

CHAP. 135.—An Act Providing for the allotment of lands within the Fort Belknap Indian Reservation, Montana, and for other purposes.

March 3, 1921.
[H. R. 13225.]
[Public, No. 375.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That within one year from the date of approval of this Act the Secretary of the Interior shall appoint a commission of three persons, two of whom shall be members of the Gros Ventre and Assiniboine Tribes of Indians and one member an employee of the Interior Department, who shall cause to be prepared, in such manner as they may deem advisable, a complete and final roll, to contain the names of all Indians ascertained to have rights on the Fort Belknap Reservation, Montana. Immediately upon the approval of the said roll which shall be the conclusive and final evidence of the right of any Indian of the reservation to an allotment of land, the Secretary of the Interior is hereby authorized and directed to allot pro rata, under rules and regulations and in such areas and classes of lands as may be prescribed by him, among such enrolled Indians all the unreserved and otherwise undisposed-of lands on the Fort Belknap Reservation, which trust patents shall be issued in the names of the said allottees: *Provided further*, That any names found to be on the said roll fraudulently may be stricken therefrom by the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, at any time within one year from the approval thereof, after giving all persons interested a full opportunity to be heard; and the fraudulent allotment shall be canceled and the lands thereof be subject to disposal under the provisions of this Act: *And provided further*, That the land allotted hereunder shall be subject to any tribal leases existing at the date of approval of the said allotments.*

Fort Belknap Indian
Reservation, Mont.
Final roll of all In-
dians having rights on,
to be prepared.

Pro rata allotment
of all unreserved lands.

Issue of trust patents.
Provided.
Fraudulent names
to be stricken from
roll.

Allotments canceled.

Allotments subject
to tribal leases.

Allotments in case of death. Notwithstanding the death of any person duly enrolled as herein provided, allotment shall be made in his or her name as though living, the land embraced in such allotment to pass by descent to the legal heirs of the decedent and be subject to disposition as in the case of lands of other allottees passing upon their death.

Allottees declared citizens on issue of patents. SEC. 2. That upon the issuance of the trust patents provided for herein the Indians thus allotted are hereby declared to be citizens of the United States and entitled to all the rights, privileges, and immunities of such citizens, and the allottees shall have the benefit of and be subject to the laws, both civil and criminal, of the State in which they may reside.

Subject to State laws. SEC. 3. That the Secretary of the Interior is hereby authorized to reserve from allotment lands chiefly valuable for the development of water power and such reasonable areas as may be needed for Indian agency, school, religious, cemetery, and administrative purposes, to remain reserved as long as needed, and as long as agency, school, and religious institutions are maintained thereon for the benefit of said Indians. Should any such lands be abandoned said lands so abandoned shall revert to the tribe and become available for allotment or other disposition, and the said Secretary is hereby directed to reserve for park purposes an area not to exceed six hundred and forty acres, embracing Mission Canyon in the Little Rockies, and an area not to exceed one hundred and sixty acres within which is the Snake Butte Spring, and an area not to exceed forty acres at the head of Big Warm Creek as a site for a sanatorium for the benefit of said tribes of Indians: *Provided*, That a patent in fee simple for not exceeding ten acres may be issued to the duly authorized missionary board or other proper authority of any religious organization heretofore engaged in mission or school work on said reservation for such lands thereon (not included in any town site provided for herein) as have heretofore been set apart to such organization and are now used for mission or school purposes, or which any such organization has heretofore made application to have set apart for such purposes: *Provided, however*, That patent having been heretofore issued for three hundred and twenty acres to Saint Paul's Catholic Mission, it shall not be entitled to receive more than two and one-half acres additional under this Act.

Lands reserved for power, agency, etc., purposes. SEC. 4. That prior to the allotments being made as authorized herein the Secretary of the Interior shall cause an examination to be made by experts of the Geological Survey of all lands of the reservation for the purpose of determining the mineral character thereof; but the surface of any such lands found to be mineral shall be subject to allotment as herein provided, but such mineral shall remain tribal property: *Provided*, That such coal as may be required for use in connection with the construction and maintenance of the irrigation projects may be reserved for that purpose: *Provided further*, That lands valuable for timber shall remain tribal property, and any member of the tribes having rights in the said reservation may cut and take away from such lands such timber as he may require for fuel, fencing, or for building.

