

A PROCLAMATION.

Preamble,
Ante, p. 319.

Whereas by an agreement between the Sisseton, Wahpeton, and Cut-Head bands of the Sioux tribe of Indians on the Devils Lake Reservation, in the State of North Dakota, on the one part, and James McLaughlin, a United States Indian Inspector, on the other part, amended and ratified by act of Congress approved April 27, 1904 (Public No. 179), the said bands of the said Indian tribe ceded, conveyed, transferred, relinquished, and surrendered, forever and absolutely, without any reservation whatsoever, expressed or implied, unto the United States of America, all their claim, title, and interest of every kind and character in and to the unallotted lands embraced in the following-described tract of country now in the State of North Dakota, to wit:

Lands ceded by
Sioux Indians.

All that part of the Devils Lake Indian Reservation now remaining unallotted, including the tract of land at present known as the Fort Totten Military Reserve, situated within the boundaries of the said Devils Lake Indian Reservation, and being a part thereof; except six thousand one hundred and sixty acres required for allotments to sixty-one Indians of said reservation entitled to allotments.

The unallotted and unreserved land to be disposed of hereunder approximates 88,000 acres.

And whereas, in pursuance of said act of Congress ratifying the agreement named, the lands necessary for church, mission, and agency purposes, and for the Fort Totten Indian school, and for a public park, are by this proclamation, as hereinafter appears, reserved for such purposes, respectively:

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

Land to be sold subject to homestead and town-site laws.
Ante, p. 322.

SEC. 4. That the lands ceded to the United States under said agreement, including the Fort Totten abandoned military reservation, which are exclusive of six thousand one hundred and sixty acres which are required for allotments, excepting sections sixteen and thirty-six or an equivalent of two sections in each township, and such tracts as may be reserved by the President as hereinafter provided, shall be disposed of under the general provisions of the homestead and townsite laws of the United States, and shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the manner in which these lands may 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 the Spanish war, 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: *And provided further*, That the price of said lands entered under the provisions of this Act shall be four dollars and fifty cents per acre, payable as follows: One dollar and fifty cents when the entry is made, and the remainder in annual installments of fifty cents per acre until paid for: *Provided further*, That in case any entryman fails to make such payments, or any of them, within the time stated, all rights in and to the land covered by his or her entry shall at once cease, and any payments theretofore made shall be forfeited and the entry shall be canceled: *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 four dollars and fifty cents per acre up to and until provision may be made for the disposition of said land by proclamation of the President as hereinafter provided; *And provided further*, That 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 price fixed herein, receiving credit for payments previously made. In addition to the price to be paid for the land, the entryman shall pay the same fees and commissions at the time of commutation or final entry, as now provided by law, where the price of the land is one dollar and twenty-five cents per acre: *And provided further*, That aliens who have declared their intention to become citizens of the United States may become purchasers under this Act, but

Proclamation opening lands to settlement.

Proviso.
Soldiers' and sailors' rights not affected.
R. S., secs. 2304, 2305, p. 422.
Vol. 31, p. 847.
Price per acre.

Forfeiture.

Canceled entries.

Price per acre.

Right to commute entries not affected.
R. S., sec. 2301, p. 421.

Fees.

Rights of aliens.

before proving up and acquiring title must take out their full naturalization papers: *And provided further*, That when, in the judgment of the President no more of the land herein ceded can be disposed of at said price, he may by proclamation, to be repeated in his discretion, sell from time to time the remaining lands subject to the provisions of the homestead law 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 interests concerned: *And provided further*, That the President is hereby authorized to reserve, in his proclamation for the opening of the said lands, so much of the tracts heretofore reserved for church, mission, and agency purposes, as he may deem necessary, not to exceed nine hundred acres, and also not exceeding two and one-half sections for the Fort Totten Indian school, and the United States stipulates and agrees to pay for said reserved lands at the rate of three dollars and twenty-five cents per acre. The President is also authorized to reserve a tract embracing Sullys Hill, in the northeastern portion of the abandoned military reservation, about nine hundred and sixty acres, as a public park.

