

INDIAN OFFICE.

FILES.

CARLISLE SCHOOL, 1-2-08 1-3 425

Forwards copies of letters from James W. Eckels, chairman of the committee on sewerage of the Borough of Carlisle, in relation to right-of-way for a proposed new outflow sewer across both the Indian School grounds and also the Indian School farm adjoining the grounds, etc.

Sy

E.

9232-1908

17596 "
18432 "
19011 "
25026 "
27698 "
30887 "
31685 "
36912 "
37937 "
38703 "
43751 "
45651 "

13035-1908

425-08-425

DEPARTMENT OF THE INTERIOR
UNITED STATES INDIAN SERVICE
INDIAN INDUSTRIAL SCHOOL
CARLISLE, PA.

425
FILE

Jan. 2, 1908.

Subject:

Forwards correspondence
about proposed sewer through
school property.

5 inclosures.

Carlisle



The Honorable,

The Commissioner of Indian Affairs,
Washington, D. C.

Sir:

There are forwarded herewith copies of letters received from James W. Eckels, chairman of the committee on sewerage of the Borough of Carlisle, in relation to right of way for a proposed new outflow sewer across both the Indian school grounds and also the Indian school farm adjoining the grounds. The accompanying map shows, in a general way, the course of the proposed sewer and the boundaries of the school property. It will be noted from the map that two routes for the sewer have been surveyed, one of which does not cross the Indian school property at any point.

The matter is submitted to your office for consideration and such action as may be deemed appropriate in the premises.

Very respectfully,

W. A. Mercer
Major 11th Cavalry,

Superintendent.

JRW-S



SCETCH
 Showing
 LOCATION OF OUTFALL SEWER
 TO DISPOSAL PLANT
 for
 THE BOROUGH OF CARLISLE
 also
 The Approximate Sub-divisions of
 Property and the
 LOCATION OF BUILDINGS NEAR THE
 DISPOSAL PLANT
 Prepared by T. Chalkey Nelson C.E.
 1907

Scale 500 ft to 1 inch.
 ————— Indicates New Location of Outfall Sewer.
 - - - - - Indicates First Location of
 - - - - - Indicates Fences and Property Lines.



FILE

Inclosures.
DEPARTMENT OF THE INTERIOR,

Education
43751-1908
E.A.F.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. July 6, 1908.

SUBJECT:
Proposed outfall sewer
for Borough of Carlisle.

The Secretary of the Interior.

Sir:

Under date of March 10, 1908, the War Department granted a license to the Borough of Carlisle, Pennsylvania, to construct, operate, and maintain an outfall sewer through the reservation of Carlisle Barracks, Pennsylvania, subject to the provisions and conditions set forth therein; and on April 17, 1908, the Interior Department granted a license to the Borough for the right of way of said sewer through School Farm, No. 1, commonly known as the Parker Farm, of the Carlisle Indian School.

The Borough authorities took exception to the clauses "revocable at will by the Secretary of War" and "revocable at will by the Secretary of the Interior" in the licenses, and were informed that it was the opinion of the Judge-Advocate General of the Army, to whom the matter was referred, that the licenses would be revocable at will, even if the provisions to that effect were omitted--"it being well established that, in the absence of authority from Congress neither the Secretary of War nor any other officer of the Government has authority to dispose of public property or of any interest therein."

445/108

2
Secretary

On May 29, 1908, an act of Congress was approved, Section 11 of which reads as follows (Public, No. 156):

That the Borough of Carlisle, in the State of Pennsylvania, shall be, and is hereby, granted the right and privileges of laying through and under the land owned by the United States and now used for the purpose of, or in connection with, the United States Indian Industrial School, such pipe or pipes as may be necessary for use in connection with, or as a part of, its sewage system, said pipe or pipes to be laid beneath the surface of the ground, except as to the necessary manholes, and so laid as not to interfere with the use or mar the appearance of the premises: PROVIDED, That no pipe or pipes shall be laid in pursuance of authority hereby conferred until the plan showing the location thereof shall have been submitted to and approved by the Secretary of the Interior: AND PROVIDED FURTHER, That upon the request of the Secretary of the Interior, and his agreement to pay a fair proportion of the expense, the sewage system, disposal plant, and pipes constructed, or to be constructed, by the Borough of Carlisle, shall be of sufficient size to take care of the sewage of the United States Indian Industrial School, which shall be permitted to establish a connection with the said sewage system and use the same.

It will be observed that the act provides for the approval of the plans by the Secretary of the Interior. I therefore respectfully recommend that the inclosed map, in duplicate, showing the location of the pipes, etc., be approved, and returned as early as convenient. A form for your signature has been prepared thereon.

Very respectfully,



Acting Commissioner.

