

pany. Hobson borrowed \$25,000 in cash from Prevost about the time these transactions occurred and gave a note for the amount. Afterward he was unable to pay it; but he wrote Prevost time after time that if they could ever collect this claim the \$25,000 should be paid out of it. Then he made a will and added a codicil, as I recall, saying that he wanted the amount paid. Then he gave a power of attorney to the son of the original Prevost, one of those who was interested in the matter, authorizing him to collect or to pay over this \$25,000. Of course, at that time the interest amounted to one-hundred-and-some-odd thousand dollars. Then he wrote a letter, along with the power of attorney, in which he set up the fact that he had always intended to pay the \$25,000 out of the proceeds of this claim.

When the money was distributed in the office of the Secretary of State they declined to pay this amount, aggregating over \$100,000 to the Prevost estate, but insisted upon paying it, and did pay it, to the original heirs of Hobson; and that was done after they had all this information as to the assignments, the letters, the power of attorney, and everything.

Certain reasons are urged as to why that was done, but, at all events, it was done; and this poor old lady, now in Washington, who had more to do than anyone else with securing the money from the South American countries, and securing the award at the hands of King George, and who is largely interested in the bill because of this state of affairs, is left without a thing in the world in her old age because the Secretary of State made a mistake, or else, for some other reason, paid the money to the wrong people.

Mr. McKELLAR. Mr. President, has all the \$800,000 been paid out?

Mr. LOGAN. Yes; everything was distributed. The Committee on Claims recommended the payment of \$25,000. Of course, it had been drawing interest up to 1912, and would amount to more than that, but we thought that perhaps we could get the bill through if we made the amount small enough.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Claims with amendments, on page 1, line 5, after the word "of", to strike out "\$100,000" and to insert in lieu thereof "\$25,000", and to add a proviso at the end of the bill, so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Teresa de Prevost the sum of \$25,000, in full satisfaction of her claim against the United States for losses sustained by reason of alleged irregularities in the distribution through the State Department to claimants under the so-called "Alsop award of July 4, 1911", made by the King of Great Britain as arbitrator: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### AIRPORTS IN MINING DISTRICTS

The Senate proceeded to consider the bill (S. 2836) to amend the Mining Act of May 10, 1872, as amended.

Mr. McKELLAR. Mr. President, the Department having recommended against this bill, I am wondering whether we may not have an explanation. If not, I shall ask that the bill go over.

Mr. BORAH. Mr. President, to state the object of the bill in a sentence, it is to enlarge what is known as the

"mill-site provision" of the mining act so as to permit the taking of a sufficient amount of land to provide for airports and places for the landing of airplanes.

The mill site law provided for 5 acres at \$5 an acre. This bill provides for 20 acres upon the same terms. It is to be unreserved, nonmineral land. The purpose is simply to enable landing fields and airports to be provided in connection with the mining business.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Mines and Mining with an amendment, on page 1, line 5, before the word "land", to insert the word "unreserved", so as to make the bill read:

*Be it enacted, etc.*, That section 2357 of the Revised Statutes of the United States be amended to read as follows:

