

June 4, 1924.
[S. 3395.]
[Public, No. 190.]

CHAP. 252.—An Act Granting the consent of Congress to the commissioners of Fayette and Greene Counties, Pennsylvania, to construct a bridge across the Monongahela River near Masontown, Fayette County, Pennsylvania.

Monongahela River.
Fayette and Greene
Counties may bridge,
Masontown, Pa.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the commissioners of the counties of Fayette and Greene, in the State of Pennsylvania, and their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Monongahela River, at a point suitable to the interests of navigation, at or near Masontown, in the county of Fayette, in the State of Pennsylvania, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Construction.
Vol. 34, p. 84.

Amendment.

SEC. 2. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 4, 1924.

June 4, 1924.
[H. R. 3852.]
[Public, No. 191.]

CHAP. 253.—An Act Providing for the final disposition of the affairs of the Eastern Band of Cherokee Indians of North Carolina.

Eastern Band of Cherokee
Indians, N. C.
All lands, etc., of,
may be conveyed to
United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Eastern Band of Cherokee Indians of North Carolina is hereby authorized, pursuant to the resolution of its council adopted the 6th day of November, 1919, to convey to the United States of America, in trust, all land, money, and other property of said band for final disposition thereof as hereinafter provided; and the United States will accept such conveyance when approved by the Secretary of the Interior.

Roll of members to
be prepared.

SEC. 2. That upon approval of such conveyance the Secretary of the Interior shall cause to be prepared a roll of the members of said band, to contain the names of all living on the date of this Act, and no person born after that date shall be entitled to enrollment.

Contents.

The roll shall show the name, age, sex, and degree of Cherokee Indian blood, and separately of that derived from any other Indian ancestor, of each member. The day of the month indicating the birthday of each member shall also be shown upon said roll: *Provided,* That if such date is unknown and can not be ascertained, the date of the entry of the name on the schedule shall be taken for the purposes of this Act to be the birth date of the member to whom the entry applies.

Proviso.
Assumed birth date.

Finality, etc., of completed roll.

Said roll when approved by the Secretary of the Interior shall be final and conclusive as to the membership of said band, and as to the ages and degree of Indian blood of the members, but clerical changes relating to the names of such members or to sex designations may be made at any time thereafter.

Consideration of former rolls, lists, etc.

SEC. 3. That in the preparation of said roll due consideration shall be given to all rolls and lists heretofore made of the membership of said band, together with any evidence elicited in the course of any investigations, and to all documents and records on file in the Interior Department or any of its bureaus or offices.

Appearance on, or
absence from, not
conclusive.

The fact that the name of any person appears on any such roll or list shall not be accepted to establish, conclusively, his right or that of his descendants to enrollment. Nor shall the absence of his name from such former rolls conclusively bar any person or his descendants from enrollment.

Act of North Carolina
disregarded.

That in the preparation of said roll the act of the State of North Carolina of March 8, 1895, chapter 166, entitled "An Act to amend chapter 211, laws of 1889, relating to the charter of the Eastern Band of Cherokee Indians" shall be disregarded.

Applications for enrollment may be presented in such manner and within such time as may be prescribed by regulations made by the Secretary of the Interior, but lack of application shall not prevent consideration of the right to enrollment of any person whose name appears on any former roll and his descendants or of any name brought in any manner to the attention of those in charge of the enrollment work, including the names of those persons of Cherokee Indian blood living July 27, 1868, in any of the counties of North Carolina, in which the common lands of said band are located, or in any of the contiguous counties of that State or of the States of Georgia and Tennessee, and of their descendants.

Consideration of applications for enrollment.

SEC. 4. That the lands so conveyed shall be surveyed, where found necessary, and divided into appropriate tracts or parcels and appraised at their true value as of the date of such appraisal, without consideration being given to the location thereof or to any mineral deposits therein or to improvements thereon, but such appraisal shall include all merchantable timber on all allottable lands.

Survey of lands and division thereof.

SEC. 5. That reservations from allotment may be made, in the discretion of the Secretary of the Interior, of lands for cemeteries, schools, water-power sites, rights of way, and for other public purposes, with proper safeguards, however, for compensation to individuals who may suffer losses by reason of such reservations.

Lands for public purposes reserved from allotment.

There may also be reserved any tract chiefly valuable because of the timber or of stone, marble, or other quarries thereon, or which by reason of location or topographical features may be unsuitable for allotment purposes.

Timber and quarry reservations.

Any land or other property reserved from allotment as above provided and lands not needed for allotments may be sold at such time, in such manner, and upon such terms as the Secretary may direct, and the proceeds of such sale shall be added to the funds of the band: *Provided*, That in the sale of timberlands the timber and the land may be sold separately.

