

of the Government under charge of any Indian superintendent or agent, or to any Indian, including mixed bloods, over whom the Government, through its departments, exercises guardianship, and any person who shall introduce or attempt to introduce any malt, spirituous, or vinous liquor, including beer, ale, and wine, or any ardent or intoxicating liquor of any kind whatsoever into the Indian country, which term shall include any Indian allotment while the title to the same shall be held in trust by the Government, or while the same shall remain inalienable by the allottee without the consent of the United States, shall be punished for the first offense by imprisonment for not more than one year, and by a fine of not more than \$500, and for the second offense and each offense thereafter by imprisonment for not more than five years, and by a fine of not more than \$2,000: *Provided, however,* That the person convicted shall be committed until fine and costs are paid: *And provided further,* That first offenses under this section may be prosecuted by information, but no person convicted of a first offense under this section shall be sentenced to imprisonment in a penitentiary or required to perform hard labor. It shall be a sufficient defense to any charge of introducing or attempting to introduce ardent spirits, ale, beer, wine, or intoxicating liquors into the Indian country that the acts charged were done under authority, in writing, from the War Department or any officer duly authorized thereunto by the War Department. All complaints for the arrest of any person or persons made for violation of any of the provisions of this section shall be made in the county where the offense shall have been committed, or if committed upon or within any reservation not included in any county, then in any county adjoining such reservation; but in all cases such arrests shall be made before any United States court commissioner residing in such adjoining county, or before any magistrate or judicial officer authorized by the laws of the State in which such reservation is located to issue warrants for the arrest and examination of offenders by section 1014 of the Revised Statutes as amended. And all persons so arrested shall, unless discharged upon examination, be held to answer and stand trial before the court of the United States having jurisdiction of the offense."

SEC. 2. Section 2139 of the Revised Statutes, as amended by this Act, shall be deemed to apply to offenses committed subsequent to the date of enactment of this Act, and any reference in any other Act of Congress to the Act of January 30, 1897, insofar as it relates to offenses committed subsequent to the date of enactment of this Act, shall be deemed to be a reference to section 2139 of the Revised Statutes as amended by this Act.

SEC. 3. The Act entitled "An Act to prohibit the sale of intoxicating drinks to Indians, providing penalties therefor, and for other purposes", approved January 30, 1897, is hereby repealed.

Approved, June 15, 1938.

[CHAPTER 436]

AN ACT

To divide the funds of the Chippewa Indians of Minnesota between the Red Lake Band and the remainder of the Chippewa Indians of Minnesota, organized as the Minnesota Chippewa Tribe.

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 authorized and directed to determine, as of the close of the fiscal year next succeeding¹ the date of the passage of

¹ So in original.

Introduction, etc., into Indian country.

Penalty for violation.

Providos.
Commitment until fine, etc., paid.
Prosecution of first offenses by information.

Authorized introduction of liquors.

Complaints; venue, etc.

Arrests.
Procedure.

R. S. § 1014.
18 U. S. C. § 591.

Citations hereunder deemed to apply to offenses subsequent to date of enactment.
R. S. § 2139.
29 Stat. 506.
25 U. S. C. § 241.

Existing Act repealed.
29 Stat. 506.

June 15, 1938
[H. R. 4544]
[Public, No. 632]

Chippewa Indians of Minnesota.
Determination of total sum in Treasury to credit of, directed.

25 Stat. 642.

Deduction and retention of sum for authorized expenses.

44 Stat. 555; 45 Stat. 423.

Determination of interest of Red Lake Band.

Use of last annuity, etc., rolls in making computation.

Red Lake Chippewa fund to be held as a separate fund.

Remainder of total as property of all other Chippewa Indians of Minnesota.

Division of unexpended balance and future funds.

this Act, the total sum of money in the Treasury of the United States to the credit of the Chippewa Indians of Minnesota derived from the provisions of the Act of Congress of January 14, 1889, entitled "An Act for the relief and civilization of the Chippewa Indians in the State of Minnesota" (25 Stat. L. 642), from which total amount so determined, said Secretary shall deduct and retain in the existing fund now standing to the credit of "all the Chippewa Indians in the State of Minnesota" the sum of \$10,000, and so much thereof as may be necessary, may be expended as authorized in the Act of May 14, 1926 (44 Stat. L. 555), and the amendatory Act of April 11, 1928 (45 Stat. L. 423), and for no other purpose.

SEC. 2. Upon so determining the amount of money to the credit of said Indians, the Secretary of the Interior is hereby directed to determine what part of said amount represents the interest of the Red Lake Chippewa Indians of Minnesota on the basis of the proportion which the number of Indians on the official annuity or per-capita payment roll of the Red Lake Band bears to the number of Indians on the official annuity or per-capita payment rolls of all the other Chippewa Indians of Minnesota. The last annuity rolls or the latest per-capita payment rolls, whichever are the later, approved prior to the passage of this Act shall be used in making this computation.

SEC. 3. The portion of the total funds of the Chippewa Indians of Minnesota so determined to represent the interest of the Red Lake Chippewa Indians of Minnesota shall be segregated from the said total funds in the Treasury of the United States as the exclusive property of the Red Lake Chippewa Indians of Minnesota and shall be held as a separate and distinct fund which shall be called the Red Lake Chippewa fund and shall be kept intact in the Treasury pursuant to the terms of the said Act of January 14, 1889, and shall be administered by the Secretary of the Interior as the separate property of the Red Lake Chippewa Indians of Minnesota. The remainder of said total funds shall be held in the Treasury as the property of all the other Chippewa Indians of Minnesota. Such fund shall be kept intact in the Treasury pursuant to the terms of said Act of January 14, 1889, and shall be administered by the Secretary of the Interior as the separate property of all other Chippewa Indians of Minnesota.

SEC. 4. Any unexpended balance remaining of the \$10,000 set aside by the first section of this Act and all future funds derived from the provisions of said Act of January 14, 1889, or from any use of funds accrued under said Act as may have been directed by Congress, shall be divided in the same proportion as the division authorized herein between the said Red Lake Chippewa Indians of Minnesota as of one part and all other Chippewa Indians of Minnesota as of the other part, and the portions thereof belonging to each group shall immediately be placed in the Treasury of the United States in the funds named in section 3 of this Act, and shall be likewise administered.

Approved, June 15, 1938.