

sec. 7; 42 St. 24; sec. 304). (See Historical Note, 25 U. S. C. A. 28 St. 215; Sec. 4, p. 206-25 U. S. C. 97 (19 St. 199, sec. 3; 34 St. 328; 42 St. 24; sec. 304); Sec. 7, p. 206-25 U. S. C. 96; (See sec. 3 re above).
 28 St. 215; Aug. 1, 1894; C. 179—An Act to regulate enlistments in the Army of the United States.
 28 St. 229; Aug. 4, 1894; C. 215—An Act To grant to the Arkansas, Texas and Mexican Central Ry. Co. a right of way through the Indian Territory and for other purposes.
 28 St. 233; Aug. 6, 1894; C. 228—An Act Making appropriations for the support of the Army for the fiscal year ending June 30, 1895, and for other purposes.
 28 St. 263; Aug. 8, 1894; C. 236—An Act To require railroad companies operating railroads in the Territories over a right of way granted by the Government to establish stations and depots at all town sites on the lines of said roads established by the Interior Department.
 28 St. 276; Aug. 11, 1894; C. 255—An Act Extending the time of payment to purchasers of lands of the Omaha tribe of Indians in Nebraska, and for other purposes.
 28 St. 286; Aug. 15, 1894; C. 290—An Act Making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1895, and for other purposes." Sec. 1, p. 305-25 U. S. C. 345 (31 St. 760, sec. 1; 33 St. 1167, sec. 291). USCA Historical Note: This section (345) was derived from sec. instant act, as amended by 31 St. 760, sec. 1, entitled, "An Act Amending the Act of August 15, 1894, entitled 'An Act' etc. The derivative section, as originally enacted, did not contain the provision in parenthesis, now found in the code section, the amendment consisting in inserting this provision: 'In the Code section the word "district" was substituted wherever the word "circuit" was found in the original derivative section because of the abolition of the circuit courts and the transfer of their jurisdiction to the district courts by 36 St. 1167, and the words in the code section "held Aug. 15, 1894" just before the words "by either of the Five Civilized Tribes" were substituted for the words "now held" in the original derivative section." (Sec. 1, p. 305-25 U. S. C. 402; Sec. 1, p. 311-25 U. S. C. 281; Sec. 4-25 U. S. C. 99; Sec. 10-25 U. S. C. 44 (See 25 U. S. C. 472); Sec. 11-25 U. S. C. 286 (28 St. 906, sec. 1).
 28 St. 372; Aug. 18, 1894; C. 301—An Act Making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes."

²⁸ Re. 41 St. 1077.

²⁸ Op. 1 St. 137; A. 30 St. 399.

²⁸ S. 34 St. 1371; *Oited*: 53 L. D. 133.

²⁸ Sg. 22 St. 341.

²⁸ Sg. 1 St. 619; 4 St. 442; 7 St. 36, 46, 51, 69, 86, 99, 114, 161, 179, 186, 218, 236, 242, 287, 296, 317, 320, 321, 349, 352, 425, 541, 545, 596; 9 St. 35, 842, 855; 10 St. 1039, 1053, 1071, 1079; 11 St. 818, 814, 700, 702, 729, 744; 12 St. 628, 981, 1173; 13 St. 624, 676, 694; 14 St. 650, 757, 787, 804; 15 St. 515, 584, 590, 596, 622, 638, 651, 657, 676; 16 St. 40, 355, 579, 720; 19 St. 208, 254, 256, 287; 21 St. 70, 200; 22 St. 43; 23 St. 79; 24 St. 219, 388; 25 St. 94, 114, 645, 688, 894; 26 St. 659, 756, 794, 851, 1016, 1028, 1038, 1037; 27 St. 139, 456, 616, 631, 640, 645. *Reg.* 12 St. 954, 618; A. 28 St. 876; 31 St. 221, 760. *Op.* 34 St. 539; S. 28 St. 876; 29 St. 267, 321; 30 St. 62; 31 St. 221, 280; 33 St. 519; 36 St. 367; 41 St. 3; 45 St. 1167, 1249. *Oited*: *Calm*, 2 Minn. L. Rev. 177; Brown, 39 *Alle L. J.* 307; 36 *Op.* A. G. 98; *Op. Sol.* M. 25258, June 26, 1929; *Op.* A. G. Oct. 5, 1929; *Ass't Sec'y* Letter to Sec'y of War, Feb. 26, 1892; *Memo. Sol. Off.* Apr. 4, 1933; Aug. 11, 1933; *Op. Sol.* M. 27671; Mar. 1, 1934; *Memo. Sol. Off.* May 11, 1934; *Memo. Sol. Off.* Nov. 11, 1935; *Op. Sol.* M. 28198; Jan. 8, 1936; *Memo. Sol. Off.* Jan. 22, 1936; *Memo. Sol.* May 15, 1936; *Memo. of Ass't Sec'y to Comm'r*, Feb. 17, 1937; *Memo. Sol. Off.* Oct. 21, 1938; 24 L. D. 511; 25 L. D. 384; 25 L. D. 408; 29 L. D. 251; 53 L. D. 133; *Bird*, 129 Fed. 472; *Browning*, 6 F. 21 801; *Chickasaw*, 193 U. S. 115; *Clay*, 282 Fed. 268; *Coos Bay*, 8 C. C. 142; *Dick*, 208 U. S. 340; *Egan*, 246 U. S. 227; *Ex p. Dick*, 141 Fed. 5; *Ex p. Tilden*, 218 Fed. 920; *Ex p. Viles*, 139 Fed. 68; *First Moon*, 270 U. S. 243; *Halbert*, 283 U. S. 752; *Hallowell*, 239 U. S. 506; *Hampton*, 22 F. 2d 81; *Hy-Yu-Tse-Mil-Kin*, 194 U. S. 401; *Heckman*, 224 U. S. 413; *Ickes*, 80 F. 2d 708; *In re Jessie's Heirs*, 259 Fed. 94; *Jackson*, 34 C. C. 441; *Johnson*, 234 U. S. 422; *Kennedy*, 23 F. Supp. 771; *Kirby*, 260 U. S. 423; *Lemieux*, 15 F. 2d 518; *Lucas*, 15 F. 2d 32; *McKay*, 204 U. S. 458; *Medwakanton*, 57 C. C. 357; *Miller*, 249 U. S. 303; *Mitchell*, 22 F. 2d 771; *Morrison*, 6 F. 2d 811; *Pape*, 19 F. 2d 219; *Patawa*, 132 Fed. 893; *Pel-Ata-Yakot*, 188 Fed. 387; *Perrin*, 232 U. S. 478; *Reynolds*, 174 Fed. 212; *Sage*, 235 U. S. 99; *Sloan*, 118 Fed. 283; *Sloan*, 95 Fed. 193; *Smith*, 142 Fed. 225; *U. S. v. Choctaw*, 38 C. C. 558; *U. S. v. Getselman*, 89 F. 2d 531; *U. S. v. Gray*, 201 Fed. 291; *U. S. v. Hayes*, 20 F. 2d 873; *U. S. v. Heyfron*, 139 Fed. 964; *U. S. v. One Cadillac*, 255 Fed. 173; *U. S. v. Paine*, 206 U. S. 467; *U. S. v. Payne*, 264 U. S. 446; *U. S. v. Zumwalt*, 186 Fed. 596; *Ute*, 45 C. C. 440; *Vezina*, 245 Fed. 411; *Wadsworth*, 148 Fed. 771; *Ya-Koot-Sa*, 262 Fed. 398; *Yancton*, 272 U. S. 351; *Yankton*, 61 C. C. 40; *Young*, 170 Fed. 612.

²⁸ Also see 25 U. S. C. 402a (44 St. 894).

²⁸ Sg. 1 St. 137; S. 34 St. 1056; 35 St. 644; 36 St. 269.

28 St. 424; Aug. 23, 1894; C. 307—An Act Making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1894, and for prior years, and for other purposes."

28 St. 489; Aug. 23, 1894; C. 311—An Act Granting to the Northern Mississippi Ry. Co. right of way through certain Indian reservations in Minnesota.

28 St. 502; Aug. 24, 1894; C. 330—An Act To authorize purchasers of the property and franchises of the Choctaw Coal and Ry. Co. to organize a corporation and to confer upon the same all the powers, privileges, and franchises vested in that company."

28 St. 504; Aug. 27, 1894; C. 342—An Act Granting to the Duluth and Winnipeg R. Co. a right of way through the Chippewa and White Earth Indian reservations in the State of Minnesota.

28 St. 505; Aug. 27, 1894; C. 343—An Act To amend an Act entitled "An Act to amend an Act entitled 'An Act granting the right of way to the Hutchison and Southern R. Co. through the Indian Territory.'"

28 St. 507; Aug. 27, 1894; C. 346—An Act Authorizing the issue of a patent to the Presbyterian Board of Home Missions for certain lands on the Omaha Indian reservation for school purposes.

28 St. 509; Aug. 27, 1894; C. 349—An Act To reduce taxation, to provide revenue for the Government, and for other purposes.

28 St. 576; Dec. 19, 1893; J. Res. No. 5—Joint Resolution For the protection of those parties who have heretofore been allowed to make entries for lands within the former Mille Lac Indian Reservation in Minnesota."

28 St. 579; Mar. 31, 1894; J. Res. No. 16—Joint Resolution Authorizing and directing the Secretary of the Treasury to receive at the sub-treasury in the city of New York from R. T. Wilson and Company, or assigns, the money amounting to \$6,740,000, to be paid to the Cherokee Nation, and to place the same to the credit of the Cherokee Nation."

28 St. 580; Apr. 2, 1894; J. Res. No. 17—Joint Resolution Authorizing the Secretary of the Interior to cause the settlement of the accounts of Special Agents Moore and Woodson, under the treaty of 1854, with the Delaware Indians, and so forth."

28 St. 589; Aug. 6, 1894; J. Res. No. 42—Joint Resolution Authorizing proper officers of the Treasury Department to examine and certify claims in favor of certain counties in Arizona."

28 St. 592; Aug. 28, 1894; J. Res. No. 53—Joint Resolution To change the initials of a name in the Indian appropriation bill.

28 St. 594; Dec. 13, 1894; C. 3—An Act To provide for the location and satisfaction of outstanding military bounty land warrants and certificates of location under section three of the Act approved June 2, 1858."

28 St. 635; Jan. 21, 1895; C. 37—An Act To permit the use of the right of way through the public lands for tramroads, canals, and reservoirs, and for other purposes." 43 U. S. C. 956.

28 St. 641; Jan. 26, 1895; C. 50—An Act Authorizing the Secretary of the Interior to correct errors where double allotments of land have erroneously been made to an Indian, to correct errors in patents, and for other purposes." 25 U. S. C. 343 (33 St. 297). U. S. C. A. Historical Note: The derivative act originally contained the provisions set forth in the Code section down to and including the words "ought to be canceled for error in the issue thereof," followed by a clause, "or for the best interests of the Indian," and the further clause set forth here, "and, if possession of the original patent cannot be obtained, such cancellation shall be effective if made upon the records of the General Land

²⁸ Sg. 26 St. 851; S. 28 St. 876; 30 St. 62; 43 St. 390; 52 St. 291. *Op.* 45 St. 986. *Oited*: 21 *Op.* A. G. 131; *Hanks*, 3 *Ind. T.* 415; *McCollum*, 33 C. C. 469; *Pam-To-Pee*; 187 U. S. 371; *U. S. v. Wright*, 53 F. 2d 300.

²⁸ Sg. 26 St. 640. A. 29 St. 98. *Op.* 31 St. 52. *Cited*: *Choctaw*, O. & G. R., 256 U. S. 531; *Choctaw*, 6 *Ind. T.* 515; *U. S. ex rel. Search*, 3 *Okl.* 404.

²⁸ Sg. 1 St. 137; *Ag.* 27 St. 2. A. 29 St. 702.

²⁸ Sg. 25 St. 642. *Cited*: *Mille Lac*, 46 C. C. 424.

²⁸ Sg. 27 St. 640.

²⁸ Sg. 10 St. 1048. 1069. 1082.

²⁸ Sg. 23 St. 385; 25 St. 1004. S. St. 843; 30 St. 105.

²⁸ Sg. 11 St. 295; 17 St. 605; 19 St. 377; 20 St. 89, 113; 26 St. 1097; 27 St. 848.

²⁸ *Cited*: *U. S. v. Portneuf-Marsh*, 213 Fed. 601.

²⁸ A. 33 St. 297. *Oited*: *LaClair*, 184 Fed. 128; *Mandler*, 52 F. 2d 713; *U. S. v. LaRoque*, 198 Fed. 645; 24 L. D. 214; 29 L. D. 251; 30 L. D. 258; 38 L. D. 556; 43 L. D. 84; *Op. Sol. M.* 12498. *Jan.* 6, 1924, *M.* 12509, *Aug.* 27, 1924.

Office, pending with a provision, "and no proclamation shall be necessary to open the lands so allotted to settlement." The amendment by said act of 1904 consisted in omitting said clause, "or for the best interests of the Indian," in changing said last clause to read, "and no proclamation shall be necessary to open to settlement the lands to which such an erroneous allotment patent has been canceled, provided such lands would otherwise be subject to entry," and in adding the two provisos, to read substantially as set forth hereunder:

28 St. 653; Feb. 12, 1895; C. 81—An Act Granting right of way to the Forest City and Sioux City R. Co. through the Sioux Indian Reservation.

28 St. 654; Feb. 12, 1895; C. 83—An Act Making appropriations for the support of the Army for the fiscal year ending June 30, 1896, and for other purposes.

28 St. 665; Feb. 13, 1895; C. 95—An Act Granting to the Globe Valley, Globe and Northern R. Co. a right of way through the San Carlos Indian Reservation in the Territory of Arizona.

28 St. 677; Feb. 20, 1895; C. 113—An Act To disapprove the treaty heretofore made with the Southern Ute Indians to be removed to the Territory of Utah, and providing for settling them down in severalty where they may so elect and are qualified, and to settle all those not electing to take lands in severalty on the west forty miles of present reservation and in portions of New Mexico, and for other purposes; and to carry out the provisions of the treaty with said Indians June 15, 1890.

28 St. 679; Feb. 20, 1895; C. 114—An Act For the relief of certain Winniebago Indians in Minnesota.

28 St. 693; Mar. 1, 1895; C. 145—An Act To provide for the appointment of additional judges of the United States court in the Indian Territory, and for other purposes. Sec. 8—25 U. S. C. 241a.

28 St. 703; Mar. 2, 1895; C. 161—An Act Making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1896, and for other purposes.

28 St. 744; Mar. 2, 1895; C. 176—An Act To amend sec. 9 of an Act entitled "An Act to authorize the Kansas City, Pittsburg and Gulf R. Co. to construct and operate a railroad, telegraph, and telephone line through the Indian Territory, and for other purposes."

28 St. 764; Mar. 2, 1895; C. 177—An Act Making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes.

28 St. 843; Mar. 2, 1895; C. 187—An Act Making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1895, and for prior years, and for other purposes.