Disposal of unsold lands.

Reservation for mission, etc., purposes.

Fort Totten Indian school.

North Dakota. School lands granted to.

Lands in lieu of allotted lands.

Sec. 5. That sections sixteen and thirty-six of the lands hereby acquired in each township shall not be subject to entry, but shall be reserved for the use of the common schools and paid for by the United States at three dollars and twenty-five cents per acre, and the same are hereby granted to the State of North Dakota for such purpose; and in case any of said sections, or parts thereof, of the land in the said Devils Lake Indian Reservation or Fort Totten abandoned military reservation should be lost to said State of North Dakota by reason of allotments thereof to any Indian or Indians now holding the same, or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized to locate other lands not occupied, in the townships where said lands are lost, provided sufficient lands are to be had in the said townships, otherwise the selections to be made elsewhere within the ceded tract, which shall be paid for by the United States, as provided in article two of the treaty as herein amended, in quantity equal to the loss, and such selections shall be made prior to the opening of such lands to settlement.

And whereas, all of the conditions required by law to be performed prior to the opening of said tracts of land to settlement and entry have been, as I hereby declare, duly performed;

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 Sisseton, Wahpeton, and Cut-Head bands of the Sioux tribe of Indians belonging to the Devils Lake Reservation, saving and excepting sections 16 and 36 in each township, and all lands located or selected by the State of North Dakota as indemnity school or educational lands, and saving and excepting the N $\frac{1}{2}$ of the NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 14, and the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 15, T. 152 N., R. 66 W., of the fifth principal meridian, which are hereby reserved for the use of the Raven Hill Presbyterian Church; and saving and excepting the N $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Sec. 14, the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 15, the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 11, and the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 10, T. 151 N., R. 64 W., of the fifth principal meridian, which are hereby reserved for the use of the Wood Lake Presbyterian Church; and saving and excepting the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ and Lot 8 of Sec. 8, the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$, the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and a tract of 4.43 acres in the southwest corner of Lot 1, Sec. 17, T. 152 N., R. 65 W., of the fifth principal meridian, which are hereby reserved for the use of the Mission of Sisters of Charity from Montreal; and saving and excepting the N $\frac{1}{2}$ of the SE $\frac{1}{4}$, the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Lot 5, and a tract of 1.60 acres in Lot 6, Sec. 17, T. 152 N., R. 64 W., of the fifth principal meridian, which are hereby reserved for the use of St. Michiel's Church, Bureau of Catholic Indian Missions; and saving and excepting the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Sec. 15, T. 152 N., R. 66 W., of the fifth principal meridian, which is hereby reserved for the use of St. Jerome's Church, Bureau of Catholic Indian Missions; and saving and excepting the W $\frac{1}{2}$ of Sec. 21, the W $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Sec. 21, the E $\frac{1}{2}$ of Sec. 20, the NW $\frac{1}{4}$ of Sec. 20, and Lots 6, 7, and 8 and the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 16 (excepting 7 acres thereof, which are hereby reserved for the use of the Protestant Episcopal Church), and Lots 6, 7, 8, and 9 of Sec. 17, T. 152 N., R. 65 W., of the fifth principal

Lands ceded on Devils Lake Reservation, N. Dak., open to entry September 6, 1904.

Lands excepted.