Reversion to tribe if use abandoned. SEC. 5. That the Secretary of the Interior is hereby authorized to reserve and set aside for town-site purposes not more than eighty acres at the present settlement of Lodge Pole, and not to exceed eighty acres at such other locations as he may deem necessary, and to lay out, survey, and plat said tracts into blocks, lots, streets, alleys, parks, and school sites: *Provided*, That the area reserved for parks and school sites shall not exceed ten acres in any one town site; and patents shall be issued for such lands to the municipality legally charged with the care and custody of the lands hereby set aside for such purposes. That such town sites shall be appraised and disposed of as provided in section 2381 of the United States Revised Statutes:

Parks and sanatorium site to be reserved. *Provided*, That a patent in fee simple for not exceeding ten acres may be issued to the duly authorized missionary board or other proper authority of any religious organization heretofore engaged in mission or school work on said reservation for such lands thereon (not included in any town site provided for herein) as have heretofore been set apart to such organization and are now used for mission or school purposes, or which any such organization has heretofore made application to have set apart for such purposes: *Provided, however*, That patent having been heretofore issued for three hundred and twenty acres to Saint Paul's Catholic Mission, it shall not be entitled to receive more than two and one-half acres additional under this Act.

Provisos. Fee simple patents for tracts to religious organizations. SEC. 4. That prior to the allotments being made as authorized herein the Secretary of the Interior shall cause an examination to be made by experts of the Geological Survey of all lands of the reservation for the purpose of determining the mineral character thereof; but the surface of any such lands found to be mineral shall be subject to allotment as herein provided, but such mineral shall remain tribal property: *Provided*, That such coal as may be required for use in connection with the construction and maintenance of the irrigation projects may be reserved for that purpose: *Provided further*, That lands valuable for timber shall remain tribal property, and any member of the tribes having rights in the said reservation may cut and take away from such lands such timber as he may require for fuel, fencing, or for building.

Saint Paul's Catholic Mission. SEC. 5. That the Secretary of the Interior is hereby authorized to reserve and set aside for town-site purposes not more than eighty acres at the present settlement of Lodge Pole, and not to exceed eighty acres at such other locations as he may deem necessary, and to lay out, survey, and plat said tracts into blocks, lots, streets, alleys, parks, and school sites: *Provided*, That the area reserved for parks and school sites shall not exceed ten acres in any one town site; and patents shall be issued for such lands to the municipality legally charged with the care and custody of the lands hereby set aside for such purposes. That such town sites shall be appraised and disposed of as provided in section 2381 of the United States Revised Statutes:

Geological survey prior to allotments. *Provided*, That a patent in fee simple for not exceeding ten acres may be issued to the duly authorized missionary board or other proper authority of any religious organization heretofore engaged in mission or school work on said reservation for such lands thereon (not included in any town site provided for herein) as have heretofore been set apart to such organization and are now used for mission or school purposes, or which any such organization has heretofore made application to have set apart for such purposes: *Provided, however*, That patent having been heretofore issued for three hundred and twenty acres to Saint Paul's Catholic Mission, it shall not be entitled to receive more than two and one-half acres additional under this Act.

Minerals remain tribal property. SEC. 4. That prior to the allotments being made as authorized herein the Secretary of the Interior shall cause an examination to be made by experts of the Geological Survey of all lands of the reservation for the purpose of determining the mineral character thereof; but the surface of any such lands found to be mineral shall be subject to allotment as herein provided, but such mineral shall remain tribal property: *Provided*, That such coal as may be required for use in connection with the construction and maintenance of the irrigation projects may be reserved for that purpose: *Provided further*, That lands valuable for timber shall remain tribal property, and any member of the tribes having rights in the said reservation may cut and take away from such lands such timber as he may require for fuel, fencing, or for building.