FILE

[Handwritten initials]

REFER IN REPLY TO THE FOLLOWING:

Inclosure
DEPARTMENT OF THE INTERIOR,

Education
43751-1908
E.A.F.
45651-1908

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. July 8, 1908.

SUBJECT:

Map showing the location
of pipes, etc., of proposed
outfall sewer for Borough
of Carlisle.

Mr. James W. Eckels,
President Borough Corporation,
Carlisle, Pa.

Sir:

In accordance with your request of June 26, I am sending you under separate cover, for the files of your office, one copy of the map showing the location of the pipes, etc., of the proposed outfall sewer for the Borough of Carlisle. Under date of July 7, the map received the approval of the Acting Secretary.

Very respectfully,

[Handwritten signature]
Acting Commissioner.

Inclosures.
DEPARTMENT OF THE INTERIOR,

Education
43751-1908
E.A.F.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. July 6, 1908.

SUBJECT:

Proposed outfall sewer
for Borough of Carlisle.



The Secretary of the Interior.

Sir:

Under date of March 10, 1908, the War Department granted a license to the Borough of Carlisle, Pennsylvania, to construct, operate, and maintain an outfall sewer through the reservation of Carlisle Barracks, Pennsylvania, subject to the provisions and conditions set forth therein; and on April 17, 1908, the Interior Department granted a license to the Borough for the right of way of said sewer through School Farm, No. 1, commonly known as the Parker Farm, of the Carlisle Indian School.

The Borough authorities took exception to the clauses "revocable at will by the Secretary of War" and "revocable at will by the Secretary of the Interior" in the licenses, and were informed that it was the opinion of the Judge-Advocate General of the Army, to whom the matter was referred, that the licenses would be revocable at will, even if the provisions to that effect were omitted--"it being well established that, in the absence of authority from Congress neither the Secretary of War nor any other officer of the Government has authority to dispose of public property or of any interest therein."

43751/08

FILE 1

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Secretary

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That the Borough of Carlisle, in the State of Pennsylvania, shall be, and is hereby, granted the right and privileges of laying through and under the land owned by the United States and now used for the purpose of, or in connection with, the United States Indian Industrial School, such pipe or pipes as may be necessary for use in connection with, or as a part of, its sewage system, said pipe or pipes to be laid beneath the surface of the ground, except as to the necessary manholes, and so laid as not to interfere with the use or mar the appearance of the premises: PROVIDED, That no pipe or pipes shall be laid in pursuance of authority hereby conferred until the plan showing the location thereof shall have been submitted to and approved by the Secretary of the Interior: AND PROVIDED FURTHER, That upon the request of the Secretary of the Interior, and his agreement to pay a fair proportion of the expense, the sewage system, disposal plant, and pipes constructed, or to be constructed, by the Borough of Carlisle, shall be of sufficient size to take care of the sewage of the United States Indian Industrial School, which shall be permitted to establish a connection with the said sewage system and use the same.

It will be observed that the act provides for the approval of the plans by the Secretary of the Interior. I therefore respectfully recommend that the inclosed map, in duplicate, showing the location of the pipes, etc., be approved, and returned as early as convenient. A form for your signature has been prepared thereon.

Very respectfully,

C. H. Farnbee
Acting Commissioner.

Approved July 7, 1908.
Frank D. [unclear]
Acting Secretary

Blue Print filed
in Construction Division.

...Borough Corporation...

Office of The Secretary

MSD

Carlisle, Penna., July 6, 1908.



Department of the Interior,
Washington, D.C.



425708

Gentlemen:

Some days ago I mailed to your Department two Blue Prints relative to proposed Outfall Sewer through U. S. Government lands at Carlisle, for the purpose of receiving the approval of your Department on the one print. In as much as this will complete our records which we desire to place in safe keeping, I will be under obligations for a prompt return.

Very truly yours,

James M. Exels

Dic. by J.W.E.

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MSD

...Borough Corporation...
Office of The Secretary



Carlisle, Penna., June 26, 1908.

Dept. of the Interior,
Office of Indian Affairs,
Washington, D.C.

Gentlemen:

Complying with your communication of the 13th inst I
send you two copies of the Map showing location of Outfall Sewer
etc.: one for the files of your office and the other to be returned
to me after receiving the signature of the Secretary of the Interior.
Will you kindly give this matter your prompt attention?

Very truly yours,

James W. Ennis
Pres. of Council

Dic. by J.W.E.

425708

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DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,

Indian Industrial School,

Subject: Carlisle, Pa., June 8, 1908.

Licenses for
pipes to be placed
on Government property.

The Commissioner
of Indian Affairs,
Washington, D.C.

