

either party to have the right to appeal to the Supreme Court of the United States as in other cases. The said claim shall be presented within one year after the passage of this Act by petition in the Court of Claims by the Cherokee Nation as plaintiff against the United States as defendant, and the petition shall be verified by the attorney employed to prosecute said claim by the Cherokee Nation acting through its principal chief. A copy of the petition shall be served upon the Attorney General of the United States, and he, or some attorney from the Department of Justice to be designated by him, is hereby directed to appear and defend the interests of the United States in said cause. The law and practice and rules of procedure in said courts shall be the practice and law in this case.

Presentation of claims, etc.

The attorney for the Cherokee Nation shall be paid such fee as the Court of Claims may find reasonable, the same to be approved by the Secretary of the Interior: *Provided*, That in no case shall the fee decreed by said Court of Claims be in excess of the amount stipulated in his contract of employment, nor amount to more than ten per centum of the sum, if any, to which the Cherokee Nation shall be found entitled. The amount recovered, if any, for the Cherokee Nation shall be disbursed under the supervision of the Secretary of the Interior to the parties entitled thereto in the manner prescribed by the Court of Claims.

Attorney's fee.

Proviso.
Limit.

Disbursement of amount recovered.

Approved, March 3, 1919.

CHAP. 104.—An Act To grant certain lands to the town of Olathe, Colorado, for the protection of its water supply.

March 3, 1919.
[H. R. 5989.]

[Public No. 332.]

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 is hereby authorized and directed to convey to the town of Olathe, county of Montrose, and State of Colorado, the southeast quarter of section twenty-four, township forty-eight north, range twelve, and the south half of section nineteen, and the southwest quarter of section twenty, both in township forty-eight north, range eleven west, of the New Mexico principal meridian, in said county and State, containing six hundred and forty acres, more or less, to have and to hold said lands for the purpose of the protection of the reservoirs and water supply pipe lines and waterworks system of said town: *Provided*, That the said town of Olathe shall, within two years from the passage of this Act, pay for said lands, or such portions thereof as may be necessary for said purposes, at the rate of \$1.25 per acre: *Provided further*, That the grant hereby made is, and the patent issued thereunder shall be, subject to all legal rights heretofore acquired by any person or persons in or to the above-described premises, or any part thereof, and now existing under and by virtue of the laws of the United States: *And provided further*, That there shall be reserved to the United States all oil, coal, and other mineral deposits that may be found in the lands so granted, and all necessary use of the lands for extracting the same: *And provided further*, That title to the land shall revert to the United States should the same or any part thereof be sold or cease to be used for the purposes herein provided.

Public lands.
Grant to Olathe, Colo., for water supply.

Proviso.
Payment.

Subject to existing rights, etc.

Reservation for oil, etc.

Reversion for non-user.

Approved, March 3, 1919.

CHAP. 105.—An Act To authorize construction of a lock and dam in Old River, in the State of Texas, and the making of improvements enabling the passage of fresh water from a portion of Trinity River above the mouth of Old River into Old River above such lock and dam, and for the protection of rice crops against salt water.

March 3, 1919.
[H. R. 7362.]

[Public No. 333.]

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

Old River, Tex.

Old River Company
may dam, etc.

is hereby granted for the Old River Company, of the State of Texas, to construct a lock and dam in Old River at some suitable point, to be approved by the Secretary of War, and to make a cut or canal at the head of Pickett Bayou into Trinity River and dredge out and deepen the natural shoaled channel between Pickett Bayou and Old River, subject in each respect to the approval of the Secretary of War: *Provided*, That said lock and dam and other alterations shall be made, maintained, and operated wholly without expense to the United States, and in accordance with plans and specifications approved by the Chief of Engineers and the Secretary of War: *Provided further*, That no toll shall be imposed at any time for the passage of any craft through said lock or through said canals or cuts.

Provisos.
Maintenance, etc.

Tolls forbidden.

Time limit.

Proviso.
Use limited to irrigation.

SEC. 2. That this Act shall be null and void unless the privilege hereby granted shall be availed of within two years from the date hereof: *Provided*, That no dam constructed under the consent hereby granted shall be used to develop water power, nor to generate electricity, but the use of all the improvements to be constructed shall be limited to irrigation.

Amendment.

SEC. 3. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, March 3, 1919.

March 3, 1919.
[H. R. 9897.]

[Public, No. 334.]

CHAP. 106.—An Act To authorize the contesting and cancellation of certain homestead entries, and for other purposes.

Oklahoma.
Kiowa, etc., pasture
reserves.
Cancellation of cer-
tain homestead entries
in.
Vol. 34, p. 213.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the homestead entries made for pasture and wood reserve lands in the Kiowa, Comanche, and Apache Reservations, in the State of Oklahoma, opened to settlement and entry upon sealed bids, as authorized by the Act of June fifth, nineteen hundred and six (Thirty-fourth United States Statutes at Large, page two hundred and thirteen), be, and the same are hereby, made subject to contest, upon charges alleging that the entryman never established residence upon the land, or that having established such residence he failed to maintain same, or to improve and cultivate the land in accordance with law; and upon proof sustaining such charges, submitted in accordance with the rules of practice, the entries will be canceled and the money paid by the entrymen in default will be forfeited: *Provided*, That any person who has been residing upon the land for at least two years prior to the cancellation of such entry, and if there be no such settler, then the successful contestant, shall, if qualified to make a homestead entry, have a preference right for a period of sixty days from notice, to make a homestead entry for the land, paying therefor the price bid by the original entryman, or a price to be fixed by appraisement upon the applicant's request, the improvements made by such settler not to be taken into consideration in making such appraisement: *Provided further*, That should there be two settlers on a tract, the land will be partitioned to them upon mutual agreement, or will be sold to the settler submitting the highest bid at a public offering: *And provided further*, That payment for the land shall be made in four equal installments, one installment at the date of entry, and the other installments in one, two, and three years thereafter: *And provided further*, That failure to comply with the homestead law or to make the annual payment when due in the case of any entry under this Act shall be a sufficient cause for the cancellation of the entry and the forfeiture of the money paid: *And provided further*, That any vacant lands in the wood and pasture reserves in said Indian reservations, opened to entry under said Act of June fifth, nineteen hundred and six,

Provisos.
Preference for new
entries.

Partition of tracts.

Payment in install-
ments.

Forfeiture for failure,
etc.

Sale of vacant lands.

Vol. 34, p. 213.