

Vol. 33, p. 302.

Fencing, etc.

Upper Pend d'Oreille, and such other Indians and persons holding tribal relations or may rightfully belong on said Flathead Indian Reservation, the appraised value of said lands as shall be fixed and determined under the provisions of the Act of Congress approved April twenty-third, nineteen hundred and four, entitled "An Act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment." And the Secretary of Agriculture is hereby authorized and directed to inclose said lands with a good and substantial fence and to erect thereon the necessary sheds and buildings for the proper care and maintenance of the said bison; and there is hereby appropriated therefor the sum of ten thousand dollars or so much thereof as may be necessary; in all, forty thousand dollars.

Emergency appropriations.

EMERGENCY APPROPRIATIONS.

Gypsy and brown tail moths.

PREVENTION OF SPREAD OF MOTHS: To enable the Secretary of Agriculture to meet the emergency caused by the continued spread of the gypsy and brown tail moths, two hundred and fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated and made immediately available. And the Secretary of Agriculture is hereby authorized to expend said appropriation by establishing a quarantine against such further spread in such manner as he shall deem best, in cooperation with the authorities of the different States concerned and with the State experiment stations.

Southern cattle fever ticks.

ERADICATING CATTLE TICKS: For Bureau of Animal Industry: To enable the Secretary of Agriculture to continue work in cooperation with State authorities in eradicating the ticks transmitting southern cattle fever, two hundred and fifty thousand dollars, of which sum twenty-five thousand dollars shall be immediately available.

Total carried by this bill for the Department of Agriculture, eleven million six hundred and seventy-two thousand one hundred and six dollars.

Approved, May 23, 1908.

May 23, 1908.
[S. 4186.]

CHAP. 193.—An Act Amending the Act of January fourteenth, eighteen hundred and eighty-nine, and Acts amendatory thereof, and for other purposes.

[Public, No. 137.]

Minnesota.
National Forest established in.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby created in the State of Minnesota a national forest consisting of lands and territory described as follows, to wit:

Description.

Beginning at a point where the north line of section thirty-one in township one hundred and forty-eight north, range twenty-eight west, fifth principal meridian, intersects the low water mark of the lake formed by the waters of Third River; thence easterly along the north line of sections thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, and thirty-six in township one hundred and forty-eight north, ranges twenty-eight and twenty-seven west, continuing easterly along the north line of section thirty-one in township one hundred and forty-eight north, range twenty-six west, to a point where said line intersects the low water mark of Bow String Lake on the west shore; thence southerly along the west side of said lake at low water mark to a point where it crosses the section line between sections sixteen and seventeen in township one hundred and forty-seven north, range twenty-six west; thence southerly along the section line on the east side of sections seventeen, twenty, twenty-nine, and thirty-two in township one hundred and forty-seven north, range

