

May 28, 1908.
[H. R. 21410.]

[Public, No. 155.]

CHAP. 215.—An Act Granting condemned ordnance to certain institutions.

Obsolete ordnance grants.
Mercer County Soldiers' and Sailors' Monument Association, Trenton, N. J.

Proviso.
No expense.
New Hampshire.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to furnish to the Mercer County Soldiers' and Sailors' Monument Association, of Trenton, New Jersey, eight condemned brass cannon, for the purpose of marking the corners of a soldiers' and sailors' monument, and the lot of ground whereon it may be erected at Trenton, Mercer County, New Jersey, said cannon to be subject at all times to the order of the Secretary of War: *Provided,* That no expense shall be incurred by the United States in the delivery of the same.

Proviso.
No expense.

SEC. 2. That the Secretary of War be, and he is hereby, authorized and directed to donate to the State of New Hampshire the four bronze light twelve-pounder muzzle-loading cannon of obsolete design, formerly the equipment of the First Light Battery, New Hampshire National Guard, together with the carriages, limbers, caissons, and other accessories now in the possession of the State: *Provided,* That no expense shall be incurred by the United States in the delivery of said cannon and accessories.

American Scenic and Historic Preservation Society.
For Stony Point State Park, N. Y.

Proviso.
No expense.

SEC. 3. That the Secretary of War be, and he is hereby, authorized and directed to furnish to the American Scenic and Historic Preservation Society, incorporated by the State of New York, ten condemned brass cannon, for the purpose of marking certain historic positions connected with the American Revolution within Stony Point State Park, on the Hudson River, Rockland County, New York; said cannon to be subject at all times to the order of the Secretary of War: *Provided,* That no expense shall be incurred by the United States in the delivery of same.

Confederate Monument Association, Appomattox, Va.

Proviso.
No expense.

SEC. 4. That the Secretary of War be, and he is hereby, authorized, in his discretion, to furnish to the Confederate Monument Association of Appomattox, Virginia, two condemned bronze fieldpieces or cannon, with their carriages, and with a suitable outfit of cannon balls, which may not be needed in the service, the same to be used on the grounds surrounding the monument in the court-house square in the town of Appomattox, Virginia, and be subject at all times to the order of the Secretary of War: *Provided,* That no expense shall be incurred by the United States in the delivery of the same.

University of South Dakota.

Proviso.
No expense.

SEC. 5. That the Secretary of War be, and he is hereby, authorized to deliver to the board of regents of the University of South Dakota, at Vermilion, South Dakota, if the same can be done without detriment to the public service, one condemned twelve-pounder bronze field gun, of a weight not to exceed one thousand eight hundred pounds, as he may deem proper, to be placed on the campus of said university and be subject at all times to the order of the Secretary of War: *Provided,* That the donation shall be without expense to the United States.

Elgin Academy, Illinois.

Proviso.
No expense.

SEC. 6. That the Secretary of War be, and he is hereby, authorized, in his discretion, to furnish to the Elgin Academy, of Elgin, Illinois, two condemned fieldpieces or cannon, with a suitable outfit of cannon balls, which may not be needed in the service, the same to be used in the park surrounding the Elgin Academy in the city of Elgin, Illinois, and to be subject at all times to the order of the Secretary of War: *Provided,* That no expense shall be incurred by the United States in the delivery of the same.

San Antonio, Tex.

Proviso.
No expense.

SEC. 7. That the Secretary of War be, and he is hereby, authorized and directed to furnish to the city of San Antonio, Texas, two condemned brass or bronze cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls, which may not be needed in the service, to be subject at all times to the order of the Secretary of War: *Provided,* That no expense shall be incurred by the United States in the transportation and delivery of the same.

SEC. 8. That the Secretary of War is hereby authorized, in his discretion, to donate to the Veteran Relief Guard, of Newburgh, New York, an independent military organization, fifty obsolete Springfield rifles, with bayonets, bayonet scabbards, and ammunition belts for same, which may not be needed in the service of said Department. Such donation shall be made subject to rules and regulations covering the same in the Department, and the Government shall be at no expense in connection with this donation.

Obsolete Springfield rifles.
Veteran Relief Guard, Newburgh, N. Y.

SEC. 9. That the Secretary of War is hereby authorized, in his discretion, to donate to the Alabama Boys' Industrial School, of Birmingham, Alabama, one hundred and twenty-five obsolete Springfield rifles, with bayonets, bayonet scabbards, and ammunition belts for same, which may not be needed in the service of said Department. Such donation shall be made subject to rules and regulations covering the same in the Department, and the Government shall be at no expense in connection with this donation.

Alabama Boys' Industrial School, Birmingham, Ala.

SEC. 10. That the Secretary of War is hereby authorized, in his discretion, to donate to John Buford Post, Grand Army of the Republic, Numbered Two hundred and forty-three, Department of Illinois, of Rock Island, Illinois, an independent military organization, fifty obsolete Springfield rifles, with bayonets, bayonet scabbards, and ammunition belts for the same, which may not be needed in the service of said Department. Such donation shall be made subject to the rules and regulations covering the same in the Department, and the Government shall be at no expense in connection with this donation.

John Buford Post, G. A. R., Rock Island, Ill.

