

CHAP. 674.—An Act Providing that entrymen under the homestead laws, who have served in the United States Army, Navy, or Marine Corps during the Spanish war or the Philippine insurrection, shall have certain service deducted from the time required to perfect title under homestead laws, and for other purposes.

March 1, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes be, and the same are hereby, amended to read as follows:

“**SEC. 2304.** Every private soldier and officer who has served in the Army of the United States during the recent rebellion for ninety days, and who was honorably discharged and has remained loyal to the Government, including the troops mustered into the service of the United States by virtue of the third section of an Act approved February thirteenth, eighteen hundred and sixty-two, and every seaman, marine, and officer who has served in the Navy of the United States or in the Marine Corps during the rebellion for ninety days, and who was honorably discharged and has remained loyal to the Government, and every private soldier and officer who has served in the Army of the United States during the Spanish war, or who has served, is serving, or shall have served in the said Army during the suppression of the insurrection in the Philippines for ninety days, and who was or shall be honorably discharged; and every seaman, marine, and officer who has served in the Navy of the United States or in the Marine Corps during the Spanish war, or who has served, is serving, or shall have served in the said forces during the suppression of the insurrection in the Philippines for ninety days, and who was or shall be honorably discharged, shall, on compliance with the provisions of this chapter, as hereinafter modified, be entitled to enter upon and receive patents for a quantity of public lands not exceeding one hundred and sixty acres, or one quarter section, to be taken in compact form, according to legal subdivisions, including the alternate reserved sections of public lands along the line of any railroad or other public work not otherwise reserved or appropriated, and other lands subject to entry under the homestead laws of the United States; but such homestead settler shall be allowed six months after locating his homestead and filing his declaratory statement within which to make his entry and commence his settlement and improvement.

“**SEC. 2305.** The time which the homestead settler has served in the Army, Navy, or Marine Corps shall be deducted from the time heretofore required to perfect title, or if discharged on account of wounds received or disability incurred in the line of duty, then the term of enlistment shall be deducted from the time heretofore required to perfect title, without reference to the length of time he may have served; but no patent shall issue to any homestead settler who has not resided upon, improved, and cultivated his homestead for a period of at least one year after he shall have commenced his improvements.”

Provided, That in every case in which a settler on the public land of the United States under the homestead laws died while actually engaged in the Army, Navy, or Marine Corps of the United States as private soldier, officer, seaman, or marine, during the war with Spain or the Philippine insurrection, his widow, if unmarried, or in case of her death or marriage, then his minor orphan children or his or their legal representatives, may proceed forthwith to make final proof upon the land so held by the deceased soldier and settler, and that the death of such soldier while so engaged in the service of the United States shall, in the administration of the homestead laws, be construed to be equivalent to a performance of all requirements as to residence and cultivation for the full period of five years, and shall entitle his widow, if unmarried, or in case of her death or marriage, then his minor orphan children or his or their legal representatives, to make final proof upon

Soldiers' and sailors' homesteads.
R. S., secs. 2304, 2305, p. 422, amended.

Soldiers and sailors serving in war of rebellion.

Vol. 12, p. 339.

—during Spanish war.

—in Philippines.

—may enter public lands, etc.

—time to enter, etc.

Deduction of military or naval service from time required to perfect title, etc.

proviso.
Final proof by heirs of deceased soldier, etc.

—legal effect of death.

and receive Government patent for said land; and that upon proof produced to the officers of the proper local land office by the widow, if unmarried, or in case of her death or marriage, then his minor orphan children or his or their legal representatives, that the applicant for patent is the widow, if unmarried, or in case of her death or marriage, his orphan children or his or their legal representatives, and that such soldier, sailor, or marine died while in the service of the United States as hereinbefore described, the patent for such land shall issue.

Approved, March 1, 1901.

March 1, 1901.

CHAP. 675.—An Act To ratify and confirm an agreement with the Cherokee tribe of Indians, and for other purposes.

Agreement of Dawes Commission with Cherokee tribe of Indians ratified.

Proviso.
Ratification by Indians.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the agreement negotiated between the Commission to the Five Civilized Tribes and the Cherokee tribe of Indians at the city of Washington on the ninth day of April, nineteen hundred, as herein amended, is hereby accepted, ratified, and confirmed, and the same shall be of full force and effect if ratified by a majority of the votes cast by the members of said tribe at an election to be held for that purpose: *Provided,* That such election shall be held within ninety days from the approval of this Act by the President of the United States.

This agreement, by and between the United States, entered into in its behalf by the Commission to the Five Civilized Tribes, Henry L. Dawes, Tams Bixby, Archibald S. McKennon, and Thomas B. Needles, duly appointed and authorized thereunto, and the Cherokee tribe of Indians, in Indian Territory, entered into in behalf of said tribe by Lucian B. Bell, Percy Wyly, Jesse Cochran, and Benjamin J. Hilderbrand, duly appointed and authorized thereunto.

Witnesseth, that in consideration of the mutual undertakings herein contained it is agreed as follows:

DEFINITIONS.

Definitions.

1. The words "nation" and "tribe" shall each be deemed to refer to the Cherokee Nation or tribe of Indians in Indian Territory. The words "principal chief" shall be deemed to refer to the principal chief of said tribe. The words "citizen" or "citizens" shall be deemed to refer to a member or members of said tribe. The words "Dawes Commission" or "commission" shall be deemed to refer to the United States Commission to the Five Civilized Tribes. The word "Secretary" shall be deemed to refer to the Secretary of the Interior.

General allotment of lands.

GENERAL ALLOTMENT OF LANDS.

Appraisal.

Proviso.
Failure to remove buildings from excessive holdings.

By whom appraisal made.

2. All lands belonging to the Cherokee tribe of Indians in Indian Territory, except as herein reserved, shall be appraised at their true value, considering location and fertility of soil in each case, excluding improvements placed by allottee on the lands selected by him: *Provided, however,* That in cases where a citizen holding lands in excess of his rightful share has failed to sell or remove the buildings and fences from said excessive holding on or before the first day of July, nineteen hundred and one, the value of the buildings and fences shall be added to the value of the land by the appraisement committee.

3. The appraisement shall be made under the direction of the Dawes Commission by such number of committees of appraisement as may be deemed sufficient to expedite the work, one member of each committee