

**CHAP. 263.**—An Act Making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June thirtieth, nineteen hundred and ten.

March 3, 1909.  
[H. R. 26916.]  
[Public, No. 316.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and in full compensation for all offices the salaries for which are specially provided for herein for the service of the fiscal year ending June thirtieth, nineteen hundred and ten, namely:

Indian Department appropriations.

**I. GENERAL PROVISIONS.**

General provisions.

**PRESIDENT.**

Under the President.

To enable the President to cause, under the provisions of the Act of February eighth, eighteen hundred and eighty-seven, entitled "An Act to provide for the allotment of lands in severalty to Indians," such Indian reservations as in his judgment are advantageous for agricultural and grazing purposes to be surveyed or resurveyed, for the purposes of said Act, and to complete the allotment of the same, including the necessary clerical work incident thereto in the field and in the Office of Indian Affairs, and delivery of trust patents, so far as allotments shall have been selected under said Act, ninety thousand dollars.

Allotments in severalty.  
Vol. 24, p. 388.

**SECRETARY OF THE INTERIOR.**

Under the Secretary.

That when, in the judgment of the Secretary of the Interior, it is necessary for any railway company owning or operating a line of railway in any Indian reservation to acquire lands in such Indian reservation for reservoirs, material, or ballast pits for the construction, repair, and maintenance of its railway, or for the purpose of planting and growing thereon trees to protect its line of railway, the said Secretary be, and he is hereby, authorized to grant such lands to any such railway company under such terms and conditions and such rules and regulations as may be prescribed by the said Secretary.

Grant of lands to railroads in Indian reservations for reservoirs, etc.

<p>Conveyance of lands.</p>	<p>That when any railway company desiring to secure the benefits of this provision shall file with the Secretary of the Interior an application describing the lands which it desires to purchase, and upon the payment of the price agreed upon the said Secretary shall cause such lands to be conveyed to the railway company applying therefor upon such terms and conditions as he may deem proper: <i>Provided</i>, That no lands shall be acquired under the terms of this provision in greater quantities than forty acres for any one reservoir, and one hundred and sixty acres for any material or ballast pit, to the extent of not more than one reservoir and one material or gravel pit in any one section of ten miles of any such railway in any Indian reservation: <i>And provided further</i>, That the lands acquired for tree planting shall be taken only at such places along the line of the railway company applying therefor as in the judgment of the said Secretary may be necessary, and shall be taken in strips adjoining and parallel with the right of way of the railway company taking the same, and shall not exceed one hundred and fifty feet in width.</p>
<p><i>Proviso.</i> Restriction.</p>	
<p>Land for tree planting. Restriction.</p>	
<p>Use of proceeds.</p>	<p>That all moneys paid for such lands shall be deposited in the Treasury of the United States to the credit of the tribe or tribes, and the moneys received by said Secretary as damages sustained by individual members of the Indian tribe, which damages shall be ascertained by the Secretary of the Interior and paid by the railway company taking such lands, shall be paid by said Secretary to the Indian or Indians sustaining such damages.</p>
<p>Allotments to Indians.</p>	<p>That the Secretary of the Interior be, and he hereby is, authorized, under the direction of the President, to allot any Indian on the public domain who has not heretofore received an allotment, in such areas as he may deem proper, not to exceed, however, eighty acres of agricultural or one hundred and sixty acres of grazing land to any one Indian, such allotment to be made and patent therefor issued in accordance with the provisions of the Act of February eighth, eighteen hundred and eighty-seven (Twenty-fourth Statutes at Large, three hundred and eighty-eight).</p>
<p>Limit of acreage.</p>	
<p>Vol. 24, p. 388.</p>	

Under the Commissioner.

COMMISSIONER.

