

CHAP. 43.—An Act To authorize Butler and Stoddard Counties of Missouri to construct a bridge across the Saint Francis River at Hodges Ferry, Missouri.

February 17, 1912.
[H. R. 16677.]

[Public, No. 88.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the counties of Butler and Stoddard, in the State of Missouri, corporations organized under the laws of the State of Missouri, are hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Saint Francis River, at a point suitable to the interests of navigation, at or near Hodges Ferry, Missouri, in the county of Stoddard, in the State of Missouri, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters," approved March twenty-third, nineteen hundred and six.

Saint Francis River, Butler and Stoddard counties may bridge at Hodges Ferry, Mo.

Vol. 24, p. 84

Amendment.

SEC. 2. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, February 17, 1912.

CHAP. 44.—An Act To extend the time for the completion of the municipal bridge at Saint Louis, Missouri.

February 17, 1912.
[H. R. 16693.]

[Public, No. 89.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time for the completion of the bridge authorized by an Act entitled "An Act to authorize the city of Saint Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River," approved June twenty-fifth, nineteen hundred and six, be, and the same is hereby, extended for the period of three years from the date of the passage of this Act.

Mississippi River. Time extended for bridging, by Saint Louis, Mo.

Vol. 24, p. 461; Vol. 25, p. 585; Vol. 26, p. 185.

Approved, February 17, 1912.

CHAP. 45.—An Act To authorize Taney County, Missouri, to construct a bridge across the White River at Branson, Missouri.

February 17, 1912.
[H. R. 17232.]

[Public, No. 90.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the county of Taney, in the State of Missouri, a corporation organized under the laws of the State of Missouri, is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the White River, at a point suitable to the interests of navigation, at or near Branson, in the county of Taney, in the State of Missouri, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters," approved March twenty-third, nineteen hundred and six.

White River. Taney County may bridge, at Branson, Mo.

Vol. 24, p. 84

Amendment.

SEC. 2. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, February 17, 1912.

CHAP. 46.—An Act To provide for the sale of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations, and for other purposes.

February 19, 1912.
[H. R. 14056.]

[Public, No. 91.]

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 is hereby authorized to sell at not less than the appraised price, to be fixed as hereinafter provided, the surface, leased and unleased, of the lands of the Choctaw and Chickasaw Nations in Oklahoma segregated and reserved by order of the Secretary of the Interior dated March twenty-fourth, nineteen hundred and three,

Oklahoma. Surface of segregated Choctaw and Chickasaw lands to be sold.

Vol. 32, p. 664.

Commission to classify and appraise lands.

authorized by the Act approved July first, nineteen hundred and two. The surface herein referred to shall include the entire estate save the coal and asphalt reserved. Before offering such surface for sale the Secretary of the Interior, under such regulations as he may prescribe, shall cause the same to be classified and appraised by three appraisers, to be appointed by the President, at a compensation to be fixed by him, not to exceed for salary and expenses for each appraiser the sum of fifteen dollars per day for the time actually engaged in making such classification and appraisal. The classification and appraisal of the surface shall be by tracts, according to the Government survey of said lands, except that lands which are especially valuable by reason of proximity to towns or cities may, in the discretion of the Secretary of the Interior, be subdivided into lots or tracts containing not less than one acre. In appraising said surface the value of any improvements thereon belonging to the Choctaw and Chickasaw Nations, except such improvements as have been placed on coal or asphalt lands leased for mining purposes, shall be taken into consideration. The surface shall be classified as agricultural, grazing, or as suitable for town lots. The classification and appraisal provided for herein shall be completed within six months from the date of the passage of this Act, shall be sworn to by the appraisers, and shall become effective when approved by the Secretary of the Interior: *Provided*, That in the proceedings and deliberation of said appraisers in the process of said appraisal and in the approval thereof the Choctaw and Chickasaw Nations may present for consideration facts, figures, and arguments bearing upon the value of said property.

Value of improvements.

Classification.

Provided. Evidence of value.

Rights of mining leaseholders.

