

Contract.

the United States shall be accepted as full and satisfactory proof of such enlistment and service: *And provided further*, That all contracts heretofore made between the beneficiaries under this Act and pension attorneys and claim agents are hereby declared null and void.

Approved, June 27, 1902.

June 27, 1902.

[Public, No. 175.]

CHAP. 1157.—An Act To amend an Act entitled "An Act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January fourteenth, eighteen hundred and eighty-nine.

Chippewa Indians
of Minnesota.
Relief and civiliza-
tion of.
Vol. 25, p. 643.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section four of an Act entitled "An Act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January fourteenth, eighteen hundred and eighty-nine, be, and the same is hereby, amended so as to read as follows:

Survey of ceded
lands.

"SEC. 4. That as soon as the cession and relinquishment of said Indian title has been obtained and approved as aforesaid, it shall be the duty of the Commissioner of the General Land Office to cause the land so ceded to the United States to be surveyed in the manner provided by law for the survey of public lands, and as soon as practicable after such survey has been made and the report, field notes, and plats thereof filed in the General Land Office and duly approved by the Commissioner thereof, the said Secretary of the Interior, upon notice of the completion of such surveys, shall appoint a sufficient number of competent and experienced examiners, in order that the work may be done within a reasonable time, who shall go upon said lands thus surveyed and personally make a careful, complete, and thorough examination of the same by forty-acre lots, for the purpose of ascertaining on which lots or tracts there is standing or growing pine timber, which tracts on which pine timber is standing or growing for the purposes of this Act shall be termed 'pine lands,' the minutes of such examination to be at the time entered in books provided for that purpose, showing which of such lands are pine lands and which are agricultural lands, as hereinafter designated, which reports of all such examinations shall be filed with the Commissioner of the General Land Office as a part of the permanent records thereof, and thereupon that officer shall cause to be made lists of all such pine lands and agricultural lands, describing each forty-acre lot or tract thereof separately, and thereupon such lists of land shall be transmitted to the Secretary of the Interior for approval, modification, or rejection, as he may deem proper. If the lists thus made are rejected as a whole, then the Secretary of the Interior shall substitute new lists, and the same or original lists as approved or modified shall be filed with the Commissioner of the General Land Office as the lists of said lands. Duplicate lists of said lands, together with copies of the field notes, surveys, and minutes of examination, shall be filed and kept in the office of the register of the land office of the district within which said lands may be situated, and copies of said lists shall be furnished to any person desiring the same upon application to the Commissioner of the General Land Office or to the register of said local land office.

Subdivision into
forty-acre lots.

"Pine lands."

Lists to be approved
by Secretary of the In-
terior.

Duplicate lists, etc.

Copies of lists.

Maximum per diem
compensation.

"Agricultural
lands."

"The compensation of the examiners so provided for in this section shall be fixed by the Secretary of the Interior, but in no event shall exceed the sum of eight dollars per day for each person so employed, including all expenses.

"All other lands acquired from the said Indians on said reservations, other than pine lands, are for the purposes of this Act termed 'agricultural lands.'"

SEC. 2. That section five of said Act be amended so as to read as follows:

“SEC. 5. That whenever, and as often as the survey, examination, and lists of one hundred thousand acres of said pine lands or of a less quantity, in the discretion of the Secretary of the Interior, have been made and approved, the Secretary of the Interior shall be, and he hereby is, authorized and directed to sell, under such rules and regulations as he may prescribe, and at such times and places as he may designate, to be scaled under Scribner’s rules in the log after being cut, all the merchantable pine timber, whether the same be green or dead, standing or fallen, now on such pine lands, with the exception of five per centum of said timber on certain reservations as hereinafter provided, to be paid for when the timber is cut, banked, and scaled in the manner herein provided for: *Provided*, That said pine timber shall be advertised for sale in Government sections or parts of sections, and shall be sold only by separate sealed bids for the pine timber on each section, and the Secretary of the Interior shall reserve the right to reject any or all of said bids: *Provided*, That the Secretary of the Interior may also receive bids in groups of not exceeding ten sections in any one bid, which bids may be in addition to the separate bids by sections on the same lands. The parties bidding shall accompany each of said sealed bids with cash or certified check for twenty per centum of the amount of the bid for the pine timber on any particular section or groups, according to the highest value as shown by the Government estimate as hereinbefore provided for, and said cash or certified check shall be retained and credited as part payment of the purchase price should the bid be accepted, but should the bid be rejected said cash or certified check shall be immediately returned to the bidder: *Provided further*, That said timber shall not be sold at a price less than four dollars per thousand feet board measure for Norway pine and five dollars per thousand feet board measure for white pine: *Provided further*, That the Secretary of the Interior may increase said minimum price on portions of said timber as he may deem just and proper: *Provided further*, That said Secretary may, if he shall deem it best, permit the purchaser of the timber on any Government section or group to erect a mill of a capacity of not less than forty thousand feet board measure of lumber per day, and to manufacture thereat the timber on said Government sections or groups, said mill to be located on said section or group, or at such place in the immediate vicinity as may be designated by said Secretary; and the said Secretary is authorized to lease to such purchaser not exceeding three hundred and twenty acres of land for mill purposes, for any one purchase, at an annual rental to be fixed by the Secretary of the Interior, for a renewable term not exceeding ten years, said term to end, in any event, so soon as the timber purchased shall have been sawed and removed, said lease of land to be exclusive of the timber thereon, which timber shall be disposed of as herein provided for other timber: *And provided further*, That prior to any sale the Secretary of the Interior shall cause notices of said sale to be inserted once in each week, for four successive weeks, in one newspaper of general circulation, published in each of the following cities, namely: Minneapolis, Saint Paul, Duluth, Winona, and Crookston, Minnesota; Chicago, Illinois; Milwaukee, La Crosse, Ashland; Wausau, and Marinette, Wisconsin; Detroit, Saginaw, Menominee, and Bay City, Michigan; Philadelphia and Williamsport, Pennsylvania; Boston, Massachusetts; New Orleans, Louisiana; Saint Louis, Missouri; Albany, New York, and Dubuque, Davenport, and Burlington, Iowa, and in the following trade journals, to wit: The Northwestern Lumberman, of Chicago, Illinois, and the Mississippi Valley Lumberman, of Minneapolis, Minnesota, of the sale of said timber as herein provided to the highest bidder, with the right to

Vol. 25, p. 644.

Sale of pine timber.

Post, p. 986.

Provided.
Sealed bids.

Bids in groups.

Minimum price.

Secretary of the Interior may increase price.
Erection of sawmill.

Lease of land limited.

Publication of notice of sale.

Time of publication. reject any and all bids, the first publication of said notices to be at least six calendar months prior to said sale, said notices to state the time and place and the terms of such sale, and to contain a general description of the lands from which the timber is to be sold, and shall refer intending bidders to the printed lists to be obtained from the Commissioner of the General Land Office or register of the local land office, as provided in section four of this Act. Said notices shall also state in what tracts or parcels the timber is to be sold: *Provided*, That one additional notice calling attention particularly to the date of the sale shall be published thirty days prior to the day fixed for the sale in the first advertisement: *Provided further*, That in cutting the timber on two hundred thousand acres of the pine lands, to be selected as soon as practicable by the Forester of the Department of Agriculture, with the approval of the Secretary of the Interior, on the following reservations, to wit, Chippewas of the Mississippi, Leech Lake, Cass Lake, and Winnebigoishish, which said lands so selected shall be known and hereinafter described as 'forestry lands,' the purchaser shall be required to leave standing five per centum of the pine timber thereon for the purpose of reforestation, as hereinafter provided, said five per centum to be selected and reserved in such manner and under such rules and regulations as may be prescribed by the Forester of the Department of Agriculture and approved by the Secretary of the Interior: *Provided further*, That there shall be reserved from sale or settlement the timber and land on the islands in Cass Lake and in Leech Lake, and not less than one hundred and sixty acres at the extremity of Sugar Point, on Leech Lake, and the peninsula known as Pine Point, on which the new Leech Lake Agency is now located, which peninsula approximates seven thousand acres, and in addition thereto ten sections in area on said reservations last aforesaid, to be selected by the Forester of the Department of Agriculture, with the approval of the Secretary of the Interior, in lots not less than three hundred and twenty acres each in contiguous areas, and nothing herein contained shall interfere with the allotments to the Indians heretofore and hereafter made. The islands in Cass and Leech lakes and the land reserved at Sugar Point and Pine Point Peninsula shall remain as Indian land under the control of the Department of the Interior.