Sir:-

I am in receipt of a document entitled "An Act to authorize the Secretary of the Interior to issue patents in fee to purchasers of Indian lands under any law now existing or hereafter enacted, and for other purposes". This document was sent me by the officials of the borough of Carlisle. Section 1610 of the Act reads:-

"That the borough of Carlisle, in the State of Pennsylvania, shall be, and is hereby, granted the right and privileges of laying through and under the land owned by the United States and now used for the purpose of, or in connection with, the United States Indian Industrial School, such pipe or pipes as may be necessary for use in connection with, or as part of, its sewage system, said pipe or pipes to be laid beneath the surface of the ground, except as to the necessary manholes, and so laid as not to interfere with the use or mar the appearance of the premises: Provided, That no pipe or pipes shall be laid in pursuance of authority hereby conferred until the plan showing the location thereof shall have been submitted to and approved by the Secretary of the Interior; And provided further, That upon the request of the Secretary of the Interior, and his agreement to pay a fair proportion of the expense, the sewage system, disposal plant,



445708
Carlisle HVS

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C.R.

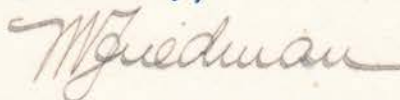
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-2- Commissioner of Indian Affairs,

and pipes constructed, or to be constructed, by the borough of Carlisle, shall be of sufficient size to take care of the sewage of the United States Indian Industrial School, which shall be permitted to establish a connection with the said sewage system and use the same".

This is in relation to the correspondence which has been had between the borough of Carlisle and your Office concerning the granting of a license to run pipes through the Indian school grounds. The license was granted by the Secretary of the Interior and the Secretary of War, but in both licenses a clause was included revocable at will to which the borough objected.

Very respectfully,

A handwritten signature in cursive script, appearing to read "M. Friedman", written in dark ink.

Superintendent.

MF/EFW

REFER IN REPLY TO THE FOLLOWING:

DEPARTMENT OF THE INTERIOR,

Education
37937-1908

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

June 13, 1908.

SUBJECT:

Plan showing location
of an outfall sewer for
the Borough of Carlisle.

425/08
Carlisle 425

Mr. James W. Eckels,
President Borough Corporation,
Carlisle, Pa.

Sir:

Your letter of June 6 has been received, with reference to a map prepared by H. Chalkley Hatton, Consulting Engineer of the Borough of Carlisle, for the proposed installation of a sewage disposal plant for said Borough, and bearing the legend: "Map showing location of outfall sewer, approximate subdivisions of properties, location of disposal plans, buildings, etc., and buildings and sewers of Indian School, Carlisle, Pa. Scale 1 in. 200 ft. Jan. 1908. T. Chalkley Hatton, Cons. Engr., Wilmington, Del."

The records here show that the map was sent to the War Department at the time the license was requested for the right of way, and that it has not been returned. Will you kindly furnish the Office with two copies of it: one for the files here, and the other to be returned to you after receiving the

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signature of the Secretary of the Interior?

Very respectfully,

J M Conner
Chief Clerk.

(F)

...Borough Corporation...

Office of PRESIDENT.



MSD

Carlisle, Penna., June 6th, 1908.

Department Of The Interior,
Washington, D.C.

Gentlemen:

Your letter of the 5th inst has been received and noted. I find that you refer to the plan of sewer over Indian School grounds as being filed in my office. I think you will find that this plan has been filed with ^{your} the department at Washington. Kinfly advise me whether I am not correct as to this.

Very truly yours,

James McEnelly

Dic. by J.W.E.

425708
Carlisle 425

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APPROVED IN REPLY TO THE FOLLOWING:

Education
36912/1908.

DEPARTMENT OF THE INTERIOR,

Education
Subject: 36912/1908.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

June 8, 1908.

Request return
of plans of proposed
sewer through Carlisle
school grounds for
approval.

Mr. James W. Bekela,
President Borough Corporation,
Carlisle, Pa.

Sir:

Referring to your letter of 1st inst., relative to the confirmation of previous actions in the matter of right-of-way for the Borough of Carlisle sewer over Indian school lands and stating that plan of same has already been filed in your Office, you are advised that before taking action on your request you would oblige this Office by returning said plan, together with an additional copy, to the end that they may receive the signature of the Secretary of the Interior, when a copy will be returned to you with the confirmation requested.

Very respectfully,

G. F. (G)

Acting Commissioner.

475/108
Carlisle
475-

Borough Corporation...

Office of.....PRESIDENT.....

MSD

Carlisle, Penna., June 1st, 1908.

Secretary of Interior,
Washington, D.C.



Dear Sir:

Congress has recently passed an Act in which is incorporated the right for the Borough of Carlisle to lay an Outfall Sewer through lands owned by the United States and used for and in connection with the Indian Industrial School at Carlisle. It is provided that no pipe shall be laid until the plans showing the location thereof shall have been submitted to, approved by the Secretary of the Interior. Such plan has already been filed and as you will recall a license issued by your department and the War Department, and I would infer that ^{no} further plan will be unnecessary. Will you kindly write me confirming the plan as submitted so that ^{our} records may be completed?

