except in cases, if any, where a tract contains a fractional excess over one hundred and sixty acres to the highest bidder: *Provided,* That no portion of said lands shall be sold at less than the appraised value thereof: *Provided,* That the said Secretary may dispose of the same on the following terms as to payment, that is to say, one-third of the price of any tract of land sold under the provisions of this act to be paid by the purchaser on the day of sale, one third in one year, and one-third in two years from said date, with interest on the deferred payments at the rate of five per centum per annum; but in case of default in either of said payments, or the interest thereon, the person so defaulting for a period of sixty days shall forfeit absolutely the right to the tract which he has purchased, with any payment or payments he may have made; and the land thus forfeited shall again be sold as in the first instance: *Provided further,* That before the second

*Provisos.*  
Minimum price.  
Terms of sale.

- Purchaser to reside on tract bought. or any subsequent payment shall be received, the purchaser shall prove to the satisfaction of the land office that he is actually residing upon the tract of land so purchased, and that he is entitled under the laws of United States to the benefit of the homestead laws.
- Disposition of proceeds. SEC 3. That the net proceeds derived from the sale of the lands herein authorized shall be placed in the Treasury to the credit of the Indians severally entitled thereto, and the Secretary of the Interior is hereby authorized to pay the same in cash to original allottees and patentees, or the heirs at law of such, or expend the same for their benefit in such manner as he may deem for their best interest.
- Patent to issue on full payment. SEC 4. That when a purchaser shall have made full payment for a tract of land, as herein provided, and for the improvements thereon, patent shall be issued as in case of public lands under the homestead and preemption laws.
- Appropriation for expenses. SEC 5 That for the purpose of carrying out the provisions of this act there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of five hundred dollars, or so much thereof as may be necessary, which sum shall be reimbursed pro rata out of the proceeds of the sale of the lands herein authorized.
- Indians to remove to Jocko Reservation. SEC. 6. That in the event of the sale of the lands herein authorized it shall be the duty of the Secretary of the Interior to remove the Indians whose lands shall have been sold to the general reservation, known as the Jocko Reservation, in the Territory of Montana.
- SEC 7 That all acts and parts of acts in conflict herewith are hereby repealed.
- Approved, March 2, 1889.

**CHAP. 25.**—An act to amend the act entitled “An act to provide for the removal of the Flathead and other Indians from the Bitterroot Valley, in the Territory of Montana,” approved June fifth, eighteen hundred and seventy-two. Feb. 11, 1874.  
1872, ch. 308, vol.  
xvii, p. 226.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the time of sale and payment of pre-empted lands in the Bitterroot Valley, in the Territory of Montana, is hereby extended for the period of two years from the expiration of the time allotted in the act entitled “An act to provide for the removal of the Flathead and other Indians from the Bitterroot Valley, in the Territory of Montana,” approved June fifth, eighteen hundred and seventy-two. Sale of lands in  
Bitterroot Valley.  
Time extended.

**SEC. 2.** That the benefit of the homestead act is hereby extended to all the settlers on said lands who may desire to take advantage of the same. Homestead act  
extended to settlers.

Approved, February 11, 1874.

June 5, 1872.

CHAP. CCCVIII. — *An Act to provide for the Removal of the Flathead and other Indians from the Bitter Root Valley, in the Territory of Montana.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it shall be the duty of the President, as soon as practicable, to remove the Flathead Indians, (whether of full or mixed bloods,) and all other Indians connected with said tribe, and recognized as members thereof, from Bitter Root valley, in the Territory of Montana, to the general reservation in said Territory, (commonly known as the Jocko reservation,) which by a treaty concluded at Hell Gate, in the Bitter Root valley, July sixteenth, eighteen hundred and fifty-five, and ratified by the Senate March eighth, eighteen hundred and fifty-nine, between the United States and the confederated tribes of

Flathead and other Indians to be removed from Bitter Root valley to the Jocko reservation.

Vol. xii. pp. 275, 276

Flathead, Kootenai, and Pend d'Oreille Indians, was set apart and reserved for the use and occupation of said confederated tribes.

SEC. 2. That as soon as practicable after the passage of this act, the surveyor-general of Montana Territory shall cause to be surveyed, as other public lands of the United States are surveyed, the lands in the Bitter Root valley lying above the Lo-Lo fork of the Bitter Root river; and said lands shall be open to settlement, and shall be sold in legal subdivisions to actual settlers only, the same being citizens of the United States, or having duly declared their intention to become such citizens, said settlers being heads of families, or over twenty-one years of age, in quantities not exceeding one hundred and sixty acres to each settler, at the price of one dollar and twenty-five cents per acre, payment to be made in cash within twenty-one months from the date of settlement, or of the passage of this act. The sixteenth and thirty-sixth sections of said lands shall be reserved for school purposes in the manner provided by law. Town-sites in said valley may be reserved and entered as provided by law: *Provided*, That no more than fifteen townships of the lands so surveyed shall be deemed to be subject to the provisions of this act: *And provided further*, That none of the lands in said valley above the Lo-Lo fork shall be open to settlement under the homestead and pre-emption laws of the United States. An account shall be kept by the Secretary of the Interior of the proceeds of said lands, and out of the first moneys arising therefrom there shall be reserved and set apart for the use of said Indians the sum of fifty thousand dollars, to be by the President expended, in annual instalments, in such manner as in his judgment shall be for the best good of said Indians, but no more than five thousand dollars shall be expended in any one year.

SEC. 3. That any of said Indians, being the head of a family, or twenty-one years of age, who shall, at the passage of this act, be actually residing upon and cultivating any portion of said lands, shall be permitted to remain in said valley and pre-empt without cost the land so occupied and cultivated, not exceeding in amount one hundred and sixty acres for each of such Indians, for which he shall receive a patent without power of alienation: *Provided*, That such Indian shall, prior to August first, eighteen hundred and seventy-two, notify the superintendent of Indian affairs for Montana Territory that he abandons his tribal relations with said tribe, and intends to remain in said valley: *And provided further*, That said superintendent shall have given such Indian at least one month's notice prior to the date last above mentioned of the provisions of this act and of his right so to remain as provided in this section of this act.

SEC. 4. That in case John Owen, an actual settler in said valley, above the Lo-Lo fork, shall come within the provisions of the act of Congress of September twenty-seventh, eighteen hundred and fifty, entitled "An act to create the office of surveyor-general of the public lands in Oregon, and to provide for the survey, and to make donations to settlers of the said public lands," and the acts amendatory thereof, he shall be permitted to establish such fact in the land-office in the said Territory of Montana, and, upon proof of compliance with the provisions of said act or acts, shall be permitted to obtain title, in the manner provided therein, to such quantity of land as he may be entitled to under the same. All disputes as to title to any lands mentioned in this act shall be decided according to the rules governing the decision of disputes in ordinary cases under the pre-emption laws of the United States.

APPROVED, June 5, 1872.

Certain lands in Bitter Root valley, Montana Territory, to be surveyed and open to settlement; may be sold to whom, &c.

Quantity and price.

School sections.

Town sites.

Provisos.

Account of sales to be kept, and proceeds how applied.

Certain Indians may remain in the valley and pre-empt 160 acres.

Patent.

Notice of intent to be given before, &c.

Notice to Indians.

John Owen may obtain title to certain lands, if, &c.

1850, ch. 76.

Vol. ix. p. 496.

1853, ch. 69.

Vol. x. p. 158.

1854, ch. 84.

Vol. x. p. 305.

1864, ch. 154.

Vol. xiii. p. 154.

1871, ch. 131.

Vol. xvi. p. 533.

Disputes as to titles;

how to be decided.

CHAP. CCXVII. — *An Act granting Lands to aid in the Construction of a Railroad and Telegraph Line from Lake Superior to Puget's Sound, on the Pacific Coast, by the Northern Route.* July 2, 1864.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That Richard D. Rice, John A. Poore, Samuel P. Strickland, Samuel C. Fessenden, Charles P. Kimball, Augustine Haines, Edwin R. W. Wiggin, Anson P. Morrill, Samuel J. Anderson, of Maine; Willard Sears, E. S. Withington, Josiah Perham, James M. Becket, A. W. Banfield, Abiel Abbott, John Newell, Austin L. Rogers, Nathaniel Greene, jr., Oliver Frost, John A. Bass, John O. Bresbrey, George Shiverick, Edward Tyler, Filander J. Forristall, Ivory H. Pope, of Massachusetts; George Opdyke, Fairley Holmes, John Huggins, Philander Reed, George Briggs, Chauncy Vibbard, John C. Fremont, of New York; Ephraim Marsh, John P. Jackson, jr., of New Jersey; S. M. Felton, John Toy, O. J. Dickey, B. F. Archer, G. W. Cass, J. Edgar Thompson, John A. Green, of Pennsylvania; T. M. Allyn, Moses W. Wilson, Horace Whittaker, Ira Bliss, of Connecticut; Joseph A. Gilmore, Onslow Stearns, E. P. Emerson, Frederick Smyth, William E. Chandler, of New Hampshire; Cyrus Aldrich, H. M. Rice, John McKusick, H. C. Waite, Stephen Miller, of Minnesota; E. A. Chapin, John Gregory Smith, George Merrill, of Vermont; James Y. Smith, William S. Slater, Isaac H. Southwick, Earl P. Mason, of Rhode Island; Seth Fuller, William Kellogg, U. S. Grant, William B. Ogden, William G. Greene, Leonard Sweat, Henry W. Blodgett, Porter Sheldon, of Illinois; J. M. Winchell, Elsworth Cheesbrough, James S. Emery, of Kansas; Richard

Northern Pacific Railroad Company incorporated.