SEC. 2. That after such classification and appraisal has been made each holder of a coal or asphalt lease shall have a right for sixty days, after notice in writing, to purchase, at the appraised value and upon the terms and conditions hereinafter prescribed, a sufficient amount of the surface of the land covered by his lease to embrace improvements actually used in present mining operations or necessary for future operations up to five per centum of such surface, the number, location, and extent of the tracts to be thus purchased to be approved by the Secretary of the Interior: *Provided*, That the Secretary of the Interior may, in his discretion, enlarge the amount of land to be purchased by any such lessee to not more than ten per centum of such surface: *Provided further*, That such purchase shall be taken and held as a waiver by the purchaser of any and all rights to appropriate to his use any other part of the surface of such land, except for the purpose of future operations, prospecting, and for ingress and egress, as hereinafter reserved: *Provided further*, That if any lessee shall fail to apply to purchase under the provisions of this section within the time specified the Secretary of the Interior may, in his discretion, with the consent of the lessee, designate and reserve from sale such tract or tracts as he may deem proper and necessary to embrace improvements actually used in present mining operations, or necessary for future operations, under any existing lease, and dispose of the remaining portion of the surface within such lease free and clear of any claim by the lessee, except for the purposes of future operations, prospecting, and for ingress and egress, as hereinafter reserved.

Provided. Additional land.

Effect of purchase.

Reservations for mining operations.

Sales subject to mining rights, etc.

Compensation.

SEC. 3. That sales of the surface under this Act shall be upon the conditions that the Choctaw and Chickasaw Nations, their grantees, lessees, assigns, or successors, shall have the right at all times to enter upon said lands for the purpose of prospecting for coal or asphalt thereon, and also the right of underground ingress and egress, without compensation to the surface owner, and upon the further condition that said nations, their grantees, lessees, assigns, or successors, shall have the right to acquire such portions of the surface of any tract,

tracts, or rights thereto as may be reasonably necessary for prospecting or for the conduct of mining operations or for the removal of deposits of coal and asphalt upon paying a fair valuation for the portion of the surface so acquired. If the owner of the surface and the then owner or lessee of such mineral deposits shall be unable to agree upon a fair valuation for the surface so acquired, such valuation shall be determined by three arbitrators, one to be appointed, in writing, a copy to be served on the other party by the owner of the surface, one in like manner by the owner or lessee of the mineral deposits, and the third to be chosen by the two so appointed; and in case the two arbitrators so appointed should be unable to agree upon a third arbitrator within thirty days, then and in that event, upon the application of either interested party, the United States district judge in the district within which said land is located shall appoint the third arbitrator: *Provided*, That the owner of such mineral deposits or lessee thereof shall have the right of entry upon the surface so to be acquired for mining purposes immediately after the failure of the parties to agree upon a fair valuation and the appointment, as above provided, of an arbitrator by the said owner or lessee.

Arbitration of differences.

Proviso.
Entry by miner

SEC. 4. That upon the expiration of two years after the lands have been first offered for sale the Secretary of the Interior, under rules and regulations to be prescribed by him, shall cause to be sold to the highest bidder for cash the surface of any lands remaining unsold and of any surface lands forfeited by reason of nonpayment of any part of the purchase price, without regard to the appraised value thereof: *Provided*, That the Secretary of the Interior is authorized to sell at not less than the appraised value to the McAlester Country Club, of McAlester, Oklahoma, the surface of not to exceed one hundred and sixty acres in section seventeen, township five north, range fifteen east: *Provided further*, That the mineral underlying the surface of the lands condemned for the State penitentiary at McAlester, Oklahoma, under the Indian appropriation Act approved March third, nineteen hundred and nine, shall be subject to condemnation, under the laws of the State of Oklahoma, for State penitentiary purposes: *And provided further*, That said mineral shall not be mined for other than State penitentiary purposes.

Sale of lands undisposed of.

Proviso.
McAlester Country Club.

State penitentiary lands.
Vol. 35, p. 805.

Restriction on mining.

SEC. 5. That the sales herein provided for shall be at public auction under rules and regulations and upon terms to be prescribed by the Secretary of the Interior, except that no payment shall be deferred longer than two years after the sale is made. All agricultural lands shall be sold in tracts not to exceed one hundred and sixty acres, and deeds shall not be issued to any one person for more than one hundred and sixty acres of agricultural land, grazing lands in tracts not to exceed six hundred and forty acres, and lands especially valuable by reason of proximity to towns or cities may, in the discretion of the Secretary of the Interior, be sold in lots or tracts containing not less than one acre each. All deferred payments shall bear interest at five per centum per annum, and if default be made in any payment when due all rights of the purchaser thereunder shall, at the discretion of the Secretary of the Interior, cease and the lands shall be taken possession of by him for the benefit of the two nations, and the money paid as the purchase price of such lands shall be forfeited to the Choctaw and Chickasaw Tribes of Indians.