28 St. 876; Mar. 2, 1895; C. 188—An Act Making appropriations for current and contingent expenses of the Indian Department

and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1896, and for other purposes. Sec. 1, p. 906—25 U. S. C. 286 (28 St. 313, sec. 11); 43 U. S. C. 856. Also see Historical Note 25 U. S. C. A. 395; 28 St. 910; Mar. 2, 1895; C. 189—An Act Making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes.

28 St. 966; Mar. 2, 1895; C. 195—An Act To provide for the salaries of the judges and other officers of the United States court in the Indian Territory.

28 St. 970; Feb. 20, 1895; J. Res. No. 16—Joint Resolution To confirm the enlargement of the Red Cliff Indian Reservation in the State of Wisconsin, made in 1863, and for the allotment of same.

28 St. 974; Mar. 2, 1895; J. Res. No. 27—Joint Resolution Continuing the present officers of the courts in the Indian Territory until the bill for the reorganization of the judiciary of that Territory which has passed both Houses of Congress and awaits the signature of the President of the United States becomes a law.

28 St. 987; June 20, 1894; C. 112—An Act For the relief of the heirs of Edward Morrison and Nellie Morrison, now deceased.

28 St. 998; Aug. 4, 1894; C. 223—An Act For the relief of Benjamin F. Poteet.

28 St. 1007; Aug. 11, 1894; C. 276—An Act For the relief of Walter S. McLeod.

28 St. 1009; Aug. 15, 1894; C. 297—An Act To enable the Secretary of the Interior to pay John T. Heard for professional services rendered the "Old Settlers," or Western Cherokee Indians out of the funds of said Indiana.

28 St. 1013; Aug. 23, 1894; C. 326—An Act For the relief of Henry W. Lee.

28 St. 1013; Aug. 24, 1894; C. 331—An Act Granting a pension to Jesse Davenport, of Company A. Second Regiment Oregon Mounted Volunteers, in Oregon Indian wars of 1855 and 1856.

28 St. 1015; Aug. 24, 1894; C. 337—An Act Granting a pension to Adaline J. Props.

28 St. 1018; Aug. 4, 1894; J. Res. No. 41—Joint Resolution Authorizing the Secretary of the Interior to approve a certain lease made in Polk County, Minnesota.

28 St. 1025; Jan 22, 1895; C. 41—An Act To pension Willis Manasco.

28 St. 1029; Feb. 8, 1895; C. 60—An Act For the relief of John J. Patman.

28 St. 1030; Feb. 8, 1895; C. 72—An Act To increase the pension of Pickens T. Reynolds, of Hall County, Georgia.

28 St. 1030; Feb. 8, 1895; C. 74—An Act Granting a pension to Rosanna Cobb, widow of Edmond Cobb, deceased, late of Sac and Fox war.

28 St. 1031; Feb. 12, 1895; C. 85—An Act For the relief of William T. Holman.

28 St. 1034; Feb. 21, 1895; C. 122—An Act To pension Mary R. Williams.

189 St. 482; 30 St. 227; 41 St. 199; 25 St. 133; S. 29 St. 321; 30 St. 105; 45 St. 200. Cited: Ute, 45 C. Cls. 440.

89 St. 659; 16 St. 361; 17 St. 185.

8 St. 29 St. 6; 30 St. 105; 31 St. 657; 32 St. 90; 33 St. 189; 34 St. 697; 35 St. 8. Cited: 22 Op. A. G. 232; Memo. Sol., Oct. 13, 1933; Ammerman, 267 Fed. 136; Anstey, 180 U. S. 253; Archard, 212 Fed. 146; Binyon, 4 Ind. T. 642; Blise, 5 Ind. T. 602; Boyt, 4 Ind. T. 47; Blackwell, 236 Fed. 912; Brown, 2 Ind. T. 582; Browning, 6 F. 2d 801; Buchanan, 15 F. 2d 496; Burch, 7 Ind. T. 284; Burton, 31 F. 2d 966; Butterfield, 241 Fed. 556; Chambliss, 218 Fed. 154; Chancellor, 237 Fed. 193; Chocataw, 6 Ind. T. 432; Collier, 221 Fed. 64; Collins, 243 Fed. 495; Commercial, 261 Fed. 330; DeMoss, 250 Fed. 87; Dennee, 4 Ind. T. 231; Edwards, 5 F. 2d 17; Evans, 204 Fed. 361; Ex p. Webb, 225 U. S. 663; Fiedler, 227 Fed. 832; Flack, 272 Fed. 680; Ford, 260 Fed. 657; Gleau Tucker, 4 Ind. T. 511; Greer, 245 U. S. 559; Hawley, 15 F. 2d 621; Isbell, 237 Fed. 788; Johnson, 234 U. S. 422; Jones, 274 U. S. 544; Joplin, 236 U. S. 531; Lucas, 16 F. 2d 32; Luce, 4 Ind. T. 54; McSpadden, 224 Fed. 935; Morrison, 6 F. 2d 811; Oats, 1 Ind. T. 152; Oklahoma, 249 Fed. 592; One Bulck, 275 Fed. 808; Parmenter, 6 Ind. T. 530; Parris, 1 Ind. T. 43; Prosser, 265 Fed. 252; Purcell, 6 Ind. T. 78; Rentro, 15 F. 2d 991; Robinson, 221 Fed. 398; Royal, 217 Fed. 146; Schaap, 210 Fed. 853; Segna, 218 Fed. 791; Sharpe, 16 F. 2d 876; Simon, 4 Ind. T. 688; Stephens, 174 U. S. 445; Swafford, 25 F. 2d 581; Tally, 6 Ind. T. 331; Taylor, 6 Ind. T. 351; Tucker, 236 Fed. 542; U. S. v. Buckles, 6 Ind. T. 319; U. S. v. Cohn, 2 Ind. T. 474; U. S. v. Luther, 260 Fed. 597; U. S. v. One Bulck, 244 Fed. 961; U. S. v. One Cadillac, 225 Fed. 173; U. S. v. One Ford, 259 Fed. 645; U. S. v. Wright, 229 U. S. 226; Warren, 250 Fed. 89; Watkins, 3 Ind. T. 281; Wilson, 1 Ind. T. 163; Willis, 6 Ind. T. 424; Williams, 4 Ind. T. 204; Wilson, 260 Fed. 840; Wright, 227 Fed. 855.

Ag. 27 St. 487, sec. 9.

Sp. 27 St. 643. Cited: 22 L. D. 709; Cherokee, 270 U. S. 476.

Sp. 10 St. 552; 11 St. 91; 12 St. 104; 15 St. 175; 21 St. 510; 26 St. 92, 853; 28 St. 589. Cited: Medawakanton, 57 C. Cls. 357.

89 St. 1 St. 619; 4 St. 442; 7 St. 36, 46, 51, 69, 85, 99, 114, 161, 179, 185, 213, 236, 242, 287, 296, 317, 320, 349, 352, 425, 541, 545, 752; 9 St. 35, 842, 855, 904; 10 St. 950, 1071, 1079; 11 St. 614, 700, 702, 729, 744; 12 St. 628, 981, 1173; 13 St. 675; 14 St. 650, 757, 787; 15 St. 515, 584, 590, 596, 622, 637, 638, 651, 657, 676; 16 St. 40, 355, 720; 17 St. 333 sec. 1; 19 St. 254, 256, 287; 22 St. 43, 603; 23 St. 79; 24 St. 388, 389; 25 St. 114, 645, 688, 759, 894; 26 St. 352, 659, 756, 794, 1026, 1028, 1033, 1036, 1037; 27 St. 137, 139, 260, 624, 630, 641, 745; 28 St. 3, 301, 307, 308, 450. S. 29 St. 321; 30 St. 62, 1362; 31 St. 1010, 1093; 32 St. 245, 982; 33 St. 519; 34 St. 325; 43 St. 390, 1313. Rp. 36 St. 855. A. 41 St. 1225. Cited: 29 Op. A. G. 239; 34 Op. A. G. 439; 3 L. D. Memo. 388; 3 L. D. Memo. 435; Op. Sol., M. 12746, Oct. 8, 1924; Memo. Sol. Off., Feb. 7, 1934; 23 L. D. 364; Cherokee, 85 C. Cls. 76; Childers, 270 U. S. 555; Creek, 65 C. Cls. 270; Eagle-Picher, 28 F. 2d 472; Ewert, 259 U. S. 129; Goodrum, 162 Fed. 817; Hallam, 49 F. 2d 103; In re Land of Five, 199 Fed. 811; In re Lelah-Puc-Ka-Chee, 98 Fed. 429; Jaybird, 271 U. S. 609; Kendall, 259 U. S. 139; McCullough, 243 Fed. 823; Medawakanton, 57 C. Cls. 357; Moore, 5 Ind. T. 384; Pam-To-Pee, 187 U. S. 371; Peal, 45 C. Cls. 154; Sac & Fox, 45 C. Cls. 287; Sac & Fox, 220 U. S. 481; Schewson, 31 C. Cls. 192; Sisseton, 42 C. Cls. 416; Smith, 270 U. S. 456; Smith, 37 C. Cls. 119; U. S. v. Abrams, 194 Fed. 82; U. S. v. Chortaw, 179 U. S. 494; U. S. v. Moore, 284 Fed. 86; U. S. v. Noble, 237 U. S. 74; U. S. v. Reynolds, 250 U. S. 104; U. S. v. Rundell, 181 Fed. 887; U. S. v. Sisseton, 208 U. S. 561; U. S. ex rel. West, 205 U. S. 80; Williams, 16 Okla. 104; Whitebird, 40 F. 2d 479.

Rp. 27 St. 645, § 29 St. 321; 30 St. 62, 571, 924; 31 St. 221, 1058; 32 St. 245, 982; 43 St. 1313. Cited: Cherokee, 187 U. S. 294; Cherokee, 223 U. S. 108; Dick, 6 Ind. T. 85; Journeycake, 31 C. Cls. 140; Kimberlin, 104 Fed. 653; Lowe, 223 U. S. 95; Nuna, 216 Fed. 330.

89 St. 10 St. 1109.

Sp. 26 St. 989, 1022.

Cited: Jones, 175 U. S. 1.

- 28 St. 1041, Mar. 2, 1895; C. 209—An Act To pension David H. Sexton for services in Oregon Indian wars.
- 28 St. 1042, Mar. 2, 1895; C. 211—An Act to pension Mary E. Hamilton, widow of David Hamilton, soldier in Indian war of 1818.
- 28 St. 1044, Mar. 2, 1895; C. 220—An Act Granting a pension to James Jones.
- 28 St. 1044, Mar. 2, 1895; C. 221—An Act Granting a pension to Alexander M. Laughlin.
- 28 St. 1045, Mar. 2, 1895; C. 227—An Act To grant a pension to Mrs. Mary Button, of Arkansas, widow of Asa Button, deceased.
- 28 St. 1047, Mar. 2, 1895; C. 234—An Act Granting an increase of pension to Thomas M. Chill.

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- 29 St. 6; Feb. 8, 1896; C. 14—An Act To extend the jurisdiction of the United States circuit court of appeals, eighth circuit, over certain suits now pending therein on appeal and writ of error from the United States court in the Indian Territory.
- 29 St. 6; Feb. 13, 1896; C. 19—An Act To amend an Act entitled "An Act to authorize the Kansas City, Pittsburg and Gulf Railroad Company to construct and operate a railroad, telegraph, and telephone line through the Indian Territory, and for other purposes," approved February 27, 1893.
- 29 St. 9; Feb. 20, 1896; C. 24—An Act To extend the mineral-land laws of the United States to lands embraced in the north half of the Colville Indian Reservation.
- 29 St. 10; Feb. 20, 1896; C. 26—An Act To amend section twenty-one of an Act entitled "An Act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations, and to secure the relinquishment of the Indian title to the remainder, and for other purposes," approved March 2, 1889.
- 29 St. 12; Feb. 24, 1896; C. 29—An Act Granting to the Brainerd and Northern Minnesota Ry. Co. a right of way through the Leech Lake Indian Reservation and Chippewa Indian Reservation, in Minnesota.
- 29 St. 13; Feb. 24, 1896; C. 30—An Act To authorize the Arkansas and Choctaw Ry. Co. to construct and operate a railway through the Choctaw Nation, in the Indian Territory, and for other purposes.
- 29 St. 16; Feb. 26, 1896; C. 31—An Act Granting leave of absence for one year to homestead settlers upon the Yankton Indian Reservation, in the State of South Dakota, and for other purposes.
- 29 St. 17; Feb. 26, 1896; C. 32—An Act To amend an Act entitled "An Act for the relief and civilization of the Chippewa Indians in the State of Minnesota."
- 29 St. 17; Feb. 26, 1896; C. 33—An Act Making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes.
- 29 St. 40; Mar. 2, 1896; C. 38—An Act To grant the Fort Smith and Western Coal R. Co. a right of way through the Indian Territory, and for other purposes.
- 29 St. 44; Mar. 4, 1896; C. 41—An Act To amend an Act entitled "An Act to grant to the Gainesville, McAlester and St. Louis R. Co. a right of way through the Indian Territory."
- 29 St. 44; Mar. 6, 1896; C. 42—An Act Granting to the Columbia and Red Mountain Ry. Co. a right of way through the Colville Indian Reservation, in the State of Washington, and for other purposes.
- 29 St. 45; Mar. 6, 1896; C. 46—An Act Making appropriations for the payment of invalid and Other pensions of the United States for the fiscal year ending June 30, 1897, and for other purposes. 38 U. S. C. 323.
- 29 St. 60; Mar. 16, 1896; C. 59—An Act Making appropriations for the support of the Army for the fiscal year ending June 30, 1897.

- 29 St. 69; Mar. 18, 1896; C. 60—An Act To authorize the St. Louis and Oklahoma City R. Co. to construct and operate a railway through the Indian and Oklahoma Territories, and for other purposes.
- 29 St. 77; Mar. 28, 1896; C. 76—An Act To authorize the Kansas City, Fort Scott and Memphis R. Co. to extend its line of railroad into the Indian Territory, and for other purposes.
- 29 St. 80; Mar. 30, 1896; C. 82—An Act Authorizing the St. Louis, Oklahoma and Southern Ry. Co. to construct and operate a railway through the Indian Territory and Oklahoma Territory, and for other purposes.
- 29 St. 84; Mar. 31, 1896; C. 85—An Act Providing for disposal of lands lying within the Fort Klamath Hay Reservation, not included in the Klamath Indian Reservation, in Oregon.
- 29 St. 87; Apr. 6, 1896; C. 93—An Act Authorizing the Arkansas Northwestern Ry. Co. to construct and operate a railway through the Indian Territory, and for other purposes.
- 29 St. 92; Apr. 14, 1896; C. 100—An Act Granting to the Duluth and North Dakota R. Co. right of way through certain Indian reservations in the State of Minnesota.
- 29 St. 93; Apr. 14, 1896; C. 101—An Act To amend an Act to authorize the Inter-oceanic Ry. Co. to construct and operate railway, telegraph, and telephone lines through the Indian Territory.
- 29 St. 95; Apr. 18, 1896; C. 108—An Act Granting to the Atchison and Nebraska R. Co. and the Chicago, Burlington and Quincy R. Co., its lessee in perpetuity, the right of way over a part of the Sac and Fox and Iowa Indian Reservation in the States of Kansas and Nebraska.
- 29 St. 98; Apr. 24, 1896; C. 122—An Act To amend an Act approved August 24, 1894, entitled "An Act to authorize purchasers of the property and franchises of the Choctaw Coal and Ry. Co. to organize a corporation and to confer upon the same all the powers, privileges, and franchises vested in that company."
- 29 St. 109; Apr. 25, 1896; C. 141—An Act To grant to railroad companies in Indian Territory additional powers to secure depot grounds.
- 29 St. 117; May 13, 1896; C. 175—An Act Making provision for the deportation of refugee Canadian Cree Indians from the State of Montana and their delivery to the Canadian authorities.
- 29 St. 128; May 21, 1896; C. 213—An Act To amend an Act entitled "An Act to authorize the Denison and Northern Ry. Co. to construct and operate a railway through the Indian Territory, and for other purposes."
- 29 St. 136; May 25, 1896; C. 242—An Act Making it unlawful to shoot at or into any railway locomotive or car, or at any person thereon, or to throw any rock or other missile at or into any locomotive or car in the Indian Territory, and for other purposes.
- 29 St. 140; May 28, 1896; C. 252—An Act Making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes.
- 29 St. 202; June 3, 1896; C. 314—An Act Making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.
- 29 St. 245; June 3, 1896; C. 316—An Act For the relief of settlers on the Northern Pacific Railroad indemnity lands.
- 29 St. 267; June 8, 1896; C. 373—An Act Making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes.

