

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.

of the Government under charge of any Indian superintendent or agent, or to any Indian, including mixed bloods, over whom the Government, through its departments, exercises guardianship, and any person who shall introduce or attempt to introduce any malt, spirituous, or vinous liquor, including beer, ale, and wine, or any ardent or intoxicating liquor of any kind whatsoever into the Indian country, which term shall include any Indian allotment while the title to the same shall be held in trust by the Government, or while the same shall remain inalienable by the allottee without the consent of the United States, shall be punished for the first offense by imprisonment for not more than one year, and by a fine of not more than \$500, and for the second offense and each offense thereafter by imprisonment for not more than five years, and by a fine of not more than \$2,000: *Provided, however,* That the person convicted shall be committed until fine and costs are paid: *And provided further,* That first offenses under this section may be prosecuted by information, but no person convicted of a first offense under this section shall be sentenced to imprisonment in a penitentiary or required to perform hard labor. It shall be a sufficient defense to any charge of introducing or attempting to introduce ardent spirits, ale, beer, wine, or intoxicating liquors into the Indian country that the acts charged were done under authority, in writing, from the War Department or any officer duly authorized thereunto by the War Department. All complaints for the arrest of any person or persons made for violation of any of the provisions of this section shall be made in the county where the offense shall have been committed, or if committed upon or within any reservation not included in any county, then in any county adjoining such reservation; but in all cases such arrests shall be made before any United States court commissioner residing in such adjoining county, or before any magistrate or judicial officer authorized by the laws of the State in which such reservation is located to issue warrants for the arrest and examination of offenders by section 1014 of the Revised Statutes as amended. And all persons so arrested shall, unless discharged upon examination, be held to answer and stand trial before the court of the United States having jurisdiction of the offense.”

SEC. 2. Section 2139 of the Revised Statutes, as amended by this Act, shall be deemed to apply to offenses committed subsequent to the date of enactment of this Act, and any reference in any other Act of Congress to the Act of January 30, 1897, insofar as it relates to offenses committed subsequent to the date of enactment of this Act, shall be deemed to be a reference to section 2139 of the Revised Statutes as amended by this Act.

SEC. 3. The Act entitled “An Act to prohibit the sale of intoxicating drinks to Indians, providing penalties therefor, and for other purposes”, approved January 30, 1897, is hereby repealed.

Approved, June 15, 1938.

[CHAPTER 436]

AN ACT

To divide the funds of the Chippewa Indians of Minnesota between the Red Lake Band and the remainder of the Chippewa Indians of Minnesota, organized as the Minnesota Chippewa Tribe.

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 authorized and directed to determine, as of the close of the fiscal year next succeeding¹ the date of the passage of

Introduction, etc.,
into Indian country.

Penalty for viola-
tion.

Provisos.
Commitment until
fine, etc., paid.
Prosecution of first
offenses by informa-
tion.

Authorized intro-
duction of liquors.

Complaints; venue,
etc.

Arrests.
Procedure.

R. S. § 1014.
18 U. S. C. § 591.

Citations hereunder
deemed to apply to
offenses subsequent to
date of enactment.

R. S. § 2139.
29 Stat. 506.
25 U. S. C. § 241.

Existing Act re-
pealed.
29 Stat. 506.

June 15, 1938
[H. R. 4544]

[Public, No. 632]

Chippewa Indians
of Minnesota.

Determination of
total sum in Treasury
to credit of, directed.

¹ So in original.