Sale of unallotted lands, etc.

Conveyances under such sales shall be made as provided in the case of conveyances to allottees.

Proviso.
Timberlands.

Conveyances.

SEC. 6. That all oil, gas, coal, and other mineral deposits on said lands are hereby reserved to said band for a period of twenty-five years from the date of this Act, and during such period said deposits may be leased for prospecting and mining purposes by the Secretary of the Interior, for such periods (not exceeding the period for which such minerals are reserved) and upon such terms and conditions as he may prescribe: *Provided*, That at the end of such twenty-five year period all such deposits shall become the property of the individual owner of the surface of such land, unless Congress shall otherwise provide.

Oil, etc., mineral deposits reserved to the band.

Leases.

Proviso.
Deposits after twenty-five years the property of owner.

SEC. 7. That all improvements on the lands of said band of a permanent and substantial character shall be appraised separately from the lands upon which the same may be, and shall be listed in the names of the members of the band prima facie entitled thereto, but the designation of ownership shall be tentative only until the true ownership thereof is ascertained and declared, after due notice and hearing. The right to have such improvements appraised, and to make disposition thereof, shall extend to all members, except tenants, owning such improvements at the date of this Act.

Appraisal and listing of improvements.

Any person held to be the owner of improvements may remove the same, where found to be practicable, within ninety days from the date they are declared to belong to him, or may, within that period, dispose of the same at not more than the appraised value to any member of the band entitled to receive an allotment, under regulations to be prescribed: *Provided*, That the vendor shall have

Disposition, etc., restricted.

Disposition by owner.

Proviso.

Lien to vendor until price fully paid.	a lien upon the rents and profits accruing from the tract on which such improvements may be located until the purchase price thereof is fully paid.
Equal allotment of lands and money.	SEC. 8. That the lands and money of said band shall be allotted and divided among the members thereof so as to give each an equal share of the whole in value, as nearly as may be, and to accomplish that the value of the standard allotment share shall be determined by dividing the total appraised value of all allotted and allottable lands by the total number of enrolled members.
Adjustment of differences.	If any member shall fail to receive his full share of the tribal lands, he shall be entitled to the payment of money so as to adjust the difference as nearly as possible. If any member shall receive an allotment exceeding in value his full share of the tribal lands, the difference shall be adjusted by deduction from his distributive share of the tribal funds.
Application for allotments.	SEC. 9. That when the tracts available for allotments are ascertained, each member of the said band may apply for a tract or tracts of land to the extent of thirty acres, as nearly as practicable, to include his home and improvements, if he so desires, and the selection so made shall be final as to the right to occupy and use the land so applied for as against all other members if no contest is filed against such selection within ninety days from and after formal application is made therefor: <i>Provided</i> , That any person claiming the right to select any given tract of land by reason of the purchase of improvements thereon shall have ninety days to make application therefor from and after the date of approval of any sale conveying to him said improvements, and such application shall become final as in other cases, subject to the right of any other member to contest such selection, ninety days from and after the same is duly made. All contests shall be instituted and heard pursuant to the rules and regulations of the Interior Department applicable thereto. Any allotment selection may be modified or limited, in the discretion of those in charge of the work, so as to give the selector of adjacent or contiguous lands access to firewood and drinking water.
Effect of selection.	
<i>Proviso.</i> Selection by purchaser of improvements.	
Contests.	
Access to firewood and drinking water by selector.	
Selections by adults.	SEC. 10. That adults may select their own allotments, where mentally capable of so doing, but allotments for minors may be selected by their father or mother, in the order named, or by the officers in charge of the allotment work. The said officers may also select allotments for prisoners, convicts, aged, infirm, and insane or otherwise mentally incompetent members and for the estates of deceased members and, if necessary to complete any allotments or to bring the allotment work to a close, may make arbitrary selections for and on behalf of any member of said band.
For incompetents and estates.	
Contiguous lands for families allowed.	SEC. 11. That allotments may be selected for the members of any family, wherever practicable, from contiguous lands or other lands held by the head of the family, including both adult and minor children and such other relatives as are members of the household: <i>Provided</i> , That if any adult child shall claim the benefit of this section, he shall not be entitled as a matter of right to have his selection made from the lands desired by his father or mother or from lands needed by any minor member of the family for allotment purposes, but this shall not prevent selection of lands outside the family holdings if desired.
<i>Proviso.</i> Limitation on selection by adult child.	
Distribution per capita to enrolled members, after suspended annuities and other payments have been made.	SEC. 12. That where annuity or other payments to individuals have heretofore been suspended because their enrollment status has been questioned, the amounts involved in such suspended payments shall be paid to individuals found entitled to enrollment or to their heirs, and all funds of said band, after making such payments and after payments needed for equalizing allotments as hereinbefore provided and all other payments herein directed to be made, shall

be distributed per capita among the enrolled members of said band and the heirs of those who shall die before distribution is completed, and shall be paid to the distributees or conserved and used for their benefit, according to whether they belong to the restricted or unrestricted class, at such time and in such manner as shall be deemed advisable.