<p>Irrigation.</p>	<p>For construction of ditches and reservoirs, purchase and use of irrigating tools and appliances, and water rights, including lands necessary for canals, pipe lines, and reservoirs, for Indian reservations and allotments, and for drainage and protection of irrigable lands from damage by floods, in the discretion of the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior and subject to his control, two hundred thousand dollars, to be immediately available and to remain available until expended: <i>Provided</i>, That the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, may employ superintendents of irrigation, who shall be skilled irrigation engineers, not to exceed five, as in his judgment may be necessary to secure the construction of ditches and other irrigation works in a substantial and workmanlike manner.</p>
<p><i>Proviso.</i> Superintendents.</p>	
<p>Surveying and allotting.</p>	<p>For survey and subdivision of Indian reservations and of lands to be allotted to Indians, and to make allotments in severalty, to be expended by the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, seventy-five thousand dollars.</p>
<p>Suppressing liquor traffic.</p>	<p>To enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to suppress the traffic in intoxicating liquors among Indians, fifty thousand dollars;</p>
<p>Support of schools.</p>	<p>For support of Indian day and industrial schools, and for other educational purposes, not herein provided for, one million four hundred and twenty-five thousand dollars;</p>
<p>Construction of buildings, etc.</p>	<p>For construction, purchase, lease, and repair of school buildings, and for sewerage, water supply, and lighting plants and purchase of</p>

school sites, and improvement of buildings and grounds, three hundred thousand dollars;

In all, one million seven hundred and twenty-five thousand dollars.

For collection and transportation of pupils to and from Indian schools, and also for the transportation of Indian pupils from all the Indian schools and placing of them, with the consent of their parents, under the care and control of such suitable white families as may in all respects be qualified to give such pupils moral, industrial, and educational training, seventy-five thousand dollars: *Provided*, That not exceeding five thousand dollars of this amount may be used, under direction of the Commissioner of Indian Affairs, in the transportation and placing of Indian pupils in positions where remunerative employment can be found for them in industrial pursuits. The provisions of this section shall apply to native pupils brought from Alaska: *Provided*, That no Indian pupil under the age of fourteen years shall be transported at government expense to any Indian school beyond the limits of the State or Territory in which the parents of such child reside or of the adjoining State or Territory: *Provided further*, That hereafter white children may, under rules prescribed by the Commissioner of Indian Affairs, be admitted to Indian boarding schools on the payment of tuition fees at a rate to be fixed in said rules: *Provided further*, That all tuition fees paid for white children so enrolled shall be deposited in the United States Treasury to reimburse the fund out of which the school is supported.

Transporting pupils

*Proviso.*  
Positions for pupils.

Young children.

White children admitted to Indian boarding schools.

Use of tuition fees.

To enable the Commissioner of Indian Affairs, from time to time as he may deem necessary, to detail clerks from his office to make special investigations in the field: *Provided*, That while thus absent from Washington under such detail they shall receive a per diem of three dollars to cover all expenses, exclusive of transportation and sleeping-car fares, three thousand dollars.

Special investigations.

*Proviso.*  
Per diem.

To enable the Commissioner of Indian Affairs to conduct experiments on Indian school or agency farms, designed to test the possibilities of soil and climate, in the cultivation of trees, grains, vegetables, and fruits not hitherto raised in those neighborhoods, using Indian labor in the process, five thousand dollars.

Experimental test of soils, etc.

To enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to make investigations on Indian reservations and take measures for the purpose of preserving living and growing timber, and removing dead timber, standing or fallen; to advise the Indians as to the proper care of forests, and to conduct such timber operations and sales of timber as may be deemed advisable and provided for by law, one hundred thousand dollars, of which ten thousand dollars shall be immediately available: *Provided*, That this section shall not apply to the Menominee Indian Reservation in Wisconsin.

Care of the forests.

Immediately available.  
*Proviso.*  
Restriction.

That hereafter the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may designate an employee of the Indian Office to sign letters of that office requiring the signature of the commissioner or assistant commissioner, and all signatures of such employee while acting under such designation shall have the same force and effect as if made by said commissioner or assistant commissioner.

Designation of employee to sign letters, authorized.