Names of incorporators.

Northern Pacific Railroad Company.

Powers, &c.

May lay out, &c., a railroad and telegraph line.

Capital stock.

Commissioners.

Quorum.  
First meeting of commissioners.

Officers, &c.

F. Perkins, Richard Chenery, Samuel Brannan, George Rowland, Henry Platt, of California; William F. Mercer, James W. Brownley, of Virginia; John H. B. Latrobe, W. Prescott Smith, of Maryland; Greenbury Slack, A. J. Boreman, of West Virginia; Thomas E. Bramlette, Frank Shorin, of Kentucky; John Brough, John A. Bingham, Oran Follett, John Gardner, S. S. L'Hommedieu, Harrison G. Blake, Philo Chamberlin, of Ohio; John A. Duncan, Samuel M. Harrington, of Delaware; Thomas A. Morris, Jesse L. Williams, of Indiana; Samuel L. Case, Henry L. Hall, David H. Jerome, Thomas D. Gilbert, C. A. Trowbridge, of Michigan; Edward H. Broadhead, Alexander Mitchell, Benjamin Ferguson, Levi Sterling, — Marshal, of Wisconsin; J. C. Ainsworth, Orlando Humason, H. W. Corbett, Henry Failing, of Oregon; J. B. S. Todd, M. K. Armstrong, J. Shaw Gregory, J. Le Berge, of Dakota Territory; John Mullan, Anson G. Henry, S. D. Smith, Charles Terry, of Washington Territory; H. W. Starr, Platt Smith, Nixon Denton, William Leighton, B. F. Allen, Reuben Noble, John L. Davies, of Iowa; Willard P. Hall, George R. Smith, H. Gayle King, John C. Sargeant, of Missouri; William H. Wallace, of Idaho Territory; J. H. Lathrop, Henry D. Cooke, H. E. Merrick, of the District of Columbia, and all such other persons who shall or may be associated with them, and their successors, are hereby created and erected into a body corporate and politic, in deed and in law, by the name, style, and title of the "Northern Pacific Railroad Company," and by that name shall have perpetual succession, and shall be able to sue and to be sued, plead and be impleaded, defend and be defended, in all courts of law and equity within the United States, and may make and have a common seal.

And said corporation is hereby authorized and empowered to lay out, locate, construct, furnish, maintain, and enjoy a continuous railroad and telegraph line, with the appurtenances, namely; beginning at a point on Lake Superior, in the State of Minnesota or Wisconsin; thence westerly by the most eligible railroad route, as shall be determined by said company, within the territory of the United States, on a line north of the forty-fifth degree of latitude to some point on Puget's Sound, with a branch, via the valley of the Columbia River, to a point at or near Portland, in the State of Oregon, leaving the main trunk-line at the most suitable place, not more than three hundred miles from its western terminus; and is hereby vested with all the powers, privileges, and immunities necessary to carry into effect the purposes of this act as herein set forth.

The capital stock of said company shall consist of one million shares of one hundred dollars each, which shall in all respects be deemed personal property, and shall be transferable in such manner as the by-laws of said corporation shall provide. The persons hereinbefore named are hereby appointed commissioners, and shall be called the board of commissioners of the "Northern Pacific Railroad Company," and fifteen shall constitute a quorum for the transaction of business. The first meeting of said board of commissioners shall be held at the Melodion hall, in the city of Boston, at such time as any five commissioners herein named from Massachusetts shall appoint, not more than three months after the passage of this act, notice of which shall be given by them to the other commissioners by publishing said notice in at least one daily newspaper in the cities of Boston, New York, Philadelphia, Cincinnati, Milwaukee, and Chicago, once a week at least four weeks previous to the day of meeting. Said board shall organize by the choice from its number of a president, vice-president, secretary, and treasurer, and they shall require from said treasurer such bonds as may be deemed proper, and may from time to time increase the amount thereof as they may deem proper. The secretary shall be sworn to the faithful performance of his duties, and such oath shall be entered upon the records of the company, signed by him, and the oath verified thereon. The president and secretary of said board shall in like manner call all

other meetings, naming the time and place thereof. It shall be the duty of said board of commissioners to open books, or cause books to be opened, at such times, and in such principal cities or other places in the United States, as they, or a quorum of them, shall determine, within six months after the passage of this act, to receive subscriptions to the capital stock of said corporation, and a cash payment of ten per centum on all subscriptions, and to receipt therefor. So soon as twenty thousand shares shall in good faith be subscribed for, and ten dollars per share actually paid into the treasury of the company, the said president and secretary of said board of commissioners shall appoint a time and place for the first meeting of the subscribers to the stock of said company, and shall give notice thereof in at least one newspaper in each state in which subscription books have been opened, at least fifteen days previous to the day of meeting, and such subscribers as shall attend the meeting so called, either in person or by lawful proxy, then and there shall elect by ballot thirteen directors for said corporation; and in such election each share of said capital stock shall entitle the owner thereof to one vote. The president and secretary of the board of commissioners, and, in case of their absence or inability, any two of the officers of said board, shall act as inspectors of said election, and shall certify under their hands the names of the directors elected at said meeting; and the said commissioners, treasurer, and secretary, shall then deliver over to said directors all the properties, subscription books, and other books in their possession, and thereupon the duties of said commissioners, and the officers previously appointed by them, shall cease and determine forever, and thereafter the stockholders shall constitute said body politic and corporate. Annual meetings of the stockholders of the said corporation for the choice of officers (when they are to be chosen) and for the transaction of business shall be holden at such time and place and upon such notice as may be prescribed in the by-laws.

SEC. 2. *And be it further enacted*, That the right of way through the public lands be, and the same is hereby, granted to said "Northern Pacific Railroad Company," its successors and assigns, for the construction of a railroad and telegraph as proposed; and the right, power, and authority is hereby given to said corporation to take from the public lands, adjacent to the line of said road, material of earth, stone, timber, and so forth, for the construction thereof. Said way is granted to said railroad to the extent of two hundred feet in width on each side of said railroad where it may pass through the public domain, including all necessary ground for station buildings, workshops, depots, machine shops, switches, side tracks, turn-tables, and water-stations; and the right of way shall be exempt from taxation within the territories of the United States. The United States shall extinguish, as rapidly as may be consistent with public policy and the welfare of the said Indians, the Indian titles to all lands falling under the operation of this act, and acquired in the donation to the [road] named in this bill.

SEC. 3. *And be it further enacted*, That there be, and hereby is, granted to the "Northern Pacific Railroad Company," its successors and assigns, for the purpose of aiding in the construction of said railroad and telegraph line to the Pacific coast, and to secure the safe and speedy transportation of the mails, troops, munitions of war, and public stores, over the route of said line of railway, every alternate section of public land, not mineral, designated by odd numbers, to the amount of twenty alternate sections per mile, on each side of said railroad line, as said company may adopt, through the territories of the United States, and ten alternate sections of land per mile on each side of said railroad whenever it passes through any state, and whenever on the line thereof, the United States have full title, not reserved, sold, granted, or otherwise appropriated, and free from preemption, or other claims of rights, at the time the line of said road is definitely fixed, and a plat thereof filed in the office

Meetings.

Books of subscription.

First meeting of subscribers to stock.

Directors.

Inspectors of election.

Commissioners to deliver to directors.

Annual meetings.

Right of way.

Materials for construction.

Indian titles to be extinguished.

Grant of public lands.

of the commissioner of the general land-office; and whenever, prior to said time, any of said sections or parts of sections shall have been granted, sold, reserved, occupied by homestead settlers, or preempted, or otherwise disposed of, other lands shall be selected by said company in lieu thereof, under the direction of the Secretary of the Interior, in alternate sections, and designated by odd numbers, not more than ten miles beyond the limits of said alternate sections: *Provided*, That if said route shall be found upon the line of any other railroad route to aid in the construction of which lands have been heretofore granted by the United States, as far as the routes are upon the same general line, the amount of land heretofore granted shall be deducted from the amount granted by this act: *Provided, further*, That the railroad company receiving the previous grant of land may assign their interest to said "Northern Pacific Railroad Company," or may consolidate, confederate, and associate with said company upon the terms named in the first section of this act:

**Lands in lieu of those reserved, &c. Provisos.** *Provided, further*, That all mineral lands be, and the same are hereby, excluded from the operations of this act, and in lieu thereof a like quantity of unoccupied and unappropriated agricultural lands, in odd numbered sections, nearest to the line of said road may be selected as above provided: *And provided, further*, That the word "mineral," when it occurs in this act, shall not be held to include iron or coal: *And provided, further*, That no money shall be drawn from the treasury of the United States to aid in the construction of the said "Northern Pacific Railroad."

