

[No. 18.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

May 7, 1902.

A PROCLAMATION.

Whereas, by an agreement between the Shoshone and Bannock Indians of the Fort Hall Reservation in Idaho, on the one part, and certain commissioners of the United States on the other part, ratified by act of Congress approved June 6, 1900 (31 Stat., 672), the said Indians ceded, granted, and relinquished to the United States all right, title, and interest which they had to the following described land, the same being a part of the land obtained through the treaty of Fort Bridger on the third day of July, eighteen hundred and sixty-eight, and ratified by the United States Senate on the sixteenth day of February, eighteen hundred and sixty-nine:

Preamble.

Vol. 31, p. 672.

All that portion of the said reservation embraced within and lying east and south of the following described lines:

Commencing at a point in the south boundary of the Fort Hall Indian Reservation, being the southwest corner of township nine (9) south, range thirty-four (34) east of the Boise meridian, thence running due north on the range line between townships 33 and 34 east to a point two (2) miles north of the township line between townships five (5) and six (6) south, thence due east to the range line between ranges 35 and 36 east, thence south on said range line four (4) miles, thence due east to the east boundary line of the reservation; from this point the east and south boundaries of the said reservation as it now exists to the point of beginning, namely, the southwest corner of township nine (9) south, range thirty-four east, being the remainder of the description and metes and bounds of the said tract of land herein proposed to be ceded."

Lands ceded by the Shoshone and Bannock Indians.

And whereas, in pursuance of said act of Congress ratifying said agreement, allotments of land have been regularly made to each Indian occupant who desired it, and a schedule has been made of the lands to be abandoned and the improvements thereon appraised, and such improvements will be offered for sale to the highest bidder at not less than the appraised price prior to the date fixed for the opening of the ceded lands to settlement, and the classification as to agricultural and grazing lands has been made;

Vol. 31, p. 672.

And whereas, in the act of Congress ratifying said agreement it is provided:

That on the completion of the allotments and the preparation of the schedule provided for in the preceding section, and the classification of the lands as provided for herein, the residue of said ceded lands shall be opened to settlement by the proclamation of the President, and shall be subject to disposal under the homestead, townsite, stone and timber, and mining, laws of the United States only, excepting as to price and excepting the sixteenth and thirty-sixth sections in each Congressional township, which shall be reserved for common school purposes and be subject to the laws of Idaho: *Provided*, That all purchasers of lands lying under the canal of the Idaho Canal Company, and which are susceptible of irrigation from the water from said canal, shall pay for the same at the rate of ten dollars per acre; all agricultural lands not under said canal shall be paid for at the rate of two dollars and fifty cents per acre, and grazing lands at the rate of one dollar and twenty-five cents per acre, one-fifth of the respective sums to be paid at time of original entry, and four-fifths thereof at the time of making final proof; but no purchaser shall be permitted in any manner to purchase more than one hundred and sixty acres of the land hereinbefore referred to; but the rights of honorably discharged Union soldiers and sailors, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes of the United States, shall not be abridged, except as to the sum to be paid as aforesaid.

Lands opened to settlement.
Vol. 31, p. 672.

* * * * *
No lands in sections sixteen and thirty-six now occupied, as set forth in article three of the agreement herein ratified shall be reserved for school purposes, but the State of Idaho shall be entitled to indemnity for any lands so occupied: *Provided*, That none of said lands shall be disposed of under the townsite laws for less than ten dollars per acre: *And provided further*, That all of said lands within five miles of the boundary line of the town of Pocatello shall be sold at public auction, payable as aforesaid, under the direction of the Secretary of the Interior for not less than

ten dollars per acre: *And provided further*, That any mineral lands within said five mile limit shall be disposed of under the mineral land laws of the United States, excepting that the price of such mineral lands shall be fixed at ten dollars per acre, instead of the price fixed by the said mineral land laws.

And whereas, all the conditions required by law to be performed prior to the opening of said lands to settlement and entry have been, as I hereby declare, duly performed, except the sale of the improvements mentioned above, but as this is not considered a bar to the opening of the unallotted and unreserved lands to settlement and entry,

Lands ceded by Shoshone and Bannock Indians open to entry June 17, 1902.

Exceptions.

Vol. 25, p. 452.

Vol. 31, p. 676.

Vol. 25, p. 452.

Preference right of entry on "neutral strip."
Vol. 31, p. 680.

Now, therefore, I, THEODORE ROOSEVELT, President of the United States of America, by virtue of the power vested in me by law, do hereby declare and make known that all of the lands so as aforesaid ceded by the Shoshone and Bannock Indians, saving and excepting all lands allotted to the Indians, and saving and excepting the lands on which the Indian improvements have been appraised, and saving and excepting the sixteenth and thirty-sixth sections in each Congressional township, and saving and excepting Lots 7 and 8, section 21, NW $\frac{1}{4}$ SW $\frac{1}{4}$ and Lots 9 and 10, section 22, T. 9 S., R. 38 E., B. M., known as "Lava Hot Springs" and saving and excepting all of the lands within five miles of the boundary line of the town of Pocatello, Idaho, and saving and excepting the lands ceded under the Act of September 1, 1888 (25 Stat., 452), for the purposes of a townsite, will on the 17th day of June, 1902, at and after the hour of 12 o'clock, noon, (Mountain Standard time), be opened to settlement and entry under the terms of and subject to all the conditions, limitations, reservations, and restrictions contained in the statutes above specified, and the laws of the United States applicable thereto.

In view of the provision in said act "That all of said lands within five miles of the boundary line of the town of Pocatello shall be sold at public auction, payable as aforesaid, under the direction of the Secretary of the Interior for not less than ten dollars per acre," the lands, "within five miles of the boundary line of the town of Pocatello," saving and excepting all lands allotted to the Indians, and saving and excepting the sixteenth and thirty-sixth sections in each Congressional township, and saving and excepting the lands ceded under the Act of September 1, 1888 (25 Stat., 452), for the purposes of a townsite, will on the 17th day of July, 1902, at and after the hour of 12 o'clock, noon (Mountain Standard time), be offered at public auction at not less than ten dollars per acre, under the terms and subject to all the conditions, limitations, reservations and restrictions, contained in the statutes above specified, and the laws of the United States applicable thereto.

Because of the provision in the act ratifying said agreement that "The purchaser of said improvements shall have thirty days after such purchase for preference right of entry, under the provisions of this Act, of the lands upon which the improvements purchased by him are situated, not to exceed one hundred and sixty acres," the said lands upon which such Indian improvements purchased are situated outside of the lands within five miles of the town of Pocatello, shall for the period of thirty days after said opening be subject to homestead entry, townsite entry, stone and timber entry, and entry under the mineral laws only by those who may have purchased the improvements thereon, and who are accorded a preference right of entry for thirty days as aforesaid, such entries to be made in accordance with the terms and conditions of this Act. Persons entitled to make entry under this preference right will be permitted to do so at any time during the said period of thirty days following the opening, and at the expiration of that period any of said lands not so entered will come under the general provisions of this proclamation.

The purchaser of the improvements on lands situated within five

miles of the town of Pocatello will have no preference right of entry of the tract on which such improvements are situated, as the law provides that "all of said lands within five miles of the boundary line of the town of Pocatello shall be sold at public auction."

Vol. 31, p. 476.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington the 7th day of May in the year of our Lord one thousand nine hundred and two, and of the [SEAL.] Independence of the United States the one hundred and twenty-sixth.

THEODORE ROOSEVELT

By the President:

JOHN HAY
Secretary of State.