SEC. 13. That any member of said band whose degree of Indian blood is less than one-sixteenth may, in the discretion of the Secretary of the Interior, be paid a cash equivalent in lieu of an allotment of land. Any person desiring to avail himself of this provision may make application to the officers in charge of the allotment work at any time within ninety days after the date of the approval of the final roll, and preference shall be given in the order of application. The said officers shall have the power to add to the register of such names the names of any other members of the same class, including minors for whom no application is made, for such time as may be allowed for the purpose by the regulations. Applications should be made in person by adults and for minors by their fathers or mothers, in the order named.

SEC. 14. That if any member shall claim that he is the owner of a so-called private land claim, for the reason that money was advanced by him or his ancestor to pay in whole or in part for any land the title to which is now in the band, such claim may be submitted to and equitably adjusted by the Secretary of the Interior, whose decision thereon shall be final and not subject to review by the courts. In such adjustment due consideration shall be given to matters presented by the band in the way of offsets or counterclaims.

SEC. 15. That a certificate of allotment shall be issued to each allottee upon the expiration of the contest period, if no contest is then pending, or, if a contest is then pending, upon final disposition thereof, but shall be dated as of the date of selection. Each certificate shall contain the name and roll number of the allottee, and the legal effect thereof shall be to give the allottee the right to occupy and use the surface of the land described therein, as against each and every other member of the band, but not as against the band itself, or against the United States: *Provided*, That the Secretary of the Interior may cancel any certificate of allotment at any time before title to the land described therein is conveyed to the allottee, if in his judgment said land should be reserved for allotment for any purpose herein authorized or for any other good and sufficient reason, but before such action is taken the allottee shall have due notice and opportunity to be heard. If any such certificate shall be revoked, the allottee may select other lands as if no certificate had been issued to him.

SEC. 16. That as soon as practicable after a certificate of allotment is issued there shall be issued to the allottee a deed conveying all right, title, and interest of the United States, as trustee, and of the band, and of every other member thereof, in and to the land described in said certificate. Each deed shall recite the roll number and degree of Indian blood of the grantee and shall be executed by or in the name of the Secretary of the Interior, who is hereby authorized to designate any clerk or employee of the department to sign his name for him to all such deeds.

Each deed, when so issued, shall be recorded in the office of the recorder of deeds for the county in which the land conveyed thereby is located. When so recorded title to the land shall vest in the allottee subject to the conditions, limitations, and restrictions herein imposed. Upon the recording of any deed it shall be the duty of the officers representing the Government of the United States to deliver it to the allottee named therein.

Payments.

Cash in lieu of land for members having small degree of Indian blood.

Applications to be made.

Addition to register without application.

Action on claims of owners of private land claims.

Certificates of allotments to be issued.

Contents and legal effect.

Proviso.
Cancellation if land should be reserved for authorized purpose, etc.

Other selection permitted on revocation.

Title deed given on issue of certificate.

Contents and execution.

To be recorded in county.

Title to vest.

Delivery to allottee.

Distribution in case of members dying before receiving share, etc.

Proviso.
Determination of, by Secretary of the Interior.

No distinction between restricted or trust lands, etc.

Leases allowed.

Provisos.
On behalf of minors and incompetents.

Of unpartitioned estates.

Payment of rents and royalties.

Parents to use allotments to minor children.

Proviso.
Privilege revocable.

Allotments inalienable for twenty-five years.

Provisos.
Citizenship accorded on recording of deeds.

Earlier removal of restriction in discretion of Secretary.

Allotments not liable to any claim prior to removal of restriction. Any attempted alienation, etc., null and void.

SEC. 17. That if any member enrolled as provided in this Act shall die before receiving his distributive share of the band or tribal property, the land and moneys to which he would be entitled, if living, shall descend to his heirs according to the laws of the State of North Carolina and be distributed to them accordingly, but in all such cases the allotment and deed therefor shall be made in the name of the deceased ancestor and shall be given the same force and effect as if made during his lifetime: *Provided*, That the provisions of the Act of Congress approved June 25, 1910 (Thirty-sixth Statutes, page 855), as amended by the Act of Congress of February 14, 1913 (Thirty-seventh Statutes, page 678), relating to the determination of heirs and approval of wills by the Secretary of the Interior, and to other matters, are hereby made applicable to the persons and estates of the members of the said band, and in the construction of said Acts no distinction shall be made between restricted lands and moneys and those conveyed or held in trust.