§ 30 St. 993.
 * Oited: Chippewa, 80 C. Cls. 410.
 * Ag. 27 St. 787, sec. 1, 2, 6. St. 27 St. 750.
 * Ag. 28 St. 502, sec. 4. Rp. 31 St. 52. Cited: Choctaw, O. & G. R. Co., 6 Ind. T. 515 Choctaw 256 U. S. 531.
 * Ag. 27 St. 339, sec. 2, 6, 8.
 * A. 29 St. 538.
 * No. 25 St. 844.
 * Ag. 25 St. 768; 26 St. 92, sec. 25, 853; 27 St. 64, 641; 28 St. 306, sec. 7. Oited: Memo. Ind. Off., Mar. 13, 1935.
 * Ag. 1 St. 619; 4 St. 442; 7 St. 36, 46, 51, 69, 84, 85, 99, 114, 161, 179, 185, 212, 213, 226, 242, 287, 296, 317, 318, 320, 321, 349, 352, 425, 540, 541, 545, 596; 9 St. 35, 84, 854, 855, 904; 10 St. 1071, 1079; 11 St. 614, 700, 701, 702, 729, 744; 12 St. 628, 981, 1040, 1173; 13 St. 675, 14 St. 650, 757, 777, 787; 15 St. 515, 584, 590, 596, 621, 622, 637, 638, 651, 657, 676; 16 St. 40, 355, 720, 10 St. 254, 256; 22 St. 48, 23 St. 79; 24 St. 398; 25 St. 114, 133, 642, 645, 688, 890, 894, 1005; 26 St. 756, 1028, 1032, 1037; 27 St. 139, 636, 642, 82 St. 118, 301, 673, 876, 894, 908, 939; 29 St. 23, 40, 40 St. 561, 4 St. 924, Rp. 35 St. 1088. 8. 30 St. 62, 495, 571, 924; 31 St. 221, 280, 672, 1010, 1058; 32 St. 245, 641, 982; 33 St. 189, 352, 1048; 34 St. 325;

§ 28 St. 693.
 * Ag. 27 St. 487, sec. 1.
 * Ag. 27 St. 64, sec. 6. Cited: McFadden, 87 Fed. 154; U. S. v. Pelican, 232 U. S. 442.
 * Ag. 25 St. 897, sec. 21.
 * Ag. 1 St. 137.
 * Ag. 25 St. 644, sec. 5.
 * Ag. 25 St. 644; 26 St. 612; 27 St. 633; 29 St. 17, c. 32. S. 29 St. 321.
 * A. 30 St. 433, c. 391. Cited: Northern, 227 U. S. 355.
 * Ag. 27 St. 524, sec. 1, 2, 6. Ag. 27 St. 524, sec. 9, A. 30 St. 715.
 * Ag. 18 St. 482 Oited: U. S. v. Ferry Co., 24 F. Supp. 399.

29 St. 321; June 10, 1896; C. 398—An Act Making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes." Sec. 1, p. 336—25 U. S. C. 117. USCA Historical Note: By the Act of Mar. 2, 1895, s. 11, 28 St. 183, the Secretary of the Interior was authorized to detail an officer from his department or appoint a special agent to superintend and inspect payments or disbursements of moneys to Indians individually. This was repealed by Act of Apr. 21, 1904, s. 9, 35 St. 218. The Act of June 23, 1898, s. 19, 30 St. 502, contained the following provision: "Sec. 19. That no payment of any moneys on any account whatever shall hereafter be made by the United States to any of the tribal governments or to any officer thereof for disbursement, but payments of all sums to members of said tribes shall be made under direction of the Secretary of the Interior by an officer appointed by him; and per capita payments shall be made direct to each individual in lawful money of the United States, and the same shall not be liable to the payment of any previously contracted obligation." Sec. 1, p. 343—18 U. S. C. 111; Sec. 1, p. 348—25 U. S. C. 287.

29 St. 413; June 11, 1896; C. 420—An Act Making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes."

29 St. 487; Jan. 15, 1897; C. 29—An Act To reduce the cases in which the penalty of death may be inflicted." 18 U. S. C. 548.

29 St. 493; Jan. 20, 1897; C. 70—An Act To validate the appointments, acts, and services of certain deputy United States marshals in the Indian Territory, and for other purposes."

29 St. 502; Jan. 29, 1897; C. 108—An Act To authorize the Muskogee, Oklahoma and Western R. Co. to construct and operate a line of railway through Oklahoma and the Indian Territory, and for other purposes."

29 St. 506; Jan. 30, 1897; C. 109—An Act To prohibit the sale of intoxicating drinks to Indians, providing penalties therefor, and for other purposes." Sec. 11—25 U. S. C. 241 (R. S. sec. 2139; Sec. 1, 19 St. 244; 27 St. 260). See Historical Note 25 U. S. C. A. 241.

29 St. 510; Feb. 3, 1897; C. 136—An Act Relating to mortgages in the Indian Territory."

29 St. 512; Feb. 6, 1897; C. 170—An Act To amend an Act entitled "An Act granting to the Eastern Nebraska and Gulf Ry. Co. right of way through the Omaha and Winnebago Indian reservations, in the State of Nebraska," by extending the time for the construction of said railway."

29 St. 527; Feb. 15, 1897; C. 228—An Act To grant to the Hudson Reservoir and Canal Co. the right of way through the Gila River Indian Reservation."

29 St. 529; Feb. 15, 1897; C. 230—An Act To extend and amend an Act entitled "An Act to grant the right of way to the Kansas, Oklahoma Central and Southwestern Ry. Co. through the Indian Territory and Oklahoma Territory, and for other purposes," approved December 21, 1893."

29 St. 538; Feb. 19, 1897; C. 265—An Act Making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes."

29 St. 592; Feb. 23, 1897; C. 308—An Act To extend the time for the completion of the Saint Paul, Minneapolis and Manitoba Ry. Co. through the White Earth, Leech Lake, Chippewa, and Fond du Lac Indian reservations in the State of Minnesota."

29 St. 609; Mar. 2, 1897; C. 362—An Act Making appropriations for the support of the Army for the fiscal year ending June 30, 1898."

29 St. 698; Jan. 30, 1897; J. Res. No. 7—Joint Resolution To authorize the Secretary of the Interior to use Fort Bidwell for an Indian training school."

29 St. 702; Feb. 23, 1897; J. Res. No. 17—Joint Resolution To amend an Act granting to the Duluth and Winnipeg R. Co. a right of way through the Chippewa and White Earth Indian reservations in the State of Minnesota."

29 St. 715; Apr. 24, 1896; C. 124—An Act To authorize the Secretary of the Interior to settle the claims of the legal representatives of S. W. Marston, late United States Indian agent of Union Agency, Indian Territory, for services and expenses."

29 St. 736; May 30, 1896; C. 288—An Act For the Relief of Kate Kber, an Indian woman."

29 St. 748; June 6, 1896; C. 360—An Act Granting a pension to Carrie H. Greene."

29 St. 762; Jan. 13, 1897; C. 15—An Act To grant a pension to Armstead M. Rawlings, of Arkansas."

29 St. 768; Jan. 18, 1897; C. 48—An Act Granting a pension to Mary Prince, widow of Ellis Prince."

29 St. 769; Jan. 16, 1897; C. 49—An Act Granting a pension to Nancy B. Prince, widow of Elbert Prince."

29 St. 788; Feb. 4, 1897; C. 157—An Act Granting a pension to Silas S. White."

29 St. 801; Feb. 10, 1897; C. 215—An Act For the relief of Hiram T. Gorum and Silas W. Davis, of Oregon."

29 St. 804; Feb. 17, 1897; C. 245—An Act For the relief of Silas P. Keller."

29 St. 821; Feb. 25, 1897; C. 321—An Act For the relief of Daniel T. Tollett."

39 St. 969; 45 St. 684. Cited: Cavell, 3 Okla. S. B. 1, 208; 25 Op. A. G. 152; 25 Op. A. G. 163; 26 Op. A. G. 127; 26 Op. A. G. 171; 3 L. D. Memo. 436; Sol. Op. M. 1110; Dec. 4, 1923; Sol. Op. M. 20612; Dec. 28, 1926; Ren. on Status of Pueblo of Polesque, Nov. 3, 1932; Op. Sol. Aug. 1, 1933; Memo. Sol. Off. Feb. 7, 1934; Memo. Sol., Aug. 8, 1934; Memo. Ind. Off. Mar. 13, 1935; Letter from Act. Secy of Int. to Compt. Gen. Apr. 16, 1935; Sol. Op. 26163; Oct. 1, 1930; 44 L. D. 531; Ansley, 180 U. S. 253; Blackfeet, 81 C. Cls. 191; British-American, 298 U. S. 159; Cherokee, 93 C. Cls. 76; Cherokee, 187 U. S. 294; Choctaw, 81 C. Cls. 1; Choctaw, 83 C. Cls. 140; Crawford, 3 Ind. T. 10; Dick, 6 Ind. T. 85; Dukes, 5 Ind. T. 145; Eagle-Pitcher, 28 F. 2d, 472; Felt, 233 Fed. 177; Gardeld, 211 U. S. 261; Gardeld, 211 U. S. 249; Hentel, 237 U. S. 45; In re Leleh-Puc-Ka-Chee, 98 Fed. 429; Kemohah, 36 F. 2d 665; Kimberlin, A Ind. T. 16; Klamath, 86 C. Cls. 614; McMurray, 62 C. Cls. 458; McKnight, 130 Fed. 659; Malone, 212 Fed. 669; Medayakanton, 57 C. Cls. 357; Mullen, 224 U. S. 448; Nunn, 216 Fed. 330; Peters, 111 Fed. 244; Quick Bear, 210 U. S. 50; Sac & Fox, 220 U. S. 481; Seminole, 78 C. Cls. 455; Smith, 142 Fed. 225; Stephens, 174 U. S. 445; U. S. v. Anderson, 228 U. S. 52; U. S. v. Atkins, 260 U. S. 220; U. S. v. Hayes, 20 F. 2d 823; U. S. v. Hoyt, 167 Fed. 301; U. S. v. Noble, 237 U. S. 74; U. S. v. Pearson, 231 Fed. 270; U. S. v. Watashe, 102 F. 2d 428; U. S. v. Wildcat, 244 U. S. 111; Wallace, 204 U. S. 415; Winters, 207 U. S. 564; Winton, 255 U. S. 373.

¹ 8. 35 St. 644; 36 St. 269.

² Rg. 23 St. 385, sec. 9. Cited: Memo. Sol. Off. Jan. 19, 1937; Apodaca, 233 U. S. 587; Bailey, 47 F. 2d 702; Eugene Sol. Louis, 274 Fed. 47; Ex p. Pero, 99 F. 2d 28; Good Shot, 104 Fed. 254; Louis, 254 U. S. 548; Pickett, 216 U. S. 458; Quagon, 5 F. 2d 608; U. S. v. Celestine, 215 U. S. 278; U. S. v. Kiya, 126 Fed. 879; U. S. v. Seneca, 774 Fed. 947; Yohowan, 291 Fed. 425.

³ Ag. 4 St. 564; 13 St. 29; 19 St. 244. Rg. 27 St. 260. 8. 39 St. 123; 40 St. 561; 41 St. 3; 48 St. 927; 1245; 50 St. 884; 52 St. 696. Rg. 48 St. 396. Cited: Russell, 18 Yale L. J. 328; 25 Op. A. G. 416; Op. Sol. M. 8860; Nov. 1, 1922; Sol. Letter, July 15, 1934; Op. Sol. M. 29147; May 6, 1937; Browning, 6 F. 2d 801; Buchanan, 15 F. 2d 496; Butterfield, 241 Fed. 536; Chambliss, 218 Fed. 154; Chairmont, 225 U. S. 551; Collins, 243 Fed. 495; Edwards, 5 F. 2d 17; Eiam, 7 F. 2d 887; Evans, 204 Fed. 361; Ex p. Dick, 141 Fed. 5; Ex p. Margrave, 275 Fed. 200; Ex p. Viles, 139 Fed. 68; Ex p. Webb, 225 U. S. 663; Farrell, 110 Fed. 942; Feeley, 236 Fed. 903; Hallowell, 221 U. S. 317; In re Lincoln, 202 U. S. 178; Johnson, 234 U. S. 422; Joplin, 236 U. S. 531; Katzenmeyer, 225 Fed. 523; Kennedy, 265 U. S. 344; McClintic, 283 Fed. 781; McSpadden, 224 Fed. 935; Matter of Hed, 197 U. S. 488; Morris, 19 F. 2d 131; Morgan, 224 Fed. 698; Morrison, 6 F. 2d 809; Morrison, 6 F. 2d 811; Mosier, 198 Fed. 54; Mulligan, 120 Fed. 98; Nelson, 18 F. 2d 622; Renfro, 15 F. 2d 991; Royal, 217 Fed. 140; Salazar, 236 Fed. 541; Schaap, 210 Fed. 853; Sharpe, 16 F. 2d 876; Sheel, 226 Fed. 184; Swafford, 2 F. 2d 581; Townsend, 265 Fed. 519; U. S. v. Belt, 128 Fed. 69; U. S. v. Birdsall, 213 U. S. 223; U. S. v. Boss, 160 Fed. 132; U. S. v. Bunkles, 6 Ind. T. 339; U. S. v. Cohn, 2 Ind. T. 474; U. S. v. 4 Bottles, 90 Fed. 720; U. S. v. Hall, 171 Fed. 214; U. S. v. Healy, 202 Fed. 349; U. S. v. Kiya, 126 Fed. 879; U. S. v. Kopp, 110 Fed. 160; U. S. v. Luther, 260 Fed. 579; U. S. v. Mares, 14 N. M. 1; U. S. v. Miller, 105 Fed. 944; U. S. v. Nice, 241 U. S. 591; U. S. v. Payne, 206 U. S. 467; U. S. v. Pelican, 232 U. S. 442; U. S. v. Ramsey, 271

30 STAT.

30 St. 11; June 4, 1897; C. 2—An Act Making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes."

30 St. 62; June 7, 1897; C. 3—An Act Making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and

U. S. 467; U. S. v. Sandoval, 231 U. S. 28; U. S. v. Soldana, 246 U. S. 530; U. S. v. Stoffelo, 8 Ariz. 461; U. S. v. Sutton, 215 U. S. 291; U. S. v. 12 Bottles, 201 Fed. 263; U. S. v. Wright, 229 U. S. 226; U. S. Exp., 191 Fed. 673; Votes, 249 Fed. 191; Wright, 227 Fed. 855.

