Clerk to send certified copies.

clerk shall transmit certified copies of all the papers and of all orders made therein to the clerk of the court to which such suit or proceeding shall be removed, and all further proceedings shall be had in said court, to which the same shall be removed as if the said suit or proceeding had originally been commenced therein.

Liens of judgments and decrees not impaired hereby.

SEC. 7. *And be it further enacted*, That the passage of this act shall not have the effect to destroy or impair the lien of any judgment or decree, rendered by the circuit or district court of the United States for the present district of Virginia, prior to this act taking effect; and final process on any judgment or decree entered in the circuit or district court of the United States for the district of Virginia, or which shall be entered therein prior to this act taking effect, and all other process for the enforcement of any order of said courts respectively, in any cause or proceeding now pending therein, except causes or proceedings removed as herein provided, shall be issued from and made returnable to the proper court for the eastern district of Virginia, and may be directed to and executed by the marshal of the United States for the said eastern district in any part of the State of Virginia.

Final process on decrees, &c. entered before this act takes effect, &c.

District judge, attorney, and marshal for western district.

Powers, duties, pay, &c.

SEC. 8. *And be it further enacted*, That there shall be appointed a district judge for said western district of Virginia, who shall receive an annual salary of three thousand five hundred dollars; and there shall also be appointed a marshal and district attorney of the United States for said western district of Virginia, who shall respectively receive such fees and compensation, and exercise such powers and perform such duties as are fixed and enjoined by law.

Clerks of circuit and district courts; their residence, office, fees, &c.

SEC. 9. *And be it further enacted*, That the circuit and district judges shall appoint four clerks, each of whom shall be clerks both of the circuit and district courts for said western district, one of whom shall reside and keep his office at Lynchburg, another shall reside and keep his office at Abingdon, another shall reside and keep his office at Danville, and the fourth shall reside and keep his office at Harrisonburg, who shall receive the fees and compensation for services performed by them, respectively, now fixed by law.

Either clerk may make transcripts of records, &c. in office of eastern district affecting real estate in western district.

SEC. 10. *And be it further enacted*, That either of the clerks of the circuit and district courts for said western district is hereby authorized under the direction of the district judge of said western district to make a transcript from any of the records, files, or papers of the district and circuit courts of the United States remaining in the office of the clerks in said eastern district, of all matters and proceedings which relate to or concern liens upon or titles to real estate situate in said western district; and for that purpose shall have access to said records in the office of the said clerks in said eastern district; and such transcripts, when so made by either of said clerks, shall be certified to be true and correct by the clerk making the same, and the same when so made and certified shall be evidence in all courts and places equally with said originals.

Such transcripts when to be evidence.

This act not to affect census, &c.

SEC. 11. *And be it further enacted*, That this act shall not affect the completion of the census of the State of Virginia for the year eighteen hundred and seventy; and nothing herein shall affect existing laws or existing officers except as herein modified and provided.

APPROVED, February 3, 1871.

Feb. 6, 1871.

CHAP. XXXVIII.—*An Act for the Relief of the Stockbridge and Munsee Tribe of Indians, in the State of Wisconsin.*

The two townships of land set apart for the Stockbridge and Munsee tribe of Indians to be examined and appraised.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the two townships of land, situated in the county of Shawanaw, and State of Wisconsin, set apart for the use of the Stockbridge and Munsee tribe of Indians, shall, under direction of the Secretary of the Interior, be examined and appraised, by two or more disinterested appraisers to be selected by him, in

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eighty-acre lots, according to public survey; such appraisal shall state the quality of the soil, the quantity, quality, and value of the timber growing on each lot, estimating the pine timber at not less than one dollar per thousand, and the value of all improvements, if any, made thereon, with the name of the owner of such improvements, as certified by the sachem and councillors of said tribe, and, when returned to the land office of the district in which said lands are situated, be subject to public inspection for at least thirty days before the day appointed for the sale of such lands, as hereinafter provided. One copy of said appraisal shall be made and returned to the land office of the district, and a duplicate thereof to the Secretary of the Interior, within six months from the passage of this act, and the person[s] appointed to make such appraisal shall be allowed such compensation for their services as may be fixed by the Secretary of the Interior.

Appraisal to state what;

to be subject to public inspection;

where to be returned.

Pay of appraisers.

