

**CHAP. 516.**—An Act To provide for the times and places for holding court for the Eastern District of North Carolina.

May 10, 1928.

[S. 3947.]

[Public, No. 359.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the terms of the District Court for the Eastern District of North Carolina shall be held at Durham on the first Monday in March and September; at Raleigh a one-week civil term on the second Monday in March and September, and a criminal term only on the second Monday after the fourth Monday in April and October; at Fayetteville on the third Monday in March and September; at Elizabeth City on the fourth Monday in March and September; at Washington on the first Monday in April and October; at New Bern on the second Monday in April and October; at Wilson on the third Monday in April and October, and at Wilmington a two-weeks term on the fourth Monday in April and October: *Provided,* That this Act shall take effect on July 1, 1928: *And provided further,* That at Wilson and Durham it shall be made incumbent upon each place to provide suitable facilities for holding the courts.

North Carolina eastern judicial district. Terms of court for. Vol. 43, p. 661, amended.

*Provisos.* Effective July 1, 1928. Court rooms required at Wilson and Durham.

Approved, May 10, 1928.

**CHAP. 517.**—An Act To extend the period of restriction in lands of certain members of the Five Civilized Tribes, and for other purposes.

May 10, 1928.

[S. 3594.]

[Public, No. 360.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the restrictions against the alienation, lease, mortgage, or other encumbrance of the lands allotted to members of the Five Civilized Tribes in Oklahoma, enrolled as of one-half or more Indian blood, be, and they are hereby, extended for an additional period of twenty-five years commencing on April 26, 1931: *Provided,* That the Secretary of the Interior shall have the authority to remove the restrictions, upon the applications of the Indian owners of the land, and may remove such restrictions, wholly or in part, under such rules and regulations concerning terms of sale and disposal of the proceeds for the benefit of the respective Indians as he may prescribe.

Five Civilized Tribes, Okla. Restriction on allotments to members of one-half or more Indian blood further extended.

*Proviso.* Removal authorized upon application of owners of land.

SEC. 2. That the provisions of section 9 of the Act of May 27, 1908 (Thirty-fifth Statutes at Large, page 312), entitled "An Act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes," as amended by section 1 of the Act of April 12, 1926 (Forty-fourth Statutes at Large, page 239), entitled "An Act to amend section 9 of the Act of May 27, 1908 (Thirty-fifth Statutes at Large, page 312), and for putting in force, in reference to suits involving Indian titles, the statutes of limitations of the State of Oklahoma, and providing for the United States to join in certain actions, and for making judgments binding on all parties, and for other purposes," be, and are hereby, extended and continued in force for a period of twenty-five years from and including April 26, 1931, except, however, the provisions thereof which read as follows:

Provisions for removing restrictions on death of allottees continued 25 years from April 26, 1931. Vol. 44, p. 239.

*"Provided further,* That if any member of the Five Civilized Tribes of one-half or more Indian blood shall die leaving issue surviving, born since March 4, 1906, the homestead of such deceased allottee shall remain inalienable, unless restrictions against alienation are removed therefrom by the Secretary of the Interior for the use and support of such issue, during their life or lives, until April 26, 1931; but if no such issue survive, then such allottee, if an adult, may dispose of his homestead by will free from restrictions; if this be not done, or in the event the issue hereinabove provided for die before April 26, 1931, the lands shall then descend to the

Provision for homesteads of decedent allottees repealed. Vol. 44, p. 239, repealed.

- Effective, April 26, 1931.  
*Proviso.*  
 Provisions for disposal of property by wills continued until April 26, 1956.  
 Vol. 34, p. 145, Vol. 35, p. 315.  
 Vol. 44, p. 240.
- Minerals produced from restricted lands subject to taxation after April 26, 1931.
- Payment from funds of individual Indian owners.
- Restricted lands in excess of 160 acres subject to State taxation after April 26, 1931.
- Provisos.*  
 Selection to be made by owner of exempted tracts.
- Selection by superintendent on failure of Indian, etc.
- Designated lands exempt from taxation.
- Exemption period limited.
- Not over 160 acres exempt.
- No restrictions reimposed nor taxation exempted hereby.
- heirs, according to the laws of descent and distribution of the State of Oklahoma, free from all restrictions: *Provided*, That the word "issue," as used in this section, shall be construed to mean child or children: *Provided further*, That the provisions of section 23 of the Act of April 26, 1906, as amended by this Act, are hereby made applicable to all wills executed under this section:"
- which quoted provisions be, and the same are, repealed, effective April 26, 1931: *Provided further*, That the provisions of section 23 of the Act of Congress approved April 26, 1906 (Thirty-fourth Statutes at Large, page 137), as amended by the provisions of section 8 of the Act of Congress approved May 27, 1908 (Thirty-fifth Statutes at Large, page 312), be, and the same are hereby, continued in force and effect until April 26, 1956.
- SEC. 3. That all minerals, including oil and gas, produced on or after April 26, 1931, from restricted allotted lands of members of the Five Civilized Tribes in Oklahoma, or from inherited restricted lands of full-blood Indian heirs or devisees of such lands, shall be subject to all State and Federal taxes of every kind and character the same as those produced from lands owned by other citizens of the State of Oklahoma; and the Secretary of the Interior is hereby authorized and directed to cause to be paid, from the individual Indian funds held under his supervision and control and belonging to the Indian owners of the lands, the tax or taxes so assessed against the royalty interest of the respective Indian owners in such oil, gas, and other mineral production.
- SEC. 4. That on and after April 26, 1931, the allotted, inherited, and devised restricted lands of each Indian of the Five Civilized Tribes in excess of one hundred and sixty acres shall be subject to taxation by the State of Oklahoma under and in accordance with the laws of that State, and in all respects as unrestricted and other lands: *Provided*, That the Indian owner of restricted land, if an adult and not legally incompetent, shall select from his restricted land a tract or tracts, not exceeding in the aggregate one hundred and sixty acres, to remain exempt from taxation and shall file with the superintendent for the Five Civilized Tribes a certificate designating and describing the tract or tracts so selected: *And provided further*, That in cases where such Indian fails, within two years from date hereof, to file such certificate, and in cases where the Indian owner is a minor or otherwise legally incompetent, the selection shall be made and certificate prepared by the superintendent for the Five Civilized Tribes; and such certificate, whether by the Indian or by the superintendent for the Five Civilized Tribes, shall be subject to approval by the Secretary of the Interior and, when approved by the Secretary of the Interior, shall be recorded in the office of the superintendent for the Five Civilized Tribes and in the county records of the county in which the land is situated; and said lands, designated and described in the approved certificates so recorded, shall remain exempt from taxation while the title remains in the Indian designated in such approved and recorded certificate, or in any full-blood Indian heir or devisee of the land: *Provided*, That the tax exemption shall not extend beyond the period of restrictions provided for in this Act: *And provided further*, That the tax-exempt land of any such Indian allottee, heir, or devisee shall not at any time exceed one hundred and sixty acres.
- SEC. 5. That this Act shall not be construed to reimpose restrictions heretofore or hereafter removed by the Secretary of the Interior or by operation of law, nor to exempt from taxation any lands which are subject to taxation under existing law.

Approved, May 10, 1928.