**Mineral lands excluded.**

**Commissioners.** SEC. 4. *And be it further enacted*, That whenever said "Northern Pacific Railroad Company" shall have twenty-five consecutive miles of any portion of said railroad and telegraph line ready for the service contemplated, the President of the United States shall appoint three commissioners to examine the same, and if it shall appear that twenty-five consecutive miles of said road and telegraph line have been completed in a good, substantial, and workmanlike manner, as in all other respects required by this act, the commissioners shall so report to the President of the United States, and patents of lands, as aforesaid, shall be issued to said company, confirming to said company the right and title to said lands, situated opposite to, and coterminous with, said completed section of said road; and, from time to time, whenever twenty-five additional consecutive miles shall have been constructed, completed, and in readiness as aforesaid, and verified by said commissioners to the President of the United States, then patents shall be issued to said company conveying the additional sections of land as aforesaid, and so on as fast as every twenty-five miles of said road is completed as aforesaid: *Provided*, That not more than ten sections of land per mile, as said road shall be completed, shall be conveyed to said company for all that part of said railroad lying east of the western boundary of the State of Minnesota, until the whole of said railroad shall be finished and in good running order, as a first-class railroad, from the place of beginning on Lake Superior to the western boundary of Minnesota: *Provided, also*, That lands shall not be granted under the provisions of this act on account of any railroad, or part thereof, constructed at the date of the passage of this act.

**Patents.**

**Provisos.** SEC. 5. *And be it further enacted*, That said Northern Pacific Railroad shall be constructed in a substantial and workmanlike manner, with all the necessary draws, culverts, bridges, viaducts, crossings, turnouts, stations, and watering places, and all other appurtenances, including furniture, and rolling stock, equal in all respects to railroads of the first class, when prepared for business, with rails of the best quality, manufactured from American iron. And a uniform gauge shall be established throughout the entire length of the road. And there shall be constructed a telegraph line, of the most substantial and approved description, to be operated along the entire line: *Provided*, That the said company shall not charge the government higher rates than they do individuals for like

**Railroad to be constructed in, &c.**

**Gauge.**

**Telegraph line.**

transportation and telegraphic service. And it shall be the duty of the Northern Pacific Railroad Company to permit any other railroad which shall be authorized to be built by the United States, or by the legislature of any territory or state in which the same may be situated, to form running connections with it, on fair and equitable terms.

Other roads may form connections.

SEC. 6. *And be it further enacted,* That the President of the United States shall cause the lands to be surveyed for forty miles in width on both sides of the entire line of said road, after the general route shall be fixed, and as fast as may be required by the construction of said rail road; and the odd sections of land hereby granted shall not be liable to sale, or entry, or preëmption before or after they are surveyed, except by said company, as provided in this act; but the provisions of the act of September, eighteen hundred and forty-one, granting preëmption rights, and the acts amendatory thereof, and of the act entitled "An act to secure homesteads to actual settlers on the public domain," approved May twenty, eighteen hundred and sixty-two, shall be, and the same are hereby, extended to all other lands on the line of said road, when surveyed, excepting those hereby granted to said company. And the reserved alternate sections shall not be sold by the government at a price less than two dollars and fifty cents per acre, when offered for sale.

Lands on both sides of road to be surveyed, &c.

1841, ch. 16, Vol. v. p. 453.

1862, ch. 75, Vol. xii. p. 392.

SEC. 7. *And be it further enacted,* That the said "Northern Pacific Railroad Company" be, and is hereby, authorized and empowered to enter upon, purchase, take, and hold any lands or premises that may be necessary and proper for the construction and working of said road, not exceeding in width two hundred feet on each side of the line of its railroad, unless a greater width be required for the purpose of excavation or embankment; and also any lands or premises that may be necessary and proper for turnouts, standing places for cars, depots, station-houses, or any other structures required in the construction and working of said road.

Company may take lands necessary for its road.

And the said company shall have the right to cut and remove trees and other material that might, by falling, encumber its road-bed, though standing or being more than two hundred feet from the line of said road. And in case the owner of such lands or premises and the said company cannot agree as to the value of the premises taken, or to be taken, for the use of said road, the value thereof shall be determined by the appraisal of three disinterested commissioners, who may be appointed, upon application by either party, to any court of record in any of the territories in which the lands or premises to be taken lie; and said commissioners, in their assessment of damages, shall appraise such premises at what would have been the value thereof if the road had not been built. And upon return into court of such appraisement, and upon the payment into the same of the estimated value of the premises taken for the use and benefit of the owner thereof, said premises shall be deemed to be taken by said company, which shall thereby acquire full title to the same for the purposes aforesaid. And either party feeling aggrieved at said appraisement may, within thirty days after the same has been returned into court, file an appeal therefrom, and demand a jury of twelve men to estimate the damage sustained; but such appeal shall not interfere with the rights of said company to enter upon the premises taken, or to do any act necessary and proper in the construction of its road. And said party appealing shall give bonds, with sufficient surety or sureties, for the payment of any cost that may arise upon such appeal; and in case the party appealing does not obtain a verdict, increasing or diminishing, as the case may be, the award of the commissioners, such party shall pay the whole cost incurred by the appellee, as well as his own, and the payment into court, for the use of the owner of said premises taken, of a sum equal to that finally awarded, shall be held to vest in said company the title of said land, and of the right to use and occupy the same for the construction, maintenance, and operation of said road. And in case any

Damages, how determined.

Appeal from assessment.

Lands held by infants or persons under any legal disability.

of the lands to be taken, as aforesaid, shall be held by any infant, femme covert, non compos, insane person, or persons residing without the territory within which the lands to be taken lie, or persons subjected to any legal disability, the court may appoint a guardian for any party under any disqualification, to appear in proper person, who shall give bonds, with sufficient surety or sureties, for the proper and faithful execution of his trust, and who may represent in court the person disqualified, as aforesaid, from appearing, when the same proceedings shall be had in reference to the appraisalment of the premises to be taken for the use of said company, and with the same effect as has been already described; and the title of the company to the lands taken by virtue of this act shall not be affected or impaired by reason of any failure by any guardian to discharge faithfully his trust. And in case any party shall have a right or claim to any land for a term of years, or any interest therein, in possession, reversion, or remainder, the value of any such estate, less than a fee simple, shall be estimated and determined in the manner hereinbefore set forth. And in case it shall be necessary for the company to enter upon any lands which are unoccupied, and of which there is no apparent owner or claimant, it may proceed to take and use the same for the purposes of said railroad, and may institute proceedings, in manner described, for the purpose of ascertaining the value of, and of acquiring title to, the same; but the judge of the court hearing said suit shall determine the kind of notice to be served on such owner or owners, and he may in its discretion appoint an agent or guardian to represent such owner or owners in case of his or their incapacity or non-appearance. But in case no claimant shall appear within six years from the time of the opening of said road across any land, all claims to damages against said company shall be barred.

Claims to be made within six years.

Conditions of grant.

SEC. 8. *And be it further enacted*, That each and every grant, right, and privilege herein are so made and given to, and accepted by, said Northern Pacific Railroad Company, upon and subject to the following conditions, namely: That the said company shall commence the work on said road within two years from the approval of this act by the President, and shall complete not less than fifty miles per year after the second year, and shall construct, equip, furnish, and complete the whole road by the fourth day of July, anno Domini eighteen hundred and seventy-six.

If company breaks conditions, &c., the United States may complete the road.

SEC. 9. *And be it further enacted*, That the United States make the several conditioned grants herein, and that the said Northern Pacific Railroad Company accept the same, upon the further condition that if the said company make any breach of the conditions hereof, and allow the same to continue for upwards of one year, then, in such case, at any time hereafter, the United States, by its congress, may do any and all acts and things which may be needful and necessary to insure a speedy completion of the said road.

Any person may subscribe to stock.

SEC. 10. *And be it further enacted*, That all people of the United States shall have the right to subscribe to the stock of the Northern Pacific Railroad Company until the whole capital named in this act of incorporation is taken up, by complying with the terms of subscription; and no mortgage or construction bonds shall ever be issued by said company on said road, or mortgage, or lien made in any way, except by the consent of the congress of the United States.

No mortgage unless, &c.

Railroad to be post route and military road.

SEC. 11. *And be it further enacted*, That said Northern Pacific Railroad, or any part thereof, shall be a post route and a military road, subject to the use of the United States, for postal, military, naval, and all other government service, and also subject to such regulations as congress may impose restricting the charges for such government transportation.

Company to signify in writing its acceptance of terms, &c., of grant.

SEC. 12. *And be it further enacted*, That the acceptance of the terms, conditions, and impositions of this act by the said Northern Pacific Railroad Company shall be signified in writing under the corporate seal of

said company, duly executed pursuant to the direction of its board of directors first had and obtained, which acceptance shall be made within two years after the passage of this act, and not afterwards, and shall be served on the President of the United States.

SEC. 13. *And be it further enacted,* That the directors of said company shall make an annual report of their proceedings and expenditures, verified by the affidavits of the president and at least six of the directors, and they shall, from time to time, fix, determine, and regulate the fares, tolls, and charges to be received and paid for transportation of persons and property on said road, or any part thereof. Annual report of directors.

SEC. 14. *And be it further enacted,* That the directors chosen in pursuance of the first section of this act shall, so soon as may be after their election, elect from their own number a president and vice-president; and said board of directors shall, from time to time, and so soon as may be after their election, choose a treasurer and secretary, who shall hold their offices at the will and pleasure of the board of directors. The treasurer and secretary shall give such bonds, with such security as the said board from time to time may require. The secretary shall, before entering upon his duty, be sworn to the faithful discharge thereof, and said oath shall be made a matter of record upon the books of said corporation. No person shall be a director of said company unless he shall be a stockholder, and qualified to vote for directors at the election at which he shall be chosen. President and other officers.