meridian, which are hereby reserved for the use of the Fort Totten School; and saving and excepting the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and Lot 1 (excepting 4.43 acres of said Lot 1, reserved for the use of the Mission of Sisters of Charity from Montreal), Sec. 17, and Lot 1 of Sec. 16, T. 152 N., R. 65 W., of the fifth principal meridian, which are hereby reserved for the use of the Fort Totten School, Grey Nuns Department; and saving and excepting the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 8, the E $\frac{1}{4}$ of the NE $\frac{1}{4}$, the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of Sec. 7, T. 151 N., R. 65 W., of the fifth principal meridian, which are hereby reserved for the Fort Totten school and for the Grey Nuns Department for meadow purposes; and saving and excepting those portions of Lot 2 of Sec. 16 and Lots 2 and 3 of Sec. 17, T. 152 N., R. 65 W., fifth principal meridian not embraced in Allotment #585 of Jesse G. Palmer, which are hereby reserved for use for agency purposes; and saving and excepting Lots 4, 5, 6, and 7 of Sec. 10, the NW $\frac{1}{4}$, the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ and Lots 5 and 6 of Sec. 15, Lots 1 and 2 of Sec. 9, the E $\frac{1}{4}$ of the NE $\frac{1}{4}$, the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ and Lots 3, 4, and 5 of Sec. 16, T. 152 N., R. 65 W., of the fifth principal meridian, which are hereby reserved for public use as a park to be known as Sully's Hill Park, will, on the sixth day of September, 1904, at 9 o'clock A. M., in the manner herein prescribed, and not otherwise, be opened to entry and settlement and to disposition under the general provisions of the homestead and townsite laws of the United States.

Commencing at 9 o'clock A. M., Monday, August 8th, 1904, and ending at 6 o'clock P. M., Saturday, August 20th, 1904, a registration will be had at Devils Lake and Grand Forks, State of North Dakota, for the purpose of ascertaining what persons desire to enter, settle upon, and acquire title to any of said lands under the homestead law, and of ascertaining their qualifications so to do. To obtain registration each applicant will be required to show himself duly qualified, by written application to be made only on a blank form provided by the Commissioner of the General Land Office, to make homestead entry of these lands under existing laws, and to give the registering officer such appropriate matters of description and identity as will protect the applicant and the Government against any attempted impersonation. Registration cannot be effected through the use of the mails or the employment of an agent, excepting that honorably discharged soldiers and sailors entitled to the benefits of section 2304 of the Revised Statutes of the United States, as amended by the act of Congress approved March 1, 1901 (31 Stat., 847), may present their applications for registration and due proofs of their qualifications through an agent of their own selection, having a duly executed power of attorney, but no person will be permitted to act as agent for more than one such soldier or sailor. No person will be permitted to register more than once or in any other than his true name.

Each applicant who shows himself duly qualified will be registered and given a nontransferable certificate to that effect, which will entitle him to go upon and examine the lands to be opened hereunder; but the only purpose for which he can go upon and examine said lands is that of enabling him later on, as herein provided, to understandingly select the lands for which he will make entry. No one will be permitted to make settlement upon any of said lands in advance of the opening herein provided for, and during the first sixty days following said opening no one but registered applicants will be permitted to make homestead settlement upon any of said lands, and then only in pursuance of a homestead entry duly allowed by the local land officers, or of a soldier's declaratory statement duly accepted by such officers.

The order in which, during the first sixty days following the opening, the registered applicants will be permitted to make homestead entry of the lands opened hereunder, will be determined by a drawing for

the district publicly held at Devils Lake, North Dakota, commencing at 9 o'clock A. M., Wednesday, August 24th, 1904, and continuing for such period as may be necessary to complete the same. The drawing will be had under the supervision and immediate observance of a committee of three persons whose integrity is such as to make their control of the drawing a guaranty of its fairness. The members of this committee will be appointed by the Secretary of the Interior, who will prescribe suitable compensation for their services. Preparatory to this drawing the registration officers will, at the time of registering each applicant who shows himself duly qualified, make out a card, which must be signed by the applicant, and giving such a description of the applicant as will enable the local land officers to thereafter identify him. This card will be subsequently sealed in a separate envelope which will bear no other distinguishing label or mark than such as may be necessary to show that it is to go into the drawing. These envelopes will be carefully preserved and remain sealed until opened in the course of the drawing herein provided. When the registration is completed, all of these sealed envelopes will be brought together at the place of drawing and turned over to the committee in charge of the drawing, who, in such manner as in their judgment will be attended with entire fairness and equality of opportunity, shall proceed to draw out and open the separate envelopes and to give to each enclosed card a number in the order in which the envelope containing the same was drawn. The result of the drawing will be certified by the committee to the officers of the district and will determine the order in which the applicants may make homestead entry of said lands and settlement thereon.

