

<p>March 20, 1896. [H. R. 11783.]</p> <hr/> <p>[Public, No. 60.]</p> <p>Oklahoma. Town sites author- ized on Kiowa, etc., lands.</p> <p>Surveys, etc.</p> <p><i>Provisos.</i> Land reserved for school purposes.</p> <p>Sale, etc., of intoxi- cants prohibited.</p> <p>Penalty.</p> <p>Expense of surveys, etc.</p> <p>Disposal of net pro- ceeds.</p>	<p>CHAP. 1125.—An Act For the establishment of town sites, and for the sale of lots within the common lands of the Kiowa, Comanche, and Apache Indians in Oklahoma.</p> <p><i>Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,</i> That the Secretary of the Interior is hereby authorized to set aside and reserve from allotment or leasing such of the common grazing lands of said tribes as he shall deem necessary for the establishment of town sites.</p> <p>SEC. 2. That the lands so set aside and reserved shall be laid off and surveyed into lots, blocks, streets, and alleys, under rules and regulations to be prescribed by said Secretary; business lots to be twenty-five feet wide and residence lots fifty feet wide. The lots in said town sites shall be appraised, and after due advertisement shall be sold at public auction to the highest bidder, at not less than the appraised value, under such rules and regulations as the Secretary may prescribe: <i>Provided</i>, That in each of said town sites there shall be reserved from sale or other disposition, at the discretion of the Secretary, not to exceed one block for the establishment of common schools under the laws of Oklahoma: <i>Provided further</i>, That no person shall sell or give away any intoxicating liquor or other intoxicants upon any of the lands sold and conveyed by the provisions of this Act, and any person so selling or giving away liquor or other intoxicants shall be guilty of a misdemeanor and shall be punished, upon conviction, by imprisonment for not more than two years and by a fine of not more than one thousand dollars.</p> <p>SEC. 3. That the surveys, appraisals, and sales herein provided for shall be made by such person or persons connected with the Indian service as the Secretary of the Interior may designate, and all of the expenses connected with the survey, appraisal, and sale of the lots shall be paid out of the proceeds of the sales. The net proceeds of the sales shall be deposited in the Treasury to the credit of the Kiowa, Comanche, and Apache Indians, with interest to be paid them at the rate of four per centum per annum, or shall be paid to them per capita, in the discretion of the Secretary of the Interior.</p> <p>Approved, March 20, 1906.</p>
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<p>March 22, 1906. [S. 4229.]</p> <hr/> <p>[Public, No. 61.]</p> <p>Colville Indian Res- ervation, Wash. Sale, etc., of unal- lotted lands in.</p> <p>Allotments.</p> <p>Classification, etc., of surplus lands.</p>	<p>CHAP. 1126.—An Act To authorize the sale and disposition of surplus or unal- lotted lands of the diminished Colville Indian Reservation, in the State of Washington, and for other purposes.</p> <p><i>Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,</i> That the Secretary of the Interior be, and he is hereby, authorized and directed, as hereinafter provided, to sell or dispose of unallotted lands in the diminished Colville Indian Reservation, in the State of Washington.</p> <p>SEC. 2. That as soon as the lands embraced within the diminished Colville Indian Reservation shall have been surveyed, the Secretary of the Interior shall cause allotments of the same to be made to all persons belonging to or having tribal relations on said Colville Indian Reservation, to each man, woman, and child eighty acres, and, upon the approval of such allotments by the Secretary of the Interior, he shall cause patents to issue therefor under the provisions of the general allotment law of the United States.</p> <p>SEC. 3. That upon the completion of said allotments to said Indians the residue or surplus lands—that is, lands not allotted or reserved for Indian school, agency, or other purposes—of the said diminished Colville Indian Reservation shall be classified under the direction of the Secretary of the Interior as irrigable lands, grazing lands, timber lands, mineral lands, or arid lands, and shall be appraised under their</p>
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appropriate classes by legal subdivisions, with the exception of the lands classed as mineral lands, which need not be appraised, and which shall be disposed of under the general mining laws of the United States, and, upon completion of the classification and appraisal, such surplus lands shall be open to settlement and entry under the provisions of the homestead laws at not less than their appraised value in addition to the fees and commissions now prescribed by law for the disposition of lands of the value of one dollar and twenty-five cents per acre by proclamation of the President, which proclamation shall prescribe the manner in which these lands shall be settled upon, occupied, and entered by persons entitled to make entry thereof: *Provided*, That the price of said lands when entered shall be fixed by the appraisal, as herein provided for, which shall be paid in accordance with rules and regulations to be prescribed by the Secretary of the Interior upon the following terms: One-fifth of the purchase price to be paid in cash at the time of entry and the balance in five equal annual installments to be paid in one, two, three, four, and five years, respectively, from and after the date of entry, and in case any entryman fails to make the annual payments, or any of them, promptly when due all rights in and to the land covered by his or her entry shall cease, and any payments theretofore made shall be forfeited and the entry canceled, and the lands shall be reoffered for sale and entry: *Provided further*, That the lands remaining undisposed of at the expiration of five years from the opening of the said lands to entry shall be sold to the highest bidder for cash, at not less than one dollar per acre, under rules and regulations to be prescribed by the Secretary of the Interior, and that any lands remaining unsold ten years after the said lands shall have been opened to entry may be sold to the highest bidder for cash without regard to the above minimum limit of price.