Very respectfully yours,

Dic. by J.W.E.

James W. Cereb,
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*See H.R. 21735.
may 23rd.*

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FILE

DEPARTMENT OF THE INTERIOR,

Education
27698-1908
31685-1908
E.A.F.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. May 12, 1908.

SUBJECT:

Licenses for an outfall
sewer through Carlisle
Indian School grounds.

425/08
Carlisle 425

Supt. Indian School,
Carlisle, Pa.

Sir:

Referring to your letter with regard to the licenses granted to the Borough of Carlisle, Pennsylvania, to lay an outfall sewer across the Carlisle Indian School grounds, and inclosing a communication from the President of the Borough, in which he takes exception to the clauses "revocable at will by the Secretary of War" and "revocable at will by the Secretary of the Interior", explaining that the Borough would not feel justified in entering into a contract to spend \$60,000 for a disposal plant and an outfall sewer upon a license or franchise which can be revoked and destroyed at any time, the Office has to report that the Acting Secretary of War has submitted the following answer in the case:

"..... I beg to inform you that the Judge-Advocate General of the Army, to whom the matter was referred, expresses the following views:

'The provision in question was inserted in the license because of the want of authority of the Secretary of War to grant any easement

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Carlisle.

or servitude in the premises for the purpose in view--it being well established that, in the absence of authority from Congress neither the Secretary of War nor any other officer of the Government has authority to dispose of public property or of any interest therein. The most he can do is to grant a mere license for its use, which gives no interest in the premises. The license, would, therefore, be revocable at will, even if the provision to that effect were omitted."

If a perpetual easement or servitude be required before the sewer can be constructed, it will be necessary to obtain authority for granting the same from Congress.

It might be added, without formally committing the Department, that the possibility of revocation of the license is very remote."

It seems, therefore, according to the opinion of the Judge-Advocate General of the Army, that the licenses would be revocable at will, even if the provisions to that effect were omitted.

Please inform the Borough authorities of this decision.

Very respectfully,

(Signed) E. F. Carrabee,

Acting Commissioner.

FILE

OFFICE OF INDIAN AFFAIRS
RECEIVED
MAY 11 1908
File 445
31685

WAR DEPARTMENT,

15404.

WASHINGTON.



May 8, 1908.



Sir:

I have the honor to acknowledge the receipt of your letter of 1st instant, in which you refer to revocable license granted to the Borough of Carlisle, Pa., to lay an outfall sewer across the Carlisle Indian School Grounds, and inclose a communication from the President of the Borough, in which he takes exception to the clause "revocable at will by the Secretary of War," explaining that the Borough would not feel justified in entering into a contract to spend \$60,000 for a disposal plant and an outfall sewer upon a license or franchise which can be revoked and destroyed at any time.

Replying thereto I beg to inform you that the Judge-Advocate General of the Army, to whom the matter was referred, expresses the following views:

"The provision in question was inserted in the license because of the want of authority of the Secretary of War to grant any easement or servitude in the premises for the purpose in view - it being well established that, in the absence of authority from Congress neither the Secretary of War nor any other officer of the Government has authority to dispose of public property or of any interest therein. The most he can do is to grant a mere license for its use, which gives no interest in the premises. The license would, therefore, be revocable at will, even if the provision to that effect were omitted."

If a perpetual easement or servitude be required before the sewer can be constructed, it will be necessary to obtain

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445/108
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445

authority for granting the same from Congress.

It might be added, without formally committing the Department, that the possibility of revocation of the license is very remote.

Very respectfully,

Robert Shaw Olson

Acting Secretary of War.

The Honorable
The Secretary of the Interior.

FILE
DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,



Subject: Indian Industrial School,
Construction of outfall sewer and
disposal plant by Carlisle Borough.
Carlisle, Pa., May 7, 1908.

The Commissioner
of Indian Affairs,
Washington, D.C.

Sir:-

In reference to the construction of an outfall sewer and disposal plant by the Borough Corporation of Carlisle, and their request for action on the part of your Office on a clause in the recent contract which they take exception to, I herewith transmit a communication just received from the Borough.

I respectfully request that favorable consideration be given the matter of prompt action desired by the Borough on the matter above referred to because of the regular meeting of the Council soon to be convened.

Very respectfully,

W. J. Medman
Superintendent.

MF/EFW

Enc.

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...Borough Corporation...

Office of



Carlisle, Penna., May 6th, 1908. 190

Mr. Marcus Friedman,
Supt. Indian Industrial School,
Carlisle, Pa.

Dear Sir:-

Inasmuch as the regular meeting of Council will convene 14th inst. at which time an ordinance will be passed directing the construction of an outfall sewer and disposal plant I should like you to request the Departments granting permits over the land of the U.S. Government to kindly give a favorable and prompt action upon the matter referred to in my letter of April 21st.