¹ A. Sec. 1, 52 St. 696. Also see 25 U. S. C. 241a (sec. 8, 28 St. 697) and 25 U. S. C. 241a (48 St. 396).

² Ag. 26 St. 95. Cited: McFadden, 2 Ind. T. 260.

³ 8. 28 St. 96.

⁴ Ag. 28 St. 22, sec. 1. 30 St. 844; 8. 30 St. 844.

⁵ 8. 28 St. 186, sec. 19, 21, 22, 24.

⁶ 8. 28 St. 113, sec. 3.

⁷ Cited: Memo. Sol. Nov. 12, 1935.

⁸ Ag. 26 St. 505, sec. 5.

⁹ 8. 7 St. 374.

¹⁰ & tted: 26 L. D. 71.

for other purposes." sec. 1, p. 79-25 U. S. C. 278, (38 St. 988, sec. 21). USCA Historical Note: A proviso following the derivative provision: in sec. 1, 30 St. 62, which authorized the Secretary of the Interior to make contracts with schools of various denominations for the education of Indian pupils during the fiscal year 1898, but only at places where nonsectarian schools could not be provided, was omitted as temporary merely. A provision of Act June 29, 1888, s. 10, 25 Stat. 239, that at certain schools, at which "church organizations are assisting in the educational work, the Christian Bible may be taught in the native language (of the Indians," etc., may be regarded as superseded by a provision that the Government should, as early as practicable, make provision for the education of Indian children in Government schools, made by Act Mar. 2, 1895, s. 1, 28 St. 904, and by said derivative provisions. Similar provisions to the Code section were made by the Indian appropriation act of June 10, 1896, sec. 1, 29 Stat. 345. Sec. 1, p. 83-25 U. S. C. 274. (see 25 U. S. C. 472). Sec. 1, p. 90-25 U. S. C. 58 (sec. 10, 37 St. 88; sec. 1, 37 St. 521; sec. 17, 40 St. 578; 45 St. 1307). See Historical Note. 25 U. S. C. A. 58. Sec. 1, p. 90-25 U. S. C. 184. USCA Historical Note: The derivative section used the word "heretofore" instead of the words of the Code section "prior to June 7, 1897." Sec. 1, p. 90-25 U. S. C. 197 (32 St. 404, sec. 4). USCA Historical Note: Sec. 1, 30 St. 90, originally provided with reference to the Chippewa Indians of Minnesota; that the Secretary of the Interior might authorize them to "fell, cut, remove, sell or otherwise dispose of the dead timber, etc., and the amendment by said sec. 4 of 32 St. 404, consisted in repealing so much of the quoted phrase as authorized the sale of dead timber, standing or fallen under regulations prescribed by the Secretary of the Interior. USCA Pocket Supplement: 25 U. S. C. 197 was repealed except as to then existing contracts by 32 St. 404. Sec. 11-25 USCA 135 Historical Note: A provision made by Act June 7, 1897, sec. 11, 30 St. 93. "That hereafter, where funds appropriated in, specific terms for particular object are not sufficient for the object named, any other appropriation, general in its terms, which otherwise would be available may, in the discretion of the Secretary of the Interior, be used to accomplish the object for which the specific appropriation was made," was repealed by Act Mar. 3, 1911, sec. 1, 36 St. 1062.

30 St. 105; July 19, 1897; C. 9—An Act Making appropriations

* Ag. 29 St. 358. *Sp.* 4 St. 442; 7 St. 36, 46, 51, 60, 85, 90, 114, 161, 170, 195, 213, 236, 242, 287, 296, 314, 318, 320, 321, 352, 425, 541, 545, 9 St. 85, 842, 855, 904; 10 St. 1071, 1079, 1109, 11 St. 614, 700, 702, 729, 744; 12 St. 628, 652, 981, 1106, 1173; 13 St. 675, 14 St. 650, 757, 787, 15 St. 515, 584, 590, 596, 622, 638, 653, 657, 676, 16 St. 40, 355, 720; 19 St. 254, 258, 287; 22 St. 43, 23 St. 79; 24 St. 219, 388, 25 St. 114, 642, 645, 658, 894; 26 St. 756, 1028, 1037; 27 St. 139, 470, 633, 645; 28 St. 301, 330, 451, 908, 939; 29 St. 339, 341, 344, 365, 4, 37 St. 518. *Rp.* 30 St. 567; 32 St. 245, 400. S. 30 St. 105, 571, 652, 924; 31 St. 7, 221, 1038; 32 St. 245, 982; 33 St. 189, 1048; 34 St. 78, 325, 1015; 35 St. 70, 781; 36 St. 269, 1058; 37 St. 86, 518; 38 St. 77; 40 St. 561. *Cited:* Cavell, 3 Okla. S. B. J. 208; Dixon, 23 Case & Com. 712; Reeves, 23 Case & Com. 727; 26 Op. A. G. 127; 26 Op. A. G. 171; 27 Op. A. G. 588; 3 L. D. Memo. 435; Op. Sol. M. 11108, Dec. 4, 1923, M. 11380, June 17, 1924, M. 12874, Oct. 27, 1924, M. 13270, Nov. 6, 1924, M. 16954, Jan. 8, 1927; Rept. on Status of Pueblo of Pojoaque, Nov. 8, 1932; Memo. Sol. Off., May 11, 1934; Op. Sol. M. 27381, Dec. 18, 1934; Memo. Sol. Dec. 18, 1934; Memo. Sol. Off., Mar. 13, 1935; Memo. Sol., May 14, 1935, Nov. 11, 1935; Op. Sol., May 20, 1936; Memo. Sol. Off., Oct. 22, 1936; Memo. to Comm'r, Jan. 6, 1937; Memo. Sol. Off., Nov. 9, 1937, May 29, 1938; 25 L. D. 364; 26 L. D. 44; 29 L. D. 239; 29 L. D. 406; 60 L. D. 631; Ansley, 180 U. S. 253; Armstrong, 195 Fed. 137; Bartlett, 218 Fed. 380; Bird, 129 Fed. 472; Bowling, 233 U. S. 528; Cherokee, 203 U. S. 76; Cherokee, 197 U. S. 824; Cherokee, 85 C. Cls. 76; Choctaw, 81 C. Cls. 1; Dick, 6 Ind. T. 85; Duwamish, 79 C. Cls. 530; Eagle-Picher, 28 F. 2d 472; Ex p. Pero, 99 F. 2d 28; Farrell, 110 Fed. 942; Folk, 233 Fed. 177; Fond du Lac, 34 C. Cls. 426; Goodson, 7 Okla. 117; Halbert, 283 U. S. 753; Hallam, 49 F. 2d 103; Hampton, 22 F. 2d 81; Hanks, 3 Ind. T. 415; Hayes, 168 Fed. 221; Heckman, 224 U. S. 413; Jacobs, 223 U. S. 200; Jaybird, 271 U. S. 609; Jefferson, 247 U. S. 288; Kimberlin, 104 Fed. 653; McCullough, 243 Fed. 823; McKnight, 130 Fed. 659; McMurray, 62 C. Cls. 458; Maxey, 3 Ind. T. 243; Martin, 278 U. S. 58; Medawakanton, 57 C. Cls. 357; Miller, 249 U. S. 308; Mullen, 224 U. S. 448; Myers, 2 Ind. T. 3; Oakey, 172 Fed. 305; Pape, 19 F. 2d 219; Quick Bear, 210 U. S. 50; Schellenberger, 236 U. S. 68; Shoshone, 85 C. Cls. 331; Shoshone, 82 C. Cls. 23; Sloan, 118 Fed. 283; Smith, 270 U. S. 456; Stephens, 174 U. S. 445; Steward, 295 U. S. 403; Stoakey, 58 F. 2d 522; U. S. v. Abrams, 194 Fed. 82; U. S. v. Atkins, 260 U. S. 220; U. S. v. Haddock, 21 F. 2d 165; U. S. v. Hayes, 20 F. 2d 873; U. S. v. Heyfron, 138 Fed. 964; U. S. v. Moore, 284 Fed. 86; U. S. v. Noble, 237 U. S. 74; U. S. v. Rolfsou, 38 F. 2d 806; U. S. v. Shoshone, 304 U. S. 111; U. S. v. Walkousky, 283 U. S. 753; U. S. v. Watashe, 102 F. 2d 428; U. S. v. Wildcat, 244 U. S. 111; U. S. ex rel. Besaw, 6 F. 2d 694; Ute, 45 C. Cls. 440; Vezina, 245 Fed. 411; Waldron, 143 Fed. 413; Washington, 235 U. S. 422; Whitebird, 40 F. 2d 479; Winton, 255 U. S. 373; Yankton, 272 U. S. 351.

to supply deficiencies in the appropriations for the fiscal year ending June 30, 1897, and for prior years, and for other purposes." 30 St. 226; Dec. 29, 1897; C. 3—An Act Prohibiting the killing of fur seals in the waters of the North Pacific Ocean." 30 St. 227; Jan. 13, 1898; C. 4—An Act To amend an Act granting to the Gila Valley, Globe and Northern Ry. Co. a right of way through the San Carlos Indian Reservation, in Arizona." 30 St. 234; Jan. 27, 1898; C. 10—An Act To amend sec. 2234 of the Revised Statutes." 43 U. S. C. 72. 30 St. 234; Jan. 23, 1898; C. 11—An Act Making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1898, and for prior years, and for other purposes." 30 St. 241; Feb. 14, 1898; C. 18—An Act Authorizing the Muscogee Coal and Ry. Co. to construct and operate a railway through the Indian Territory and Oklahoma Territory, and for other purposes." 30 St. 277; Mar. 15, 1898; C. 68—An Act Making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1899, and for other purposes." 30 St. 318; Mar. 15, 1898; C. 69—An Act Making appropriations for the support of the Army for the fiscal year ending June 30, 1899." 30 St. 327; Mar. 17, 1898; C. 71—An Act To extend the time for the construction of the railway of the Chicago, Rock Island and Pacific Ry. Co. through the Indian Territory." 30 St. 341; Mar. 23, 1898; C. 87—An Act To grant the right of way through the Indian Territory to the Denison, Bonham and New Orleans Ry. Co. for the purpose of constructing a railway, and for other purposes." 30 St. 344; Mar. 26, 1898; C. 100—An Act Granting the right to the Omaha Northern Ry. Co. to construct a railway across, and establish stations on, the Omaha and Winnebago reservations, in the State of Nebraska, and for other purposes." 30 St. 345; Mar. 29, 1898; C. 102—An Act To amend an Act entitled "An Act to authorize the Denison and Northern Ry. Co. to construct and operate a railway through the Indian Territory, and for other purposes." 30 St. 347; Mar. 30, 1898; C. 104—An Act Authorizing the Nebraska, Kansas and Gulf Ry. Co. to construct and operate a railway through the Indian Territory, and for other purposes." 30 St. 354; Apr. 11, 1898; C. 120—An Act Extending the right of commutation to certain homestead settlers on lands in Oklahoma Territory, opened to settlement under the provisions of the Act entitled "An Act to ratify and confirm the agreement with the Kickapoo Indians in Oklahoma Territory, and to make appropriations for carrying the same into effect." 30 St. 361; Apr. 22, 1898; C. 187—An Act To provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes." 30 St. 364; Apr. 26, 1898; C. 191—An Act For the better organization of the line of the Army of the United States." 30 St. 390; May 4, 1898; C. 235—An Act Making appropriations to supply deficiencies in the appropriations for support of the Army for the fiscal year 1898, and for other purposes." 30 St. 399; May 7, 1898; C. 246—An Act To amend section nine of an Act entitled "An Act to grant to the Arkansas, Texas and Mexican Central Ry. Co. a right of way through the Indian Territory, and for other purposes." 30 St. 407; May 14, 1898; C. 298—An Act Authorizing the Campbell-Lynch Bridge Company to construct a bridge across

* *Sp.* St. 564, sec. 4; 13 St. 39; 19 St. 244; 26 St. 853; 28 St. 589, 677, 695, 697; 30 St. 84. *R.* 48 St. 583. *Cited:* Medawakanton, 57 C. Cls. 357.
 * *Sp.* 28 St. 54.
 * *Ag.* 28 St. 665, 666, sec. 5.
 * *Ag.* 18 St. 34, sec. 2, 122, cs. 340, 341, 123 c. 342, 295, sec. 2.
 * *Sp.* 21 St. 199. *Cited:* Ute, 45 c. Cls. 440.
 * *Sp.* 1 St. 137.
 * *A.* 30 St. 1350; 31 St. 32. S. 30 St. 433.
 * *Sp.* 1 St. 137; 27 St. 492.
 * *Sp.* 1 St. 137. A. 30 St. 914.
 * *A.* 32 St. 183; 33 St. 311.
 * *Sp.* 1 St. 137; 27 St. 336.
 * *Sp.* 1 St. 137.
 * *Sp.* 27 St. 562; 29 St. 868.
 * *A.* 30 St. 421.
 * *S.* 30 St. 772.
 * *Ag.* 28 St. 229, sec. 9.