SEC. 18. That leases of lands allotted under this Act may be made during the restricted period for any purpose and for any term of years, under rules and regulations to be prescribed by the Secretary of the Interior: *Provided*, That such leases shall be executed on behalf of minors and other incompetents, including any Indian deemed to be incapable, mentally or physically, of managing his business affairs properly and with benefit to himself and in their names, by a duly authorized representative of the Indian Service designated by said Secretary for the purpose: *Provided further*, That all leases of unpartitioned estates shall be so made and approved unless all of the Indian heirs or owners are of the unrestricted class, and shall be subject to supervision during the restricted period the same as leases made on other restricted lands, but all rents and royalties accruing therefrom to unrestricted owners shall be paid, by the proper officers of the Indian Service, to such owners at the earliest date practicable after the collection thereof.

Parents may use the lands allotted to their children and receive the rents and profits arising therefrom during the minority of such children: *Provided*, That this privilege may be revoked by the Commissioner of Indian Affairs at any time while said lands are restricted for such cause as may by him be deemed good and sufficient.

SEC. 19. That lands allotted under this Act shall not be alienable, either by voluntary or enforced sale by the allottee or his heirs or otherwise, for a period of twenty-five years from and after the date when the deed conveying such land to the allottee is recorded as directed herein: *Provided*, That upon the completion of the allotments and the recording of the deeds as herein directed each allottee shall become a citizen of the United States and a citizen of the particular State wherein he (or she) may reside, with all the rights, privileges, and immunities of such citizens: *Provided further*, That the Secretary of the Interior may, in his discretion, at any time after a deed is recorded remove the restrictions on the lands described therein, either with or without application by the owner or owners, under such rules and regulations or special orders governing the terms of sale and the disposition of the proceeds as he shall prescribe.

SEC. 20. That lands allotted under this Act shall not be subjected or held liable to any form of personal claim, or demand, against the allottee, arising or existing prior to the removal of restrictions; and any attempted alienation or incumbrance of restricted land by deed, mortgage, contract to sell, power of attorney, or other method of incumbering real estate, except leases specifically authorized by law, made before or after the approval of this Act and prior to removal of restrictions therefrom, shall be absolutely null and void.

SEC. 21. That all lands, and other property, of the band, or the members thereof, except funds held in trust by the United States, may be taxed by the State of North Carolina, to and including the tax year following the date of this Act. Such taxes shall be paid from the common funds of said band for such period, except upon such tracts as shall have been lawfully sold prior to the date when tax assessments can be made thereon under the State law. All tax assessments made pursuant to this Act on restricted allotments or undivided tribal property held in trust by the United States shall be subject to revision by the Commissioner of Indian Affairs for a period of one year following the date when such assessments are spread on the local tax rolls, but if he shall take no action thereon during said year, such assessments shall be final, but this shall not be construed to deprive any allottee of any remedy to which he would be entitled under the State law: *Provided*, That such restricted and undivided property shall be exempt from sale for unpaid taxes for two years from the date when such taxes become due and payable, and no penalty for delinquency in the payment of such taxes shall be charged or collected for or during said period, so that Congress may have an opportunity to make provision for the payment of such taxes if the band, or tribal, funds are found insufficient for the purpose.

After the expiration of the tax year following that in which this Act is approved all lands allotted to members of said band, from which restrictions shall have been removed, shall be subject to taxation the same as other lands. But from and after the expiration of said tax year all restricted allotments and undivided property shall be exempt from taxation until the restrictions on the alienation of such allotments are removed or the title of the band to such undivided property is extinguished.

SEC. 22. That the removal of restrictions upon allotted lands shall not deprive the United States of the duty or authority to institute and prosecute such action in its own name, in the courts of the United States, as may be necessary to protect the rights of the allottees, or of their heirs, until the said band shall be dissolved by congressional action, unless the order removing such restrictions is based upon an express finding that the Indian to whom it relates is fully competent and capable of managing his own affairs.

SEC. 23. That the authority of the Eastern Band of Cherokee Indians of North Carolina to execute conveyances of lands owned by said band, or any interest therein, is recognized, and any such conveyance heretofore made, whether to the United States or to others, shall not be questioned in any case where the title conveyed or the instrument of conveyance has been or shall be accepted or approved by the Secretary of the Interior.