Thanking you for your prompt attention in this matter,
I beg to remain,

Very truly yours,

James W. Cox
P.

475/08
Carlisle
475

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Education
27698-1908
E.A.F.

WASHINGTON. May 8, 1908.

SUBJECT:

License for an outfall
sewer across Carlisle Indian
School grounds.

445/08
Carlisle
445-

Supt. Indian School,
Carlisle, Pa.

Sir:

Your letter inclosing one from the President of the Borough Corporation of Carlisle, in which he takes exception to certain clauses in the licenses recently granted the Borough to construct, operate, and maintain an outfall sewer through the Carlisle Indian School grounds, was duly received. The matter has been referred to the War Department for a decision, on receipt of which you will be written again.

Very respectfully,

(Signed) C. F. Larrabee,

Acting Commissioner.

Inclosures.

DEPARTMENT OF THE INTERIOR,
WASHINGTON. May 1, 1908.

Education
27698-1908
E.A.P.

SUBJECT:

License for an outfall
sewer across the reservation
of Carlisle Barracks, Penn.

The Secretary of War.

Sir:

Under date of March 10, 1908, the War Department granted to the Borough of Carlisle, Pennsylvania, a license, revocable at will by the Secretary of War, to construct, operate, and maintain an outfall sewer through the reservation of Carlisle Barracks, Pennsylvania, now occupied by the Carlisle Indian School, under the provisions and conditions set forth therein.

There is herewith inclosed for your consideration a letter from the Superintendent of the Carlisle School, accompanied by one from the President of the Borough Corporation, in which he takes exception to the clause "revocable at will by the Secretary of War".

Please return the letters with your answer.

Very respectfully,

(Signed) Jesse E. Wilson,
Assistant Secretary.

445/08
Carlisle
445

AUTHORITY



Inclosure.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

April 17, 1908.

Education
25026-1908
J.H.D.

SUBJECT:

Request of Borough of Carlisle
for right of way for an outfall
sewer across the Carlisle Indian
school grounds.

The Commissioner of Indian Affairs.

Sir:

In accordance with your recommendation of April 16, I
inclose herewith a license granting the Borough of Carlisle,
Pennsylvania, permission to construct, operate, and maintain
an outfall sewer through School Farm, No. 1, commonly known as
the Parker Farm, of the Carlisle Indian School, Pennsylvania,
subject to the provisions and conditions set forth therein.

Very respectfully,

John H. Bell
Assistant Secretary.

(F)

25026-08

475/08
Carlisle
475

E *[initials]*

[PUBLIC—No. 156.]

[H. R. 21735.]

An Act To authorize the Secretary of the Interior to issue patents in fee to purchasers of Indian lands under any law now existing or hereafter enacted, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the lands, or any part thereof, allotted to any Indian, or any inherited interest therein, which can be sold under existing law by authority of the Secretary of the Interior, except the lands in Oklahoma, and the States of Minnesota and South Dakota may be sold on the petition of the allottee, or his heirs, on such terms and conditions and under such regulations as the Secretary of the Interior may prescribe; and the lands of a minor, or of a person deemed incompetent by the Secretary of the Interior to petition for himself, may be sold in the same manner, on the petition of the natural guardian in the case of infants, and in the case of Indians deemed incompetent as aforesaid, and of orphans without a natural guardian, on petition of a person designated for the purpose by the Secretary of the Interior. That when any Indian who has heretofore received or who may hereafter receive, an allotment of land dies before the expiration of the trust period, the Secretary of the Interior shall ascertain the legal heirs of such Indian, and if satisfied of their ability to manage their own affairs shall cause to be issued in their names a patent in fee simple for said lands; but if he finds them incapable of managing their own affairs, the land may be sold as hereinbefore provided: *Provided*, That the proceeds derived from all sales hereunder shall be used, during the trust period, for the benefit of the allottee, or heir, so disposing of his interest, under the supervision of the Commissioner of Indian Affairs: *And provided further*, That upon the approval of any sale hereunder by the Secretary of the Interior he shall cause a patent in fee to issue in the name of the purchaser for the lands so sold: *And provided further*, That nothing in section one herein contained shall apply to the States of Minnesota and South Dakota.