SEC. 11. That the Secretary of War is hereby authorized, in his discretion, to donate to the Henry Gowdy Relief Guard, of Walden, New York, an independent military organization, one hundred and twenty-five obsolete Springfield rifles, with bayonets, bayonet scabbards, and ammunition belts for same, which may not be needed in the service of said Department. Such donation shall be made subject to rules and regulations covering the same in the Department, and the Government shall be at no expense in connection with this donation.

Henry Gowdy Relief Guard, Walden, N. Y.

SEC. 12. That the Secretary of War is hereby authorized, in his discretion, to donate to the Saint Bartholomew's Battalion, of the city of New York, New York, one hundred and twenty-five obsolete Springfield rifles, with bayonets, bayonet scabbards, and ammunition belts for same, which may not be needed in the service of said Department. Such donation shall be made subject to rules and regulations covering the same in the Department, and the Government shall be at no expense in connection with this donation.

Saint Bartholomew's Battalion, New York, N. Y.

SEC. 13. That the various cannon and other articles of ordnance property furnished under the foregoing provisions of this Act shall not be required to be accounted for to the Chief of Ordnance.

Accounting not required.

SEC. 14. That the Chief of Ordnance is hereby authorized to sell without advertisement to patriotic organizations for military purposes surplus obsolete small arms and their equipments and ammunition at such prices as he may deem reasonable and just: *Provided*, That hereafter obsolete small arms and their equipment and ammunition shall not be disposed of to such organizations except as provided for in this Act.

Sales to patriotic organizations allowed.

Proviso.
Restriction on donations hereafter.

Approved, May 28, 1908.

May 29, 1908.

[H. R. 21735.]

[Public, No. 156.]

CHAP. 216. An Act To authorize the Secretary of the Interior to issue patents in fee to purchasers of Indian lands under any law now existing or hereafter enacted, and for other purposes.

Indian allotments.
May be sold on pe-
tition of allottee.

Excepted lands.

Lands of minors,
etc.

Heirs to have fee
simple title.

Provisos.
Use of proceeds.

Patent to purchaser.

States excepted.

Menominee In-
dians, Wis.
Adjudication of cer-
tain claims against.
Jurisdiction.

Filing claims.

Judgments.

Payments.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the lands, or any part thereof, allotted to any Indian, or any inherited interest therein, which can be sold under existing law by authority of the Secretary of the Interior, except the lands in Oklahoma, and the States of Minnesota and South Dakota may be sold on the petition of the allottee, or his heirs, on such terms and conditions and under such regulations as the Secretary of the Interior may prescribe; and the lands of a minor, or of a person deemed incompetent by the Secretary of the Interior to petition for himself, may be sold in the same manner, on the petition of the natural guardian in the case of infants, and in the case of Indians deemed incompetent as aforesaid, and of orphans without a natural guardian, on petition of a person designated for the purpose by the Secretary of the Interior. That when any Indian who has heretofore received or who may hereafter receive, an allotment of land dies before the expiration of the trust period, the Secretary of the Interior shall ascertain the legal heirs of such Indian, and if satisfied of their ability to manage their own affairs shall cause to be issued in their names a patent in fee simple for said lands; but if he finds them incapable of managing their own affairs, the land may be sold as hereinbefore provided: *Provided*, That the proceeds derived from all sales hereunder shall be used, during the trust period, for the benefit of the allottee, or heir, so disposing of his interest, under the supervision of the Commissioner of Indian Affairs: *And provided further*, That upon the approval of any sale hereunder by the Secretary of the Interior he shall cause a patent in fee to issue in the name of the purchaser for the lands so sold: *And provided further*; That nothing in section one herein contained shall apply to the States of Minnesota and South Dakota.

SEC. 2. That jurisdiction be, and hereby is, conferred upon the Court of Claims of the United States to hear, determine, and render final judgment, notwithstanding lapse of time or statute of limitation, for any balances found due, without interest, with the right of appeal as in other cases, upon the claims of H. W. Gilkey, Herman Hankwitz, Herman Hankwitz and Company, W. P. Cook and Brother, M. Wescott, J. A. Liege, assignee of J. F. Gauthier, F. F. Green and the heirs of Mitchell Mahchikaniew, traders, against the Menominee tribe of Indians in Wisconsin and against certain members of said tribe at the Green Bay Agency, for supplies, goods, wares, merchandise, tools, and live stock furnished certain members of the said tribe after the first day of January, in the year eighteen hundred and eighty, for the purpose of carrying on logging operations upon the Menominee Indian Reservation, in Wisconsin. Said claims shall be presented to said court by verified petitions to be filed within six months from the date of the approval of this Act. Said court shall, in rendering judgment, ascertain and determine the amount, if any, due upon each of said claims, and if the court find that there is a liability upon any of said claims, it shall then determine if such liability be that of the said Menominee tribe of Indians as a tribe or that of individual members of said tribe, and it shall render judgment for the amount, if any, found due from said tribe to any of said claimants, and it shall render judgment for the amounts, if any, found due from any of the individual members of said tribe to any of said claimants. Upon the rendition of final judgments, the court shall certify the same to the Secretary of the Interior, who shall thereupon, in case judgments be against the said Menominee tribe of Indians as a tribe, direct the payment of said judgments out of any funds in the Treasury of the United States to the credit of said tribe, and who, in case judgments be against individual