SEC. 15. *And be it further enacted,* That the president, vice-president, and directors shall hold their offices for the period indicated in the by-laws of said company, not exceeding three years, respectively, and until others are chosen in their place, and qualified. In case it shall so happen that an election of directors shall not be made on any day appointed by the by-laws of said company, the corporation shall not for that excuse be deemed to be dissolved, but such election may be holden on any day which shall be appointed by the directors. The directors, of whom seven, including the president, shall be a quorum for the transaction of business, shall have full power to make and prescribe such by-laws, rules, and regulations as they shall deem needful and proper touching the disposition and management of the stock, property, estate, and effects of the company, the transfer of shares, the duties and conduct of their officers and servants touching the election and meeting of the directors, and all matters whatsoever which may appertain to the concerns of said company; and the said board of directors may have full power to fill any vacancy or vacancies that may occur from any cause or causes from time to time in their said board. And the said board of directors shall have power to appoint such engineers, agents, and subordinates as may from time to time be necessary to carry into effect the object of the company, and to do all acts and things touching the location and construction of said road. Term of office of president and other officers.

SEC. 16. *And be it further enacted,* That it shall be lawful for the directors of said company to require payment of the sum of ten per centum cash assessment upon all subscriptions received of all subscribers, and the balance thereof at such times and in such proportions and on such conditions as they shall deem to be necessary to complete the said road and telegraph line within the time in this act prescribed. Sixty days' previous notice shall be given of the payments required, and of the time and place of payment, by publishing a notice once a week in one daily newspaper in each of the cities of Boston, New York, Philadelphia, and Chicago; and in case any stockholder shall neglect or refuse to pay, in pursuance of such notice, the stock held by such person shall be forfeited absolutely to the use of the company, and also any payment or payments that shall have been made on account thereof, subject to the condition that the board of directors may allow the redemption on such terms as they may prescribe. Quorum. By-laws.

Power of directors.

Payment of cash assessment.

Notice.

Stock to be forfeited, &c.

Company may  
accept, &c.,  
grants.

SEC. 17. *And be it further enacted*, That the said company is authorized to accept to its own use any grant, donation, loan, power, franchise, aid, or assistance which may be granted to, or conferred upon, said company by the congress of the United States, by the legislature of any state, or by any corporation, person, or persons; and said corporation is authorized to hold and enjoy any such grant, donation, loan, power, franchise, aid, or assistance, to its own use for the purpose aforesaid.

Company to  
gain consent of  
state legislatures,  
&c.

SEC. 18. *And be it further enacted*, That said Northern Pacific Railroad Company shall obtain the consent of the legislature of any state through which any portion of said railroad line may pass, previous to commencing the construction thereof; but said company may have the right to put on engineers and survey the route before obtaining the consent of the legislature.

Act to be void,  
unless, &c.

SEC. 19. *And be it further enacted*, That unless said Northern Pacific Railroad Company shall obtain bona fide subscriptions to the stock of said company to the amount of two millions of dollars, with ten per centum paid within two years after the passage and approval of this act, it shall be null and void.

Act may be  
altered, &c.

SEC. 20. *And be it further enacted*, That the better to accomplish the object of this act, namely, to promote the public interest and welfare by the construction of said railroad and telegraph line, and keeping the same in working order, and to secure to the government at all times (but particularly in time of war) the use and benefits of the same for postal, military, and other purposes, congress may, at any time, having due regard for the rights of said Northern Pacific Railroad Company, add to, alter, amend, or repeal this act.

APPROVED, July 2, 1864.

## TREATY WITH THE OMAHA, 1854.

*Articles of agreement and convention made and concluded at the city of Washington this sixteenth day of March, one thousand eight hundred and fifty-four, by George W. Manypenny, as commissioner on the part of the United States, and the following-named chiefs of the Omaha tribe of Indians, viz: Shon-ga-ska, or Logan Fontenelle; E-sta-mah-za, or Joseph Le Flesche; Gra-tah-nah-je, or Standing Hawk; Gah-he-ga-gin-gah, or Little Chief; Ta-wah-guh-ha, or Village Maker; Wah-no-ke-ga, or Noise; So-da-nah-ze, or Yellow Smoke; they being thereto duly authorized by said tribe.*

March 16, 1854.

10 Stats., 1043.  
Ratified Apr. 17,  
1854.  
Proclaimed June 21,  
1854.

ARTICLE 1. The Omaha Indians cede to the United States all their lands west of the Missouri River, and south of a line drawn due west from a point in the centre of the main channel of said Missouri River due east of where the Ayoway River disembogues out of the bluffs, to the western boundary of the Omaha country, and forever relinquish all right and title to the country south of said line: *Provided, however,* That if the country north of said due west line, which is reserved by the Omahas for their future home, should not on exploration prove to be a satisfactory and suitable location for said Indians, the President may, with the consent of said Indians, set apart and assign to them, within or outside of the ceded country, a residence suited for and acceptable to them. And for the purpose of determining at once and definitely, it is agreed that a delegation of said Indians, in company with their agent, shall, immediately after the ratification of this instrument, proceed to examine the country hereby reserved, and if it please the delegation, and the Indians in counsel express themselves satisfied, then it shall be deemed and taken for their future home; but if otherwise, on the fact being reported to the President, he is authorized to cause a new location, of suitable extent, to be made for the future home of said Indians, and which shall not be more in extent than three hundred thousand acres, and then and in that case, all of the country belonging to the said Indians north of said due west line, shall be and is hereby ceded to the United States by the said Indians, they to receive the same rate per acre for it, less the number of acres assigned in lieu of it for a home, as now paid for the land south of said line.

Cession of lands to the United States.

Reserve for the Indians.

ARTICLE 2. The Omahas agree, that so soon after the United States shall make the necessary provision for fulfilling the stipulations of this instrument, as they can conveniently arrange their affairs, and not to exceed one year from its ratification, they will vacate the ceded country, and remove to the lands reserved herein by them, or to the other lands provided for in lieu thereof, in the preceding article, as the case may be.

Removal of the Indians.

ARTICLE 3. The Omahas relinquish to the United States all claims, for money or other thing, under former treaties, and likewise all claim

Relinquishment of former claims.

which they may have heretofore, at any time, set up, to any land on the east side of the Missouri River: *Provided*, The Omahas shall still be entitled to and receive from the Government, the unpaid balance of the twenty-five thousand dollars appropriated for their use, by the act of thirtieth of August, 1851.

**ARTICLE 4.** In consideration of and payment for the country herein ceded, and the relinquishments herein made, the United States agree to pay to the Omaha Indians the several sums of money following, to wit;

1st. Forty thousand dollars, per annum, for the term of three years, commencing on the first day of January, eighteen hundred and fifty-five.

2d. Thirty thousand dollars per annum, for the term of ten years, next succeeding the three years.

3d. Twenty thousand dollars per annum, for the term of fifteen years, next succeeding the ten years.

4th. Ten thousand dollars per annum, for the term of twelve years, next succeeding the fifteen years.

All which several sums of money shall be paid to the Omahas, or expended for their use and benefit, under the direction of the President of the United States, who may from time to time determine at his discretion, what proportion of the annual payments, in this article provided for, if any, shall be paid to them in money, and what proportion shall be applied to and expended, for their moral improvement and education; for such beneficial objects as in his judgment will be calculated to advance them in civilization; for buildings, opening farms, fencing, breaking land, providing stock, agricultural implements, seeds, &c.; for clothing, provisions, and merchandise; for iron, steel, arms, and ammunition; for mechanics, and tools; and for medical purposes.

**ARTICLE 5.** In order to enable the said Indians to settle their affairs and to remove and subsist themselves for one year at their new home, and which they agree to do without further expense to the United States, and also to pay the expenses of the delegation who may be appointed to make the exploration provided for in article first, and to fence and break up two hundred acres of land at their new home, they shall receive from the United States, the further sum of forty-one thousand dollars, to be paid out and expended under the direction of the President, and in such manner as he shall approve.

**ARTICLE 6.** The President may, from time to time, at his discretion, cause the whole or such portion of the land hereby reserved, as he may think proper, or of such other land as may be selected in lieu thereof, as provided for in article first, to be surveyed into lots, and to assign to such Indian or Indians of said tribe as are willing to avail of the privilege, and who will locate on the same as a permanent home, if a single person over twenty-one years of age, one-eighth of a section; to each family of two, one quarter section; to each family of three and not exceeding five, one half section; to each family of six and not exceeding ten, one section; and to each family over ten in number, one quarter section for every additional five members. And he may prescribe such rules and regulations as will insure to the family, in case of the death of the head thereof, the possession and enjoyment of such permanent home and the improvements thereon. And the President may, at any time, in his discretion, after such person or family has made a location on the land assigned for a permanent home, issue a patent to such person or family for such assigned land, conditioned that the tract shall not be aliened or leased for a longer term than two years; and shall be exempt from levy, sale, or forfeiture, which conditions shall continue in force, until a State constitution, embracing such lands within its boundaries, shall have been formed,

Payment to the Indians.

How made.

Further payment.