SEC. 2. That jurisdiction be, and hereby is, conferred upon the Court of Claims of the United States to hear, determine, and render final judgment, notwithstanding lapse of time or statute of limitation, for any balances found due, without interest, with the right of appeal as in other cases, upon the claims of H. W. Gilkey, Herman Hankwitz, Herman Hankwitz and Company, W. P. Cook and Brother, M. Wescott, J. A. Liege, assignee of J. F. Gauthier, F. F. Green and the heirs of Mitchell Mahchikaniew, traders, against the Menominee tribe of Indians in Wisconsin and against certain members of said tribe at the Green Bay Agency, for supplies, goods, wares, merchandise, tools, and live stock furnished certain members of the said tribe after the first day of January, in the year eighteen hundred and eighty, for the purpose of carrying on logging operations upon the Menominee Indian Reservation, in Wisconsin. Said claims shall be presented to said court by verified petitions to be filed within six months from the

date of the approval of this Act. Said court shall, in rendering judgment, ascertain and determine the amount, if any, due upon each of said claims, and if the court find that there is a liability upon any of said claims, it shall then determine if such liability be that of the said Menominee tribe of Indians as a tribe or that of individual members of said tribe, and it shall render judgment for the amount, if any, found due from said tribe to any of said claimants, and it shall render judgment for the amounts, if any, found due from any of the individual members of said tribe to any of said claimants. Upon the rendition of final judgments, the court shall certify the same to the Secretary of the Interior, who shall thereupon, in case judgments be against the said Menominee tribe of Indians as a tribe, direct the payment of said judgments out of any funds in the Treasury of the United States to the credit of said tribe, and who, in case judgments be against individual members of said Menominee tribe of Indians, shall, through the disbursing officers in charge of said Green Bay Agency, pay, from any annuity due or which may become due said Indian as an individual or as the head of a family from the United States or from the share of such Indian as an individual or as the head of a family in any distribution of tribal funds deposited in the Treasury of the United States, the amounts of such judgments to the claimants in whose favor such judgments have been rendered: *Provided*, That not more than fifty per centum of the annuity due any such Indian as an individual or as the head of a family shall be applied to the payment of such judgments: *Provided, however*, That if more than one judgment be rendered against any such individual Indian and if fifty per centum of the annuity due such Indian as an individual or as the head of a family be not sufficient to discharge such judgments, such payment shall be made to the claimants in proportion to the amount of their respective judgments: *Provided further*, That in case fifty per centum of any annuity payment due any such Indian as an individual or as the head of a family be not sufficient to satisfy the judgment or judgments rendered against said Indian, then and in that case fifty per centum of subsequent annuity payments due said Indian as an individual and as the head of a family shall be applied to the payment of said judgments until the same be fully satisfied. The Menominee tribe of Indians, through its business committee, is authorized to employ an attorney or attorneys to defend the interests of said tribe and of the individual members of said tribe in any actions brought under the provisions of this Act, the compensation of such attorney or attorneys to be determined by the court, and for which attorneys' fees judgment shall be rendered, and upon its certification to the Secretary of the Treasury the amount of said judgment shall be paid to said attorney or attorneys out of any funds standing to the credit of said Menominee tribe of Indians in the Treasury of the United States.

SEC. 3. That the heirs of Cornplanter, a Seneca Indian chief, as ascertained by the orphan's court of Warren County, Pennsylvania, under act of the legislature of the State of Pennsylvania of May sixteenth, eighteen hundred and seventy-one, and their descendants are hereby authorized and empowered to bring suit for the recovery of the possession or the quieting of title of any lands granted individually to said Cornplanter, alias John O'Bial or Abeel, in the circuit court of the United States for the district in which such lands are situated, and jurisdiction is hereby conferred upon said courts, both in law and in

equity, to hear and determine the rights of said Cornplanter under any grant made to him. Any petition filed or other court papers may be verified by the attorneys representing said heirs or their duly authorized attorneys in fact.

SEC. 4. That a lease bearing date September nineteenth, nineteen hundred and seven, between the Seneca Nation of Indians on the Cattaraugus and Alleghany reservations, in the State of New York, and Charles M. L. Ashby, of Erie County, New York, is hereby ratified and confirmed.

SEC. 5. That the Court of Claims is hereby authorized and directed to hear and adjudicate the claims against the Choctaw Nation of Samuel Garland, deceased, and to render judgment thereon in such amounts, if any, as may appear to be equitably due. Said judgment, if any, in favor of the heirs of Garland shall be paid out of any funds in the Treasury of the United States belonging to the Choctaw Nation, said judgment to be rendered on the principle of quantum meruit for services rendered and expenses incurred. Notice of said suit shall be served on the governor of the Choctaw Nation, and the Attorney-General of the United States shall appear and defend in said suit on behalf of said nation.

SEC. 6. That the Act of April thirtieth, nineteen hundred and eight, reading as follows:

"The Secretary of the Interior is hereby authorized to issue a patent to the Bureau of Catholic Indian Missions for the southeast quarter of the northeast quarter of section six, township twenty-eight north, range twenty-four east of the Indian meridian, Indian Territory, the same having been set apart to the Roman Catholic Church for church and school purposes by the Quapaw national council, on August twenty-fourth, eighteen hundred and ninety-three, and said church having maintained a church and school thereon since that date" be amended to read as follows:

"The Secretary of the Interior is hereby authorized to issue a patent to the Bureau of Catholic Indian Missions for the southwest quarter of the northeast quarter of section six, township twenty-eight north, range twenty-four east of the Indian meridian, Indian Territory, the same having been set apart to the Roman Catholic Church for church and school purposes by the Quapaw national council, on August twenty-fourth, eighteen hundred and ninety-three, and said church having maintained a church and school thereon since that date."

SEC. 7. That in addition to the towns heretofore segregated, surveyed, and scheduled in accordance with law, the Secretary of the Interior be, and he is hereby, authorized to segregate and survey within that part of the territory of the Choctaw and Chickasaw nations, State of Oklahoma, heretofore segregated as coal and asphalt land, such other towns, parts of towns, or town lots, as are now in existence, or which he may deem it desirable to establish. He shall cause the surface of the lots in such towns or parts of towns to be appraised, scheduled, and sold at the rates, on the terms, and with the same character of estate as is provided in section twenty-nine of the Act of Congress approved June twenty-eighth, eighteen hundred and ninety-eight (Thirtieth Statutes at Large, page four hundred and ninety-five), under regulations to be prescribed by him. That the provisions of section thirteen of the Act of Congress approved April twenty-sixth, nineteen hundred and six (Thirty-fourth Statutes at Large, page one

hundred and thirty-seven), shall not apply to town lots appraised and sold as provided herein. That all expenses incurred in surveying, platting, and selling the lots in any town or parts of towns shall be paid from the proceeds of the sale of town lots of the nation in which such town is situate.

SEC. 8. That the Secretary of the Interior be, and he is hereby, authorized and directed to pay, out of any funds in the Treasury belonging to the Cherokee tribe of Indians, to those intermarried white citizens of the said Cherokee tribe placed on the final approved rolls of the said Cherokee tribe by the Secretary of the Interior pursuant to an opinion of the Supreme Court of the United States in the case of Daniel Red Bird against The United States, the share or shares to which they are entitled in the funds of the Cherokee Nation on account of payments heretofore made out of said Cherokee funds to members of the Cherokee Nation, but in which payments said intermarried white Cherokee citizens did not participate and to which they were entitled in accordance with the findings of the Supreme Court in the said case of Daniel Red Bird against The United States, said intermarried white Cherokee citizens having married into the Cherokee Nation prior to November first, eighteen hundred and seventy-five, and not having since abandoned their citizenship. In case any of said intermarried Cherokee white citizens have died since final enrollment their share or shares in the money distributed shall be paid to their heirs or legal representatives; *Provided, however*, That the Cherokee Nation shall have the right to protest against the payment of any claim to any such person or persons and upon the protest being filed by or on behalf of the Cherokee Nation the claim of any such person or persons shall be referred to the Court of Claims and said court is given full jurisdiction to hear and determine the same.

SEC. 9. That the Secretary of the Interior be, and he is hereby, authorized to issue a patent to "The Sisters of the Blessed Sacrament for Indians and Colored People," a charitable corporation organized under the laws of the State of Pennsylvania, for and covering the following described lands, amounting to approximately two hundred and eighty acres, now and for many years occupied by the said "The Sisters of the Blessed Sacrament for Indians and Colored People" as an Indian school, to wit: The southwest quarter of the southwest quarter of section thirteen, the south half of the northeast quarter of section fourteen, and the east half of the northwest quarter and the south half of the northeast quarter of section twenty-four, all in township twenty-six north, range thirty east, Gila and Salt River meridian, on the Navajo Indian Reservation, in Arizona Territory.

SEC. 10. That the Secretary of the Interior is hereby authorized to sell for use for school purposes to school districts of the State of Oklahoma, from the unallotted lands of the Five Civilized Tribes, tracts of land not to exceed two acres in any one district, at prices and under regulations to be prescribed by him, and proper conveyances of such lands shall be executed in accordance with existing laws regarding the conveyance of tribal property; and the Secretary of the Interior also shall have authority to remove the restrictions on the sale of such lands, not to exceed two acres in each case, as allottees of the Five Civilized Tribes, including full-bloods and minors, may desire to sell for school purposes.

SEC. 11. That the borough of Carlisle, in the State of Pennsylvania, shall be, and is hereby, granted the right and privileges of laying through and under the land owned by the United States and now used for the purpose of, or in connection with, the United States Indian Industrial School, such pipe or pipes as may be necessary for use in connection with, or as part of, its sewage system, said pipe or pipes to be laid beneath the surface of the ground, except as to the necessary manholes, and so laid as not to interfere with the use or mar the appearance of the premises: *Provided*, That no pipe or pipes shall be laid in pursuance of authority hereby conferred until the plan showing the location thereof shall have been submitted to and approved by the Secretary of the Interior: *And provided further*, That upon the request of the Secretary of the Interior, and his agreement to pay a fair proportion of the expense, the sewage system, disposal plant, and pipes constructed, or to be constructed, by the borough of Carlisle, shall be of sufficient size to take care of the sewage of the United States Indian Industrial School, which shall be permitted to establish a connection with the said sewage system and use the same.

