

Herman Lehman.
Patent in fee to.

SEC. 28. That the Secretary of the Interior be, and he is hereby, authorized to make an allotment to Herman Lehman (Montechema), an enrolled member of the Comanche tribe of Indians, who did not get an allotment, of one hundred and sixty acres of unappropriated and unallotted land from the lands to be disposed of under the Act of Congress approved June fifth, nineteen hundred and six (Thirty-fourth Statutes at Large, page two hundred and thirteen), and patent shall issue therefor in fee simple.

Vol. 34, p. 213.

Kiowa, etc., lands,
Okla.
Repayment of for-
feited deposits.
Vol. 34, p. 213.

SEC. 29. That all moneys forfeited under the regulations issued October nineteenth, nineteen hundred and six, by the Secretary of the Interior under the Act entitled "An Act to open for settlement five hundred and five thousand acres of land in the Kiowa-Comanche and Apache Indian Reservation in Oklahoma Territory," approved June fifth, nineteen hundred and six, be repaid to the persons by whom such moneys were deposited in every case where it shall be made to appear to the satisfaction of the Commissioner of the General Land Office that the bid upon which the award was made was the result of a clerical error, or was due to an honest mistake on the part of the bidder as to the numbers, the description, or the character of the land upon which his bid was made.

Regulations.

That the Commissioner of the General Land Office shall make all necessary rules and issue all necessary instructions to carry the provisions of this Act into effect, and the payment of the deposits herein provided for shall be paid out of any moneys deposited in the Treasury of the United States as the proceeds arising from the sale of lands under said Act of June fifth, nineteen hundred and six, and an appropriation, sufficient in amount to cover such case, is hereby made.

Payment of depos-
its.

Vol. 34, p. 213.
Appropriation.

Lawton, Okla.
Court-house, etc., in.
Use of part proceeds
of certain land sale
for authorized.
Post, p. 545.

SEC. 30. That twenty per centum of the proceeds arising from the sale of the south half of section thirty, townsite two north, range eleven west of the Indian meridian in Oklahoma, is hereby appropriated, to be available immediately after such sale, to begin construction of a court-house and post-office building at Lawton, in said State, to cost not more than one hundred thousand dollars; and all Acts in conflict herewith are hereby repealed. That the Secretary of the Interior is authorized and directed to turn over to the treasurers of the cities of Lawton, Hobart and Anadarko, the unexpended balance of the proceeds arising from the sale of town lots in said cities heretofore appropriated and set apart for public improvements in such cities by the Act of March third, nineteen hundred and one, and the Acts of June thirtieth, nineteen hundred and two and March fourteenth, nineteen hundred and six.

Lawton, Hobart,
and Anadarko.
Sale of town lots.
Unexpended bal-
ance paid to.

Vol. 31, p. 1094.
Vol. 32, p. 506.
Vol. 34, p. 62.

Approved, May 29, 1908.

May 29, 1908.
[S. 6163.]

[Public, No. 157.]

CHAP. 217.—An Act To authorize the Secretary of the Interior to sell and dispose of the surplus unallotted agricultural lands of the Spokane Indian Reservation, Washington, and for other purposes.

Spokane Indian
Reservation, Wash.
Allotments, etc., of
lands in.

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 and directed to cause allotments to be made under the provisions of the allotment laws of the United States to all persons having tribal rights or holding tribal relations and who may rightfully belong on the Spokane Indian Reservation and who have not heretofore received allotments.

Classification of sur-
plus lands.

Agricultural lands
to be opened to settle-
ment.

SEC. 2. That upon the completion of said allotments to said Indians the Secretary of the Interior shall classify the surplus lands as agricultural and timber lands, the agricultural lands to be opened to settlement and entry under the provisions of the homestead laws by proclamation of the President, which 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.

SEC. 3. That the price of the lands classified as agricultural shall be five dollars per acre, and said price 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. 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 entry shall cease and any payments theretofore made shall be forfeited and the entry canceled, and the land shall be reoffered for sale and entry under the provisions of the homestead laws at the same price at which it was first entered: *Provided*, That nothing in this Act shall prevent homestead settlers from commuting their entries under section twenty-three hundred and one of the Revised Statutes of the United States by paying for the land entered the price fixed herein, receiving credit for payments previously made. In addition to the price to be paid for the land the entryman shall pay 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 when an entryman shall have complied with all the requirements and terms of the homestead laws as to settlement and residence and shall have made the required payments as aforesaid he shall be entitled to a patent for the lands entered: *And provided further*, That all lands classified as agricultural remaining undisposed of at the expiration of four years from the opening of said lands to entry shall be appraised by the Secretary of the Interior from time to time and sold at public auction or under sealed bids to the highest bidder for cash at not less than the said appraised value, under such regulations as the Secretary of the Interior may prescribe: *Provided*, That the rights of honorably discharged Union soldiers and sailors of the late civil and Spanish wars or the Philippine insurrection 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 sections sixteen and thirty-six of the agricultural lands in each township shall not be disposed of, but shall be reserved for the use of the common schools and paid for by the United States at one dollar and twenty-five cents per acre, and the same are hereby granted to the State of Washington for such purpose.