Disposition of the lands reserved.

and the legislature of the State shall remove the restrictions. And if any such person or family shall at any time neglect or refuse to occupy and till a portion of the lands assigned and on which they have located, or shall rove from place to place, the President may, if the patent shall have been issued, cancel the assignment, and may also withhold from such person or family, their proportion of the annuities or other moneys due them, until they shall have returned to such permanent home, and resumed the pursuits of industry; and in default of their return the tract may be declared abandoned, and thereafter assigned to some other person or family of such tribe, or disposed of as is provided for the disposition of the excess of said land. And the residue of the land hereby reserved, or of that which may be selected in lieu thereof, after all of the Indian persons or families shall have had assigned to them permanent homes, may be sold for their benefit, under such laws, rules or regulations, as may hereafter be prescribed by the Congress or President of the United States. No State legislature shall remove the restrictions herein provided for, without the consent of Congress.

ARTICLE 7. Should the Omahas determine to make their permanent home north of the due west line named in the first article, the United States agree to protect them from the Sioux and all other hostile tribes, as long as the President may deem such protection necessary; and if other lands be assigned them, the same protection is guaranteed.

Protection from hostile tribes.

ARTICLE 8. The United States agree to erect for the Omahas, at their new home, a grist and saw mill, and keep the same in repair, and provide a miller for ten years; also to erect a good blacksmith shop, supply the same with tools, and keep it in repair for ten years; and provide a good blacksmith for a like period; and to employ an experienced farmer for the term of ten years, to instruct the Indians in agriculture.

Grist and saw mill.

Blacksmith.

ARTICLE 9. The annuities of the Indians shall not be taken to pay the debts of individuals.

Annuities not to be taken for debts.

ARTICLE 10. The Omahas acknowledge their dependence on the Government of the United States, and promise to be friendly with all the citizens thereof, and pledge themselves to commit no depredations on the property of such citizens. And should any one or more of them violate this pledge, and the fact be satisfactorily proven before the agent, the property taken shall be returned, or in default thereof, or if injured or destroyed, compensation may be made by the Government out of their annuities. Nor will they make war on any other tribe, except in self-defence, but will submit all matters of difference between them and other Indians to the Government of the United States, or its agent, for decision, and abide thereby. And if any of the said Omahas commit any depredations on any other Indians, the same rule shall prevail as that prescribed in this article in cases of depredations against citizens.

Conduct of the Indians.

Depredations.

ARTICLE 11. The Omahas acknowledge themselves indebted to Lewis Sounsosee, (a half-breed,) for services, the sum of one thousand dollars, which debt they have not been able to pay, and the United States agree to pay the same.

Payment to Lewis Sounsosee.

ARTICLE 12. The Omahas are desirous to exclude from their country the use of ardent spirits, and to prevent their people from drinking the same, and therefore it is provided that any Omaha who is guilty of bringing liquor into their country, or who drinks liquor, may have his or her proportion of the annuities withheld from him or her for such time as the President may determine.

Provision against introduction of ardent spirits.

ARTICLE 13. The board of foreign missions of the Presbyterian Church have on the lands of the Omahas a manual-labor boarding-school, for the education of the Omaha, Otoe, and other Indian youth, which is now in successful operation, and as it will be some time before

Grant to the missions of the Presbyterian Church.

the necessary buildings can be erected on the reservation, and [it is] desirable that the school should not be suspended, it is agreed that the said board shall have four adjoining quarter sections of land, so as to include as near as may be all the improvements heretofore made by them; and the President is authorized to issue to the proper authority of said board, a patent in fee-simple for such quarter sections.

**ARTICLE 14.** The Omahas agree that all the necessary roads, highways, and railroads, which may be constructed as the country improves, and the lines of which may run through such tract as may be reserved for their permanent home, shall have a right of way through the reservation, a just compensation being paid therefor in money.

**ARTICLE 15.** This treaty shall be obligatory on the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

In testimony whereof, the said George W. Manypenny, commissioner as aforesaid, and the undersigned chiefs, of the Omaha tribe of Indians, have hereunto set their hands and seals, at the place and on the day and year hereinbefore written.

George W. Manypenny, Commissioner.

Shon-ga-ska, or Logan Fontenelle, his x mark.

E-sta-mah-za, or Joseph Le Flesche, his x mark.

Gra-tah-mah-je, or Standing Hawk, his x mark.

Gah-he-ga-gin-gah, or Little Chief, his x mark.

Tah-wah-gah-ha, or Village Maker, his x mark.

Wah-no-ke-ga, or Noise, his x mark.

So-da-nah-ze, or Yellow Smoke, his x mark.

[L. S.]

[L. S.]

[L. S.]

[L. S.]

[L. S.]

[L. S.]

[L. S.]

[L. S.]

Executed in the presence of us:

James M. Gatewood, Indian agent.

James Goszler.

Charles Calvert.

James D. Kerr.

Henry Beard.

Alfred Chapman.

Lewis Saunsoci, interpreter.

## FRANKLIN PIERCE,

PRESIDENT OF THE UNITED STATES OF AMERICA,

Oct. 17, 1855.

TO ALL PERSONS TO WHOM THESE PRESENTS SHALL COME, GREETING :

WHEREAS, a treaty was made and concluded at the council ground on the Upper Missouri, near the mouth of the Judith River, in the territory of Nebraska, on the seventeenth day of October, in the year one thousand eight hundred and fifty-five, between A. Cumming and Isaac I. Stevens, commissioners on the part of the United States, and the Blackfoot and other tribes of Indians, which treaty is in the words and figures following, to wit:—

Articles of agreement and convention made and concluded at the council ground on the Upper Missouri, near the mouth of the Judith River, in the territory of Nebraska, this seventeenth day of October, in the year one thousand eight hundred and fifty-five, by and between A. Cumming and Isaac I. Stevens, commissioners duly appointed and authorized, on the part of the United States, and the undersigned chiefs, headmen, and delegates of the following nations and tribes of Indians, who occupy, for the purposes of hunting, the territory on the Upper Missouri and Yellow Stone Rivers, and who have permanent homes as follows: East of the Rocky Mountains, the Blackfoot nation; consisting of the Piegan, Blood, Blackfoot, and Gros Ventres tribes of Indians. West of the Rocky Mountains, the Flathead nation; consisting of the Flathead, Upper Pend d'Oreille, and Kootenay tribes of Indians, and the Nez Percé tribe of Indians, the said chiefs, headmen and delegates, in behalf of and acting for said nations and tribes, and being duly authorized thereto by them.

ARTICLE 1. Peace, friendship and amity shall hereafter exist between the United States and the aforesaid nations and tribes of Indians, parties to this treaty, and the same shall be perpetual.

Title.  
Peace to exist with U. States.

ARTICLE 2. The aforesaid nations and tribes of Indians, parties to this treaty, do hereby jointly and severally covenant that peaceful relations shall likewise be maintained among themselves in future; and that they will abstain from all hostilities whatsoever against each other, and cultivate mutual good-will and friendship. And the nations and tribes aforesaid do furthermore jointly and severally covenant, that peaceful relations shall be maintained with and that they will abstain from all hostilities whatsoever, excepting in self-defence, against the following named nations and tribes of Indians, to wit: the Crows, Assinebeins, Crees, Snakes, Blackfeet, Sans Arce, and Aunce-pa-pas bands of Sioux, and all other neighboring nations and tribes of Indians.

Peace to exist with each other and with certain other tribes.

ARTICLE 3. The Blackfoot nation consent and agree that all that portion of the country recognized and defined by the treaty of Laramie as Blackfoot territory, lying within lines drawn from the Hell Gate or Medicine Rock Passes in the main range of the Rocky Mountains, in an easterly direction to the nearest source of the Muscle Shell River, thence to the mouth of Twenty-five Yard Creek, thence up the Yellow Stone River to its northern source, and thence along the main range of the Rocky Mountains, in a northerly direction, to the point of beginning, shall be a common hunting-ground for ninety-nine years, where all the nations, tribes and bands of Indians, parties to this treaty, may enjoy equal and uninterrupted privileges of hunting, fishing and gathering fruit, grazing animals, curing meat and dressing robes. They further agree that they will not establish villages, or in any other way exercise exclu-

Blackfoot Territory recognized as common hunting ground.

sive rights within ten miles of the northern line of the common hunting-ground, and that the parties to this treaty may hunt on said northern boundary line and within ten miles thereof.

*Provided*, That the western Indians, parties to this treaty, may hunt on the trail leading down the Muscle Shell to the Yellow Stone; the Muscle Shell River being the boundary separating the Blackfoot from the Crow Territory.

No settlements to be made thereon.

*And provided*, That no nation, band or tribe of Indians, parties to this treaty, nor any other Indians, shall be permitted to establish permanent settlements, or in any other way exercise, during the period above mentioned, exclusive rights or privileges within the limits of the above-described hunting-ground.

Vested rights, not interfered with.

*And provided further*, That the rights of the western Indians to a whole or a part of the common hunting-ground, derived from occupancy and possession, shall not be affected by this article, except so far as said rights may be determined by the treaty of Laramie.

Certain territory to belong to the Blackfoot nation.

ARTICLE 4. The parties to this treaty agree and consent, that the tract of country lying within lines drawn from the Hell Gate or Medicine Rock Passes, in an easterly direction, to the nearest source of the Muscle Shell River, thence down said river to its mouth, thence down the channel of the Missouri River to the mouth of Milk River, thence due north to the forty-ninth parallel, thence due west on said parallel to the main range of the Rocky Mountains, and thence southerly along said range to the place of beginning, shall be the territory of the Blackfoot nation, over which said nation shall exercise exclusive control, excepting as may be otherwise provided in this treaty. Subject, however, to the provisions of the third article of this treaty, giving the right to hunt, and prohibiting the establishment of permanent villages and the exercise of any exclusive rights within ten miles of the northern line of the common hunting-ground, drawn from the nearest source of the Muscle Shell River to the Medicine Rock Passes, for the period of ninety-nine years.