twenty-six west, and continuing southerly along the east side of sections five, eight, seventeen, twenty, twenty-nine, and thirty-two, township one hundred and forty-six north, range twenty-six west, continuing southerly along the east line of sections five, eight, seventeen, twenty, and twenty-nine, township one hundred and forty-five north, range twenty-six west to a point at the low water mark on the right bank of the Mississippi River on the section line between sections twenty-eight and twenty-nine in said township; thence southeasterly along the right bank of the Mississippi River at low water mark to its confluence with Leech Lake River in section twelve in township one hundred and forty-four north, range twenty-six west; thence southwesterly along the right bank of Leech Lake River along the low water mark to Mud Lake; thence along the line of low water mark of Mud Lake on its northern and western shores to the point where Leech Lake River empties into the same on fractional section thirty-two, township one hundred and forty-four north, range twenty-six west; thence up said river along the low water mark on the right bank thereof to a point in fractional section twenty-nine where the line intersects the low water mark of Leech Lake; thence in a northwesterly and southwesterly direction following the contours of said lake at low water mark to the point at low water mark on the shore of said lake on the northeast boundary of the ceded Leech Lake Indian Reservation on section line between sections five and eight, township one hundred and forty-three north, range twenty-nine west; thence in a southwesterly direction following the contours of said lake at low water mark to the point on said lake at the southwestern extremity of Ottertail Point; thence southwesterly in a direct line to the southern extremity of section twenty-five in township one hundred and forty-three north, range thirty-one west; thence in a westerly direction along the contour of said lake to the southwestern extremity of section twenty-six in said township; thence in a northerly and westerly direction along the contour of said lake at low water mark to a point where the center line through section two, running in a north and south direction in township one hundred and forty-three north, range thirty-one west intersects the low water mark of Leech Lake; thence northerly through the middle of said section two to the shore of a small lake at low water mark; thence along the east shore of said lake at low water line to a point where the section line between sections thirty-five and thirty-six, township one hundred and forty-four north, range thirty-one west, intersects low water mark of said lake on north shore; thence northerly on section line between sections thirty-five, thirty-six, twenty-five, and twenty-six to the low water mark at the shore of a small lake; thence northerly along the east side of said lake to a point where the section line between sections twenty-five and twenty-six intersects the low water mark of said lake in said township; thence northerly along the east line of sections twenty-six, twenty-three, and fourteen to a point on the east line of section fourteen, twenty chains north of the southeast corner of section fourteen; thence west twenty chains; thence north twenty chains; thence west twenty chains; thence northerly along the east side of a small lake to a point where the center line running in a north and south direction through section fourteen intersects the north side of said lake at low water mark; thence northerly along the center line of said section through section eleven to the quarter corner between sections two and eleven of said township; thence westerly to a point twenty chains west of the northwest corner of section eleven; thence north forty chains; thence west twenty chains; thence north to a point where the center line running in a north and south direction in section three intersects the township line between townships one hundred and

forty-four and one hundred and forty-five north, range thirty-one west; thence westerly to the quarter quarter corner on the township line in the southeast quarter of section thirty-four in township one hundred and forty-five north, range thirty-one west; thence north twenty chains; thence west forty chains; thence north twenty chains; thence west twenty chains to the quarter corner between sections thirty-three and thirty-four in said township and range; thence northerly along the east line of sections thirty-three, twenty-eight, twenty-one and sixteen in said township to a point where it intersects the right-of-way of the Great Northern Railway as at present located; thence easterly along said right-of-way to a point where it intersects the shore of Cass Lake at low water mark in section fifteen, township one hundred and forty-five north, range thirty-one west; thence northerly along the west shore of Cass Lake and the south, west and north shore of Allen's Bay and the northwest shore of Cass Lake to a point along the contour of said lake at low water mark at the head of the Mississippi River, approximately in section twenty-one, township one hundred and forty-six north, range thirty west; thence easterly along the right bank of said river to a point where the range line between ranges twenty-nine and thirty west intersects said river; thence northerly along the range line to the northwest corner of section nineteen in township one hundred and forty-seven north, range twenty-nine west; thence easterly along the north line of sections nineteen, twenty, twenty-one, twenty-two, twenty-three and twenty-four in said township and along the north side of sections nineteen and twenty in township one hundred and forty-seven north, range twenty-eight west to a point where said line intersects the left bank of Third River at low water mark; thence northerly along the right bank of Third River to the contour line at low water mark of the lake formed by the waters of Third River; thence southeasterly and northerly along the contour line of said lake to the point of beginning; and it is the intent of this Act to include in said national forest and make a part thereof all that certain territory and land which has heretofore been selected by the Forester of the Department of Agriculture as the ten sections situated in townships one hundred and forty-four, one hundred and forty-five, and one hundred and forty-six north, ranges thirty and thirty-one west of the fifth principal meridian in Minnesota and designated as being the ten sections referred to and authorized to be selected by section two of the Act approved June twenty-seventh, nineteen hundred and two, being chapter eleven hundred and fifty-seven, United States Statutes at Large, volume thirty-two, entitled "An Act to amend an Act entitled 'An Act for the relief and civilization of the Chippewa Indians in the State of Minnesota'", approved January fourteenth, eighteen hundred and eighty-nine; and also all the islands in Cass Lake in the State of Minnesota.