SEC. 2. *And be it further enacted*, That the said two townships of land shall be advertised for sale, by notice of not less than three months, to be published in at least three newspapers of the district having general circulation, and shall be offered at public auction, at the nearest government land office within the Green Bay agency, to the highest bidder, in lots of not exceeding eighty acres each, but shall not be sold for less than the appraised value thereof. None of said lands shall be subject to entry until they shall have been offered as aforesaid, and then only at the price fixed by such appraisal. All of said lands remaining unsold at the expiration of one year after they shall have been offered as aforesaid shall be again advertised and offered at public auction at the nearest government land office within the Green Bay agency, at not less than the minimum of one dollar and twenty-five cents per acre, and thereafter shall be subject to private entry at the latter price, and shall in all cases be sold for cash only: *Provided, however*, That the Secretary of the Interior is hereby authorized to reserve from sale a quantity of said lands not exceeding eighteen contiguous sections, embracing such as are now actually occupied and improved, and are best adapted to agricultural purposes, subject to allotment to members of the Indian party of said tribe as hereinafter provided.

The two townships to be advertised for sale at public auction;

notice of time and place of sale;

mode of sale.

Not subject to entry until, &c.

Lands unsold to be again offered for sale, &c.

When subject to private entry.

To be sold for cash only.

Not over eighteen sections may be reserved from sale, subject, &c.

SEC. 3. *And be it further enacted*, That from the first proceeds of the sale of lands as provided in the second section of this act, shall be paid the expenses of appraisal and sale of said lands, the amount due to individuals for improvements as returned by the appraisers, and the amount of the debts contracted by the sachem and councillors for the benefit of said tribes, amounting to the sum of eleven thousand dollars, according to a schedule to be certified by them, and returned to the commissioner of Indian affairs.

Proceeds of sale, how to be applied.

SEC. 4. *And be it further enacted*, That, immediately after the returns shall be received at the general land office of the last public sale according to the provisions of this act, a statement shall be made up, under the direction of the Secretary of the Interior, exhibiting the gross amount of moneys realized from the sale of the said two townships of land, after deducting therefrom the sums appropriated by the preceding sections of this act, to which said amount shall be added the value of the lands remaining unsold of said two townships, estimating the same at sixty cents per acre; also the sum of six thousand dollars held in trust by the government of the United States for the use of the Stockbridge and Munsee tribes of Indians, under the treaty of eighteen hundred and thirty-nine; and the total amount thereof shall constitute the entire sum of money due from the government of the United States to the said Stockbridge and Munsee tribes of Indians, to be paid and appropriated for their benefit as hereinafter directed.

Statement to be made up showing whole amount due from the United States to the Stockbridge and Munsee Indians.

Vol. vii. p. 580.

SEC. 5. *And be it further enacted*, That the sum of money thus found due to the said tribes shall be divided between the citizen and Indian

Amount found due the tribes, how to be divided.

parties of said tribes, in proportion to the number of each respectively, according to rolls thereof, made and returned in conformity with the provisions of this act to the commissioner of Indian affairs: That portion of said sum belonging to the citizen party shall be equally divided among them per capita, and paid to the heads of families, and adult members of said party; that portion of said sum belonging to the Indian party shall be placed to their credit on the books of the treasurer of the United States, and bear interest at the rate of five per centum per annum, payable semiannually, and said interest shall be applied to the support of schools, the purchase of agricultural implements, or paid in such other manner as the President may direct: *Provided, however*, That a part of said sum due the Indian party, not exceeding thirty thousand dollars, may, on the request of the sachem and councillors of said tribe, be expended in securing a new location for said tribe, and in removing and aiding them to establish themselves in their new home; and in case of their procuring and removal to such new location, at any time, the said eighteen sections of land reserved for their use by the second section of this act shall be sold in the manner therein provided, and the proceeds thereof be placed to their credit as aforesaid.

Citizens.

Indian party.

Interest, how to be applied.

New location.

Two rolls to be prepared;

Sec. 6. *And be it further enacted*, That, for the purpose of determining the persons who are members of said tribes and the future relation of each to the government of the United States, there shall be prepared, under the direction of the commissioner of Indian affairs, or such person as may be selected by him to superintend the same, two rolls, one to be denominated the citizen roll, to embrace the names of all such persons of full age, and their families, as signify their desire to separate their relations with said tribe, and to become citizens of the United States; the other to be denominated the Indian roll, and to embrace the names of all such as desire to retain their tribal character and continue under the care and guardianship of the United States; which said rolls shall be signed by the sachem and councillors of said tribe, certified by the person superintending the same, and returned to the commissioner of Indian affairs, but no person of full age shall be entered upon said citizen roll without his or her full and free consent, personally given to the person superintending such enrollment; nor shall any person, or his or her descendants, be entered upon either of said rolls who may have heretofore separated from said tribe and received allotment of lands under the act of Congress for the relief of the Stockbridge tribe of Indians, of March third, eighteen hundred and forty-three, and amendment of August six, eighteen hundred and forty-six, or under the treaty of February five, eighteen hundred and fifty-six, or who shall not be of Stockbridge or Munsee descent. After the said rolls shall be made and returned as herein provided, the same shall be held as a full surrender and relinquishment on the part of the citizen party, each and every one of them, of all claims to be thereafter known or considered as members of said tribe, or in any manner interested in any provision heretofore or hereafter to be made by any treaty or law of the United States for the benefit of said tribes, and they and their descendants shall thenceforth be admitted to all the rights and privileges of citizens of the United States.

citizen roll, to include whom;

Indian roll.