- the Arkansas River at or near Webbers Falls, Indian Territory.
- 30 St. 409; May 14, 1898; C. 299—An Act Extending the home stead laws and providing for right of way for railroads in the District of Alaska, and for other purposes.
- 30 St. 417; May 17, 1898; C. 340—An Act Declaring the Federal jail at the city of Fort Smith, Arkansas, a national prison for certain purposes.
- 30 St. 421; May 28, 1898; C. 367—An Act To amend sections ten and thirteen of an Act entitled "An Act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes," approved April 22, 1898.
- 30 St. 423; June 1, 1898; C. 369—An Act To amend "An Act to provide the times and places for holding terms of the United States courts in the States of Idaho and Wyoming," approved July 5, 1892, as amended by the amendatory Act approved November 3, 1893.
- 30 St. 429; June 4, 1898; C. 376—An Act For the appointment of a commission to make allotments of lands in severalty to Indians upon the Uintah Indian Reservation in Utah, and to obtain the cession to the United States of all lands within said reservation not so allotted.
- 30 St. 430; June 4, 1898; C. 377—An Act Granting to the Washington Improvement and Development Company a right of way through the Colville Indian Reservation, in the State of Washington.
- 30 St. 431; June 4, 1898; C. 578—An Act Granting additional powers to railroad companies operating lines in the Indian Territory.
- 30 St. 433; June 7, 1898; C. 391—An Act To amend section eight of the Act of Congress approved March 2, 1896, granting a right of way to the Fort Smith and Western Coal R. Co. through the Indian Territory, and for other purposes.
- 30 St. 433; June 7, 1898; C. 392—An Act To suspend the operation of certain provisions of law relating to the War Department, and for other purposes.
- 30 St. 437; June 8, 1898; C. 395—An Act Making appropriations to supply urgent deficiencies in the appropriations for the support of the Military and Naval establishments for the fiscal year 1898, and for other purposes.
- 30 St. 475; June 18, 1898; C. 465—An Act Granting to the Kettle River Valley Ry. Co. a right of way through the north half of the Colville Indian Reservation in the State of Washington.
- 30 St. 484; June 21, 1898; C. 489—An Act To make certain grants of land to the Territory of New Mexico, and for other purposes.
- 30 St. 492; June 27, 1898; C. 500—An Act To authorize the Kansas, Oklahoma and Gulf Ry. Co., to construct and operate a railway through the Chilocco Indian Reservation, Territory of Oklahoma, and for other &poses.
- 30 St. 493; June 27, 1898; C. 502—An Act To authorize the Missouri, Kansas and Texas Ry. Co. to straighten and restore the channel of the South Canadian River, in the Indian Territory, at the crossing of said railroad.
- 30 St. 495; June 28, 1898; C. 517—An Act For the protection of the people of the Indian Territory, and for other purposes. Sec. 19. p. 502—See 25 USCA 117 Historical Note.

- 30 St. 544; July 1, 1898; C. 541—An Act To establish a uniform system of bankruptcy throughout the United States. Sec. 1, 11 U. S. C. 1; Sec. 2, 11 U. S. C. 11; Sec. 70, 11 U. S. C. 110.
- 30 St. 667; July 1, 1898; C. 542—An Act To ratify the agreement between the Dawes Commission and the Seminole Nation of Indians.
- 30 St. 571; July 1, 1898; C. 545—An Act Making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1899, and for other purposes. Sec. 1, p. 573—25 U. S. C. 271 (secs. 4 & 12, 4 St. 734, 737; R. S. sec. 2062; sec. 1, 27 St. 120). Sec. 1, p. 595—25 U. S. C. 32; Sec. 6, p. 596—25 U. S. C. 191 (36 St. 861, sec. 22). Sec. 7, p. 596—25 U. S. C. 136.
- 30 St. 597; July 1, 1898; C. 546—An Act Making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1899, and for other purposes.
- 30 St. 652; July 7, 1898; C. 571—An Act Making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1898, and for prior years, and for other purposes. Sec. 1—25 U. S. C. 100 (19 St. 291, sec. 1).
- 30 St. 715; July 7, 1898; C. 574—An Act To amend an Act entitled "An Act to amend an Act to grant to the Gaines-

asteel, 4 Ind. T. 1; Cherokee, 203 U. S. 76; Cherokee, 187 U. S. 294; Cherokee, 85 C. Cls. 76; Cherokee, 223 U. S. 109; Chickasaw, 87 C. Cls. 91; Chickasaw, 193 U. S. 115; Choate, 224 U. S. 665; Choctaw, 81 C. Cls. 63; Choctaw, 81 C. Cls. 1; Choctaw, 83 C. Cls. 140; Choctaw, Ind. T. 515; Choctaw, 235 U. S. 292; Creek, 78 C. Cls. 474; Crowell, Ind. T. 36; Daniels, 4 Ind. T. 426; Delaware, 193 U. S. 127; Denton, Ind. T. 396; Dick, 6 Ind. T. 85; Donohoo, 4 Ind. T. 433; Ellis, Ind. T. 656; Ellis, 118 Fed. 430; Engleman, 4 Ind. T. 336; English, 224 U. S. 680; Evans, 204 Fed. 361; Ex p. Webb, 225 U. S. 663; Fink, 248 U. S. 399; Fish, 52 F. 2d 544; Fleming, 215 U. S. 56; Ford, 260 Fed. 657; Fraer, 125 Fed. 280; Frame, 189 Fed. 785; Garfield, 211 U. S. 264; Garfield, 211 U. S. 249; George, 4 Ind. T. 61; German-American, 5 Ind. T. 703; Gleason, 224 U. S. 679; Glenn, 105 F. 2d 398; Hargrove, 3 Ind. T. 478; Hargrove, 4 Ind. T. 129; Hargrove, 129 Fed. 196; Harnage, 242 U. S. 386; Harris, 7 Ind. T. 532; Harris, 168 Fed. 109; Hayes, 168 Fed. 221; Heckman, 224 U. S. 413; Henny, 191 Fed. 182; Hill, 242 U. S. 361; Hockett, 110 Fed. 910; Hubbard, 5 Ind. T. 95; Kard, 4 Ind. T. 314; In re Grayson, 3 Ind. T. 497; In re Lands of Five, 199 Fed. 811; In re Post's Guardianship, 7 Ind. T. 69; Iowa, 217 Fed. 11; Jefferson, 247 U. S. 248; Joines, 4 Ind. T. 556; Jonah, 52 F. 2d 343; Joplin, 236 U. S. 531; Kansas, 80 C. Cls. 264; Kelly, 7 Ind. T. 541; Kemohah, 38 F. 2d 665; Kimberler, 104 Fed. 653; Longest, 276 U. S. 69; Lowe, 223 U. S. 95; McAlester, 3 Ind. T. 704; McBride, 149 Fed. 114; McCallib, 83 C. Cls. 79; McCullough, 243 Fed. 323; McMurray, 62 C. Cls. 458; McNece, 253 Fed. 546; Malone, 212 Fed. 668; Mander, 49 F. 2d 201; Mandler, 52 F. 2d 713; Marlin, 276 U. S. 58; Matter of Heff, 197 U. S. 488; Maxey, 3 Ind. T. 243; Moore, 43 F. 2d 322; Morris, 194 U. S. 384; Morrison, 6 F. 2d 811; Mullen, 224 U. S. 448; Nivens, 4 Ind. T. 30; Nunn, 216 Fed. 330; Owens, 5 Ind. T. 275; Persons, 40 C. Cls. 411; Price, 5 Ind. T. 518; Outgley, 3 Ind. T. 265; Ross, 227 U. S. 530; St. Louis, 7 Ind. T. 685; Sayer, 7 Ind. T. 675; Schellenbarger, 236 U. S. 68; Seminole, 78 C. Cls. 455; Sharrack, 6 Ind. T. 466; Southwestern, 3 Ind. T. 223; Southwestern, 185 U. S. 499; Stephens, 174 U. S. 445; Swinney, 5 Ind. T. 12; Thomason, 7 Ind. T. 1; Thompson, 4 Ind. T. 412; Tiger, 4 F. 2d 714; Turner, 4 Ind. T. 606; Tuttle, 3 Ind. T. 712; Tynon, 3 Ind. T. 346; U. S. v. Atkins, 260 U. S. 220; U. S. v. Bd. of Com'rs of McIntosh Cty., 284 Fed. 103; U. S. v. Choctaw, 38 C. Cls. 558; U. S. v. Dowden, 220 Fed. 277; U. S. v. Eastern, 66 F. 2d 923; U. S. v. Ferguson, 247 U. S. 175; U. S. v. Hayes, 20 F. 2d 873; U. S. v. Lewis, 5 Ind. T. 1; U. S. v. McMurray, 181 Fed. 723; U. S. v. Mid-Continent, 67 F. 2d 37; U. S. v. M. K. & T. Ry., 66 F. 2d 919; U. S. v. Rea-Read, 171 Fed. 501; U. S. v. Richards, 27 F. 2d 284; U. S. v. Seminole, 299 U. S. 417; U. S. v. Smith, 266 Fed. 740; U. S. v. Western, 226 Fed. 726; U. S. v. Wildcat, 244 U. S. 111; U. S. v. Wright, 53 F. 2d 300; U. S. ex rel. McAlester, 277 Fed. 573; Vinson, 44 F. 2d 772; W. C. Whitney, 166 Fed. 738; Wallace, 204 U. S. 415; Ward, 253 U. S. 17; Washington, 235 U. S. 422; Welty, 231 Fed. 930; Williams, 216 U. S. 582; Williams, 239 U. S. 414; Williams, 4 Ind. T. 587; Winton, 255 U. S. 373; Woodward, 238 U. S. 284

¹ Rpp. 30 St. 62. S. 32 St. 982. *Oited*: 26 Op. A. G. 340; 34 Op. A. G. 275; 35 Op. A. G. 421; 53 I. D. 502; Deming, 224 U. S. 471; Ex p. Webb, 225 U. S. 663; Fish, 52 F. 2d 544; Goat, 224 U. S. 458; In re Grayson, 3 Ind. T. 497; In re Lands, 199 Fed. 811; Moore 43 F. 2d 322; Seminole, 78 C. Cls. 455; Tiger, 221 U. S. 286; U. S. v. Bean, 253 Fed. 1; U. S. v. Bd. of Com'rs of McIntosh Cty., 284 Fed. 103; U. S. v. Seminole, 299 U. S. 417; U. S. v. Smith, 266 Fed. 740; U. S. v. Stigall, 226 Fed. 190; U. S. Exp., 191 Fed. 673; Vinson 44 F. 2d 772; Woodward, 238 U. S. 284.

² Sp. 1 St. 619; 4 St. 442; 7 St. 36, 46, 51, 69, 85, 99, 144, 161, 179, 185, 213, 236, 242, 287, 296, 314, 320, 352, 425, 541, 545, 596, 9 St. 35, 842, 854, 855, 904; 10 St. 1071, 1079; 11 St. 614, 700, 702, 729, 744, 628, 819, 981, 1173; 13 St. 343, sec. 2, 623, 675, 14 St. 650, 757, 787; 15 St. 515, 622, 638, 651, 676; 16 St. 10, 657, 707, 720; 19 St. 254, 256, 287; 22 St. 43, 23, 79; 24 St. 388, 389; 25 St. 645, 688, 871, 894; 26 St. 756, 851, 1028, 1033, 1037; 27 St. 62, 139, 645, 28 St. 119, 939; 29 St. 341, 354, 382; 30 St. 68, 86, 94, A. 30 St. 924; 36 St. 855. S. 30 St. 924, 1214; 31 St. 221; 32 St. 982, 34 St. 325. *Cited*: Ansley, 180 U. S. 253; Farrell, 110 Fed. 942; Medawakontan, 57 C. Cls. 357; Quick Bear, 210 U. S. 50; Stephens 174 U. S. 445; U. S. v. Algoma, 305 U. S. 415; U. S. v. Candelaria 271 U. S. 432; U. S. v. Ferry, 24 F. Supp. 399; U. S. v. 4 Bottles, 91 Fed. 720; U. S. v. Hoyt, 167 Fed. 301; U. S. v. Pelican, 232 U. S. 442; U. S. v. Sandoval, 231 U. S. 28; U. S. v. Watashe, 102 F. 2d 423; Wallace, 204 U. S. 415; Woodward, 238 U. S. 284.

³ Sp. 11 St. 704. *Rpp.* 23 St. 74

⁴ Sp. 19 St. 291; 25 St. 643; 26 St. 853; 30 St. 86. S. 30 St. 772, 32 St. 245, 1031.

¹ Cited: 53 I. D. 593; Columbia, 161 Fed. 60; Heckman, 114 Fed. 83; U. S. v. Berrigan, 2 Alaska 442; U. S. v. Cadzow, 5 Alaska 125; U. S. v Lynch, 7 Alaska 568.

² Ag. 30 St. 361, sec. 10, 13.

³ Ag. 27 St. 72.

⁴ Ag. 18 St. 482. S. 37 St. 634.

⁵ Ag. 29 St. 40, sec. 8.

⁶ Ag. 30 St. 322, A. 30 St. 1350.

⁷ S. 30 St. 722.

⁸ Ag. 18 St. 482. *Cited*: Cabell, 3 Okla. S. B. J. 208; U. S. v. Ferry 24 F. Supp. 399; U. S. v. Pelican, 232 U. S. 442

⁹ Rpp. 7 St. 333; 10 St. 974; 14 St. 769; 25 St. 783, sec. 15; 26 St. 95; 27 St. 641; 29 St. 329, S. 30 St. 770, 1074, 1214; 31 St. 7, 221, 250, 848, 861, 1058; 32 St. 177, 245, 641, 716, 774; 33 St. 189, 571, 1048; 34 St. 91, 325, 1015; 35 St. 444. *Cited*: Cabell, 3 Okla. S. B. J. 208; Krieger, 3 Geo. Wash. L. Rev. 279; 23 Op. A. G. 214; 23 Op. A. G. 214; 23 Op. A. G. 528; 24 Op. A. G. 689; 25 Op. A. G. 163, 25 Op. A. G. 68; 25 Op. A. G. 480; 26 Op. A. G. 127; 26 Op. A. G. 171; 26 Op. A. G. 340; 27 Op. A. G. 530; 29 Op. A. G. 131; 29 Op. A. G. 231; 34 Op. A. G. 275; 1 L. D. Memo. 99; 3 L. D. Memo. 499; Memo. Sol. Dec. 11, 1918; Op. Sol. M. 7316 Apr. 5, 1922; M. 7316 May 28, 1924; M. 18772, Dec. 21, 1926; M. 22121, Apr. 12, 1927; M. 25260, Aug. 1, 1929; Report of Status of Pueblo of Pojoaque Nov. 3, 1932; Sol. Op. M. 27759, Jan. 22, 1935; Sol. Memo. Mar. 18, 1936; 53 I. D. 502; 54 I. D. 109; 54 I. D. 297; Adams, 165 Fed. 304; Armstrong 195 Fed. 137; Atoka, 3 Ind. T. 189; Atoka, 104 Fed. 471; Ballinger 216 U. S. 240; Bartlett, 218 Fed. 380; Barton, 4 Ind. T. 260; Bondnot 2 Ind. T. 107; Brought, 129 Fed. 192; Brown, 44 C. Cls. 283; Browning 6 F. 2d 801; Bruner, 4 Ind. T. 580; Buxter 135 Fed. 947; Campbell, 3 Ind. T. 462; Campbell, 248 U. S. 169; Carpenter, 280 U. S. 363