Selected forestry lands of Chippewa Indians.

Vol. 32, p. 402.

Additional lands.
Vol. 32, p. 402.

Proviso.
Prior rights not affected.

Sale of pine timber.

Vol. 32, p. 401.

And in addition to the lands and territory above described, the lands described by section two of said Act of June twenty-seventh, nineteen hundred and two, as follows: "One hundred and sixty acres at the extremity of Sugar Point, on Leech Lake, and the peninsula known as Pine Point, on which the new Leech Lake Agency is now located" shall be included in and are hereby made a part of said national forest: *Provided*, That this Act shall not in any manner abridge the right of citizens to the use of the west and northwesterly shores of Cass Lake.

SEC. 2. The Secretary of the Interior is hereby authorized to proceed with the sale of the merchantable pine timber upon the above-described land outside of said ten sections and said islands and points, in conformity with the provisions of said Act above entitled, and reserving ten per centum of such timber from sale, said ten per centum to be designated by the Forester of the United States Department of Agriculture; and as to the timber upon said ten sections and said islands and points, the said Forester is authorized, under such rules and regulations as he may prescribe from time to time to sell and dis-

pose of so much of the standing timber thereon as he may deem wise and advisable in the conduct of a National Forest: *Provided*, That a commission of three persons shall at once be appointed, consisting of one person to be designated by the President, one by the Secretary of the Interior, and one by a general council of the Indians of the Winnibigoshish, Cass Lake, Chippewas of the Mississippi Reservation, and Leech Lake Reservation to be held under the direction of the agent at Leech Lake Indian Agency; and said commissioners shall proceed forthwith to appraise the value of the five per centum of timber heretofore reserved from sale by the provisions of said Act entitled "An Act to amend an Act entitled 'An Act for the relief and civilization of the Chippewa Indians in the State of Minnesota,'" approved January fourteenth, eighteen hundred and eighty-nine, and the ten per centum hereafter reserved under the provisions of this Act, and the timber upon said ten sections and upon the unappropriated lands on said islands and points, and shall ascertain the acreage of actual land included under the provisions of this Act and to the estimated value of said five per centum of timber reserved under the said Act entitled "An Act to amend an Act entitled 'An Act for the relief and civilization of the Chippewa Indians in the State of Minnesota,'" approved January fourteenth, eighteen hundred and eighty-nine, and the ten per centum reserved under this Act and the estimated value of timber upon said ten sections and upon the unappropriated lands on said islands and points, to the sum of the values of the timber so estimated shall add an amount equal to one dollar and twenty-five cents for each and every acre of land not otherwise appropriated which they find covered by the provisions of this Act, and shall certify the same to the Secretary of the Interior. The Indians designated in this section, acting through a representative who shall serve without compensation, to be named by them at the time of their appointment of the commissioner herein, shall have sixty days in which to appeal to the President of the United States from the findings of said commissioners, as certified to the Secretary of the Interior. At the end of said sixty days, if no appeal has been taken or if an appeal has been taken, then, upon the determination thereof by the President, the Secretary of the Interior shall certify the amount found by said commissioners, or if modified by the President the amount determined by him, to the Secretary of the Treasury, who shall thereupon place such amount to the credit of all the Chippewa Indians in the State of Minnesota as a part of the permanent fund of said "All of the Chippewa Indians in the State of Minnesota" provided for in an Act of Congress entitled "An Act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January fourteenth, eighteen hundred and eighty-nine, and the Acts supplementary thereto, and the amounts so certified to the Secretary of the Treasury shall draw interest at the rate of five per centum per annum, pursuant to the terms of said Acts.

