

Whereas the Jamestown colonists who established the first permanent English settlement in America first landed and set up a cross on April 26, 1607, at the First Landing Dune in Fort Story, Cape Henry, Virginia, which is now a shrine marked by a cross memorial: Therefore be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of War is authorized in his discretion, subject to such terms and conditions as he may deem essential for the protection of military interests, to transfer to the Secretary of the Interior such part of the Fort Story Military Reservation, Cape Henry, Virginia, as the Secretary of War may select, but not to exceed an area of one hundred feet square, as a proposed site for the Cape Henry Memorial (First Landing Dune), including the site on which the Daughters of the American Colonies have heretofore erected a monument under authority of the War Department. The Secretary of the Interior, through the National Park Service, shall exercise jurisdiction over and maintain such site and memorial as a part of the Colonial National Historical Park, under the provisions of the Act establishing the National Park Service, approved August 25, 1916, as amended and supplemented: *Provided,* That the use of any property transferred under the provisions of this Act shall be subject to the paramount needs of national defense.

Approved, June 15, 1938.

[CHAPTER 405]

JOINT RESOLUTION

Providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, caused by the death of Robert W. Bingham, be filled by the appointment of Harvey N. Davis, a citizen of New Jersey, for the statutory term of six years.

Approved, June 15, 1938.

[CHAPTER 435]

AN ACT

To amend section 2139 of the Revised Statutes, as amended.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 2139 of the Revised Statutes, as amended by the Act of July 23, 1892, entitled "An Act to amend sections twenty-one hundred and thirty-nine, twenty-one hundred and forty, and twenty-one hundred and forty-one of the Revised Statutes touching the sale of intoxicants in the Indian country, and for other purposes", and as amended by the Act of January 30, 1897, entitled "An Act to prohibit the sale of intoxicating drinks to Indians, providing penalties therefor, and for other purposes", is amended to read as follows:

"SEC. 2139. Any person who shall sell, give away, dispose of, exchange, or barter any malt, spirituous, or vinous liquor, including beer, ale, and wine, or any ardent or other intoxicating liquor of any kind whatsoever, or any essence, extract, bitters, preparation, compound, composition, or any article whatsoever, under any name, label, or brand, which produces intoxication to any Indian to whom an allotment of land has been made while the title to the same shall be held in trust by the Government, or to any Indian who is a ward

Transfer of proposed site to Secretary of the Interior.

Jurisdiction, etc.

39 Stat. 535.  
16 U. S. C. ch. 1.

*Proviso.*  
Use of transferred property.

June 15, 1938  
[S. J. Res. 264]  
[Pub. Res., No. 111]

Smithsonian Institution.  
Harvey N. Davis appointed Regent.

June 15, 1938  
[S. 3166]  
[Public, No. 631]

Indian liquor laws.  
R. S. § 2139; 27 Stat. 280; 29 Stat. 506.  
25 U. S. C. § 241.

Intoxicating liquor. Sale, etc., to Indians prohibited.