

CHAP. 132.—An act authorizing the Secretary of the Treasury to issue certificate of registry and enrolment to the schooner "Almina," and changing the name to "Minnie Davis." April 25, 1874.

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 be, and he is hereby, authorized to issue certificates of registry, or enrolment and license, to the schooner "Almina," owned by Bruce M. Davis, of Alexandria Bay, New York, and to change the name Almina to that of "Minnie Davis," by which latter name said schooner shall be thereafter known and distinguished.

American register to schooner "Almina."

Name changed to "Minnie Davis."

Approved, April 25, 1874.

CHAP. 135.—An act relative to private contracts or agreements made with Indians prior to May twenty-first, eighteen hundred and seventy-two. April 29, 1874.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter it shall not be lawful for any United States officer, or other person under its employ or control, to recognize the binding force or legality, or in any manner sustain or enforce or counsel, or give any aid or assistance to sustain or enforce, any contract or agreement made by any person or persons, or corporation, with any band, tribe, or nation of Indians, or individual Indian or Indians, not a citizen of the United States, entered into prior to the date of the act of Congress entitled "An act regulating the mode of making private contracts with Indians," approved May twenty-first, eighteen hundred and seventy-two, for the payment or delivery of any money or other thing of value, in present or prospective, or for the granting or procuring any privilege to him or her, or any other person or persons, or corporation, in consideration of services for, or advancements made to, said Indians relative to their lands, or to any claim growing out of or in reference to annuities, instalments, or other moneys, claims, demand, or thing under laws or treaties with the United States, or official acts of any officer thereof, or in any way connected with or due from the United States, unless such contract or agreement was reduced to writing and duly signed by the parties in interest thereto at the time it was entered into and fully made known to the parties at the time the contract was signed, and then not until such original written contract shall first have been presented to and examined by the Secretary of the Interior and the Commissioner of Indian Affairs, and these facts by them severally endorsed thereon, and a copy of said contract and of any assignments that may have been made thereon duly entered of record in the office of the Commissioner of Indian Affairs.

Certain private agreements made with Indians not to be recognized unless, &c.

1872, ch. 177, vol. xvii, p. 136.

SEC. 2. That in addition thereto there shall also be filed in said Commissioner's office, and retained therein as official papers, and be examined by said Commissioner and Secretary, and that fact indorsed on them, the following statement of facts touching each and all such contracts and agreements so presented; which statements shall be sworn to specially by all and severally the person or persons claiming interest in and seeking the support and enforcement of such contract or agreement, and not by agent or attorney: First, that the writing presented for examination and record, as provided for in the first section of this act, and purporting to be the original contract or agreement, is in fact such, and that it was entered into and reduced to writing at the date and for the purposes it purports to have been made and executed; secondly, such sworn statement shall give particularly the names of the real parties in interest in the original contract or agreement, naming them if not named in the written contract or agreement, and if either of the contracting parties is a band, tribe, or nation of Indians, or a corporation or firm, the name of the person, officer, or agent contracting in their behalf, together with his authority for so doing, shall be specially stated; thirdly, a particular statement of all and singular the services

Statement to be filed and examined.

To be sworn to in person.

What sworn statement shall contain.

rendered or the thing or things done under such contract or agreement prior to said filing, with those things to be done or rendered, together with a particular statement of any and all moneys paid or advanced by either party under such contract or agreement, giving in all cases the time, place, and real value of services rendered, or thing or things done, or the kind and manner of payment, whether in money, property, or credits, up to the date of the filing of the said sworn statement; fourthly, state specifically whether the original contract or agreement had been submitted to any Secretary of the Interior, Commissioner of Indian Affairs, superintendent of Indian affairs, Indian agent, commissioner, or other person having official control of or connection with Indian affairs, giving the time when, place where, and person by name to whom such submission was made, and whether by said officer indorsed or not, or whether any such officer was cognizant of such contract or agreement having been made, though not submitted to him for approval.

Additional proofs. SEC. 3. That the Secretary or Commissioner of Indian Affairs is hereby empowered to require, in writing, any additional facts or proofs that may be necessary to aid in determining the true character of the contract or agreement, or assignment thereof.

Unjust, fraudulent, or exorbitant contracts not to be recognized. SEC. 4. That no such contract or agreement shall be recognized by any officer or employee of the United States until the Secretary of the Interior shall, after full consideration of any such contract or agreement, together with the proofs and papers in this act required to be filed, and such as the Secretary of the Interior or Commissioner of Indian Affairs may require in addition thereto, the Secretary of the Interior shall consider to be just and reasonable, and not tainted with fraud, and not exorbitant in its demands: *Provided*, That the Secretary of the Interior shall in all cases enter, in writing, on such original contract, on the record in the office of the Commissioner of Indian Affairs wherein such original contract is recorded, an official statement, showing that the contract or agreement and proofs have been filed in accordance with the provisions of this act and considered by him, and in his opinion said contract or agreement or assignments thereof are not exorbitant and not fraudulent, and that they are just, the same shall be valid.

Secretary of the Interior to make record in writing that contracts and assignments are not exorbitant or fraudulent. But if, in the opinion of the Secretary of the Interior, such contract or agreement, or the assignment thereof, is fraudulent or exorbitant, he shall officially enter his rejection, in writing, upon the record of such contract or agreement, and they shall not be considered of binding force by any officer or employee of the United States.

Rejection by Secretary. SEC. 5. That it is hereby made the duty of the Secretary of the Interior to cause an investigation to be made of all existing contracts or agreements, within the purview of this act, now on file in his office, or of the office of the Commissioner of Indian Affairs, or any other office or bureau under his control, and by special notice to the party or parties in interest compel, in the case of each such contract or agreement so found on file, the same strictness of official examination, and indorsement, record and sworn statement of fact, as is required by the several provisions of this act: *Provided*, That the investigation of facts touching the character of any contract or agreement contemplated by this act may be made by a commissioner appointed by the President for that purpose, who shall report all such facts to the Secretary of the Interior in writing.

Investigation of existing contracts and agreements.

May be made by a commissioner.

To report to the Secretary.

Approved, April 29, 1874.

April 29, 1874. **CHAP. 136.**—An act to ratify an agreement with certain Ute Indians in Colorado, and to make an appropriation for carrying out the same.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a certain agreement made by Felix R. Brunot, commissioner on the part of the United States, with certain Ute Indians in Colorado, be, and the same is hereby, ratified