Terms of sale, etc.

Agricultural lands.

Grazing lands.

Town lots, etc.

Payments.

SEC. 6. That if the mining trustees of the Choctaw and Chickasaw Nations and the three appraisers herein provided for, or a majority of the said trustees and appraisers, shall find that such tract or tracts can not be profitably mined for coal or asphalt and can be more advantageously disposed of by selling the surface and the coal and asphalt together, such tract or tracts may be sold in that manner, in the discretion of the Secretary of the Interior, and patents issued

Sales of both surface and minerals.

Proviso.
Leased lands ex-
cepted.

Conveyances to
specify reservations,
etc

for said lands as provided by existing laws: *Provided*, That this section shall not apply to land now leased for the purpose of mining coal or asphalt within the segregated and reserved area herein described.

SEC. 7. That when full purchase price for any property sold herein is paid, the chief executives of the two tribes shall execute and deliver, with the approval of the Secretary of the Interior, to each purchaser an appropriate patent or instrument of conveyance conveying to the purchaser the property so sold, and all conveyances made under this Act shall convey the fee in the land with reservation to the Choctaw and Chickasaw Tribes of Indians of the coal and asphalt in such land, and shall contain a clause or clauses reciting and containing the reservations, restrictions, covenants, and conditions under which the said property was sold, as herein provided, and said conveyances shall specifically provide that the reservations, restrictions, covenants, and conditions therein contained shall run with the land and bind the grantees, successors, representatives, and assigns of the purchaser of the surface: *Provided*, That the purchaser of the surface of any coal or asphalt land shall have the right at any time before final payment is due to pay the full purchase price on the surface of said coal or asphalt land, with accrued interest, and shall thereupon be entitled to patent therefor, as herein provided.

Proviso.
Commutation.

Appropriation for
classification, etc., ex-
penses.

Disposal of proceeds.

Vol. 34, p. 143.

Vol. 36, p. 1070.

Rules, etc., to be es-
tablished.

SEC. 8. That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated belonging to the Choctaw and Chickasaw Tribes of Indians, the sum of fifty thousand dollars to pay expenses of the classification, appraisement, and sales herein provided for, and the proceeds received from the sales of lands hereunder shall be paid into the Treasury of the United States to the credit of the Choctaws and Chickasaws and disposed of in accordance with section seventeen of an Act entitled "An Act to provide for the final disposition of the affairs of the Five Civilized Tribes in Indian Territory, and for other purposes" approved April twenty-sixth, nineteen hundred and six, and the Indian Appropriation Act approved March third, nineteen hundred and eleven.

SEC. 9. That the Secretary of the Interior be, and he is hereby, authorized to prescribe such rules, regulations, terms, and conditions not inconsistent with this Act as he may deem necessary to carry out its provisions, including the establishment of an office during the sale of this land at McAlester, Pittsburg County, Oklahoma.

Approved, February 19, 1912.

February 29, 1912.
[S. 4475.]

[Public, No. 92.]

Vessels in domestic
commerce.
Vol. 34, p. 126,
amended.

Consolidation of en-
rollment and licenses.
Small vessels in-
cluded.

R. S., secs. 4319, 4321,
pp. 534, 535.

CHAP. 47.—An Act To amend an Act entitled "An Act to simplify the issue of enrollments and licenses of vessels of the United States."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section one of the Act entitled "An Act to simplify the issue of enrollments and licenses of vessels of the United States," approved April twenty-fourth, nineteen hundred and six, is hereby amended by striking out the words "of twenty net register tons or over," so that it will read as follows:

"That under the direction of the Secretary of Commerce and Labor the Commissioner of Navigation is hereby authorized and directed from time to time to consolidate into one document in the case of any vessel of the United States the form of enrollment prescribed by section forty-three hundred and nineteen of the Revised Statutes and the form of license prescribed by section forty-three hundred and twenty-one of the Revised Statutes, and such consolidated form shall hereafter be issued to a vessel of the United States in lieu of the separate enrollment and license now prescribed by law, and shall be deemed sufficient compliance with the requirements of laws relating to the subject."

Approved, February 29, 1912.