SEC. 24. That the reinvestment of the proceeds arising from the sale of surplus and unallotted lands of said band in other lands in the vicinity of the Indian school at Cherokee, North Carolina, is hereby authorized, in the discretion of the Secretary of the Interior, and lands so purchased may be allotted as provided for herein respecting the allotment of lands now owned by said band.

SEC. 25. That all things provided for herein shall be done under the direction of the Secretary of the Interior, who is authorized to prescribe needed rules and regulations.

All questions as to enrollment and as to all other matters involving the disposition of the lands or moneys of said band, or of the members thereof, shall be decided by the Secretary of the Interior, and such decision as to any matter of fact or law shall be final.

SEC. 26. That in addition to any sum or sums heretofore or hereafter regularly appropriated for salaries and expenses, there is

Property, except trust funds, may be taxed by North Carolina.

Payment.

Assessments on restricted allotments subject to revision by Commissioner of Indian Affairs for one year.

Allottee not deprived of remedy.

Proviso.
Restricted, etc., property exempt from sale for unpaid taxes, for two years.

Unrestricted allotments subject to tax after one year.

Restricted allotments, etc., exempt until restriction removed, etc.

Removal of restrictions not to deprive United States of authority to bring action in Federal courts to protect rights of allottees.

Exception.

Conveyances by Eastern Band of Cherokees of its lands, recognized, etc.

Lands in vicinity of Cherokee School may be purchased, and allotted.

Post, p. 1157.

Authority vested in Secretary of the Interior.

Decision final as to enrollment, etc.

Additional sum authorized for expenses of administering Act.

Post, p. 1149.

hereby authorized to be appropriated, from the funds of the United States in the Treasury not otherwise appropriated, the sum of \$10,000, or so much thereof as may be necessary, for the payment of such expenses as shall be necessarily incurred, including the salaries of additional employees in the administration of this Act.

Approved, June 4, 1924.

June 4, 1924.
[H. R. 5573.]
[Public, No. 192.]

CHAP. 254.—An Act Granting certain public lands to the city of Shreveport, Louisiana, for reservoir purposes.

Public lands.
Granted Shreveport,
La., for water supply
reservoir.

Provisos.
Payment required.

Mineral deposits re-
served.

Notice of application
to be published.

Action on adverse
claims.

No patent to city un-
less claim rejected.

Reversion on non-
user.

Declaration of for-
feiture.

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 be, and he hereby is, authorized and directed to issue patent or patents to the city of Shreveport, Louisiana, for use in the establishment of a reservoir for the water supply of said city, for all those tracts of land within what is known as the Cross Lake area, in townships 17 and 18 north, range 15 west, Louisiana meridian, which may be found by the Secretary of the Interior to have been islands in said Cross Lake at the date the State of Louisiana was admitted to the Union, and to which tracts no legal claims have been initiated and duly maintained under the provisions of the public land laws, and shall be timely asserted as provided herein: *Provided*, That the said city of Shreveport shall pay for said lands at the rate of \$1.25 per acre, and shall tender its application for patent, accompanied by the purchase price of the land, within six months after the approval of this Act, or within a similar period after the acceptance of the official plat or plats or survey if accepted after the date of this Act: *Provided further*, That there shall be reserved to the United States all gas, oil, coal, or other mineral deposits found at any time in the said lands and the right to prospect for, mine, and remove the same.

Upon filing its application by the city, notice thereof shall be published at least once each week for thirty days in some newspaper in general circulation in the parish in which the land is situated.

SEC. 2. That no claim alleged to have been initiated and maintained under the public land laws adverse to the disposition of said lands as provided for by this Act shall be recognized, notice being given as hereinbefore provided, unless regularly presented to the Secretary of the Interior within a period allowed the city of Shreveport to file its application for patent, and no tract to which an adverse claim is asserted shall be patented to the city unless and until such claim is finally rejected by the Secretary of the Interior.

SEC. 3. That the lands hereby granted shall be used by the city of Shreveport, Louisiana, only for the purpose expressed in the grant, and if said land, or any part thereof, shall be abandoned for such use it shall revert to the United States; and the Secretary of the Interior is hereby authorized and empowered to determine the facts and declare such forfeiture and restore said land to the public domain, and such order of the Secretary shall be final and conclusive.

Approved, June 4, 1924.

June 4, 1924.
[H. R. 9124.]
[Public, No. 193.]

CHAP. 255.—An Act Authorizing the sale of real property no longer required for military purposes.

Lands for military
purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary