

the previous fiscal year. The expenditures proposed for the purposes specified herein shall be submitted to the tribal council, or its authorized business committee, for its advance review and approval."

Expenses proposed subject to review, etc., by tribal council.

Approved, June 15, 1934.

[CHAPTER 540.]

AN ACT

To provide for the enrollment of members of the Menominee Indian Tribe of the State of Wisconsin.

June 15, 1934.
[H.R. 8541.]
[Public, No. 358.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized and directed to prepare a certified roll of the members of the Menominee Indian Tribe in the State of Wisconsin, and from time to time to add names to such roll in accordance with the provisions of this Act, which roll shall constitute the official roll of members of said tribe for all purposes. The names of all persons on the tribal rolls on the date of the enactment of this Act shall automatically be placed on the roll authorized to be prepared under the provisions of this Act and shall be used as a basis for the compilation and preparation of said roll by the Secretary of the Interior. The Secretary of the Interior shall, from time to time, place on said roll the names of such additional persons as are entitled to the privilege of enrollment under the provisions of this Act.

Menominee Indians of Wisconsin.
Certified roll of members to be prepared.

Present enrollment to be used as basis.

Additional qualified persons.

SEC. 2. Any person whose name is not on the roll of the Menominee Indian Tribe on the date of the enactment of this Act may at any time hereafter apply to the Secretary of the Interior to have his name placed thereon. Such application shall be in writing, shall contain such information as the Secretary of the Interior may require, and shall be subscribed and sworn to before an official authorized to administer oaths; except that in the case of minors under the age of eighteen years and in the case of persons who are mentally incompetent, such application may be executed by any member of the Menominee Tribe of Indians in behalf of such minor or mentally incompetent person.

Application for enrollment.

SEC. 3. At the end of each fiscal year, the Secretary of the Interior shall compile a list of all persons who have applied for enrollment as a member of the Menominee Indian Tribe during the past fiscal year, and he shall certify such list of applicants to the general council of the Menominee Indian Tribe requesting said general council to investigate the qualifications of such applicants and to report its findings to the Secretary of the Interior. The Secretary of the Interior shall take no action on any application for enrollment until after the expiration of one year from the date the certified list of applicants was forwarded to the general council of the Menominee Indian Tribe, unless the said general council of the Menominee Indian Tribe shall have previously filed its findings and recommendations with reference thereto with the Secretary of the Interior.

Certification of list of applicants.

SEC. 4. No person whose name does not appear on the tribal roll of the Menominee Indian Tribe on the date of the enactment of this Act shall hereafter be eligible to enrollment unless he possesses at least one fourth of Menominee Indian blood, and any person possessing one fourth or more of Menominee Indian blood who has been or may be born of parents residing, at the time of such birth, upon the Menominee Reservation, at least one of whom is an enrolled member of the Menominee Tribe, or who has been or may be adopted by the Menominee Tribe, shall be entitled to have his name placed

Eligibility to enrollment.

Adopted member.

Proviso.
Persons excluded.

on the tribal roll by the Secretary of the Interior in the manner provided for in this Act and shall be entitled to all the privileges of membership in said tribe: *Provided*, That no person who participated in the so-called "Half Breed Payment of 1849" shall, for the purposes of enrollment as a member of the tribe, be considered as possessing any Menominee Indian blood, and no person claiming to possess one fourth or more of Menominee Indian blood shall hereafter be placed on the tribal roll unless he can establish the fact that he possesses the required one fourth or more of Menominee Indian blood as a descendant of a person or persons possessing Menominee Indian blood other than those persons who participated in the so-called "Half Breed Payment of 1849."

Back annuities or per capita payments denied.

SEC. 5. No person whose name shall hereafter be placed on the roll of the Menominee Indian Tribe shall be entitled to any back annuities or per capita payments made to the members of the tribe out of tribal funds which were authorized to be paid to the members of said tribe before such person's name shall have been placed upon such roll.

Appeal of enrollment decision.

SEC. 6. Any person whose application for enrollment as a member of the Menominee Indian Tribe is denied by the Secretary of the Interior shall have the right of appeal to the Federal District Court for the Eastern District of Wisconsin at any time within two years after the denial of such application by the said Secretary of the Interior, and the general council of the Menominee Indian Tribe shall have the right to appeal to said court from any order or decision of the Secretary of the Interior granting any such application or placing the name of any applicant on the tribal roll, at any time within two years after such order or decision of the Secretary of the Interior. Notice of such appeal and of the hearing thereof shall be given to the Secretary of the Interior, the applicant and the general council of the Menominee Indian Tribe, in such manner as the court, by order, shall direct: *Provided*, That failure on the part of the Secretary of the Interior to approve or deny any application, within two years after the same has been filed with him, shall, for the purposes of this section, be deemed a denial of such application. Said district court shall consider all affidavits on file with the Secretary of the Interior with reference to the particular application and shall also consider such additional evidence as may be presented in the form of affidavits or otherwise by any of the parties in interest and shall hear such witnesses in open court as either party may present, and at the conclusion thereof the court shall either affirm or deny the right of said applicant to enrollment as a member of the Menominee Indian Tribe, which judgment shall be conclusive. In the event the court decides that the applicant is entitled to enrollment, the court shall order the Secretary of the Interior to place the applicant's name on the tribal roll as of the date upon which said application was denied by the Secretary of the Interior.

Notice and hearing thereon.

Proviso.
Failure to approve deemed a denial.

Court to consider affidavits and other evidence presented.

Judgment conclusive.

Conflicting tribal custom or act of Congress repealed.

SEC. 7. The provisions of this Act shall be applicable to the enrollment of members of the Menominee Indian Tribe of the State of Wisconsin notwithstanding any conflicting tribal custom of said tribe, and any Act or Acts of Congress in conflict with the provisions of this Act are hereby repealed insofar as same relates to the Menominee Indians.

Approved, June 15, 1934.