Provisos. Coal for irrigation projects. SEC. 5. That the Secretary of the Interior is hereby authorized to reserve and set aside for town-site purposes not more than eighty acres at the present settlement of Lodge Pole, and not to exceed eighty acres at such other locations as he may deem necessary, and to lay out, survey, and plat said tracts into blocks, lots, streets, alleys, parks, and school sites: *Provided*, That the area reserved for parks and school sites shall not exceed ten acres in any one town site; and patents shall be issued for such lands to the municipality legally charged with the care and custody of the lands hereby set aside for such purposes. That such town sites shall be appraised and disposed of as provided in section 2381 of the United States Revised Statutes:

Timber lands reserved. *Provided*, That a patent in fee simple for not exceeding ten acres may be issued to the duly authorized missionary board or other proper authority of any religious organization heretofore engaged in mission or school work on said reservation for such lands thereon (not included in any town site provided for herein) as have heretofore been set apart to such organization and are now used for mission or school purposes, or which any such organization has heretofore made application to have set apart for such purposes: *Provided, however*, That patent having been heretofore issued for three hundred and twenty acres to Saint Paul's Catholic Mission, it shall not be entitled to receive more than two and one-half acres additional under this Act.

Town sites set aside. SEC. 4. That prior to the allotments being made as authorized herein the Secretary of the Interior shall cause an examination to be made by experts of the Geological Survey of all lands of the reservation for the purpose of determining the mineral character thereof; but the surface of any such lands found to be mineral shall be subject to allotment as herein provided, but such mineral shall remain tribal property: *Provided*, That such coal as may be required for use in connection with the construction and maintenance of the irrigation projects may be reserved for that purpose: *Provided further*, That lands valuable for timber shall remain tribal property, and any member of the tribes having rights in the said reservation may cut and take away from such lands such timber as he may require for fuel, fencing, or for building.

Provisos. Parks and school sites. SEC. 5. That the Secretary of the Interior is hereby authorized to reserve and set aside for town-site purposes not more than eighty acres at the present settlement of Lodge Pole, and not to exceed eighty acres at such other locations as he may deem necessary, and to lay out, survey, and plat said tracts into blocks, lots, streets, alleys, parks, and school sites: *Provided*, That the area reserved for parks and school sites shall not exceed ten acres in any one town site; and patents shall be issued for such lands to the municipality legally charged with the care and custody of the lands hereby set aside for such purposes. That such town sites shall be appraised and disposed of as provided in section 2381 of the United States Revised Statutes:

Survey, etc. R. S., sec. 2381, p. 436.

Provided further, That any person who, at the date when the appraisers commence their work upon the land, shall be an actual resident upon any one such lot and the owner of substantial and permanent improvements thereon, and who shall maintain his or her residence and improvements on such lot to the date of his or her application to enter, shall be entitled to enter, at any time prior to the day fixed for the public sale and at the appraised value thereof, such lot and any two additional lots of which he or she may also be in possession and upon which he or she may have substantial and permanent improvements: *And provided further*, That before making entry of any such lot or lots the applicant shall make proof, to the satisfaction of the register and receiver of the land district in which the land lies, of such residence, possession, and ownership of improvements, under such regulations as to time, notice, manner, and character of proofs as may be prescribed by the Commissioner of the General Land Office, with the approval of the Secretary of the Interior: *And provided further*, That in making their appraisal of the lots so surveyed, it shall be the duty of the appraisers to ascertain the names of the residents upon and occupants of any such lots, the character and extent of the improvements thereon, and the name of the reputed owner thereof, and to report their findings in connection with their report of appraisal, which report of findings shall be taken as prima facie evidence of the facts therein set out. All such lots not so entered prior to the day fixed for the public sale shall be offered at public auction, in their regular order, with the other unimproved and unoccupied lots. That no lot shall be sold for less than \$10: *And provided further*, That said lots, when surveyed, shall approximate fifty by one hundred and fifty feet in size.

