

Proviso.
Waiver or reduction
of charges allowed.

Receipts.

Law for "promotion
of anatomical science,
etc.," not affected.
Vol. 32, p. 173.

Appropriation.

One-half from Dis-
trict revenues.

of at public expense fees in such amounts as may be required to defray the cost of incineration: *Provided*, That in any case the Commissioners may, by special order, waive or reduce the usual charges whenever, in the opinion of said Commissioners, to enforce such charges would be burdensome or oppressive upon the person or persons responsible for the disposal of the remains. All fees collected under the provisions of this Act shall be paid to the collector of taxes of the District of Columbia, and be deposited by him in the Treasury of the United States, one-half to the credit of the United States and one-half to the credit of the District of Columbia.

SEC. 3. That nothing in this Act shall be construed as repealing or in any way modifying any of the provisions of an Act entitled "An Act for the promotion of anatomical science and to prevent the desecration of graves in the District of Columbia," approved April twenty-ninth, nineteen hundred and two.

SEC. 4. That for the construction of a crematorium on reservation thirteen, in the city of Washington, in the District of Columbia, and of all necessary approaches thereto, and for all necessary grading and fencing, for the equipment of said crematorium, and for the maintenance and operation of said crematorium until the thirtieth day of June next following its completion, there be, and is hereby, appropriated the sum of fifteen thousand dollars out of any money in the Treasury not otherwise appropriated, one-half payable out of the funds of the United States and one-half out of the funds of the District of Columbia.

Approved, April 20, 1906.

April 21, 1906.
[S. 980.]

[Public, No. 113.]

CHAP. 1645.—An Act To authorize the sale of a portion of the Lower Brule Indian Reservation in South Dakota, and for other purposes.

Lower Brule Indian
Reservation, S. Dak.
Sale of portion of,
authorized.
Description.

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 be, and he is hereby, authorized and directed, as hereinafter provided, to sell or dispose of the west half of townships one hundred and six, one hundred and seven, one hundred and eight, one hundred and nine, and one hundred and ten north, range seventy-seven west of the fifth principal meridian, and fractional townships one hundred and six, one hundred and seven, one hundred and eight, one hundred and nine, and one hundred and ten north, range seventy-eight west of the fifth principal meridian, and fractional township one hundred and ten north, range seventy-nine west of the fifth principal meridian, the same being the western portion of the Lower Brule Indian Reservation in South Dakota, comprising approximately fifty-six thousand five hundred and sixty acres: *Provided*, That sections sixteen and thirty-six of the lands in each township shall not be disposed of, but shall be reserved for the use of the common schools and paid for by the United States at one dollar and twenty-five cents per acre, and the same are hereby granted to the State of South Dakota for such purpose: *Provided further*, That any Indians to whom allotments have been made on the tract to be ceded may, in case they desire to do so before said lands are offered for sale, relinquish same and select allotments in lieu thereof on the diminished reservation.

Proviso.
Lands reserved for
school purposes.

Indians may ex-
change allotments for
other lands.

Appraisalment, etc.

Proclamation.

SEC. 2. That the Secretary of the Interior shall cause said lands, except sections sixteen and thirty-six in each township, to be appraised by legal subdivisions, and when all of said lands have been appraised the same shall be disposed of under the general provisions of the homestead laws of the United States, and shall be opened to settlement and entry at not less than their appraised value by proclamation of the

President, which proclamation shall prescribe the manner in which these lands shall be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, or enter any of said lands, except as prescribed in such proclamation, until after the expiration of sixty days from the time when the same are opened to settlement and entry: *Provided*, That the rights of honorably discharged Union soldiers and sailors of the late civil and Spanish wars and the Philippine insurrection, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes, as amended by the Act of March first, nineteen hundred and one, shall not be abridged: *Provided further*, That the price of said lands when entered shall be that fixed by the appraisement or by the President, as herein provided for, which shall be paid in accordance with rules and regulations to be prescribed by the Secretary of the Interior, upon the following terms: One-fifth of the purchase price to be paid in cash at the time of entry, and the balance in five equal annual installments, to be paid in one, two, three, four, and five years, respectively, from and after the date of entry. In case any entryman fails to make the annual payments, or any of them, promptly when due, all rights in and to the land covered by his entry shall cease, and any payments theretofore made shall be forfeited and the entry canceled, and the lands shall be reoffered for sale and entry: *And provided further*, That the lands embraced within such canceled entry shall, after the cancellation of such entry, be subject to entry under the provisions of the homestead law, at the appraised value until otherwise directed by the President, as herein provided.