Provisos.
Additional notice of date of sale.

Forestry reservation.

Additional reservations.

Allotment to Indians not affected.

Terms of agreements.

Indian labor.
Bond.

Proviso.
Rules and regulations.

"Each and every purchaser of timber hereunder shall be required and shall enter into an agreement to cut clean and remove all the merchantable pine timber, whether green or dead, standing or fallen, on each tract, subdivision, or lot covered by his purchase, except on the forestry lands as hereinbefore provided, within such time as the Secretary of the Interior may direct, and under such rules and regulations as he may prescribe, and to cut no timber other than pine, except such as may be absolutely necessary in the economical conduct of the logging operations, and to burn or remove a sufficient amount of the tops and refuse to prevent danger from fire to the timber left standing, under rules and regulations to be prescribed by the Secretary of the Interior, and, when practicable, to employ Indian labor in the cutting, handling, and manufacture of said timber. And each and every purchaser shall be required to give a bond in a sufficient penalty, to be approved by the Secretary of the Interior, for the faithful performance of said agreement and for the observance of the regulations of the Secretary of the Interior concerning the sale, cutting, and removal of such timber: *Provided*, That the Secretary of the Interior shall, upon application, furnish to any persons who may expect to bid, not more than ninety days prior to the date of the sale of any pine timber hereinbefore mentioned, a statement of the rules and regulations under which said pine timber shall be cut and the tops and refuse thereof burnt or removed, and of the time within which said timber must be removed.

“Before being removed from the tract from which they are cut, all logs cut hereunder shall be stamped and bark-marked by the logger and numbered and scaled by competent and experienced scalers, to be appointed by the Secretary of the Interior and paid such reasonable salaries as may be fixed by him. Said scalers shall keep in suitable books for reference a record of the marks, also a complete list of the numbers of all logs, with the scale of each log set opposite its number, said scale books to be open to the inspection of the check scaler or to any authorized Government representative at all times; and said logs shall be landed separately from all other logs, and the title to said logs shall remain in the United States for the benefit of the Indians; and said logs shall not be removed from the place of landing until the purchase price agreed upon shall be fully paid to such officer of the Indian Department as shall be designated by the Secretary of the Interior to account for and receive the same. And the Secretary of the Interior may, at the request of the chiefs of said bands or tribes of Chippewa Indians of the State of Minnesota interested in the said timber sales, appoint check scalers to verify and inspect the work of the Government scalers; the said check scalers to be designated by said chiefs and paid out of the funds of the Indians such reasonable compensation as may be fixed by the Secretary of the Interior.

Log marking, scaling, etc.

Record of marks, etc.

Payment.

Inspection.

“After the merchantable pine timber on any tract, subdivision, or lot shall have been removed, such tract, subdivision, or lot shall, except on the forestry lands aforesaid, for the purposes of this Act, be classed and treated as agricultural lands, and shall be opened to homestead entry in accordance with the provisions of this Act: *Provided*, That on the forestry lands aforesaid, as soon as the merchantable pine timber now thereon shall have been removed from any tract, subdivision, or lot, as herein provided, such tract, subdivision, or lot shall, without further Act, resolution, or proclamation, forthwith become and be part of a forest reserve, the same as though set apart by proclamation of the President in accordance with the Act of Congress approved March third, eighteen hundred and ninety-one, and subsequent laws amending and supplementing the same, and shall be managed and protected in accordance with their provisions and the rules and regulations made and to be made in furtherance thereof: *And provided further*, That on said forestry lands aforesaid said pine timber shall be cut clean, except as to the five per centum as hereinbefore provided, and removed under the supervision and direction of the Forester of the Department of Agriculture, in accordance with rules and regulations to be prescribed by him and approved by the Secretary of the Interior, and the said Forester shall have power at all times to patrol and protect said lands and forests, and to enforce all rules and regulations made by him as aforesaid.