Rolls to be signed, &c. certified, and returned to commissioner of Indian affairs.

Certain persons not to be entered on rolls.

1843, ch. 101. Vol. v. p. 645.

1846, ch. 85. Vol. ix. p. 55.

Vol. xi. p. 663.

Citizen roll to be held as a surrender by those thereon of all claims as members of tribe, &c.

Sec. 7. *And be it further enacted*, That after the said rolls shall have been made and returned, the said Indian party shall thenceforth be known as the "Stockbridge tribe of Indians," and may be located upon lands reserved by the second section of this act, or such other reservation as may be procured for them, with the assent of the council of said tribe, and their adoption among them of any individual, not of Indian descent, shall be null and void.

The Indian party to be known as, &c.;

where to be located;

adoption void, &c.

Sec. 8. *And be it further enacted*, That as soon as practicable, after a suitable and permanent reservation shall be obtained and accepted by said tribe, either at their present home or elsewhere, the same shall,

Reservation when obtained, &c. to be sur-

under the direction of the Secretary of the Interior, be surveyed and subdivided to correspond with the public survey, and the council of said tribe, under the superintendence of the agent of the United States, shall make a just and fair allotment of so much thereof (in compact form) as may be required, among the individuals and families composing said tribe, as follows: Each head of a family consisting of four persons shall receive eighty acres of land, and if consisting of more than four persons, at the discretion of the council, eighty acres more may be assigned to him or her; each male person above the age of eighteen years, not included in any family, shall receive eighty acres; each female person above the age of eighteen years, not a member of any family, and each orphan child, shall receive forty acres; the lands assigned and allotted as aforesaid shall be held inalienable, and in case of the death of any person, his or her right thereto shall descend to his or her heirs, if members of said tribe, and if he or she dies without heirs capable of inheriting, the land shall revert to and become the common property of said tribe; there shall also be set apart and appropriated a lot, not exceeding forty acres, to be held as common property on which to erect a church, parsonage, school-house, and other improvements necessary for the accommodation of said tribe: *Provided*, That if any female shall marry out of said tribe, she shall thereby forfeit all right to hold any of said lands, as if deceased.

veyed, subdivided, and allotted.

Heads of families.

Males.

Females.

Lands to be inalienable and how to descend.

Common reservation for church, school-house, &c.

Female to forfeit, if, &c.

SEC. 9. *And be it further enacted*, That the allotments contemplated in the previous sections of this act shall be made, and a certified copy thereof returned to the commissioner of Indian affairs, within one year after the reservation shall have been made and accepted by said tribe; and thereafter the title of the lands described therein shall be held by the United States in trust for individuals and their heirs to whom the same were allotted. The surplus lands embraced in such reservation remaining after making such allotments shall be held in like manner by the United States, subject to be allotted to individuals of said tribe who may not have received any portion of said reservation, or to be disposed of for the common benefit of said tribe: *Provided*, That no change or addition shall be made in the allotment returned to the commissioner of Indian affairs, unless the same shall be approved by the Secretary of the Interior.

Allotments to be made, &c. within one year.

Title to be in the United States in trust.

Surplus lands after allotments.

No change, &c. in allotment unless, &c.

J. G. BLAINE,
Speaker of the House of Representatives.
SCHUYLER COLFAX,
Vice-President of the United States and President of the Senate.

Received by the President, January 25, 1871.

[NOTE BY THE DEPARTMENT OF STATE. — The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

CHAP. XXXIX. — *An Act to authorize the Removal of the Custom-House from St. Mark's to Cedar Keys, Florida.* Feb. 8, 1871.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the port of entry of the collection district of St. Mark's, in the State of Florida, be, and the same is hereby, removed from the town of St. Mark's to the town of Cedar Keys in said district, and the said town of St. Mark's is hereby made and declared to be a port of delivery in said district.

Cedar Keys to be port of entry in the St. Mark's collection district, and St. Mark's the port of delivery.

APPROVED, February 8, 1871.