SEC. 6. That the construction of projects for the irrigation of the irrigable lands shall be undertaken as the needs of the Indians shall require, as determined by the Secretary of the Interior, and there is hereby appropriated the sum of \$50,000 for preliminary investigations and surveys to determine the needs of the Indians and for the commencement of such work as may be advisable at this time: *Provided*, That the cost of all such projects on this reservation, including the Milk River irrigation project, shall be assessed against the lands irrigable under the respective projects in the proportion that each acre of irrigable lands bears to the whole area of irrigable land under each project, and such assessments shall be reimbursed to the United States and to the tribal fund in such proportion as contributions shall have been made therefrom in not less than twenty annual payments under such rules and regulations as may be prescribed by the Secretary of the Interior, who may fix such operation and maintenance charges which shall be paid as he may direct: *Provided, further*, That the provisions of the Act of April 4, 1910 (Thirty-sixth Statutes at Large, page 277), requiring reimbursement of the cost of the Milk River project from Indian funds, and any other Acts or parts thereof in conflict with this proviso, is hereby repealed. Unless otherwise paid, these latter charges may be paid from or made a charge upon his individual share of the tribal fund, when said fund is available for distribution; and if any allottee shall receive patent in fee to his allotment before the amount so charged against his land has been paid, such unpaid amount shall become and be a lien upon his allotment, of which a record shall be kept in the office of the superintendent of the reservation at the agency; and should any Indian sell any part of his allotment, with the approval of the Secretary of the Interior, the amount of such unpaid charges against the land so sold shall remain a first lien thereon, and may be enforced by the Secretary of the Interior by foreclosure as a mortgage. All expenditures for irrigation work on the Fort Belknap Reservation, Montana, heretofore or hereafter made, are hereby declared to be reimbursable

Preference to actual residents.

Proof required of ownership, etc.

Appraisal of lots, etc.

Sale, etc.

Size of lots.

Appropriation for preliminary irrigation investigations.

Provisos.
Cost of projects assessed against irrigable lands.

Annual payments for reimbursing.

Payment for Milk River project from Indian funds repealed. Vol. 36, p. 277.

Charges against allottee's individual share.

Unpaid charges a lien on allotment.

Irrigation expenditures a lien against all lands benefited.

under such rules and regulations as the Secretary of the Interior may prescribe and shall constitute a lien against the land benefited, regardless of ownership, and including all lands which have heretofore been sold or patented. All patents or other instruments of conveyance hereafter issued for lands under any irrigation project on the said Fort Belknap Indian Reservation, whether to individual Indians or to purchasers of Indian land, shall recite a lien for repayment of the irrigation charges, if any, remaining unpaid at the time of issuance of such patent or other instrument of conveyance, and such lien may be enforced or, upon payment of the delinquent charges, may be released by the Secretary of the Interior. In the case of lands under any project purchased in the bona fide belief on the part of the purchaser that by his purchase he acquired a right to have water from the project for the irrigation of the land purchased by him in the same manner as the Indian owner, the Secretary may, after notice to the Indians interested, determine the value of the land at the time of the purchase from the Indian, and give to the purchaser or his assigns credit on the charge for construction against the land to the amount of the difference between the price paid and the value as so determined, and shall withhold for the benefit of the tribe from the Indian or Indians of whom the purchase was made, an equal amount from any funds which may be due or distributable to them hereunder. Delivery of water to such land may be refused, within the discretion of the Secretary of the Interior, until all dues are paid: *Provided*, That no right to water or to the use of any irrigation ditch or other structure on said reservation shall vest until the owner of the land to be irrigated shall comply with such rules and regulations as the Secretary of the Interior may prescribe, and he is hereby authorized to prescribe such rules and regulations as may be deemed reasonable and proper for making effective the foregoing provisions: *Provided, however*, That in no case shall any allottee be required to pay either construction, operation, or maintenance charges for such irrigation privileges, or any of them, until water has been actually delivered to his allotment.