SEC. 4. That the Secretary of the Interior may reserve such lands as he may deem necessary for agency, school, and religious purposes, to remain reserved so long as needed and so long as agency, school, or religious institutions are maintained thereon for the benefit of the Indians; and he is further authorized and directed to reserve and set aside such tracts as he may deem necessary or convenient for town-site purposes, and he may cause any such reservations to be surveyed into lots and blocks 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 deposited in the Treasury of the United States to the credit of the Indians of the Spokane Reservation.

SEC. 5. That the lands so classified as timber lands shall remain Indian lands subject to the supervision of the Secretary of the Interior until further action by Congress, and no provision authorizing the sale of timber upon Indian lands shall apply to said lands unless they be

Price per acre.

Payments.

Forfeiture.

Provisos.
Commutation.
R. S., sec. 2361, p. 421.

Fees, etc.

Lands remaining to be sold at auction.

Sealed bids.

Soldiers' and sailors' rights not affected.

R. S., secs. 2304, 2305,
p. 422.
Vol. 31, p. 847.
School lands.

Lands reserved for agency, schools, etc.

Townsites.

Deposit of proceeds.

Timber-land restrictions.

Provisos.
Cutting timber al-
lowed.

Pasturage.

Sale of timber.

Use of proceeds.

Appropriation to
pay for lands granted
to Washington.

Further appropri-
ation.

Proviso.
Reimbursement.

Nonresponsibility
of United States.

Proviso.
Treaty rights not
affected.

specially designated: *Provided*, That until further legislation the Indians and the officials and employees in the Indian Service on said reservation shall, without cost to them, have the right, under such regulations as the Secretary of the Interior may prescribe, to go upon said timber lands and cut and take therefrom all timber necessary for fuel, or for lumber for the erection of buildings, fences, or other domestic purposes upon their allotments; and for said period the said Indians shall have the privilege of pasturing their cattle, horses, and sheep on said timber lands, subject to such rules and regulations as the Secretary of the Interior may prescribe: *Provided further*, That the Secretary of the Interior is hereby authorized to sell and dispose of for the benefit of the Indians such timber upon said timber lands as in his judgment has reached maturity and is deteriorating and which, in his judgment, would be for the best interests of the Indians to sell, the purpose being to as far as possible protect, conserve, and promote the growth of timber upon said timber lands. The Secretary of the Interior shall deduct from the money received from the sale of such timber the actual expense of making such sale and place the balance to the credit of said Indians, and he is authorized to prescribe such rules and regulations for the sale and removal of such timber so sold as he may deem advisable.

SEC. 6. That the Secretary of the Interior is hereby vested with full power and authority to make all needful rules and regulations for the purpose of carrying out the provisions of this Act, and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of five thousand dollars, or so much thereof as may be necessary, to pay the Indians for the lands granted to the State of Washington, as provided in section three of this Act, and there is hereby appropriated the further sum of seven thousand dollars, or so much thereof as may be necessary, for the purpose of carrying out the other provisions of this Act: *Provided*, That the appropriation other than that to pay for the lands granted to the State of Washington shall be reimbursed to the United States from the proceeds of the sale of the lands described herein, or from any money in the Treasury of the United States belonging to the said Spokane Indians.

SEC. 7. 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 of the agricultural lands or the equivalent in each township, 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 the said lands and to expend and pay over the proceeds received from the sale thereof only as received as herein provided: *Provided*, That nothing in this Act shall be construed to deprive said Indians of the Spokane Indian Reservation, in the State of Washington, of any benefits to which they are entitled under existing treaties or agreements not inconsistent with the provisions of this Act.

Approved, May 29, 1908.

May 29, 1908.
[S. 1385.]

[Public, No. 158.]

CHAP. 218.—An Act To authorize the sale and disposition of a portion of the surplus and unallotted lands in the Cheyenne River and Standing Rock Indian reservations in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect.

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 and directed, as hereinafter provided, to sell and dispose of all that portion of the Cheyenne River and Standing Rock Indian reservations in the States of South Dakota

Sioux Indians.
Sale of lands in
Cheyenne River and
Standing Rock reser-
vations, S. Dak. and
N. Dak.