

June 3, 1926.

[H. R. 9558.]

[Public, No. 330.]

CHAP. 459.—An Act To provide for allotting in severalty lands within the Northern Cheyenne Indian Reservation in Montana, and for other purposes.

Northern Cheyenne
Indian Reservation,
Mont.

Declared to be the
property of the Indians
thereof.

Complete roll of liv-
ing Indians to be pre-
pared.

Classification of lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Northern Cheyenne Indian Reservation heretofore set apart by Executive order dated the 19th day of March, 1900, for the permanent use and occupation of the Northern Cheyenne Indians, in Montana, be, and the same is hereby, declared to be the property of said Indians, subject to such control and management of said property as the Congress of the United States may direct.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized to cause to be prepared a complete roll containing the names of all said Northern Cheyenne Indians now living, for whom said reservation was set apart as aforesaid, which roll, when approved by him, shall be the basis for allotting the land on said reservation, as herein provided. The Secretary of the Interior shall also cause to be prepared, in such manner as he may deem advisable, a list

of the lands of said Indian reservation and to classify the same as agricultural, grazing, and land chiefly valuable for the timber thereon. As soon as practicable after the approval of said tribal roll and after the approval of said list of lands classified as above provided, the Secretary of the Interior is hereby authorized to allot in severalty lands classified as agricultural and grazing to the duly enrolled Indians in areas not exceeding one hundred and sixty acres to any individual from the lands appearing on said approved list: *Provided*, That in allotting said lands each Indian shall be allotted a proportion of the agricultural and grazing lands, respectively, such lands whenever practicable and so far as possible to be contiguous: *Provided*, That trust patents shall be issued therefor of the form and legal effect authorized by the Act of February 8, 1887 (Twenty-fourth Statutes at Large, page 388), as amended, and the lands so allotted and patented shall be designated in each case as a "homestead," which homestead shall remain inalienable and nontaxable for a period of twenty-five years from the date of issuance of patent therefor, or until the death of the allottee.

Allotments in severalty of agricultural and grazing lands.

Provisos.
Contiguous lands.

Homestead trust patents to issue.
Vol. 24, p. 388.

Inalienable, etc.

Selection of timber lands.

The right is hereby reserved to any Indian to select as his allotment a tract occupied by him at the time of the approval of this Act, though such lands or a part thereof may be classified as timber lands.

SEC. 3. That the timber, coal or other minerals, including oil, gas, and other natural deposits, on said reservation are hereby reserved for the benefit of the tribe and may be leased with the consent of the Indian council under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That at the expiration of fifty years from the date of the approval of this Act the coal or other minerals, including oil, gas, and other natural deposits, of said allotments shall become the property of the respective allottees or their heirs: *Provided further*, That the unallotted lands of said tribe of Indians shall be held in common, subject to the control and management thereof as Congress may deem expedient for the benefit of said Indians.

Timber, minerals, etc., deposits reserved to the tribe.
Leases.

Provisos.
Deposits after 50 years to be property of allottees.

Unallotted lands to be held in common.

SEC. 4. That authority is hereby vested in the Secretary of the Interior to cause to be reserved so long as they are needed and used for the benefit of the Northern Cheyennes, suitable lands for the following purposes: For school, agency, and other administrative purposes, including not to exceed one thousand two hundred and eighty acres for the boarding school at Busby, Montana, and not to exceed one hundred and sixty acres for the Birney Day School, in all not exceeding two thousand seven hundred and eighty acres; for tribal cemeteries, where needed, not to exceed in all one hundred and sixty acres: *Provided*, That with the consent of the tribal council, lands may be reserved for religious and educational purposes, including parsonage, church, cemetery, and garden sites, not to exceed forty acres at any one point; for recreational purposes having an educational feature, not to exceed ten acres at any one point; for public-school purposes, not to exceed two and one-half acres at any one point: *Provided further*, That such tracts, excepting only the tribal cemeteries, shall remain reserved only so long as they are used for the purposes for which they are set apart: *And provided further*, That the organizations now engaged in educational and religious work on the reservation shall not be disturbed in their occupancy of the sites heretofore set apart under authority of the Secretary of the Interior so long as they continue to be used solely in the advancement of religious and welfare work for the benefit of the Northern Cheyenne Indians: *And provided further*, That the Secretary of the Interior is hereby authorized to reserve and set aside for town-site purposes not more than eighty acres at Lame

Lands to be reserved.

School, agency, etc.

Provisos.
Religious, educational, etc., purposes.

Limitation.

Educational and religious organizations not to be disturbed.

Reservation for Lame Deer, etc., town sites.

Deer, Montana, and not to exceed forty acres at some other suitable location, and to survey and plat said tracts in blocks, lots, streets, alleys, parks, and school sites: *Provided further*, That the area reserved for park and school sites shall not exceed ten acres in any one town site, and patent 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 Revised Statutes: *Provided further*, That all the income of said tribe from rents, royalties, or other profits accruing from the sale of any timber, coal, or other minerals, including oil, gas, and other natural deposits herein reserved for the benefit of the said Indians, including proceeds from sales of town lots, shall be deposited in the Treasury of the United States to the credit of the Northern Cheyenne Indians and be subject to expenditure for their benefit in such manner as Congress may direct. An area not exceeding sixty feet on either side of every section line within the said reservation is hereby dedicated as public highways whenever and so far as the same may be so declared by the county commissioners of the county in which the same may be situated, and all allotments and patents hereby authorized shall be subject to the easement hereby created.

In addition to reservations heretofore herein authorized the Secretary of the Interior shall withhold from allotment any tracts in legal subdivisions in which are springs or other like sources of water supply to which cattle have been accustomed to repair for drink, together with so much land contiguous thereto as may be necessary to permit access by stock to such water supply from the highways herein provided for.

SEC. 5. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$30,000, or so much thereof as may be necessary, to pay the expenses of making the tribal roll, of compiling the list of lands on said reservation, for the necessary surveys and classifications, and all other expenses in connection with the allotment work: *Provided*, That the sum of \$2,500 shall be available for the payment of the expenses of the tribal Indian council in holding meetings on said reservation and for the expenses of delegates which such council may have heretofore sent, or may hereafter send, to the city of Washington on tribal business.

Approved, June 3, 1926.

Limit for park and school sites.

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

All income from rents, royalties, etc., to be deposited to credit of Indians.

Easements for highways.

Tracts with springs, cattle watering places, etc., to be reserved.

Amount authorized for all expenses.
Post, p. 856.

Proviso.
Tribal council meetings, etc.