

Verification, how made.

mark has been used in commerce with the United States or among the States thereof. The verification required by this section may be made before any person within the United States authorized by law to administer oaths, or, when the applicant resides in a foreign country, before any minister, chargé d'affaires, consul, or commercial agent holding commission under the Government of the United States, or before any notary public, judge, or magistrate having an official seal and authorized to administer oaths in the foreign country in which the applicant may be whose authority shall be proved by a certificate of a diplomatic or consular officer of the United States."

Application requirements.
R. S., sec. 4937, p. 956, amended.

"SEC. 1. That the owner of a trade-mark used in commerce with foreign nations, or among the several States, or with Indian tribes, provided such owner shall be domiciled within the territory of the United States, or resides in or is located in any foreign country which, by treaty, convention, or law, affords similar privileges to the citizens of the United States, may obtain registration for such trade-mark by complying with the following requirements: First, by filing in the Patent Office an application therefor, in writing, addressed to the Commissioner of Patents, signed by the applicant, specifying his name, domicile, location, and citizenship; the class of merchandise and the particular description of goods comprised in such class to which the trade-mark is appropriated; a statement of the mode in which the same is applied and affixed to goods, and the length of time during which the trade-mark has been used; a description of the trade-mark itself shall be included, if desired by the applicant or required by the Commissioner, provided such description is of a character to meet the approval of the Commissioner. With this statement shall be filed a drawing of the trade-mark, signed by the applicant, or his attorney, and such number of specimens of the trade-mark as actually used as may be required by the Commissioner of Patents. Second, by paying into the Treasury of the United States the sum of ten dollars, and otherwise complying with the requirements of this Act and such regulations as may be prescribed by the Commissioner of Patents."

Description of trade-mark may be given.
Vol. 34, p. 169, amended.

Approved, February 18, 1909.

February 18, 1909.
[H. R. 20385.]

CHAP. 145.—An Act To enable the Omaha and Winnebago Indians to protect from overflow their tribal and allotted lands located within the boundaries of any drainage district in Nebraska.

[Public, No. 239.]

Omaha and Winnebago Indians, Nebr.
Drainage of lands of, authorized.
Payment of assessments, etc.

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, in his discretion, to pay from the funds remaining to the credit of the Omaha and Winnebago tribes of Indians any assessments which may be made by any drainage district in the State of Nebraska on the tribal lands of said Indians to protect such lands from overflow, not exceeding an average of eight dollars per acre.

Per capita payments to Indians.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, under such regulations as he may prescribe, to pay per capita to the Indians of the Omaha and Winnebago tribes who have allotted lands within any such drainage district the proportionate share of such Indians in the funds remaining to the credit of said tribe after the payment provided for in section one of this Act: *Provided,* That no assessments made by such drainage district on the allotment of any Indian while the same is held in trust by the United States for the use and benefit of the allottee shall be valid or constitute a lien on the land, but the Secretary of the Interior shall retain not exceeding two hundred and forty dollars of the per capita

Proviso.
Allotments held in trust.

share of any such allottee and expend the same for the payment or partial payment of the sum found by such drainage district to be due from such allottee for the purpose of protecting his lands embraced in the drainage district from overflow. Such payment shall be credited on any assessment which may be made on the allotment of said Indian after the termination of the trust by expiration of the period, issuance of a fee-simple patent, or by a conveyance under existing law, duly approved by the Secretary of the Interior.

Payment for protection from overflow.

Credited on assessments.

SEC. 3. That any such drainage district be, and is hereby, authorized to assess the cost of reclaiming the tribal lands of the Omaha and Winnebago Indians and all lands allotted to the Indians in severalty and held by patents containing restrictions as to alienation and taxation within such districts, subject to the limitation contained in the preceding section, and to condemn any of said lands necessary for the purpose of reclamation in the same manner as such district may condemn other lands: *Provided*, That the payments to be made or the taking of lands under the provisions of this section shall be subject to the approval of the Secretary of the Interior.

Reclamation of tribal lands.

Proviso.
Approval of payments.

SEC. 4. That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, upon application of the allottee, or his heirs, to issue a fee-simple patent to any Omaha and Winnebago Indian for the lands allotted to him within any such drainage district, and the issuance of such patent shall operate as a removal of all restrictions as to the sale, incumbrance, and taxation of the lands covered thereby.

Patent in fee simple.

Approved, February 18, 1909.

CHAP. 146.—An Act For the organization of the militia in the District of Columbia.

February 18, 1909.
[H. R. 21926.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following amendments are hereby made to an Act of Congress entitled "An Act to provide for the organization of the militia of the District of Columbia, and for other purposes," approved March first, eighteen hundred and eighty-nine:

[Public, No. 240.]

District of Columbia.
Militia organization.

Strike out the whole of section ten and insert in lieu thereof the following:

Vol. 25, p. 774,
amended.

"SEC. 10. That the organized militia shall be composed of volunteers, and shall be designated the National Guard of the District of Columbia."

Designated National Guard.

Strike out the whole of section eleven and insert in lieu thereof the following:

"SEC. 11. That the land forces of the National Guard shall consist of one brigadier-general (the commanding general of the militia of the District of Columbia), an adjutant-general's department, an inspector-general's department, a judge-advocate-general's department, a quartermaster's department, a subsistence department, a department of small arms practice, a medical department and hospital corps, a pay department, a corps of engineers, an ordnance department, a signal corps, a coast artillery corps, two regiments and one separate battalion of infantry, four companies of coast artillery, a troop of cavalry, and one battery of field artillery, all to be organized by the President as now provided for the Regular Army or the organized militia by law or regulation: *Provided*, That the President of the United States, the Commander in Chief, shall have power to alter, divide, annex, consolidate, disband, or reorganize the same whenever in his judgment the efficiency of the forces will be thereby increased, and he shall at any time have power to change the organi-

Composition.

Proviso.
Powers of the President to change.
Vol. 25, p. 775
amended.