"Sec. 2357. Where unreserved land in the United States or Alaska situated in the vicinity of mining districts is not contiguous to a vein or lode and contains practically no known mineral value, and where the surface of such land is more valuable for the use and purpose of ore-reduction works or any other equipment necessary or convenient for economical working and treatment of ores, including landing fields and airports, such lands may be located under this act by designating the use and purpose thereof as 'mill-site claims': *Provided*, That no location shall exceed more than 20 acres to the claim, and where such locations are upon surveyed lands, and conform to the legal subdivision, no further survey or plat shall be required. When it is apparent that such nonadjacent land located is suitable for the installation of such equipment necessary or convenient for the development and operation of mines, the reduction of ore, and treatment thereof including landing fields and airports, the owner or owners, their heirs, assigns, or legal representatives, shall within 1 year from date of location pay to the United States of America \$1 per acre or fraction thereof, said payment to apply upon the purchase price of said land in compliance with these provisions. The locators or claimants thereof shall have exclusive right of possession and enjoyment of all the benefits thereof, and thereafter shall annually pay \$1 per acre or fraction thereof, for a period of 4 years. Said payment of \$1 per acre must be paid at the land office in which the claims are located and the same must be paid at such land office on or before the 30th day of June each year. It shall be the duty of the register and receiver of such local land office in whose district such claims are located to receive and register all payments made by the claimants and to receipt therefor to them. That the payment or payments of said \$1 per acre shall apply on the purchase price of said lands in any patent proceedings instituted in compliance with the provisions of this act: *Provided*, That the claimant or holder thereof shall on or before 5 years from date of location make application for a patent by proceeding as provided for in section 2325, and upon failure to comply with the provisions of this act the rights of the holder thereof shall be deemed forfeited, and such land thereafter shall be open to location in the same manner as if no location of the same had ever been made. That the purchase price of said mill sites shall be \$5 per acre or fraction thereof."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### NAVAJO INDIAN RESERVATION, N.MEX.

The Senate proceeded to consider the bill (S. 2531) to define the exterior boundaries of the Navajo Indian Reservation in New Mexico, and for other purposes, which had been reported from the Committee on Indian Affairs with amendments.

The first amendment was, on page 7, line 4, after the word "Indians", to insert "except sections 3 to 10, both inclusive, township 11 north, range 19 west; south half of township 11 north, range 20 west, south half of fractional township 11 north, range 21 west, New Mexico principal meridian, which lands are hereby added to the Zuni Reservation: *Provided*, That this section, in order to exclude the town of Ramah, shall not apply to sections 1, 2, 3, 4, 9, 10, and 16, township 10 north, range 16 west, New Mexico principal meridian", so as to make the section read:

*Be it enacted, etc.*, That the exterior boundaries of the Navajo Indian Reservation in New Mexico be, and they are hereby, defined as follows:

Beginning at a point common to the States of New Mexico, Arizona, Colorado, and Utah, thence south along the Arizona-New Mexico State boundary line, to its intersection with the township line between townships 10 and 11 north, New Mexico principal meridian, New Mexico; thence east to the southeast corner of section 23, township 11 north, range 20 west; thence north 1 mile; thence east 1 mile; thence north 1 mile; thence east 2 miles;

thence north 2 miles; thence east 4 miles; thence north 2 miles; thence west 4 miles to the corner of townships 11 and 12 north, ranges 19 and 20 west; thence north to the corner of townships 13 and 14 north, ranges 19 and 20 west; thence east 8 miles; thence south 12 miles; thence east 6 miles; thence north 6 miles; thence east 6 miles; thence north to the south boundary of the Fort Wingate Military Reservation; thence west to the southwest corner of the Fort Wingate Military Reservation; thence north along the west boundary of the said military reservation to the township line between townships 13 and 14 north; thence east to the intersection of the township line between townships 13 and 14 north with the east boundary of the said military reservation; thence north 9 miles along said boundary line; thence east to the range line between ranges 14 and 15 west; thence south to the north right-of-way of the Atchison, Topeka & Santa Fe Railroad; thence east following said north right-of-way line to its intersection with the township line between townships 13 and 14 north; thence east along that township line to the northeast corner of section 4, township 13 north, range 11 west; thence south 2 miles; thence east 1 mile; thence south 1 mile; thence east 1 mile; thence south 1 mile; thence east 1 mile; thence south 2 miles; thence east 3 miles; thence north 24 miles along a line bisecting townships 13, 14, 15, and 16 north, range 10 west; thence west to the southeast corner of township 17 north, range 11 west; thence north 6 miles; thence west 6 miles; thence north along the range line between ranges 11 and 12 west, to the southeast corner of township 22 north, range 12 west; thence east 18 miles; thence south 8 miles; thence east 6 miles; thence north 9 miles; thence west 24 miles; thence north 2 miles; thence west 9 miles; thence north 2 miles; thence west 3 miles; thence north along the east boundary of Navajo Indian Reservation to the San Juan River; thence following the south bank of said river to where it crosses the east line of the Navajo Reservation as established by the treaty of June 1, 1868; thence north to township line between townships 29 and 30 north; thence east to the southeast corner of township 30 north, range 16 west; thence north 6 miles; thence west to the east boundary of the treaty reservation; thence north along said treaty east boundary line to its intersection with the New Mexico-Colorado State line; thence west along the New Mexico-Colorado State line to the point of beginning; also the following:

Beginning at the northwest corner of section 24, township 21 north, range 8 west, New Mexico principal meridian; thence west 3 miles; thence south 9 miles; thence west 6 miles; thence south 6 miles; thence west 1 mile; thence south 6 miles; thence east to the southwest corner of township 18 north, range 6 west; thence south to the southwest corner of township 17 north, range 6 west; thence east to the southeast corner of township 17 north, range 4 west; thence north 6 miles; thence east 1 mile; thence north to the northeast corner of section 6, township 19 north, range 8 west; thence west 7 miles to the southeast corner of township 20 north, range 5 west; thence north 6 miles; thence west 6 miles; thence south 6 miles; thence west 6 miles; thence north 6 miles; thence west 6 miles; thence north 3 miles to point of beginning; and beginning at northwest corner of section 4, township 10 north, range 16 west; thence east 10 miles to northeast corner of township 10 north, range 15 west; thence south 9 miles to the northwest corner of section 19, township 9 north, range 14 west; thence east 2 miles; thence south 1 mile; thence east 1 mile; thence south 1 mile; thence east 1 mile; thence south 1 mile to township line between townships 8 and 9 north; thence east 2 miles to the northeast corner of township 8 north, range 14 west; thence south 18 miles to the southeast corner of township 6 north, range 14 west; thence west 6 miles to the southwest corner of said township; thence north 3 miles; thence west 6 miles; thence north 3 miles to the northeast corner of township 6 north, range 16 west; thence west 6 miles to southwest corner of township 7 north, range 16 west; thence north 9 miles; thence east 1 mile; thence north 1 mile; thence east 1 mile; thence north 1 mile; thence east 1 mile; thence north 3 miles; thence west 1 mile; thence north 10 miles, along boundary of the Zuni Indian Reservation to point of beginning; also beginning at the southwest corner of section 30, township 2 north, range 6 west; thence east 8 miles to the southeast corner of section 29, township 2 north, range 5 west; thence north 4 miles; thence west 1 mile; thence north 1 mile; thence west 1 mile to the corner of townships 2 and 3 north, ranges 5 and 6 west; thence north 4 miles; thence west 6 miles; thence north 1 mile; thence west 1 mile; thence north 1 mile; thence west 3 miles; thence south 7 miles; thence east 2 miles; thence south 2 miles; thence east 1 mile; thence south 1 mile; thence east 1 mile; thence south 1 mile to place of beginning; also beginning at the southwest corner of section 6, township 9 north, range 3 west; thence east 12 miles to the southeast corner of section 1, township 9 north, range 2 west; thence north 7 miles to the northeast corner of township 10 north, range 2 west; thence west 8 miles to the southwest corner of section 35, township 11 north, range 3 west; thence north approximately 6 miles to the intersection of the south boundary of the Canada de los Alamos Grant; thence west to the southwest corner of the said Canada de los Alamos Grant; thence north along the west boundary of said Canada de los Alamos Grant to its intersection with the township line between townships 11 and 12 north; thence west 4½ miles along the line between townships 11 and 12 north to its intersection with the east boundary of the Cebolleta Grant; thence south to the southeast corner of said grant; thence east along the north boundary of the Paguate Purchase to the northeast corner thereof; thence south along the east boundary of said purchase to the southeast corner thereof; thence west along the south boundary of the Paguate Purchase to