- ville, McAlester and St. Louis Ry. Co. a right of way through the Indian Territory."
- 30 St. 745; May 27, 1898; J. Res. No. 40—Joint Resolution Declaring the lands within the former Mille Lac Indian Reservation, in Minnesota, to be subject to entry under the land laws of the United States.
- 30 St. 748; June 25, 1898; J. Res. No. 51—Joint Resolution To authorize and direct the Secretary of the Treasury to refund and return to the Chicago, Milwaukee and St. Paul Ry. Co. \$15,335.76. in accordance with the decision of the Secretary of the Interior dated March 3, 1898.
- 30 St. 770; Dec. 21, 1898; C. 35—An Act Making an appropriation to execute certain provisions of the Act of Congress for the protection of the people of the Indian Territory.
- 30 St. 772; Jan. 6, 1899; C. 41—An Act Making appropriations to supply urgent deficiencies in the appropriations for the support of the military and naval establishments for the last six months of the fiscal year ending June 30, 1899, and for other purposes.
- 30 St. 806; Jan. 28, 1899; C. 65—An Act To authorize the Arkansas and Choctaw Ry. Co. to construct and operate a railway through the Choctaw and Chickasaw nations, in the Indian Territory, and for other purposes.
- 30 St. 816; Feb. 4, 1899; C. 88—An Act To authorize the Little River Valley Ry. Co. to construct and operate a railway through the Choctaw and Chickasaw nations, in the Indian Territory, and branches thereof, and for other purposes.
- 30 St. 834; Feb. 9, 1899; C. 129—An Act To authorize the Missouri and Kansas Telephone Co. to construct and maintain lines and offices for general business purposes in the Ponca, Otoe, and Missouri Reservation, in the Territory of Oklahoma.
- 30 St. 836; Feb. 13, 1899; C. 153—An Act To amend an Act granting to the St. Louis, Oklahoma and Southern Ry. Co. a right of way through the Indian Territory and Oklahoma Territory, and for other purposes.
- 30 St. 844; Feb. 21, 1899; C. 178—An Act To extend and amend the provisions of an Act entitled "An Act to grant the right of way to the Kansas, Oklahoma Central and Southwestern Ry. Co. through the Indian Territory and Oklahoma Territory, and for other purposes," approved December 21, 1893, and also to extend and amend the provisions of a supplemental Act approved Feb. 15, 1897, entitled "An Act to extend and amend an Act entitled An Act to grant the right of way to the Kansas, Oklahoma Central and Southwestern Ry. Co. through the Indian Territory and Oklahoma Territory, and for other purposes."
- 30 St. 846; Feb. 24, 1899; C. 187—An Act Making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1900, and for other purposes.
- 30 St. 891; Feb. 25, 1899; C. 193—An Act To amend an Act to grant to the Gainesville, McAlester and St. Louis Ry. Co. a right of way through the Indian Territory."
- 30 St. 906; Feb. 28, 1899; C. 219—An Act Granting to the Clearwater Valley R. Co. a right of way through the Nez Perces Indian lands in Idaho.
- 30 St. 999; Feb. 28, 1899; C. 222—An Act Providing for the sale of the surplus lands on the Pottawatomie and Kickapoo Indian reservations in Kansas, and for other purposes.
- 36 St. 912; Feb. 28, 1899; C. 225—An Act Authorizing the Sioux City and Omaha Ry. Co. to construct and operate a railway through the Omaha and Winnebago Reservation, in Thurston County, Nebraska, and for other purposes.
- 30 St. 914; Feb. 28, 1899; C. 226—An Act To amend an Act entitled "An Act to grant the right of way through the Indian Territory to the Denison, Bonham and New Orleans Ry. Co. for the purpose of constructing a railway, and for other purposes," approved March 28, 1898, and to vest in The Denison, Bonham and Gulf Ry. Co. all the rights privileges, and franchises therein granted to said first-named company."
- 30 St. 918; Mar. 1, 1899; C. 316—An Act Granting to the Clearwater Short Line Ry. Co. a right of way through, the Nez Perces Indian lands in Idaho."
- 30 St. 924; Mar. 1, 1899; C. 324—An Act Making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1900, and for other purposes." Sec. 1-25 U. S. C. 36; Sec. 8-25 U. S. C. 116.
- 30 St. 990; Mar. 2, 1899; C. 374—An Act To provide for the acquiring of rights of way by railroad companies through Indian reservations, Indian lands, and Indian allotments, and for other purposes." Sec. 1-25 U. S. C. 312 (sec. 22, 32 St. 50; sec. 16, 36 St. 859). See Historical Note 25 USCA 312. Sec. 2-25 U. S. C. 313 (34 St. 330). See Historical Note 25 USCA 313. Sec. 3-25 U. S. C. 314 (sec. 23, 32 St. 50). USCA Historical Note: Sec. 3. 30 St. 991, as originally enacted contained a clause giving the right of appeal, in case the land in question was the Indian Territory, by original petition to the United States court in the Indian Territory sitting at the place nearest and most convenient to the property sought to be condemned. This clause was omitted in the Code section because of 32 St. 50, sec. 23 which repealed 30 St. 991, sec. 3 so far as it applied to the Indian Territory and Oklahoma Territory. In the Code section the word "Oklahoma" was substituted for the words "Indian Territory" used in said derivative section because of the admission to the Union of Indian Territory and the Territory of Oklahoma as the state of Oklahoma. See Historical Note under sec. 312 of title 25. Sec. 4-25 U. S. C. 315. See Historical Note 25. USCA 312. Sec. 6-25 U. S. C. 316. See Historical Note 25 USCA 312. Sec. 7-25 U. S. C. 317. See Historical Note 25 USCA 312. Sec. 8-25 U. S. C. 318. USCA Historical Note: The above cited derivative section (318) used after the word repeal, the words "this act or any portion thereof." See Historical Note 25 USCA 312.
- 30 St. 995; Mar. 2, 1899; C. 380—An Act To amend an Act entitled "An Act authorizing the Arkansas Northwestern Ry. Co. to construct and operate a railway through the Indian Territory, and for other purposes," and extending the time for constructing and operating the said railway for two years from the fifth day of April, 1899."
- 30 St. 1064; Mar. 3, 1899; C. 423—An Act Making appropriation for the support of the Regular and Volunteer Army for the fiscal year ending June 30, 1900.
- 30 St. 1674; Mar. 3, 1899; C. 424—An Act Making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1900, and for other purposes.
- 30 St. 1121; Mar. 3, 1899; C. 425—An Act Making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes."
- 30 St. 1161; Mar. 3, 1899; C. 426—An Act For the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the Act approved Mar. 3, 1883, and commonly known as the Bowman Act, and for other purposes.
- 30 St. 1214; Mar. 3, 1899; C. 427—An Act Making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1899, and for prior years, and for other purposes."
- 30 St 1253; Mar. 3, 1899; C. 429—An Act To define and punish

¹⁷ *Sp.* 18 St. 482.

¹⁸ *Sp.* 4 St. 442; 7 St. 36, 46, 51, 69, 85, 99, 114, 161, 179, 185, 213, 236, 242, 287, 296, 314, 318, 320, 321, 352, 425, 541, 545; 9 St. 35, 842, 855, 904; 10 St. 1071, 1079; 11 St. 614, 700, 702, 729, 744; 12 St. 628, 981, 1173; 13 St. 675; 14 St. 650, 757, 787; 15 St. 515, 584, 590, 595, 622, 637, 638, 652, 658, 676; 18 St. 40, 355, 570, sec. 3, 720; 17 St. 136, sec. 1, 2; 18 St. 35, 450, sec. 9; 19 St. 254, 258, 287; 22 St. 43; 23 St. 79; 24 St. 219, 388; 25 Stat. 645, 688, 890, 894, 753, 851, 1028, 1033, 1037, 1038, 1039; 27 St. 139, 645; 28 St. 939; 29 St. 354; 30 St. 87, 94, 589, 590, 593, 8, 31 St. 221. *Cited:* Farrell, 110 Fed. 942; Medawakanton, 57 C. Cls. 357; Quick Bear, 210 U. S. 50; Sisseton, 58 C. Cls. 302; U. S. v. Powers, 305 U. S. 527; Ute, 45 C. Cls. 440.

¹⁹ *Sp.* 18 St. 482. A. 34 St. 325; 36 St. 855. *Sp.* 32 St. 43; 48 St. 1224. 8. 33 St. 708, 1006; 35 St. 43, 70; 37 St. 634; 38 St. 111; 45 St. 442. *Cited:* Memo. Sol. Off., May 25, 1933; 39 L. D. 44; Clarke, 39 F. 2d 800; U. S. v. Ft. Smith, 195 Fed. 211.

²⁰ *Sp.* 29 St. 87, sec. 8.

²¹ *Sp.* 25 St. 888, 890; 30 St. 495.

²² 8. 41 St. 3.

²³ *Sp.* 25 St. 167. *Sp.* 28 St. 642; 26 St. 853; 30 St. 495, 576, 592. *Cited:* Western Cherokee, 82 C. Cls. 566.

¹⁶ *Sp.* 29 St. 44.

¹⁷ *Sp.* 26 St. 1097, 8. 33 St. 1048. *Cited:* Mille Lac, 46 C. Cls. 424 U. S. v. Mille Lac, 229 U. S. 498.

¹⁸ *Sp.* 30 St. 495.

¹⁹ *Sp.* 30 St. 390; 30 St. 437, 696.

²⁰ *Sp.* 1 St. 137.

²¹ *Sp.* 29 St. 80.

²² *Sp.* 1 St. 137; 28 St. 22; 29 St. 529.

²³ *Sp.* 27 St. 824, sec. 9.

²⁴ *Sp.* 18 St. 482. A. 32 St. 198.

²⁵ A. 32 St. 982.

²⁶ *Sp.* 1 St. 137, Ag. 30 St. 341.

- crimes in the District of Alaska and to provide a code of criminal procedure for said district."
- 30 St. 1350; Mar. 3, 1899; C. 436—An Act To amend an Act entitled "An Act to suspend the operation of certain provisions of law relating to the War Department, and for other purposes."
- 30 St. 1362; Mar. 3, 1899; C. 450—An Act To ratify agreements with the Indians of the Lower Brule and Rosebud reservations in South Dakota, and making an appropriation to carry the same into effect."
- 30 St. 1368; Mar. 3, 1899; C. 463—An Act To authorize the Fort Smith and Western R. Co. to construct and operate a railway through the Choctaw and Creek nations, in the Indian Territory, and for other purposes."
- 30 St. 1398; Mar. 5, 1898; C. 43—An Act Granting a pension to Mrs. Martha Frank.
- 30 St. 1398; Mar. 5, 1898; Ch. 44—An Act Granting a pension to John F. Hathaway.
- 30 St. 1400; Mar. 5, 1898; C. 50—An Act Directing the issue of a duplicate of lost check, drawn by Charles E. McCheaney, United States Indian agent, in favor of C. J. Holman and Brother."
- 30 St. 1401; Mar. 14, 1898; C. 64—An Act Granting an increase of pension to Esther Williams.
- 30 St. 1406; Mar. 23, 1898; C. 96—An Act To increase the pension of Martha S. Harlee, widow of W. W. Harlee, a soldier in the Spanish war.
- 30 St. 1410; Apr. 11, 1898; C. 124—An Act Granting a pension to Sarah M. Spyker.
- 30 St. 1416; Apr. 11, 1898; C. 153—An Act Granting a pension to Thomas Lane.
- 30 St. 1416; Apr. 11, 1898; C. 155—An Act Granting pension to R. C. English.
- 30 St. 1420; Apr. 15, 1898; C. 176—An Act Granting an increase of pension to Daniel J. Smith.
- 30 St. 1427; Apr. 27, 1898; C. 214—An Act To increase the pension of John C. Wagoner.
- 30 St. 1427; Apr. 27, 1898; C. 216—An Act Granting a pension to Matthew B. Nale.
- 30 St. 1432; May 7, 1898; C. 254—An Act Granting a pension to Francis Sbetals alias Frank Stay.
- 30 St. 1433; May 7, 1898; C. 262—An Act To grant a pension to Sarah A. Blazer.
- 30 St. 1437; May 7, 1898; C. 281—An Act Granting a pension to Daniel J. Melvin.
- 30 St. 1438; May 7, 1898; C. 285—An Act Granting an increase of pension to Elizabeth Rogers.
- 30 St. 1441; May 14, 1898; C. 309—An Act Granting a pension to "Itawayaka," or "One-armed Jim."
- 30 St. 1455; June 8, 1898; C. 412—An Act Granting a pension to Bettie Gresham.
- 30 St. 1457; June 8, 1898; C. 422—An Act Granting a pension to Mary E. Taylor.
- 30 St. 1459; June 10, 1898; C. 434—An Act Granting a pension to Phillip F. Castleman, of Oregon.
- 30 St. 1475; July 1, 1898; C. 555—An Act Granting an increase of pension to William Christenberry.
- 30 St. 1484; July 7, 1898; C. 611—An Act Granting a pension to Henrietta Fowler.
- 30 St. 1486; July 7, 1898; C. 622—An Act Granting an increase of pension to Warren W. Morgan.
- 30 St. 1499; Dec. 20, 1898; C. 12—An Act Granting an increase of pension to Theodore W. Cobin.
- 30 St. 1501; Dec. 20, 1898; C. 20—An Act Granting a pension to A. A. Pinkston.
- 30 St. 1512; Feb. 4, 1899; C. 100—An Act Granting an increase of pension to Alexander Keen.
- 30 St. 1517; Feb. 9, 1899; C. 131—An Act Granting a pension to Henry Farmer.
- 30 St. 1518; Feb. 9, 1899; C. 132—An Act Granting an increase of pension to William W. Tumblin, of Bradford County, Florida.
- 30 St. 1519; Feb. 9, 1899; C. 140—An Act Granting a pension to Martha E. Huddleston.
- 30 St. 1519; Feb. 9, 1899; C. 141—An Act To pension William Russell for services in Oregon Indian wars.
- 30 St. 1521; Feb. 14, 1899; C. 156—An Act For the relief of Joseph Toussaint alias Toussin.
- 30 St. 1525; Feb. 25, 1899; C. 197—An Act Granting a pension to Isom Gibson.
- 30 St. 1546; Feb. 28, 1899; C. 311—An Act Granting a pension to Emily McLain.
- 30 St. 1546; Feb. 28, 1899; C. 312—An Act Granting a pension to Judith Doherty.
- 30 St. 1563; Mar. 3, 1899; C. 520—An Act Granting a pension to James H. Preston.
- 30 St. 1573; Mar. 3, 1899; C. 569—An Act For the relief of Eudora Hill.
- 30 St. 1586; Mar. 3, 1899; C. 626—An Act Granting an increase of pension to John E. Gullett.
- 30 St. 1587; Mar. 3, 1899; C. 632—An Act Granting an increase of pension to Andrew J. Taylor.
- 30 St. 1805; Feb. 9, 1899—Con. Res. Report Superintendent of Indian Schools.