Open to homestead entry.

Proviso. Forest reserve.

Vol. 26, p. 1108.

Forestry land regulations.

“As soon as practicable after the passage of this Act the Secretary of the Interior shall open to homestead settlement, as herein provided, the lands on all the reservations, or portions of reservations, which have been ceded to the United States by the Chippewa Indians in Minnesota, including the four reservations last aforesaid, which have been examined and found to be agricultural lands, and shall immediately proceed to have examined, as herein provided, the remaining lands, and shall without delay open to homestead settlement those found to be agricultural lands: *Provided*, That on the four reservations last aforesaid, where agricultural lands are included within or contiguous to forestry lands and are, in the opinion of the Forester of the Agricultural Department, necessary to the economical administration and protection of the same, said Forester shall, as soon as practicable after the passage of this Act as to those lands which have already been examined, and as to the lands not yet examined immediately after the examination and approval of the lists of said lands, of which approval

Homestead settlement of agricultural lands.

Proviso. Agricultural lands reserved.

said Forester shall be immediately notified by the Secretary of the Interior, file with the Secretary of the Interior schedules designating according to Government subdivisions said agricultural lands, not to exceed fifteen thousand acres of the lands already examined and not to exceed ten thousand acres of the lands yet to be examined, which said agricultural lands so designated shall not be offered for entry and settlement, but shall become and be a part of the forest reserve hereinbefore created.

- Superintendent, etc. "There shall be appointed by the Secretary of the Interior one superintendent and such assistants as he may deem necessary, whose
- Compensation. compensation shall be fixed by the Secretary of the Interior, and for the superintendent shall not exceed six dollars per day, and for the assistants shall not exceed four dollars per day each, while actually employed, and whose duties shall be to supervise the cutting and scaling of the timber sold under the provisions of this Act, and to see that the rules and regulations prescribed by the Forester and the Secretary of the Interior are complied with, and generally to perform such services in and about the sale of the pine timber on said lands, and the cutting of the same therefrom, and the care and protection of all timber on said lands, as may be required of them by said Forester and said Secretary.
- Dams, etc. "The Secretary of the Interior may, in his discretion, authorize the purchasers of timber hereunder to build on the rivers and lakes on or within said ceded lands, under such rules and regulations as he may deem proper, dams, cofferdams, booms, and to make other river and lake improvements necessary to facilitate logging operations: *Provided*, That the parties building such dams, cofferdams, booms, and making other river and lake improvements shall pay the officer whom the Secretary of the Interior shall designate to receive such payments such damages as may be caused on the said ceded lands, such damages to be ascertained and determined in such manner as the Secretary of the Interior may direct.
- Damages. *Provided*, That no expense arising out of the forestry provision shall be charged to the Indians."
- Expenses. "All the expenses incurred in carrying out the provisions of this Act as to the examining and listing of said lands, and the selling, cutting, and scaling of said timber, shall be paid by the Secretary of the Interior out of the proceeds of the sale of said timber: *Provided*, That no expense arising out of the forestry provision shall be charged to the Indians."
- Provided*.
No expense to be charged to Indians.
- Sales of timber.
Vol. 25, p. 645.
- Sale of dead timber repealed.
Vol. 30, p. 90.
- Provided*.
Prior contracts.
- Allotments to Indians.
- SEC. 3. That section seven of said Act be amended by inserting after the word "lands," in line one thereof, the words "and timber."
- SEC. 4. That so much of the Act of June seventh, eighteen hundred and ninety-seven, entitled "An Act making appropriations for the current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for other purposes," as authorizes the sale of dead timber, standing or fallen, under regulations prescribed by the Secretary of the Interior, on the Chippewa reservations and ceded lands in the State of Minnesota, is hereby repealed: *Provided*, That nothing herein contained shall be held in any way to affect contracts already entered into and now in force for the sale and cutting of dead timber, standing or fallen, on said reservations and ceded lands.
- SEC. 5. That the Secretary of the Interior shall proceed as speedily as practicable to complete the allotments to the Indians, which allotments shall be completed before opening the agricultural land to settlement.