Opening to settlement.
Minimum price.

Provisos.
Payments.

Forfeiture.

Sale of remaining lands.

SEC. 4. That the 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, and 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 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.

Proclamation.

Proviso.
Homestead rights of soldiers and sailors not affected.
R. S., secs. 2304, 2305, p. 422.

Vol. 31, p. 847.

SEC. 5. That all of said lands returned and classified 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, and under such rules and regulations as he may prescribe.

Sale of timberlands.

SEC. 6. That the proceeds not including fees and commissions arising from the sale and disposition of the lands aforesaid, including the sums paid for mineral and town-site lands shall be, after deducting the expenses incurred from time to time in connection with the allotment, appraisal, and sales, and surveys, herein provided, deposited in the Treasury of the United States to the credit of the Colville and confederated tribes of Indians belonging and having tribal rights on the Colville Indian Reservation, in the State of Washington, and shall be expended for their benefit, under the direction of the Secretary of the Interior, in the education and improvement of said Indians, and in the purchase of stock cattle, horse teams, harness, wagons, mowing machines, horserakes, thrashing machines, and other agricultural implements for issue to said Indians, and also for the purchase of material for the construction of houses or other necessary buildings, and a reasonable sum may also be expended by the Secretary, in his discretion,

Net proceeds to credit of Indians.

- Proviso.*
Per capita pay-
ments. for the comfort, benefit, and improvement of said Indians: *Provided*, That a portion of the proceeds may be paid to the Indians in cash per capita, share and share alike, if, in the opinion of the Secretary of the Interior, such payments will further tend to improve the condition and advance the progress of said Indians, but not otherwise.
- Lands reserved for
agency, school, etc.,
purposes. SEC. 7. That any of said lands necessary for agency, school, and religious purposes, and any lands now occupied by the agency buildings, and the site of any sawmill, gristmill, or other mill property on said lands are hereby reserved from the operation of this Act: *Provided*, That all such reserved lands shall not exceed in the aggregate three sections and must be selected in legal subdivisions conformable to the public surveys, such selection to be made by the Indian agent of the Colville Agency, under the direction of the Secretary of the Interior and subject to his approval.
- Proviso.*
Restriction. SEC. 8. That the Secretary of the Interior is hereby vested with full power and authority to make all needful rules and regulations as to the manner of sale, notice of same, and other matters incident to the carrying out of the provisions of this Act, and with authority to reappraise and reclassify said lands if deemed necessary from time to time, and to continue making sales of the same, in accordance with the provisions of this Act, until all of the lands shall have been disposed of.
- Regulations, etc. SEC. 9. That nothing in this Act contained shall be construed to bind the United States to find purchasers for any of said lands, it being the purpose of this Act merely to have the United States to act as trustee for said Indians in the disposition and sales of said lands and to expend or pay over to them the net proceeds derived from the sales as herein provided.
- Nonresponsibility of
the United States. SEC. 10. That to enable the Secretary of the Interior to survey, allot, classify, appraise, and conduct the sale and entry of said lands as in this Act provided the sum of seventy-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated, from any money in the Treasury not otherwise appropriated, the same to be reimbursed from the proceeds of the sales of the aforesaid lands: *Provided*, That when funds shall have been procured from the first sales of the land the Secretary of the Interior may use such portion thereof as may be actually necessary in conducting future sales and otherwise carrying out the provisions of this Act.
- Appropriation. SEC. 11. That nothing contained in this Act shall prohibit the Secretary of the Interior from reserving from said lands, whether surveyed or unsurveyed, such tracts for town-site purposes, as in his opinion may be required for the future public interests, and he may cause any such reservations, or parts thereof, to be surveyed into blocks and lots of suitable size, and to be appraised and disposed of under such regulations as he may prescribe, and the net proceeds derived from the sale of such lands shall be paid to said Indians, as provided in section six of this Act.
- Reimbursement.
Proviso.
Use of proceeds of
first sales. SEC. 12. That if any of the lands of said diminished Colville Indian Reservation can be included in any feasible irrigation project under the reclamation Act of June seventeenth, nineteen hundred and two, the Secretary of the Interior is authorized to withhold said lands from disposition under this Act and to dispose of them under the said reclamation Act, and the charges provided for by said reclamation Act shall be in addition to the appraised value of said lands fixed as hereinbefore provided and shall be paid in annual installments as required under the said reclamation Act, and the amounts to be paid for the land, according to appraisement, shall be credited to the fund herein established for the benefit of the Colville Indians.
- Lands reserved for
town sites.
- Ante*, p. 81.
- Irrigable lands re-
served.
Vol. 32, p. 388.
- Sale of.
- Payments.