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- 31 St. 7; Feb. 9, 1900; C. 14—An Act Making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for prior years, and for other purposes."
- 31 St. 32; Feb. 24, 1900; C. 24—An Act To amend an Act entitled "An Act to amend an Act to suspend the operation of certain provisions of law relating to the War Department, and for other purposes."
- 31 St. 52; Mar. 23, 1900; C. 111—An Act Enlarging the powers of the Choctaw, Oklahoma and Gulf R. Co."
- 31 St. 59; Apr. 4, 1900; C. 156—An Act Approving a revision and adjustment of certain sales of Otoe and Missouri lands in the States of Nebraska and Kansas."
- 31 St. 72; Apr. 9, 1900; C. 182—An Act To settle the title to real estate in the city of Santa Fe, New Mexico.
- 31 St. 86; Apr. 17, 1900; C. 192—An Act Making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1901, and for other purposes."
- 31 St. 134; Apr. 17, 1900; C. 193—An Act Granting the right of way to the Minnesota and Manitoba R. Co. across the ceded portion of the Chippewa (Red Lake) Indian Reservation in Minnesota."
- 31 St. 170; May 7, 1900; C. 384—An Act For the appointment of an additional United States commissioner of the northern judicial district of the Indian Territory.
- 31 St. 179; May 17, 1900; C. 479—An Act Providing for free homesteads on the public lands for actual and bona fide settlers, and reserving the public lands for that purpose." Sec. 1—25 U. S. C. 421. (See USCA Historical Note).
- 31 St. 182; May 24, 1900; C. 546—An Act To amend section eight of the Act of Congress entitled "An Act to authorize the Fort Smith and Western R. Co. to construct and operate a railway through the Choctaw and Creek nations, in the Indian Territory, and for other purposes."
- 31 St. 205; May 26, 1900; C. 586—An Act Making appropriation for the support of the Regular and Volunteer Army for the fiscal year ending June 30, 1901.
- 31 St. 221; May 31, 1900; C. 598—An Act Making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1901, and for other purposes." Sec. 1—25 U. S. C. 395. (See USCA Historical Note) (Also see 25 U. S. C. 394)

⁴⁰ *Sg.* 26 St. 853; 30 St. 92, 500; 31 St. 1058; 33 St. 189. *Cited* Oneida, 39 C. Cls. 116.

⁴¹ *Ag.* 30 St. 323, 1350.

⁴² *Rg.* 28 St. 503, sec. 4. *Ag.* 29 St. 98. *Cited:* Choctaw, 256 U. S.

531.

⁴³ *Sg.* 27 St. 568.

⁴⁴ *Cited:* U. S. v. Wildcat, 214 U. S. 111.

⁴⁵ *Sg.* 18 St. 482. S. 35 St. 465.

⁴⁶ 44 St. 161.

⁴⁷ *Sg.* 30 St. 1371.

⁴⁸ *Sg.* 1 St. 619; 4 St. 442; 7 St. 30, 46, 51, 69, 85, 99, 114, 161.

179, 185, 213, 226, 242, 287, 296, 314, 330, 352, 425, 541, 545, 596.

9 St. 35, 842, 855, 904; 10 St. 1071, 1079; 11 St. 614, 700, 702, 729.

744; 12 St. 628, 981, 1173; 13 St. 075; 14 St. 756, 757, 787; 15 St.

515, 519, 622, 637, 652, 655, 676; 16 St. 40, 355, 720; 17 St. 159;

19 St. 254, 256, 287; 22 St. 43; 24 St. 388; 25 St. 645, 688; 26 St.

753, 851, 1028, 1033, 1037; 27 St. 139, 645; 28 St. 286, 295, 323,

939; 29 St. 341, 354; 30 St. 72, 73, 87, 94, 500, 505, 513, 596, 941.

⁴⁹ *Rpp.* 23 St. 24, sec. 14. A. 35 St. 600. S. 35 St. 837. *Cited:* Op Sol., M. 29147, May 6, 1937; 53 I. D. 593; Lott, 205 Fed. 28; U. S. v. Lynch, 7 Alaska 568.

⁵⁰ *Ag.* 30 St. 318, 433. A. 31 St. 32.

⁵¹ *Sg.* 25 St. 882, sec. 8; 28 St. 882, sec. 8. *Okla.* 42 I. D. 582

Drapeau, 195 Fed. 130; Sully, 195 Fed. 113; U. S. v. Nice, 241 U. S. 591

⁵² *Sg.* 1 St. 137. A. 31 St. 182. *Cited:* U. S. v. Ft. Smith, 195 Fed. 211

⁵³ *Sg.* 17 St. 29, sec. 1; 23 St. 306.

⁵⁴ *Sg.* 27 St. 281.

- 31 St. 250; June 2, 1900; C. 610—An Act To ratify an agreement between the Commission to the Five Civilized Tribes and the Seminole tribe of Indians.⁶⁰
- 31 St. 267; June 5, 1900; C. 716—An Act For the relief of the Colorado Cooperative Colony, to permit second homesteads in certain cases, and for other purposes.⁶⁰
- 31 St. 280; June 6, 1900; C. 785—An Act Making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for prior years, and for other purposes.⁶⁰
- 31 St. 321; June 6, 1900; C. 786—An Act Making further provision for a civil government for Alaska, and for other purposes.⁶⁰ Sec. 27—48 U. S. C. 356.
- 31 St. 588; June 6, 1900; C. 791—An Act Making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1901, and for other purposes.⁶⁰
- 31 St. 657; June 6, 1900; C. 795—An Act Changing place for holding court in the central division of the Indian Territory from Cameron to Poteau, and for other purposes.⁶⁰
- 31 St. 658; June 6, 1900; C. 798—An Act To authorize the Seneca Telephone Co. to construct and maintain lines in the Indian Territory.
- 31 St. 659; June 6, 1900; C. 799—An Act To provide for the sale of isolated and disconnected tracts or parcels of the Osage trust and diminished reserve lands in the State of Kansas.⁶⁰
- 31 St. 660; June 6, 1900; C. 802—An Act To provide for the use of timber and stone for domestic and industrial purposes in the Indian Territory.⁶⁰
- 31 St. 672; June 6, 1900; C. 813—An Act To ratify an agreement with the Indians of the Ft. Hall Indian Reservation in Idaho, and making appropriations to carry the same into effect.⁶⁰
- 31 St. 727; Jan. 4, 1901; C. 8—An Act Making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1901, and for other purposes.⁶⁰
- 31 St. 740; Jan. 26, 1901; C. 180—An Act To allow the commutation of homestead entries in certain cases.⁶⁰ 25 U. S. C. 422. USCA Historical Note: R. S. sec. 2301, as amended by Act Mar. 3, 1891, s. 6. 26 St. 1098, sec. 173 of Tit. 43. Public Lands, provided that all persons entitled to avail themselves of the provisions of R. S. sec. 2289, sec. 161 of said title 43, might pay the minimum price for the quantity of land entered by them at any time after the expiration of fourteen calendar months from the date of their entry, and obtain a patent therefor, upon making proof of settlement and of residence and cultivation, for such period of fourteen months. The above-cited act made section 173 applicable to all settlers on Indian lands coded and opened to settlement prior to May 17, 1900, although the acts under which the original entries were made forbade the commutation. The laws authorizing the commutation of home-

943. s. 31 St. 848. 1904; 32 St. 245, 500, 641, 716, 982; 34 St. 137. Cited: Brown, 39 Yale L. J. 307; Cavell, 3 Okla. S. B. J. 208; 26 Op. A. G. 127; 51 L. D. 613; Memo. Sol. Off., May 11, 1894; Memo. Sol. Nov. 11, 1935, June 14, 1938; Ballinger, 216 U. S. 240; Bird, 129 Fed. 472; Bowling, 233 U. S. 528; Brown, 44 C. Cls. 283; Cherokee, 203 U. S. 76; Cherokee, 85 C. Cls. 76; Cherokee, 223 U. S. 108; Choctaw, 81 C. Cls. 1; Coos, 87 C. Cls. 143; Farrell, 110 Fed. 942; Ikard, 4 Ind. T. 314; McMurray, 62 C. Cls. 458; Medawakanton, 57 C. Cls. 357; Miller, 249 U. S. 808; Persons, 40 C. Cls. 411; Ross, 227 U. S. 530; Sac & Fox, 220 U. S. 481; Sage, 235 U. S. 99; Stancliff, 152 Fed. 697; U. S. v. Dowden, 220 Fed. 227; U. S. v. Powers, 305 U. S. 527; U. S. v. Watashe, 102 F. 2d 428; Winton, 255 U. S. 373.

⁶⁰ Sp. 30 St. 502. Cited: 26 Op. A. G. 340; Memo. Ind. Off., Mar. 13, 1935; Bartlett, 218 Fed. 380; Campbell, 248 U. S. 189; Fish, 52 F. 2d 544; Jonah, 52 F. 2d 343; Seminole, 78 C. Cls. 455; U. S. v. Bd. of Commrs of McIntosh Co., 284 Fed. 103; U. S. v. Ferguson, 247 U. S. 173.

⁶¹ Sp. 25 St. 871.

⁶² Sp. 5 St. 621, sec. 9; 11 St. 611; 26 St. 853; 28 St. 331; 29 St. 341. Cited: 53 I. D. 593; U. S. v. Hyatt, 18 Fed. 301.

⁶³ R. 43 St. 583. Cited: 53 I. D. 693; Chisolm, 273 Fed. 589; Nagle, 191 Fed. 141; Tiger, 221 U. S. 286; U. S. v. Berrigan, 2 Alaska 442; U. S. v. Cadzow, 5 Alaska 125.

⁶⁴ Sp. 1 St. 137.

⁶⁵ Ag. 28 Stat. 694.

⁶⁶ Sp. 9 St. 51, sec. 5; 28 St. 687.

⁶⁷ A. 32 St. 774. S. 33 St. 290. Cited: Op. Sol. M. 1212, Apr. 12, 1927.

⁶⁸ Sp. 15 St. 673. 17 St. 333, sec. 1; 24 St. 388; 26 St. 794, 851.

20 St. 341. Rp. 34 St. 213. S. 33 St. 727, 1010, 1058, 1093; 33 St. 133; 34 St. 325, 35 St. 444; 47 St. 146. Cited: Op. Sol. M. 7002, Mar. 10, 1922. M. 5386, June 19, 1923. Letter from Asst. Secy. to Comm'r. of 17090, Aug. 14, 1926; Op. Sol. M. 18772, Dec. 24, 1926; Letter of Comm. to Ind. Agents, Oct. 9, 1937; Lone Wolf, 187 U. S. 553; Oklahoma, 258 U. S. 574; Skeem, 273 Fed. 93; U. S. v. Myers, 206 Fed. 387; U. S. ex rel. Ray, 27 F. 2d 907.

⁶⁹ Sp. 31 St. 676. S. 31 St. 1010, 1058. Cited: Lone Wolf, 187 U. S. 553.

⁷⁰ Ag. 12 St. 393, sec. 3. S. 32 St. 203.

- steads in the Territory of Oklahoma generally are applicable to the commutation of homesteads in Greer county, Okl., by Act Jan. 18, 1897, s. 7, sec. 1134 of Tit. 43, Public Lands. Homestead settlers on certain ceded Indian lands in South Dakota were to be entitled to the provisions of the above-cited act, by Act May 22, 1902, a 1, 32 St. 203.
- 31 St. 760; Feb. 6, 1901; C. 217—An Act Amending the Act of August 15, 1894, entitled "An Act making appropriations for current and contingent expenses of the Indian Department and fulfilling treaties and stipulations with various Indian tribes for the fiscal year ending June 30, 1895," and for other purposes.⁶⁰ Sec. 1—25 U. S. C. 345, (Sec. 1, 28 St. 305).⁶¹ See Historical Note 25 U. S. C. A. 345, Sec. 2—25 U. S. C. 346: 31 St. 766; Feb. 11, 1901; C. 350—An Act Providing for allotments of lands in severalty to the Indians of the LaPointe or Red River Reservation, in the State of Wisconsin.⁶²
- 31 St. 785; Feb. 12, 1901; C. 360—An Act Granting permission to the Indians on the Grand Portage Indian Reservation, in the State of Minnesota, to cut and dispose of the timber on their several allotments on said reservation.
- 31 St. 786; Feb. 12, 1901; C. 361—An Act To authorize Arizona Water Company to construct power plant on Pima Indian Reservation in Maricopa County, Arizona.
- 31 St. 790; Feb. 13, 1901; C. 370—An Act To provide for the entry of lands formerly in the Lower Brule Indian Reservation, South Dakota.
- 31 St. 790; Feb. 15, 1901; Cl. 372—An Act Relating to rights of way through certain parks, reservations, and other public lands.⁶⁴ 43 U. S. C. 950.
- 31 St. 794; Feb. 18, 1901; C. 379—An Act To put in force in the Indian Territory, certain provisions of the laws of Arkansas relating to corporations, and to make said provisions applicable to said Territory.⁶⁵
- 31 St. 796; Feb. 18, 1901; C. 380—An Act To confirm in trust to the city of Albuquerque, in the Territory of New Mexico, the town of Albuquerque Grant, and for other purposes.⁶⁶
- 31 St. 801; Feb. 23, 1901; C. 467—An Act Confirming two locations of Chippewa half-breed scrip in the State (than Territory) of Utah.⁶⁷
- 31 St. 805; Feb. 25, 1901; C. 474—An Act For the relief of the Medawakanton band of Sioux Indians, residing in Redwood County, Minnesota.
- 31 St. 816; Feb. 27, 1901; C. 616—An Act To confirm a lease with the Seneca Nation of Indians.
- 31 St. 819; Feb. 28, 1901; C. 622—An Act To regulate the collection and disbursement of moneys arising from leases made by the Seneca Nation; of New York Indians, and for other purposes.
- 31 St. 848; Mar. 1, 1901; C. 675—An Act To ratify and confirm an agreement with the Cherokee tribe of Indians, and for other purposes.⁶⁸
- 31 St. 861; Mar. 1, 1901; C. 676—An Act To ratify and confirm an agreement with the Muscogee or Creek tribe of Indians, and for other purposes.⁶⁹ Sec. 37—25 U. S. C. 179 (R. S.

⁶⁰ Ag. 28 Stat. 305. Cited: Brown, 39 Yale L. J. 307; 56 I. D. 102; Bond, 181 Fed. 613; Chase, 238 Fed. 837; Drapeau, 195 Fed. 130; First Moon, 270 U. S. 243; Halbert, 283 U. S. 753; Heckman, 224 U. S. 413; Hy-Yu-Tse-Mil-Kin, 194 U. S. 401; In re Jessie's, 259 Fed. 94; Kennedy, 23 F. Supp. 771; La Clair, 184 Fed. 128; Lecky, 190 Fed. 289; Lemieux, 15 F. 2d 518; McKay, 204 U. S. 458; Mickadlet, 258 U. S. 609; Mitchell, 9 Pet. 711; Morrison, 266 U. S. 481; Oakes, 172 Fed. 305; Pace, 19 F. 2d 219; Parr, 197 Fed. 302; Parr, 132 Fed. 1004; Patawa, 132 Fed. 893; Pel-Ata-Yakot, 188 Fed. 387; Reynolds, 174 Fed. 212; St. Marie, 24 F. Supp. 237; Sloan, 118 Fed. 283; Smith, 142 Fed. 225; Sully, 195 Fed. 113; U. S. v. Heyron, 138 Fed. 964; U. S. v. Paine, 206 U. S. 467; U. S. v. Payne, 264 U. S. 446; Vezina, 245 Fed. 411; Waldron, 143 Fed. 413; Woodbury, 170 Fed. 302; Ya-Koot-Sa, 262 Fed. 398; Young, 176 Fed. 612.

⁶¹ S. 36 St. 1167, sec. 291.

⁶² Sp. 10 St. 1109, Art. 3. A. 34 St. 1217.

⁶³ Sp. 30 St. 1362. Cited: Op. Sol. M. 10068, Feb. 16, 1927; Swendig, 265 U. S. 322; U. S. v. Portneuf-Marsh, 213 Fed. 601; Ute, 45 C. Cls. 440.