*Provided also*, That the Assiniboins shall have the right of hunting, in common with the Blackfoot, in the country lying between the aforesaid eastern boundary line, running from the mouth of Milk River to the forty-ninth parallel, and a line drawn from the left bank of the Missouri River, opposite the Round Butte north, to the forty-ninth parallel.

How to enter and leave the common hunting ground.

ARTICLE 5. The parties to this treaty, residing west of the main range of the Rocky Mountains, agree and consent that they will not enter the common hunting-ground, nor any part of the Blackfoot Territory, or return home, by any pass in the main range of the Rocky Mountains to the north of the Hell Gate or Medicine Rock Passes. And they further agree that they will not hunt or otherwise disturb the game, when visiting the Blackfoot Territory for trade or social intercourse.

Indians to remain in their respective territories except, &c.

ARTICLE 6. The aforesaid nations and tribes of Indians, parties to this treaty, agree and consent to remain within their own respective countries, except when going to or from, or whilst hunting upon, the "common hunting-ground," or when visiting each other for the purpose of trade or social intercourse.

Citizens may pass through and live in the Indian territory.

ARTICLE 7. The aforesaid nations and tribes of Indians agree that citizens of the United States may live in and pass unmolested through the countries respectively occupied and claimed by them. And the United States is hereby bound to protect said Indians against depredations and other unlawful acts which white men residing in or passing through their country may commit.

Protection against depredations.

Roads, telegraph lines, and military posts, &c. may be established.

ARTICLE 8. For the purpose of establishing travelling thoroughfares through their country, and the better to enable the President to execute the provisions of this treaty, the aforesaid nations and tribes do hereby consent and agree, that the United States may, within the countries respectively occupied and claimed by them, construct roads of every

description; establish lines of telegraph and military posts; use materials of every description found in the Indian country; build houses for agencies, missions, schools, farms, shops, mills, stations, and for any other purpose for which they may be required, and permanently occupy as much land as may be necessary for the various purposes above enumerated, including the use of wood for fuel and land for grazing, and that the navigation of all lakes and streams shall be forever free to citizens of the United States.

ARTICLE 9. In consideration of the foregoing agreements, stipulations, and cessions, and on condition of their faithful observance, the United States agree to expend, annually, for the Piegan, Blood, Blackfoot, and Gros Ventres tribes of Indians, constituting the Blackfoot nation, in addition to the goods and provisions distributed at the time of signing this treaty, twenty thousand dollars, annually, for ten years, to be expended in such useful goods and provisions, and other articles, as the President, at his discretion, may from time to time determine; and the superintendent, or other proper officer, shall each year inform the President of the wishes of the Indians in relation thereto: *Provided, however,* That if, in the judgment of the President and Senate, this amount be deemed insufficient, it may be increased not to exceed the sum of thirty-five thousand dollars per year.

Annual payment for benefit of Blackfoot nation.

ARTICLE 10. The United States further agree to expend annually, for the benefit of the aforesaid tribes of the Blackfoot nation, a sum not exceeding fifteen thousand dollars annually, for ten years, in establishing and instructing them in agricultural and mechanical pursuits, and in educating their children, and in any other respect promoting their civilization and christianization: *Provided, however,* That to accomplish the objects of this article, the President may, at his discretion, apply any or all the annuities provided for in this treaty: *And provided, also,* That the President may, at his discretion, determine in what proportions the said annuities shall be divided among the several tribes.

Same subject.

ARTICLE 11. The aforesaid tribes acknowledge their dependence on the government of the United States, and promise to be friendly with all citizens thereof, and to commit no depredations or other violence upon such citizens. And should any one or more violate this pledge, and the fact be proved to the satisfaction of the President, the property taken shall be returned, or, in default thereof, or if injured or destroyed, compensation may be made by the government out of the annuities. The aforesaid tribes are hereby bound to deliver such offenders to the proper authorities for trial and punishment, and are held responsible in their tribal capacity, to make reparation for depredations so committed.

Provisions to secure peace, and indemnity against Indian depredations.

Nor will they make war upon any other tribes, except in self-defence, but will submit all matters of difference between themselves and other Indians to the government of the United States, through its agent, for adjustment, and will abide thereby. And if any of the said Indians, parties to this treaty, commit depredations on any other Indians within the jurisdiction of the United States, the same rule shall prevail as that prescribed in this article in case of depredations against citizens. And the said tribes agree not to shelter or conceal offenders against the laws of the United States, but to deliver them up to the authorities for trial.

War not to be made on other tribes except in self-defence.

Provision against depredations of other Indians.

Criminals to be surrendered.

ARTICLE 12. It is agreed and understood, by and between the parties to this treaty, that if any nation or tribe of Indians aforesaid, shall violate any of the agreements, obligations, or stipulations, herein contained, the United States may withhold for such length of time as the President and Congress may determine, any portion or all of the annuities agreed to be paid to said nation or tribe under the ninth and tenth articles of this treaty.

Annuities may be stopped in case of violation of this treaty.

ARTICLE 13. The nations and tribes of Indians, parties to this treaty, desire to exclude from their country the use of ardent spirits or other

Provision against intoxicants.

tion or the introduction of ardent spirits.

This treaty to be in full for compensation.

Annuities not to be taken for debts

intoxicating liquor, and to prevent their people from drinking the same. Therefore it is provided, that any Indian belonging to said tribes who is guilty of bringing such liquor into the Indian country, or who drinks liquor, may have his or her proportion of the annuities withheld from him or her, for such time as the President may determine.

ARTICLE 14. The aforesaid nations and tribes of Indians, west of the Rocky Mountains, parties to this treaty, do agree, in consideration of the provisions already made for them in existing treaties, to accept the guarantees of the peaceful occupation of their hunting-grounds, east of the Rocky Mountains, and of remuneration for depredations made by the other tribes, pledged to be secured to them in this treaty out of the annuities of said tribes, in full compensation for the concessions which they, in common with the said tribes, have made in this treaty.

The Indians east of the Mountains, parties to this treaty, likewise recognize and accept the guarantees of this treaty, in full compensation for the injuries or depredations which have been, or may be committed by the aforesaid tribes, west of the Rocky Mountains.

ARTICLE 15. The annuities of the aforesaid tribes shall not be taken to pay the debts of individuals.

ARTICLE 16. This treaty shall be obligatory upon the aforesaid nations and tribes of Indians, parties hereto, from the date hereof, and upon the United States as soon as the same shall be ratified by the President and Senate.

In testimony whereof the said A. Cumming and Isaac I. Stevens, commissioners on the part of the United States, and the undersigned chiefs, headmen, and delegates of the aforesaid nations and tribes of Indians, parties to this treaty, have hereunto set their hands and seals at the place and on the day and year hereinbefore written.

A. CUMMING. [L. S.]  
ISAAC I. STEVENS. [L. S.]

*Piegans.*

NEE-TI-NEE, or "the only chief," now called the Lame Bull,	his x mark.	[L. S.]
MOUNTAIN CHIEF,	his x mark.	[L. S.]
LOW HORN,	his x mark.	[L. S.]
LITTLE GRAY HEAD,	his x mark.	[L. S.]
LITTLE DOG,	his x mark.	[L. S.]
BIG SNAKE,	his x mark.	[L. S.]
THE SKUNK,	his x mark.	[L. S.]
THE BAD HEAD,	his x mark.	[L. S.]
KITCH-EEPONE-ISTAH,	his x mark.	[L. S.]
MIDDLE SITTER,	his x mark.	[L. S.]

*Bloods.*

ONIS-TAY-SAY-NAH-QUE-IM,	his x mark.	[L. S.]
THE FATHER OF ALL CHILDREN,	his x mark.	[L. S.]
THE BULL'S BACK FAT,	his x mark.	[L. S.]
HEAVY SHIELD,	his x mark.	[L. S.]
NAH-TOSE-ONISTAH,	his x mark.	[L. S.]
THE CALF SHIRT,	his x mark.	[L. S.]

*Gros Ventres.*

BEAR'S SHIRT,	his x mark.	[L. S.]
LITTLE SOLDIER,	his x mark.	[L. S.]
STAR ROBE,	his x mark.	[L. S.]

SITTING SQUAW,	his x mark.	[L. s.]
WEASEL HORSE,	his x mark.	[L. s.]
THE RIDER,	his x mark.	[L. s.]
EAGLE CHIEF,	his x mark.	[L. s.]
HEAP OF BEARS,	his x mark.	[L. s.]

*Blackfeet.*

THE THREE BULLS,	his x mark.	[L. s.]
THE OLD KOOTOMAIS,	his x mark.	[L. s.]
POW-AH-QUE,	his x mark.	[L. s.]
CHIEF RABBIT RUNNER,	his x mark.	[L. s.]