SEC. 3. That any Indian having an allotment within the limits of the National Forest created by this Act is hereby authorized to relinquish such allotment and permitted to take another allotment in lieu thereof outside such National Forest, under the direction of the Secretary of the Interior; and the allotments of any deceased Indians located within the boundaries of said National Forest shall not hereafter be disposed of under section seven of the Act of June twenty-seventh, nineteen hundred and two (volume thirty-second Statutes at Large, page two hundred and forty-five); but the heirs of said deceased Indians shall have the right, with the consent of the Secretary of the Interior and under such rules as he may prescribe, to relinquish to the United States the lands covered by such allotments and to select surveyed, unappropriated, unreserved land within the limits of any of the ceded Indian lands in the State of Minnesota and outside of the National

Proviso.
Commission to appraise timber reserve.

Vol. 25, p. 643.

Appeal from findings of commission.

Funds deposited to credit of Chippewas.

Vol. 25, p. 645.

Allotments may be exchanged.

Vol. 32, p. 275.

Relinquishment and selection.

Purchase of lands relinquished. Forest hereby created in lieu of the land covered by such allotments; and the lands so relinquished by the Indians or their heirs shall thereupon become part of the said National Forest. And the Secretary of the Interior is hereby authorized on request of the Forester of the Department of Agriculture to purchase such relinquishments from said Indians or their heirs and to pay for the same from any moneys received, after the appraisal of timber herein provided for, on account of the sale of timber from the National Forest hereby created, or from the sale of any other products or the use of any lands or resources thereof.

Land opened to settlement. SEC. 4. That all land in any of said reservations, the Winnibigoshish Indian Reservation, Cass Lake Indian Reservation, Chippewas of the Mississippi Reservation, or Leech Lake Indian Reservation not included in the National Forest hereby created as above described, heretofore classified or designated as agricultural lands, is hereby declared to be open to homestead settlement; and any of said land which has been classified as timber land shall be open to homestead settlement as soon and as fast as the timber is removed therefrom, in conformity with the homestead law, except that none of said lands shall be disposed of except on payment of one dollar and twenty-five cents per acre.

Prior sales. Amount to be credited to Chippewas. SEC. 5. That all moneys received from the sale of timber from any of the lands set aside by this Act for a National Forest, prior to the appraisal herein provided for, including all moneys received for timber under sales made by the Secretary of the Interior as authorized by existing laws and section two of this Act, shall be placed to the credit of the Chippewa Indians in the State of Minnesota, as provided for in an Act of Congress entitled "An Act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January fourteenth, eighteen hundred and eighty-nine; and the Acts supplementary thereto, and shall draw interest at the rate of five per centum per annum, pursuant to the terms of said Acts; and after said appraisal the National Forest hereby created, as above described, shall be subject to all general laws and regulations from time to time governing national forests, so far as said laws and regulations may be applicable thereto.

Ante, p. 270.

Interest.

Compensation of commissioners. SEC. 6. That the commissioners provided for herein shall receive a compensation of ten dollars per day each for each and every day actually spent upon the work herein provided for, which shall be paid out of any money in the Treasury of the United States not otherwise appropriated, and no commissioner shall be paid for more than ten days' service.

Maximum.

Indian graves not to be disturbed, etc. SEC. 7. None of the Indian graves now upon any of the islands or points referred to in this Act shall be disturbed and the Indians shall continue to have the right to bury their dead at such places as they have heretofore used for that purpose, under the rules and regulations to be prescribed by the Forest Service.

United States not bound to purchase, etc. SEC. 8. That nothing in this Act contained shall in any manner bind the United States to purchase any of the land in said reservations excluded from the reserve created by this Act, or to dispose of said land, except as provided by the Act of January fourteenth, eighteen hundred and eighty-nine, entitled "An Act for the relief and civilization of the Chippewa Indians in the State of Minnesota," and an Act of June twenty-seventh, nineteen hundred and two, entitled "An Act to amend an Act for the relief and civilization of the Chippewa Indians in the State of Minnesota," or the provisions of this Act; or to guarantee to find purchasers for said lands or any portion thereof, it being the intention of this Act that the United States shall act as trustee for said Indians to dispose of the said lands and the timber thereon, and to dispose of the proceeds thereof, as provided in said Acts, only when received from the sale of the timber and the lands, as therein provided.

Vol. 25, p. 642.

Vol. 32, p. 400.

Approved, May 23, 1908.