the intersection with the range line between ranges 3 and 4 west; thence south along said range line to the southwest corner of section 6, township 9 north, range 3 west, the place of beginning; *Provided*, That all vacant, unreserved, and unappropriated public lands within the boundaries above defined, except township 15 and the south half of township 16 north, range 18 west, and township 15 and the south half of township 16 north, range 19 west, New Mexico principal meridian, New Mexico, are hereby permanently withdrawn from all forms of entry or disposal, for the benefit of the Navajo Tribe of Indians, except sections 3 to 10, both inclusive, township 11 north, range 19 west; south half of township 11 north, range 20 west; south half of fractional township 11 north, range 21 west, New Mexico principal meridian, which lands are hereby added to the Zuni Reservation; *Provided*, That this section, in order to exclude the town of Ramah, shall not apply to sections 1, 2, 3, 4, 9, 10, and 16, township 10 north, range 16 west, New Mexico principal meridian. All lands in townships 14 and 15 north, ranges 12, 13, and 14 west, of the New Mexico principal meridian, situated within the boundaries defined above and embraced in the Cibola National Forest are hereby eliminated from the said forest, and permanently withdrawn for the benefit of the Indians of the Navajo Tribe. All valid rights and claims initiated prior to approval hereof under the public-land laws involving any lands within the said boundaries shall not be affected by this act.

The amendment was agreed to.

The next amendment was, in section 4 on page 9, line 16, after the numerals, "\$482,136.22" to insert the words "reimbursable from the Navajo tribal funds", so as to make the section read:

Sec. 4. For the purpose of purchasing privately owned lands, together with the improvements thereon, within the boundaries above defined, and also within the area in San Juan County, Utah, added to the Navajo Indian Reservation by the act of March 1, 1933 (47 Stat. 1418), there is hereby authorized to be appropriated, from any funds in the Treasury not otherwise appropriated, the sum of \$482,136.22, reimbursable from Navajo tribal funds, which sum shall remain available until expended; *Provided*, That title to the land so purchased may, in the discretion of the Secretary of the Interior, be taken for the surface only; *Provided further*, That said funds may be used in purchasing improvements on leased State school land within the boundaries above defined, provided the State of New Mexico agrees to the assignment of said leases to the Navajo Tribe of Indians on a renewable and preferential basis, and provided the legislature of said State enacts such laws as may be necessary to avail itself of the exchange provisions contained in section 2 of this act, and disclaim any right, title, or interest in and to any improvements on said lands.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS A. COYNE

The bill (S. 3190) for the relief of Thomas A. Coyne was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Thomas A. Coyne, who was a member of Company C, Forty-fifth Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on January 4, 1918; *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

TURTLE MOUNTAIN BAND OR BANDS OF CHIPPEWA INDIANS

The bill (S. 3626) referring the claims of the Turtle Mountain Band or Bands of Chippewa Indians of North Dakota to the Court of Claims for adjudication and settlement was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That jurisdiction be, and is hereby, conferred upon the Court of Claims, with right of appeal to the Supreme Court of the United States by either party, notwithstanding the lapse of time or statutes of limitation, to hear, adjudicate, and render judgment, according to right and justice, on any and all claims not heretofore determined and adjudicated on their merits by the Court of Claims or the Supreme Court of the United States, arising under any treaty, act of Congress, agreement, Executive order, or treaty with any other tribes or nations of Indians, or relating to, affecting, or violating the land occupancy or other rights of the Turtle Mountain Band or Bands of Chippewa Indians of North Dakota, including the band of Chief or Thomas Little Shell, and other isolated bands of Chippewas of North Dakota and Montana. The said courts shall consider all such claims de novo, upon a legal and equitable basis, and without regard to any settlement heretofore had in respect to any such claims.

Sec. 2. Any and all claims against the United States within the purview of this act shall be forever barred unless suit or suits be

Cong. Record, 73d Cong., 2d sess.,  
June 6, 1934, 78, pt. 10: 10578-79.