*Nez Percés.*

SPOTTED EAGLE,	his x mark.	[L. s.]
LOOKING GLASS,	his x mark.	[L. s.]
THE THREE FEATHERS,	his x mark.	[L. s.]
EAGLE FROM THE LIGHT,	his x mark.	[L. s.]
THE LONE BIRD,	his x mark.	[L. s.]
IP-SHUN-NEE-WUS,	his x mark.	[L. s.]
JASON,	his x mark.	[L. s.]
WAT-TI-WAT-TI-WE-HINCK,	his x mark.	[L. s.]
WHITE BIRD,	his x mark.	[L. s.]
STABBING MAN,	his x mark.	[L. s.]
JESSE,	his x mark.	[L. s.]
PLENTY BEARS,	his x mark.	[L. s.]

*Flathead Nation.*

VICTOR,	his x mark.	[L. s.]
ALEXANDER,	his x mark.	[L. s.]
MOSES,	his x mark.	[L. s.]
BIG CANOE,	his x mark.	[L. s.]
AMBROSE,	his x mark.	[L. s.]
KOOTLE-CHA,	his x mark.	[L. s.]
MICHELLE,	his x mark.	[L. s.]
FRANCIS,	his x mark.	[L. s.]
VINCENT,	his x mark.	[L. s.]
ANDREW,	his x mark.	[L. s.]
ADOLPHE,	his x mark.	[L. s.]
THUNDER,	his x mark.	[L. s.]

*Piegans.*

RUNNING RABBIT,	his x mark.	[L. s.]
CHIEF BEAR,	his x mark.	[L. s.]
THE LITTLE WHITE BUFFALO,	his x mark.	[L. s.]
THE BIG STRAW,	his x mark.	[L. s.]

*Flathead.*

BEAR TRACK,	his x mark.	[L. s.]
LITTLE MICHELLE,	his x mark.	[L. s.]
PALCHINAH,	his x mark.	[L. s.]

*Bloods.*

THE FEATHER,	his x mark.	[L. s.]
THE WHITE EAGLE,	his x mark.	[L. s.]

Executed in presence of—

JAMES DOTY, *Secretary.*  
 ALFRED J. VAUGHAN, Jr.  
 E. ALW. HATCH, *Agent for Blackfeet.*  
 THOMAS ADAMS, *Special Agent Flathead Nation.*  
 R. H. LANSDALE, *Indian Agent Flathead Nation.*  
 W. H. TAPPAN, *Sub-Agent for the Nez Percés.*  
 JAMES BIRD,  
 A. CULBERTSON, } *Blackfoot Interpreters.*  
 BENJ. DEROCHE, }  
 BENJ. KISER, his x mark, } *Flat Head Interpreters.*  
 Witness, JAMES DOTY, }  
 GUSTAVUS SOHON, }  
 W. CRAIG, }  
 DELAWARE JIM, his x mark, } *Nez Percé Interpreters.*  
 Witness, JAMES DOTY, }  
 A CREE CHIEF, (BROKEN ARM,) his mark.  
 Witness, JAMES DOTY.  
 A. J. HOEKEORSG,  
 JAMES CROKE,  
 E. S. WILSON,  
 A. C. JACKSON,  
 CHARLES SHUCETTE, his x mark.  
 CHRIST. P. HIGGINS,  
 A. H. ROBIE,  
 S. S. FORD, Jr.

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 fifteenth day of April, eighteen hundred and fifty-six, advise and consent to the ratification of the same, by a resolution in the words and figures following, to wit :

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

*April 15, 1856.*

*Resolved,* (two thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention made and concluded between the United States and the Blackfeet and other tribes of Indians, at the council ground on the Upper Missouri River, October seventeenth, eighteen hundred and fifty-five.

Attest :

ASBURY DICKINS, *Secretary.*

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the fifteenth day of April, one thousand eight hundred and fifty-six, accept, ratify, and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, having signed the same with my hand.

Done at the city of Washington, this twenty-fifth day of April,  
 [L. s.] A. D. one thousand eight hundred and fifty-six, and of the independence of the United States the eightieth.

FRANKLIN PIERCE.

By the President :

W. L. MARCY, *Secretary of State.*

*Treaty between the United States and the Flathead, Kootenay, and Upper Pend d'Oreilles Indians. Concluded at Hell Gate in the Bitter Root Valley, July 16, 1855. Ratified by the Senate, March 8, 1859. Proclaimed by the President of the United States, April 18, 1859.*

JAMES BUCHANAN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING: July 16, 1855.

WHEREAS a treaty was made and concluded at the treaty ground, at Hell Gate, in the Bitter Root Valley, on the sixteenth day of July, eighteen hundred and fifty-five, between Isaac I. Stevens, governor and superintendent of Indian affairs for the Territory of Washington, on the part of the United States, and the hereinafter named chiefs, headmen, and delegates of the confederated tribes of the Flathead, Kootenay, and Upper Pend d'Oreilles Indians, on behalf of and acting for said confederated tribes and duly authorized thereto, by them, which treaty is in the words and figures following, to wit:

Articles of agreement and convention made and concluded at the treaty ground at Hell Gate, in the Bitter Root Valley, this sixteenth day of July, in the year one thousand eight hundred and fifty-five, by and between Isaac I. Stevens, governor and superintendent of Indian affairs for the Territory of Washington, on the part of the United States, and the undersigned chiefs, headmen, and delegates of the confederated tribes of the Flathead, Kootenay, and Upper Pend d'Oreilles Indians, on behalf of and acting for said confederated tribes, and being duly authorized thereto by them. It being understood and agreed that the said confederated tribes do hereby constitute a nation, under the name of the Flathead nation, with Victor, the head chief of the Flathead tribe, as the head chief of the said nation, and that the several chiefs, headmen, and delegates, whose names are signed to this treaty, do hereby, in behalf of their respective tribes, recognise Victor as said head chief. Contracting parties.

ARTICLE I. The said confederated tribes of Indians hereby cede, relinquish, and convey to the United States all their right, title, and interest in and to the country occupied or claimed by them, bounded and described as follows, to wit: Cession of lands to the United States.

Commencing on the main ridge of the Rocky Mountains at the forty-ninth (49th) parallel of latitude, thence westwardly on that parallel to the divide between the Flat-bow or Kootenay River and Clarke's Fork; thence southerly and southeasterly along said divide to the one hundred and fifteenth degree of longitude, (115°) thence in a southwesterly direction to the divide between the sources of the St. Regis Borgia and the Cœur d'Alene Rivers, thence southeasterly and southerly along the main ridge of the Bitter Root Mountains to the divide between the head waters of the Koos-koos-kee River and of the southwestern fork of the Bitter Root River, thence easterly along the divide separating the waters of the several tributaries of the Bitter Root River from the waters flowing into the Salmon and Snake Rivers to the main ridge of the Rocky Mountains, and thence northerly along said main ridge to the place of beginning. Boundaries.

ARTICLE II. There is, however, reserved from the lands above ceded, for the use and occupation of the said confederated tribes, and as a general Indian reservation upon which may be placed other friendly tribes Reservation.

and bands of Indians of the Territory of Washington who may agree to be consolidated with the tribes parties to this treaty, under the common designation of the Flathead nation, with Victor, head chief of the Flathead tribe, as the head chief of the nation, the tract of land included within the following boundaries, to wit:

**Boundaries.**

Commencing at the source of the main branch of the Jocko River; thence along the divide separating the waters flowing into the Bitter Root River from those flowing into the Jocko to a point on Clarke's Fork between the Camash and Horse prairies; thence northerly to, and along the divide bounding on the west the Flathead River, to a point due west from the point half way in latitude between the northern and southern extremities of the Flathead Lake; thence on a due east course to the divide whence the Crow, the Prune, the So-ni-el-em and the Jocko Rivers take their rise, and thence southerly along said divide to the place of beginning.

Whites not to reside thereon unless, &c.

All which tract shall be set apart, and, so far as necessary, surveyed and marked out for the exclusive use and benefit of said confederated tribes as an Indian reservation. Nor shall any white man, excepting those in the employment of the Indian department, be permitted to reside upon the said reservation without permission of the confederated tribes, and the superintendent and agent. And the said confederated tribes agree to remove to and settle upon the same within one year after the ratification of this treaty. In the meantime it shall be lawful for them to reside upon any ground not in the actual claim and occupation of citizens of the United States, and upon any ground claimed or occupied if with the permission of the owner or claimant.

Indians to be allowed for improvements on lands ceded.

Guaranteeing however the right to all citizens of the United States to enter upon and occupy as settlers any lands not actually occupied and cultivated by said Indians at this time, and not included in the reservation above named. *And provided,* That any substantial improvements heretofore made by any Indian, such as fields enclosed and cultivated and houses erected upon the lands hereby ceded, and which he may be compelled to abandon in consequence of this treaty, shall be valued under the direction of the President of the United States, and payment made therefor in money, or improvements of an equal value be made for said Indian upon the reservation; and no Indian will be required to abandon the improvements aforesaid, now occupied by him, until their value in money or improvements of an equal value shall be furnished him as aforesaid.

Roads may be made through reservation.

**ARTICLE III.** *And provided,* That if necessary for the public convenience roads may be run through the said reservation; and, on the other hand, the right of way with free access from the same to the nearest public highway is secured to them; as also the right in common with citizens of the United States to travel upon all public highways.

Rights and privileges of Indians.

The exclusive right of taking fish in all the streams running through or bordering said reservation is further secured to said Indians; as also the right of taking fish at all usual and accustomed places, in common with citizens of the Territory, and of erecting temporary buildings for curing; together with the privilege of hunting, gathering roots and berries, and pasturing their horses and cattle upon open and unclaimed land.

Payments by the United States.