Approved, June 27, 1902.

CHAP. 1158.—An Act To authorize the Secretary of the Treasury to adjust the accounts of Morgan's Louisiana and Texas Railroad and Steamship Company for transporting the United States mails.

June 27, 1902.

[Public, No. 176.]

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 state an account with Morgan's Louisiana and Texas Railroad and Steamship Company for transporting the United States mails over postal routes numbered thirty thousand and three and one hundred and forty-nine thousand and three during the period between July first, eighteen hundred and seventy-eight, and February twenty-first, eighteen hundred and ninety-two, both inclusive, in which he shall credit said company with non-land-grant rates over that portion of its route between New Orleans and Morgan City, Louisiana, in accordance with the decision of the Court of Claims in case numbered fifteen thousand eight hundred and seventy-seven, and shall pay to said company, out of any money in the Treasury not otherwise appropriated, such sum as shall remain due upon such adjustment.

Morgan's Louisiana and Texas Railroad and Steamship Company.
Adjustment of accounts for transporting mails.

Approved, June 27, 1902.

CHAP. 1159.—An Act Authorizing the Santa Fe Pacific Railroad Company to sell or lease its railroad property and franchises, and for other purposes.

June 27, 1902.

[Public, No. 177.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Santa Fe Pacific Railroad Company, a corporation incorporated under the Act of Congress approved March third, eighteen hundred and ninety-seven, entitled "An Act to define the rights of purchasers under mortgages authorized by an Act of Congress approved April twentieth, eighteen hundred and seventy-one, concerning the Atlantic and Pacific Railroad Company," be, and it hereby is, authorized and empowered to sell or lease its railroad and other property, including all rights, powers, privileges, grants, and franchises, to the Atchison, Topeka and Santa Fe Railway Company, a corporation of the State of Kansas, its successors and assigns; but such purchaser or lessee shall take, hold, and use the railroad and property sold or leased subject to all duties, obligations, conditions, and restrictions relating thereto which at the time of such sale or lease shall be binding upon said Santa Fe Pacific Railroad Company as fully as though such sale or lease had not been made; and thereupon such purchaser or lessee shall have and enjoy all rights, powers, privileges, grants, and franchises relating to said railroad and property, or any part thereof, that were conferred by Congress upon said Santa Fe Pacific Railroad Company: *Provided, however,* That said railroad shall remain as heretofore a post route and 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, and subject also to all other rights of the United States.

Santa Fe Pacific Railroad Company.
Sale or lease of property and franchises authorized.
Vol. 29, p. 622.
Vol. 17, p. 19.

Purchaser or lessee to assume all obligations, etc.

Proviso.
To remain a post route, etc.

Sec. 2. That from and after the passage of this Act the said Santa Fe Pacific Railroad Company, its successors or assigns, shall pay an annual tax at the rate of one hundred and seventy-five dollars per mile to the Territories of New Mexico and Arizona, respectively, for each mile of main track in said Territories, respectively, the same to be apportioned among the counties of said Territories in which said railroad is located according to the mileage in each county, respectively, and said taxes shall be in lieu of all other taxes on said property hereby authorized to be leased or sold and the rolling stock used thereon, but

Annual taxes per mile.
Payable to New Mexico and Arizona.

Apportionment among counties.