Notice of the drawings, stating the name of each applicant and number assigned to him by the drawing, will be posted each day at the place of drawing, and each applicant will be notified of his number, and of the day upon which he must make his entry, by a postal card mailed to him at the address given by him at the time of registration. The result of each day's drawing will also be given to the press to be published as a matter of news. Applications for homestead entry of said lands during the first sixty days following the opening can be made only by registered applicants and in the order established by the drawing. At the land office for the district at Devils Lake, North Dakota, commencing Tuesday, September 6, 1904, at 9 o'clock A. M., the applications of those drawing numbers 1 to 50, inclusive, must be presented and will be considered in their numerical order during the first day, and the applications of those drawing numbers 51 to 100, inclusive, must be presented and will be considered in their numerical order during the second day, and so on at that rate until all of said lands subject to entry under the homestead law, and desired thereunder, have been entered. If any applicant fails to appear and present his application for entry when the number assigned to him by the drawing is reached, his right to enter will be passed until after the other applications assigned for that day have been disposed of, when he will be given another opportunity to make entry, failing in which he will be deemed to have abandoned his right to make entry under such drawing.

To obtain the allowance of a homestead entry, each applicant must personally present the certificate of registration theretofore issued to him, together with a regular homestead application and the necessary accompanying proofs, and make the first payment of one dollar and fifty cents per acre for the land embraced in his application, together with the regular land office fees, but an honorably discharged soldier or sailor may file his declaratory statement through his agent, who can represent but one soldier or sailor as in the matter of registration. The production of the certificate of registration will be dispensed with only upon satisfactory proof of its loss or destruction. If at the time

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of considering his regular application for entry it appear that an applicant is disqualified from making homestead entry of these lands, his application will be rejected, notwithstanding his prior registration. If any applicant shall register more than once hereunder, or in any other than his true name, or shall transfer his registration certificate, he will thereby lose all the benefits of the registration and drawing herein provided for, and will be precluded from entering or settling upon any of said lands during the first sixty days following said opening.

Any person, or persons desiring to found, or to suggest establishing, a townsite upon any of said ceded lands, at any point, may, at any time before the opening herein provided for, file in the land office a written application to that effect, describing by legal subdivisions the lands intended to be affected, and stating fully and under oath the necessity or propriety of founding or establishing a town at that place. The local officers will forthwith transmit said petition to the Commissioner of the General Land Office with their recommendation in the premises. Such Commissioner, if he believes the public interests will be subserved thereby, will, if the Secretary of the Interior approve thereof, issue an order withdrawing the lands described in such petition, or any portion thereof, from homestead entry and settlement and directing that the same be held for the time being for townsite settlement, entry, and disposition only. In such event the lands so withheld from homestead entry and settlement will, at the time of said opening, and not before, become subject to settlement, entry, and disposition under the general townsite laws of the United States. None of said ceded lands will be subject to settlement, entry, or disposition under such general townsite laws except in the manner herein prescribed until after the expiration of sixty days from the time of said opening.

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All persons are especially admonished that under the said act of Congress approved April 27, 1904, it is provided that no person shall be permitted to settle upon, occupy, or enter any of said ceded lands except in the manner prescribed in this proclamation until after the expiration of sixty days from the time when the same are opened to settlement and entry. After the expiration of the said period of sixty days, but not before, any of said lands remaining undisposed of may be settled upon, occupied, and entered under the general provisions of the homestead and townsite laws of the United States in like manner as if the manner of effecting such settlement, occupancy, and entry had not been prescribed herein in obedience to law, subject, however, to the payment of four dollars and fifty cents per acre for the land entered, in the manner and at the times required by the said act of Congress above mentioned.

The Secretary of the Interior shall prescribe all needful rules and regulations necessary to carry into full effect the opening herein provided for.

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 this 2nd day of June, in the year of our Lord 1904, and of the Independence of the United States the one hundred and twenty-eighth.

THEODORE ROOSEVELT

By the President:

JOHN HAY

Secretary of State.