⁶⁴ Sp. 14 St. 221, sec. 1; 19 St. 232.

⁶⁵ Cited: Dukes, 4 Ind. T. 156; Shuithis, 225 U. S. 561.

⁶⁶ Sp. 9 St. 922.

⁶⁷ Sp. 10 St. 598.

⁶⁸ Sp. 16 St. 570, sec. 3; 17 St. 136, sec. 1, 2; 18 St. 35; 450, sec. 9; 30 St. 498, 499, 504, 500, 502, 505; 31 St. 237. Ag. 4 St. 730, sec. 9. Cited: Ballinger, 216 U. S. 240.

⁶⁹ Sp. 7 St. 367; 14 St. 787; 30 St. 498, 500; 30 St. 520. A. 32 St. 500. Rp. 32 St. 500. S. 32 St. 245, 500, 982; 33 St. 1048; 38 St. 582; 42 St. 831. Cited: 24 Op. A. G. 623; 25 Op. A. G. 163; 34 Op. A. G. 275; Op. Sol. D. 40462, Oct. 31, 1917; M. 10526, Dec. 13, 1923; Memo. Sol. Off. Apr. 26, 1933; 53 I. D. 502; Armstrong, 195 Fed. 137; Bagby, 60 F. 2d 90; Bartlett, 218 Fed. 380; Brann, 192 Fed. 427; Brown, 27 F. 2d 274; Browning, 6 F. 2d 801; Buster, 135 Fed. 947; Campbell, 248 U. S. 169; Capital, 6 Ind. T. 223; Carter, 12 F. 2d 780; Choctaw, 236 U. S. 531; City of Tulsa, 75 F. 2d 343; Creek, 78 C. Cls. 474; Evans, 204 Fed. 361; Ex p. Webb, 225 U. S. 663; Fink, 248 U. S. 392; Fish, 52 F. 2d 544; Folk, 233 Fed. 177; Fulsom, 35 F. 2d 84; Gilcrease,

- sec. 2117)⁷¹ USCA Historical Note: With the exception of the last sentence, this section was derived from the above-cited section of the Revised Statutes, which was derived from section 9 of Act June 30, 1884, 4 St. 730. The last sentence of the Code section was derived from section 37 Instant Act.
- 31 St. 895; Mar. 2, 1901; C. 803—An Act Making appropriation for the support of the Army for the fiscal year ending June 30, 1902.
- 31 St. 950; Mar. 2, 1901; C. 808—An Act Authorizing the Attorney-General, upon the request of the Secretary of the Interior, to appear in suits brought by States relative to school lands.⁷² 43 U. S. C. 868.
- 31 St. 952; Mar. 2, 1901; C. 810—An Act To restore to the public domain a small tract of the White Mountain Apache Indian Reservation, in the Territory of Arizona.⁷³
- 31 St. 960; Mar. 3, 1901; C. 830—An Act Making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes.
- 31 St. 1010; Mar. 3, 1901; C. 831—An Act Making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1901, and for prior years, and for other purposes.⁷⁴
- 31 St. 1058; Mar. 3, 1901; C. 832—An Act Making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1902, and for other purposes.⁷⁵ Sec. 1—25 U. S. C. 262; ⁷⁶ 25 U. S. C. 424. Sec. 3—25 U. S. C. 319; 25 U. S. C. 357. Sec. 4—25 U. S. C. 311. Sec. 9—25 U. S. C. 348 (sec. 5, 24 St. 389).
- USCA Historical Note: Another proviso, authorizing the Secretary of the Interior, whenever any Indian of the Siletz Indian reservation, in the State of Oregon, fully capable of managing his own affairs, etc., should become the owner of more than 80 acres of land upon said reservation, to cause patent to be issued to him for all such land over 80 acres

249 U. S. 178; Grayson, 267 U. S. 852; Harris, 254 U. S. 108; Harris, 7 Ind. T. 532; Harris, 166 Fed. 109; Hawkins, 195 Fed. 345; Hopkins, 235 Fed. 95; In re Lands of Elve, 199 Fed. 811; Indian, 5 Ind. T. 41; Iowa, 217 Fed. 11; Jefferson, 247 U. S. 288; James, 38 F. 2d 431; Joplin, 236 U. S. 531; Kemobah, 38 Fed. 2d 665; King, 64 F. 2d 979; Knight, 28 F. 2d 481; Locke, 287 Fed. 276; M. K. & T. Ry., 47 C. Cls. 59; McDougal, 237 U. S. 372; McKee, 201 Fed. 74; Malone, 212 Fed. 668; Mandler, 49 F. 2d 201; Mandler, 52 F. 2d 713; Marlin, 276 U. S. 58; Morrison, 6 F. 2d 811; Mullen, 224 U. S. 448; Norton, 266 U. S. 511; Parker, 250 U. S. 235; Parker, 250 U. S. 66; Piceon, 237 U. S. 386; Porter, 7 Ind. T. 395; Priddy, 204 Fed. 955; Reed, 197 Fed. 419; Roubedeaux, 23 F. 2d 277; St. Louis, 7 Ind. T. 685; Schellenbarger, 236 U. S. 68; Shulthis, 225 U. S. 561; Sizemore, 235 U. S. 441; Skelton, 235 U. S. 206; Stanciliff, 152 Fed. 697; Stewart, 295 U. S. 403; Sunday, 248 U. S. 545; Sweet, 245 U. S. 192; Tiger, 4 F. 2d 714; Tiger, 48 F. 2d 509; Tiger, 221 U. S. 286; Turner, 51 C. Cls. 125; Turner, 248 U. S. 354; U. S. v. Atkins, 260 U. S. 220; U. S. v. Equitable, 283 U. S. 738; U. S. v. Ferguson, 247 U. S. 175; U. S. v. Ft. Smith, 195 Fed. 211; U. S. v. Gypsy, 10 F. 2d 487; U. S. v. Hayea, 20 F. 2d 873; U. S. v. Jacobs, 195 Fed. 707; U. S. v. Lena, 261 Fed. 144; U. S. v. Martin, 45 F. 2d 836; U. S. v. Mid Continent, 67 F. 2d 37; U. S. v. Rea-Read, 171 Fed. 501; U. S. v. Shock, 187 Fed. 862; U. S. v. Smith, 279 Fed. 136; U. S. v. Smith, 288 Fed. 356; U. S. v. Southern, 9 F. 2d 664; U. S. v. Tiger, 19 F. 2d 35; U. S. v. Western, 226 Fed. 726; U. S. v. Wildcat, 244 U. S. 111; U. S. Exp., 191 Fed. 673; W. O. Whitney, 166 Fed. 738; Wade, 39 App. D. C. 245; Washington, 235 U. S. 422; Welby, 231 Fed. 930; Willmott, 27 F. 2d 277; Woodward, 238 U. S. 284.

⁷¹ S. 32 St. 504, sec. 17.
⁷² Cited: Minnesota, 185 U. S. 373; Oregon, 202 U. S. 60.
⁷³ *Sy.* 27 St. 469. Cited: 29 Op. A. G. 239.
⁷⁴ *Sy.* 26 St. 853; 28 St. 895; 29 St. 341; 31 St. 676; 31 St. 727. Cited: Garfield, 211 U. S. 249; U. S. v. Hoyt, 167 Fed. 301.
⁷⁵ *Sy.* 1 St. 619; 4 St. 442; 7 St. 36, 46, 51, 69, 85, 99, 114, 161, 179, 185, 213, 236, 242, 287, 296, 314, 320, 352, 425, 541, 545; 9 St. 35, 842, 855, 904; 10 St. 949, 1071, 1079; 11 St. 614, 700, 702, 729, 744; 12 St. 628, 652, 981, 1038, 1173; 13 St. 675; 14 St. 757, 787; 15 St. 515, 622, 637, 652, 656, 676; 16 St. 40, 395, 720; 19 St. 254, 256, 287; 22 St. 43, 24 St. 388; 25 St. 645, 688, 888, 894; 26 St. 851, 1028; 27 St. 120, 139, 645; 28 St. 939; 29 St. 354; 30 St. 75, 87, 94, 500, 505; 31 St. 7, 672, 678, 727. *Ap.* 24 St. 389. A. 32 St. 982; 34 St. 325. *Rp.* 36 St. 855. A. 32 St. 177, 245, 982, 1031; 33 St. 189, 394; 34 St. 325; 41 St. 599; 45 St. 442. Cited: Rice, 16 J. Comp. Leg. 78; 26 Op. A. G. 127; 27 Op. A. G. 588; 12 L. D. Memo. 289; *On Sol.* D. 40162, Oct. 31, 1917. M. 13344, Oct. 9, 1924; Memo. Sol. Off., Oct. 31, 1928; Letter of Ass't Comm'r to Collier Buffington, Sept. 8, 1932; Memo. Sol., Sept. 17, 1936 July 1, 1938; *Op. Sol.* M. 29961, Oct. 4, 1938, 53 I. D. 677; Brown, 44 C. Cls. 283; Cherokee, 85 C. Cls. 76; Cherokee, 223 U. S. 103; Chippewa, 80 C. Cls. 410; City of Tulsa, 75 F. 2d 343; *Ex p.* Pero, 99 F. 2d 28; Fleming, 215 U. S. 56; Garfield, 211 U. S. 264; Green, 46 C. Cls. 68; Lone Wolf, 187 U. S. 553; Lowe, 223 U. S. 95; Medawakanton, 57 C. Cls. 357; Minnesota, 305 U. S. 382; Muskogee, 4 Ind. T. 18; Muskogee, 115 Fed. 382; Muskrat, 219 U. S. 346; New York Indians, 41 C. Cls. 462; New York Indians, 40 C. Cls. 448; Oneida, 39 C. Cls. 116; Sisseton, 39 C. Cls. 172; Sisseton, 42 C. Cls. 416; Swendig, 265 U. S. 322; Tinker, 231 U. S. 681; U. S. v. Colvard, 89 F. 2d 312; U. S. v. Ferry, 24 F. Supp. 399; U. S. v. Mtn., 95 F. 2d 468; U. S. v. Sisseton, 208 U. S. 561; U. S. v. Spaeth, 2 F. Supp. 465; U. S. v. Wataseh, 102 F. 2d 428.
⁷⁶ S. 32 St. 1009, sec. 10.

- was added to the derivative section by section, 9, 31 St. 1085. Said proviso is omitted, as special only. A provision in said derivative section as to the application of the laws of Kansas regulating descent and partition to lands in Indian Territory, which might be allotted in severalty under the provisions of the General Allotment Act, is also omitted because of the admission of the Indian Territory into the Union as a part of the State of Oklahoma. Also see Historical Note 25 USCA 331.
- 31 St. 1093; Mar. 3, 1901; C. 846—An Act to supplement existing laws relating to the disposition of lands, and so forth.⁷⁷
- 31 St. 1133; Mar. 3, 1901; C. 853—An Act Making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes.⁷⁸
- 31 St. 1436; Mar. 3, 1901; C. 856—An Act Authorizing and directing the Secretary of the Interior to issue a patent to the heir or heirs of one Tawamoha, or Martha Crayon, conveying to them certain lands in the State of North Dakota, confirming certain conveyances thereof, and for other purposes.
- St. 1439; Mar. 3, 1901; C. 862—An Act To amend chapter 559 of the Revised Statutes of the United States, approved March 3, 1891. 16 U. S. C. 607, 613.
- 31 St. 1447; Mar. 3, 1901; C. 868—An Act To amend sec. 6, chapter 119, United States Statutes at Large numbered 24,⁷⁹ 8 U. S. C. 3.
- 31 St. 1447; Mar. 3, 1901; C. 869—An Act Granting a right of way to the Jamestown and Northern Railway through the Devils Lake Indian Reservation, in the State of North Dakota.
- 31 St. 1455; Mar. 3, 1901; C. 878—An Act To authorize the Pigeon River Improvement, Slide, and Room Co., of Minnesota, to enter upon the Grand Portage Indian Reservation, and improve the Pigeon River in said State at what is known as the cascades of said river.
- 31 St. 1462; Feb. 28, 1901; J. Res. No. 10—Joint Resolution Authorizing the Secretary of the Interior to remove from the files of the Department of the Interior certain letters to be donated to the State of Iowa.
- 31 St. 1469; Mar. 10, 1900; C. 40—An Act For the relief of John Anderson, a Pottawatomie Indian, and his adult children.⁸⁰
- 31 St. 1484; Mar. 31, 1900; C. 122—An Act For the relief of Hattie A. Phillips.
- 31 St. 1488; Apr. 2, 1900; C. 137—An Act Granting a pension to James L. Whidden.
- 31 St. 1493; Apr. 4, 1900; C. 167—An Act Granting a pension to James J. Wheeler.
- 31 St. 1517; Apr. 23, 1900; C. 292—An Act Granting an increase of pension to William Padgett.
- 31 St. 1565; May 24, 1900; C. 548—An Act Granting an increase of pension to Sarah E. Tradewell.
- 31 St. 1566; May 25, 1900; C. 560—An Act Granting a pension to Edward Harris.
- 31 St. 1572; May 26, 1900; C. 592—An Act for the relief of Northrup and Chick, and also of Thomas N. Stinson.
- 31 St. 1587; June 4, 1900; C. 677—An Act Granting an increase of pension to Robert Gamble, junior.
- 31 St. 1606; June 5, 1900; C. 767—An Act Granting a pension to Sophia A. Lane.
- 31 St. 1611; June 6, 1900; C. 836—An Act For the relief of John D. Hale, of Telford, Meade County, South Dakota.
- 31 St. 1617; June 6, 1900; C. 858—An Act For the relief of Fred Weddle.
- 31 St. 1629; June 7, 1900; C. 917—An Act Granting a pension to James M. Ellett.
- 31 St. 1630; June 7, 1900; C. 923—An Act Granting an increase of pension to Samuel S. White.
- 31 St. 1634; Dec. 20, 1900; C. 5—An Act Granting an increase of pension to Michael Dempsey.
- 31 St. 1653; Jan. 17, 1901; C. 98—An Act Granting a pension to Maria H. Hixson.
- 31 St. 1668; Jan. 25, 1901; C. 171—An Act Granting a pension to Erie E. Farmer.
- 31 St. 1670; Jan. 31, 1901; C. 187—An Act Granting a pension to B. H. Randall.

⁷⁷ *Sy.* 28 St. 894; 31 St. 676. s. 35 St. 444; 35 St. 781. Cited: Lone Wolf, 187 U. S. 553.

⁷⁸ S. 32 St. 1031; 35 St. 644.

⁷⁹ *Ap.* 24 St. 390. Cited: Houghton, 19 Calif. L. Rev. 507; Krieger, 3 Geo. Wash. L. Rev. 279; Muskrat, 219 U. S. 346; Owen, 217 U. S. 488; Tiger, 4 F. 2d 714; U. S. v. Abrams, 194 Fed. 82; U. S. v. Hayes, 20 F. 2d 873; U. S. v. Richards, 27 F. 2d 284; Williams, 239 U. S. 414.

⁸⁰ *Sy.* 17 St. 159.