When the entryman shall have complied with all the requirements and terms of the homestead laws as to settlement and residence and shall have made all the required payments aforesaid, he shall be entitled to a patent for the lands entered: *Provided*, That the entryman shall make his final proofs in accordance with the homestead laws within six years, but nothing in this Act shall prevent homestead settlers from commuting their entries under section twenty-three hundred and one, Revised Statutes, by paying for the land entered the appraised price, receiving credit for payments previously made; and that aliens who have declared their intention to become citizens of the United States may become such entrymen, but before making final proof and receiving patent they must have received their full naturalization papers: *Provided further*, That the fees and commissions to be paid in connection with such entries and final proofs shall be the same as those now provided by law where the price of the land is one dollar and twenty-five cents per acre: *And provided further*, That when, in the judgment of the President, no more of the said land can be disposed of at the appraised price, he may, by proclamation, to be repeated at his discretion, sell from time to time the remaining lands subject to the provisions of the homestead laws, or otherwise as he may deem most advantageous, at such price or prices, in such manner, upon such conditions, with such restrictions, and upon such terms as he may deem best for all the interests concerned.

SEC. 3. That the proceeds arising from the sale and disposition of the lands aforesaid, exclusive of the customary fees and commissions, shall, after deducting the amounts of the expenses incurred from time to time in connection with the appraisements and sales, be deposited in the Treasury of the United States to the credit of the Indians belonging and having tribal rights on the Lower Brule Reservation, and shall be expended for their benefit, under the direction of the Secretary of the Interior.

SEC. 4. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of five thousand dollars, or so much thereof as may be necessary, to pay for the lands granted

Provisos.
Soldiers and sailors' homestead rights not affected.
R. S., secs. 2304, 2305, p. 422.
Vol. 31, p. 847.

Price.

Payments.

Forfeiture.

Canceled entries.

Patents.

Provisos.
Final proofs.

Commutation.
R. S., sec. 2301, p. 421.

Aliens.

Fees, etc.

Sale of remaining lands.

Proceeds credited to account of Indians.

Appropriation.

to the State of South Dakota, as provided in this Act, and for the necessary expenses of appraising said lands as provided herein: *Provided*, That the money expended in appraising said lands shall be reimbursable and shall be deducted from the proceeds received from the sale thereof.

Proviso.
Reimbursement.

Regulations.

SEC. 5. That the Secretary of the Interior is hereby vested with full power and authority to make all needful rules and regulations as to manner of sale, notice of same, and other matters incident to the carrying out of the provisions of this Act, and with authority to reappraise said lands if deemed necessary from time to time, and to continue making sales of the same, in accordance with the provisions of this Act, until all of the lands shall have been disposed of: *Provided*, That all lands herein ceded and opened to settlement under this Act remaining undisposed of at the expiration of five years from the taking effect of this Act shall be sold and disposed of for cash, under rules and regulations to be prescribed by the Secretary of the Interior, not more than six hundred and forty acres to any one purchaser.

Proviso.
Cash sale of undisposed lands.

Restriction.

Nonresponsibility of the United States.

SEC. 6. That nothing in this Act contained shall in any manner bind the United States to purchase any portion of the land herein described, except sections sixteen and thirty-six or the equivalent in each township, or to dispose of said land except as provided herein; or to guarantee to find purchasers for said lands, or any portion thereof, it being the intention of this Act that the United States shall act as trustee for said Indians to dispose of said lands and to expend and pay over and expend the proceeds received from the sale thereof only as received, as herein provided.

Approved, April 21, 1906.

CHAP. 1646.—An Act To amend section nine of the Code of Law for the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section nine of the Code of Law for the District of Columbia is hereby amended by adding thereto the following:

“Any justice of the peace may at any time, including Sundays and legal holidays, on complaint under oath or actual view, issue warrants returnable to the police court against persons accused of crimes and offenses committed in the District of Columbia, and he shall make a record of his proceedings in every case in a book to be kept for that purpose. Such warrants shall be issued free of charge.”

Approved, April 21, 1906.

CHAP. 1647.—An Act Increasing the penalty for certain offenses in the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first and last paragraphs of the Act of Congress approved July eighth, eighteen hundred and ninety-eight, entitled “An Act to amend ‘An Act for the preservation of the public peace and protection of property in the District of Columbia,’ approved July twenty-ninth, eighteen hundred and ninety-two,” be, and the same are hereby, amended so as to read as follows:

FIRST PARAGRAPH.

“That it shall not be lawful for any person or persons to wilfully or wantonly destroy, injure, disfigure, cut, chip, break, deface, or cover or rub with or otherwise place filth or excrement of any kind

April 21, 1906.
[H. R. 120.]

[Public, No. 114.]

District of Columbia.
Code amendment.
Vol. 31, p. 1191,
amended.

Justices of the peace
may issue warrants
in criminal cases, etc.

Fees prohibited.

April 21, 1906.
[H. R. 11275.]

[Public, No. 115.]

District of Columbia.
Protection to prop-
erty, etc., in.
Vol. 30, p. 723.
Vol. 27, p. 322.

Wilful injury to
public, etc., property.
Vol. 30, p. 723,
amended.