Nothing in this Act shall be construed to deprive any of said Indians of the Fort Belknap Reservation of the use of water appropriated and used by them for domestic purposes or for the necessary irrigation of their lands, or lands claimed and occupied or used by them, or any ditches, dams, flumes, or reservoirs constructed and used by them in the appropriation and use of said water. No Indian shall acquire any priority of right to any of the waters of said reservation as against any other Indian by priority of appropriation to an extent greater than the water necessary to the irrigation of forty acres.

Every person entitled to allotment on the Fort Belknap Indian Reservation shall before patent is issued designate as a homestead forty acres of irrigable land or three hundred and twenty acres of nonirrigable land, already allotted or to be allotted hereunder, which homestead shall remain inalienable during the lifetime of the allottee or the minority of his or her heirs. Designations for minors shall be made by their natural guardians, and in the event that any Indian shall fail to make such designation the Secretary of the Interior shall select for him a homestead, and all patents for such homestead shall recite that they are such.

Any and all minerals, including oil, gas, and lands chiefly valuable for the development of water power, granted or to be allotted hereunder are set aside as tribal property and such land may be leased or mining permits granted upon the request of the tribal council under such rules, regulations, and conditions as the Secretary of the Interior may prescribe, but no lease shall be made for a longer period than ten years, but the lessees shall have the right to renewal thereof for a further period of ten years upon such terms and conditions as the

Lien for charges to be recited in patents, etc.

Purchasers believing Indian right of water acquired.

Credit allowed.

Right to water subject to compliance with rules, etc.

No payment until water delivered.

Indians not deprived of use of water for domestic purposes, etc.

Limitation of prior right.

Allottee to designate homestead to be inalienable.

Designation for minors.

Mineral leases of tribal property.

Term.

Secretary of the Interior may prescribe: *Provided, however*, That until the same shall be leased any Indian being the head of a family and having rights on the said reservation may take coal from any of the lands within the same for his own domestic use: *And provided further*, That at the expiration of fifty years from the date of approval of this Act the coal, oil, gas, or other mineral deposits upon or beneath the surface of said allotted or granted lands shall become the property of the individual allottee or his heirs, but the right is reserved to Congress to extend the period within which such reserved tribal rights shall expire.

Provisos.
Coal for domestic use.

Mineral deposits to become property of individual allottees after 50 years.

SEC. 7. That sections sixteen and thirty-six of each township, being nonirrigable and not occupied or heretofore selected for allotment by any Indian except such lands in lieu of which the State has heretofore received indemnity under existing laws, are hereby granted to the State of Montana for school purposes: *Provided, however*, That for any lands thereof lost to the State by allotment, withdrawal, or otherwise under the provisions of this Act, the State may through its proper officers select as indemnity other unoccupied unreserved nonmineral and nonirrigable lands within such reservation, not exceeding two sections in any one township: *Provided further*, That all such selections by the State must be completed within one year after the approval of this Act, and be made with the view to preventing any final conflict between the claims of the State and the allotments and withdrawals provided for herein: *And provided further*, That the United States shall pay to the Indians of the reservation the sum of \$5 an acre for the lands thus granted to the State: *And provided further*, That all the children, being descendants of Indians entitled to rights on said reservation, shall be permitted to attend the public schools of said State on the same condition as the children of white citizens of said State.

Montana.
School sections granted to.

Provisos.
Lieu lands for allotment.

Completion of selections.

Price for lands.

Admission of Indian pupils to public schools.

SEC. 8. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$170,000, or so much thereof as may be necessary, to pay for the lands granted to the State of Montana; and there is hereby appropriated the further sum of \$50,000, or so much thereof as may be required, to be immediately available, to be used in paying the expenses of making the roll, classifications, and allotments hereunder, and such further allotment surveys as are necessary, and in defraying the expenses of the survey, appraisalment, and sales of the town sites provided for, the said \$50,000 to be reimbursable from the proceeds of the town-site sales or from other tribal funds available or that may become available for such purpose.

Appropriation for lands granted to Montana.

Appropriation for expenses of making roll, allotting, etc.

Repayment from town-site sales, etc.

Approved, March 3, 1921.