That all lands allotted to Indians in severalty, except allotments made to members of the Five Civilized Tribes and Osage Indians in Oklahoma, may by said allottee be leased for mining purposes for any term of years as may be deemed advisable by the Secretary of the Interior; and the Secretary of the Interior is hereby authorized to perform any and all acts and make such rules and regulations as may be necessary for the purpose of carrying the provisions of this paragraph into full force and effect.

Allotments in severalty.  
Lease of mineral lands.

Regulations.

Exchange of lands unsuitable for allotment, etc.

That if any Indian of a tribe whose surplus lands have been or shall be ceded or opened to disposal has received or shall receive an allotment embracing lands unsuitable for allotment purposes, such allotment may be canceled and other unappropriated, unoccupied, and unreserved land of equal area, within the ceded portions of the reservation upon which such Indian belongs, allotted to him upon the same terms and with the same restrictions as the original allotment, and lands described in any such canceled allotment shall be disposed of as other ceded lands of such reservation. This provision shall not apply to the lands formerly comprising Indian Territory. The Secretary of the Interior is authorized to prescribe rules and regulations to carry this law into effect.

Restriction.  
Regulations.

Miscellaneous.

MISCELLANEOUS.

Supplies.

Telegraphing, telephoning, and purchase of Indian supplies: To pay the expense of purchasing goods and supplies for the Indian Service, including inspection, pay of necessary employees, and all other expenses connected therewith; advertising, at rates not exceeding regular commercial rates; telegraphing and telephoning; and transporting Indian goods and supplies, including expenses of transportation agents and rent of warehouses, three hundred and fifteen thousand dollars.

All expenses.

Agency buildings.

For buildings and repairs of buildings at agencies, and for rent of buildings for agency purposes, and for water supply at agencies, seventy-five thousand dollars.

Vaccination.

For pure vaccine matter and vaccination of Indians, five thousand dollars.

Court costs, etc., in suits involving allotted lands.

To enable the Commissioner of Indian Affairs to pay court costs, witness fees, and other legal expenses incurred in suits instituted in behalf of or against Indians involving lands allotted to them, two thousand five hundred dollars, five hundred dollars thereof to be immediately available: *Provided*, That no part of this appropriation shall be used in the payment of attorney's fees.

*Proviso.*  
Attorney's fees.

Agent's records, etc. Vol. 18, p. 451, amended.

That section ten of the Act of March third, eighteen hundred and seventy-five (Eighteenth Statutes at Large, four hundred and fifty-one), be amended so as to read as follows: "Each Indian agent shall keep a book of itemized expenditures of every kind, with a record of all contracts, together with the receipts of moneys from all sources, and the books thus kept shall always be open to inspection; and the said books shall remain in the office at the respective reservations, not to be removed from said reservation by said agent, but shall be safely kept and handed over to his successor and he shall report annually to the Commissioner of Indian Affairs all material on hand and not required for his use: *Provided*, That should any agent knowingly make any false entry in said books, or shall knowingly fail to keep a perfect entry in said books as herein prescribed, he shall be deemed guilty of a misdemeanor and, on conviction before any United States court having jurisdiction of such offense, shall be fined in a sum not less than five hundred nor more than one thousand dollars, at the discretion of the court, and shall be rendered incompetent to hold said office of Indian agent after conviction under said Act."

Annual report.

*Proviso.*  
False entries in transcripts, etc.

Penalty.

Use of appropriation for incidental expenses, etc.

That any moneys appropriated in this Act for the general incidental expenses of the Indian service in certain States and Territories, including traveling expenses of agents, which are not needed in the particular States or Territories for which provided may be used for the same kind of expenses elsewhere, in the discretion of the Secretary of the Interior.

Fort Lapwai School.  
Reimbursement of Indians for loss by burglary.

To pay certain individual Indians of the Fort Lapwai School, the sum of five hundred and sixteen dollars and eighty-eight cents, to reimburse them for moneys said to have been deposited in the safe at said school and stolen there from by burglars on the night of October elev-

enth, nineteen hundred and six: *Provided*, That said Indians, before being paid, shall be required to furnish evidence of their respective losses satisfactory to the Secretary of the Interior.

*Proviso.*  
Evidence of loss.