**ARTICLE IV.** In consideration of the above cession, the United States agree to pay to the said confederated tribes of Indians, in addition to the goods and provisions distributed to them at the time of signing this treaty the sum of one hundred and twenty thousand dollars in the following manner — that is to say: For the first year after the ratification hereof, thirty-six thousand dollars, to be expended under the direction of the President in providing for their removal to the reservation, breaking up and fencing farms, building houses for them, and for such other objects as he may deem necessary. For the next four years, six thousand dollars each year; for the next five years, five thousand dollars each year; for

the next five years, four thousand dollars each year; and for the next five years, three thousand dollars each year.

All which said sums of money shall be applied to the use and benefit of the said Indians, under the direction of the President of the United States, who may from time to time determine, at his discretion, upon what beneficial objects to expend the same for them, and the superintendent of Indian affairs, or other proper officer, shall each year inform the President of the wishes of the Indians in relation thereto.

ARTICLE V. The United States further agree to establish points within said reservation, within one year after the ratification hereof, an agricultural and industrial school, erecting the necessary buildings, keeping the same in repair, and providing it with furniture, books, and stationery, to be located at the agency, and to be free to the children of the said tribes, and to employ a suitable instructor or instructors. To furnish one blacksmith shop, to which shall be attached a tin and gun shop; one carpenter's shop; one wagon and ploughmaker's shop; and to keep the same in repair, and furnished with the necessary tools. To employ two farmers, one blacksmith, one tinner, one gunsmith, one carpenter, one wagon and plough maker, for the instruction of the Indians in trades, and to assist them in the same. To erect one saw-mill and one flouring-mill, keeping the same in repair and furnished with the necessary tools and fixtures, and to employ two millers. To erect a hospital, keeping the same in repair, and provided with the necessary medicines and furniture, and to employ a physician; and to erect, keep in repair, and provide with the necessary furniture the buildings required for the accommodation of the said employees. The said buildings and establishments to be maintained and kept in repair as aforesaid, and the employees to be kept in service for the period of twenty years.

And in view of the fact that the head chiefs of the said confederated tribes of Indians are expected and will be called upon to perform many services of a public character, occupying much of their time, the United States further agree to pay to each of the Flathead, Kootenay, and Upper Pend d'Oreilles tribes five hundred dollars per year, for the term of twenty years after the ratification hereof, as a salary for such persons as the said confederated tribes may select to be their head chiefs, and to build for them at suitable points on the reservation a comfortable house, and properly furnish the same, and to plough and fence for each of them ten acres of land. The salary to be paid to, and the said houses to be occupied by, such head chiefs so long as they may be elected to that position by their tribes, and no longer.

And all the expenditures and expenses contemplated in this article of this treaty shall be defrayed by the United States, and shall not be deducted from the annuities agreed to be paid to said tribes. Nor shall the cost of transporting the goods for the annuity payments be a charge upon the annuities, but shall be defrayed by the United States.

ARTICLE VI. The President may from time to time, at his discretion, cause the whole, or such portion of such reservation as he may think proper, to be surveyed into lots, and assign the same to such individuals or families of the said confederated tribes as are willing to avail themselves of the privilege, and will locate on the same as a permanent home, on the same terms and subject to the same regulations as are provided in the sixth article of the treaty with the Omahas, so far as the same may be applicable.

ARTICLE VII. The annuities of the aforesaid confederated tribes of Indians shall not be taken to pay the debts of individuals.

ARTICLE VIII. The aforesaid confederated tribes of Indians acknowledge their dependence upon the government of the United States, and promise to be friendly with all citizens thereof, and pledge themselves to commit no depredations upon the property of such citizens. And should

How to be applied.

United States to establish schools.

mechanic's shops.

saw and grind mills.

a hospital.

to pay salary to head chiefs.

Certain expenses to be borne by the United States and not charged on annuities.

Lots may be assigned to individuals.

Vol. x. p. 1044.

Annuities not to pay individual debts of Indians. Indians to preserve friendly relations.

Indians to pay for depredations.

not to make war except, &c

to surrender offenders.

Annuities to be reserved from those who drink, &c., ardent spirits.

Guaranty of reservation against certain claims of Hudson Bay Company.  
Vol. ix. p. 870.

Bitter Root Valley to be surveyed, and portions may be set apart for reservation.

meanwhile not to be opened for settlement.

When treaty to take effect.

Signatures, July 16, 1855.

any one or more of them violate this pledge, and the fact be satisfactorily proved before the agent, the property taken shall be returned, or in default thereof, or if injured or destroyed, compensation may be made by the government out of the annuities. Nor will they make war on any other tribe except in self-defence, but will submit all matters of difference between them and other Indians to the government of the United States, or its agent, for decision, and abide thereby. And if any of the said Indians commit any depredations on any other Indians within the jurisdiction of the United States, the same rule shall prevail as that prescribed in this article, in case of depredations against citizens. And the said tribes agree not to shelter or conceal offenders against the laws of the United States, but to deliver them up to the authorities for trial.

**ARTICLE IX.** The said confederated tribes desire to exclude from their reservation the use of ardent spirits, and to prevent their people from drinking the same; and therefore it is provided that any Indian belonging to said confederated tribes of Indians who is guilty of bringing liquor into said reservation, or who drinks liquor, may have his or her proportion of the annuities withheld from him or her for such time as the President may determine.

**ARTICLE X.** The United States further agree to guaranty the exclusive use of the reservation provided for in this treaty, as against any claims which may be urged by the Hudson Bay Company under the provisions of the treaty between the United States and Great Britain of the fifteenth of June, eighteen hundred and forty-six, in consequence of the occupation of a trading post on the Pru-in River by the servants of that company.

**ARTICLE XI.** It is, moreover, provided that the Bitter Root Valley, above the Loo-lo fork, shall be carefully surveyed and examined, and if it shall prove, in the judgment of the President, to be better adapted to the wants of the Flathead tribe than the general reservation provided for in this treaty, then such portions of it as may be necessary shall be set apart as a separate reservation for the said tribe. No portion of the Bitter Root Valley, above the Loo-lo fork, shall be opened to settlement until such examination is had and the decision of the President made known.

**ARTICLE XII.** This treaty shall be obligatory upon the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

In testimony whereof, the said Isaac L Stevens, governor and superintendent of Indian affairs for the Territory of Washington, and the undersigned head chiefs, chiefs and principal men of the Flathead, Kootenay, and Upper Pend d'Oreilles tribes of Indians, have hereunto set their hands and seals, at the place and on the day and year hereinbefore written.

ISAAC I. STEVENS, [L. s.]  
Governor and Superintendent Indian Affairs W. T.

VICTOR, <i>Head chief of the Flathead Nation,</i>	his x mark.	[L. s.]
ALEXANDER, <i>Chief of the Upper Pend d'Oreilles,</i>	his x mark.	L. s.
MICHELLE, <i>Chief of the Kootenays,</i>	his x mark.	L. s.
AMBROSE,	his x mark.	L. s.
PAH-SOH,	his x mark.	L. s.
BEAR TRACK,	his x mark.	L. s.
ADOLPHE,	his x mark.	L. s.
THUNDER,	his x mark.	L. s.
BIG CANOE,	his x mark.	L. s.
KOOTEL CHAH,	his x mark.	L. s.
PAUL,	his x mark.	L. s.

ANDREW,  
MICHELLE,  
BATTISTE,

his x mark. [L. S.]  
his x mark. [L. S.]  
his x mark. [L. S.]

*Kootenays.*

GUN FLINT,  
LITTLE MICHELLE,  
PAUL SEE,  
MOSES,

his x mark. [L. S.]  
his x mark. [L. S.]  
his x mark. [L. S.]  
his x mark. [L. S.]

JAMES DOTY, *Secretary.*  
R. H. LANSDALE, *Indian Agent.*  
W. H. TAPPAN, *Sub Indian Agent.*  
HENRY R. CROSIER,  
GUSTAVUS SOHON, *Flathead Interpreter.*  
A. J. HOECKEN, *Sp. Mis.*  
WILLIAM CRAIG.

And, whereas, the said treaty having been submitted to the Senate of the United States for their constitutional action thereon, the Senate did, on the eighth day of March, eighteen hundred and fifty-nine, advise and consent to the ratification of the same, by a resolution in the words and figures following, to wit: Consent of Senate, March 8, 1859.

“ IN EXECUTIVE SESSION,  
“ SENATE OF THE UNITED STATES, March 8, 1859.

“ *Resolved*, (two thirds of the senators present concurring,) That the Senate advise and consent to the ratification of treaty between the United States and Chiefs, Headmen and Delegates of the confederate tribes of the Flathead, Kootenay, and Upper Pend d’Oreilles Indians, who are constituted a nation under the name of the Flathead Nation, signed 16th day of July, 1855.

“ Attest: “ ASBURY DICKINS, *Secretary.*”

Now, therefore, be it known that I, JAMES BUCHANAN, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the eighth of March, one thousand eight hundred and fifty-nine, accept, ratify, and confirm the said treaty. Proclamation, April 18, 1859.

In testimony whereof, I have hereunto caused the seal of the United States to be affixed, and have signed the same with my hand.

Done at the city of Washington, this eighteenth day of April, in the year of our Lord one thousand eight hundred and fifty-nine, and of the Independence of the United States the eighty-third.

JAMES BUCHANAN.

By the President  
LEWIS CASS, *Secretary of State.*