Approved, March 22, 1906.

CHAP. 1127.—An Act To set apart certain lands in the State of South Dakota, to be known as the Battle Mountain Sanitarium Reserve.

March 22, 1906.
[H. R. 15085.]
[Public. No. 62.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there are hereby reserved from settlement, entry, sale, or other disposal all those certain tracts, pieces, or parcels of land lying and being situate in the State of South Dakota and within the boundaries particularly described as follows: Beginning at the southwest corner of section eighteen, township seven south, range six east, Black Hills meridian; thence east to the southeast corner of said section eighteen; thence south to the southwest corner of the northwest quarter of section twenty; thence east to the southeast corner of the northeast quarter of section twenty-one; thence north to the northeast corner of the southeast quarter of section nine; thence west to the center of section seven; thence south to the southwest corner of the southeast quarter of section seven; thence west to the northwest corner of section eighteen; thence south to the place of beginning, all in township seven south, range six east, Black Hills meridian, in Fall River County, South Dakota: *Provided,* That nothing herein contained shall be construed to affect any valid rights acquired in connection with any of the lands embraced within the limits of said reserve.

Battle Mountain Sanitarium, Hot Springs, S. Dak.
Lands reserved for.

Description.

Proviso.
Valid rights not affected.

SEC. 2. That said reserve shall be known as the Battle Mountain Sanitarium Reserve, and shall be under the exclusive control of the Board of Managers of the National Home for Disabled Volunteer Soldiers in connection with the Battle Mountain Sanitarium at Hot Springs, South Dakota, whose duty it shall be to prescribe such rules and regulations and establish such service as they may deem necessary for the care and management of the same.

Name of reservation.
Control of.

SEC. 3. That in all cases of unperfected bona fide claims lying within the said boundaries of said reserve, which claims have been properly initiated prior to September second, nineteen hundred and two, said claims may be perfected upon compliance with the requirements of the laws respecting settlement, residence, improvements, and so forth, in the same manner in all respects as claims are perfected to other Government lands: *Provided,* That to the extent that the lands within said reserve are held in private ownership the Secretary of the Interior is hereby authorized in his discretion to exchange therefor public lands of like area and value, which are surveyed, vacant, unappropriated, not mineral, not timbered, and not required for reservoir sites or other public uses or purposes. The private owners must, at their expense and by appropriate instruments of conveyance, surrender to the Government a full and unencumbered right and title to the private lands included in any exchange before patents are issued for or any rights attached to the public lands included therein, and no charge of any kind shall be made for issuing such patents. Upon completion of any exchange the lands surrendered to the Government shall become a part of said reserve in a like manner as if they had been public lands at the time of the establishment of said reserve. Nothing herein contained shall be construed to authorize the issuance of any land scrip, and the State of South Dakota is granted the privilege of selecting from the public lands in said State an equal quantity of land in lieu of such portions of section sixteen included within said reserve as have not been sold or disposed of by said State and are not covered by an unperfected bona fide claim as above mentioned.

Perfecting bona fide claims.

Proviso.
Lands in lieu of.

Surrender of title to private lands.

Issue of land scrip not authorized.

Lands in lieu of, granted to South Dakota.

SEC. 4. That all persons who shall unlawfully intrude upon said reserve, or who shall without permission appropriate any object therein or commit unauthorized injury or waste in any form whatever upon the lands or other public property therein, or who shall violate any of the rules and regulations prescribed hereunder, shall, upon conviction,

Unlawful intrusion, etc., prohibited.

Penalty.