SEC. 12. That the Secretary of the Interior be, and he hereby is, authorized to cause that part of the Cheyenne school reserve and the Cheyenne and Arapahoe Agency reserve lying east of a public road and separated from the school and agency reserves by such road, being a narrow strip of land more particularly described as lots eight and nine of section four, lots five and six of section nine, lots five and six of section sixteen, and lots five and six of section twenty-one, all in township thirteen north, range seven west, Indian meridian, in the State of Oklahoma, to be appraised by legal subdivisions and sold for the benefit of the Indians of the Cheyenne and Arapahoe reservations; and the owners of the adjoining lands are hereby given the preference right for ninety days from and after the passage of this act to purchase said lands at not less than the appraised value which may be placed thereon by the Secretary of the Interior, the purchase price to be paid in cash at the time of notice of acceptance by said purchasers. And in case said lands, or any part thereof, remain unsold after the expiration of said ninety days, the said Secretary shall proceed to offer said lands for sale under such regulations as he may prescribe. The funds received from said sales to be deposited in the Treasury of the United States to the credit of the Indians of the Cheyenne and Arapahoe Reservation, Oklahoma. That the Secretary of the Interior be, and he hereby is, authorized to cause to be appraised and sold six hundred and forty acres of land, together with the buildings and other appurtenances thereto belonging, heretofore set aside as reservation for the Cheyenne and Arapahoe Agency and the Arapahoe Indian school in Oklahoma, and that for sixty days from and after said appraisal the city of El Reno, in Oklahoma, be given the preference right to purchase said land and improvements thereon at the appraised value thereof, to be used for school purposes, the purchase price thereof to be paid in cash at the time of the acceptance by said purchaser. And in case said land remains unsold after the expiration of said sixty days, the Secretary shall proceed to offer said land for sale under such regulations as he may prescribe, and he is authorized to use all or any part of the proceeds of the sale thereof in the erection of new buildings and in repairs and improvements at the present

Cheyenne Boarding School in the Cheyenne and Arapahoe Agency, in Oklahoma, and in the establishment of such day schools as may be required for said Cheyenne and Arapahoe Indians in Oklahoma, and that the balance of said proceeds, if any there be, may be used in support of said Cheyenne Boarding School or said day school.

SEC. 13. That the Secretary of the Interior is hereby authorized to set aside for town-site purposes at Dewey, Oklahoma, the south half of the northwest quarter of the northwest quarter, and the northeast quarter of the northwest quarter of the northwest quarter of section twenty-eight, township twenty-seven north, range thirteen east, formerly allotted to Julia Lewis, who failed to establish her citizenship in the Cherokee Nation.

That the Secretary of the Interior is directed to subdivide these lands in accordance with the present streets and alleys laid out on such lands and to dispose of such lands and place the proceeds derived therefrom to the credit of the Cherokee Nation: *Provided*, That the owners of permanent and substantial improvements on such lots shall have the preference right of purchasing their lots for cash at a price not to exceed two hundred dollars per acre: *Provided further*, That all unimproved lots shall be sold at public auction to the highest bidder for cash: *And provided further*, That the expense of surveying, platting, laying out, and selling such lands shall be deducted from the proceeds of such sale.

SEC. 14. That the Secretary of the Interior is hereby authorized to make, and shall cause to be made, within sixty days from the passage of this Act, a reappraisal of the town of Hartshorne, Oklahoma, as of the date of the original appraisal made by the town-site commission; that payment already made on lots therein shall be credited on the basis of the reappraisal; that there shall be reimbursed to lot owners from the town-site funds of the Choctaw and Chickasaw nations any amounts paid by them in excess of the new appraisal, and that the first installment on the purchase price or of the balance remaining unpaid shall be due thirty days after the service of notice of reappraisal, but in all other respects the existing laws relating to the sale of town lots and issue of patents therefor in the Choctaw and Chickasaw nations shall remain in full force and effect.

SEC. 15. That section nine, chapter fourteen hundred and ninety-five, Statutes of the United States of America, entitled "An Act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," be, and the same is hereby, amended to read as follows:

"SEC. 9. That said lands shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the time when and 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: *Provided*, That the rights of honorably discharged Union soldiers and sailors of the late civil and the Spanish wars, as defined and prescribed in section 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: *Provided further*, That the price

of said lands shall be the appraised value thereof, as fixed by the said Commission, but settlers under the homestead law who shall reside upon and cultivate the land entered in good faith for the period required by existing law shall pay one-third of the appraised value in cash at the time of entry, and the remainder in five equal annual installments, to be paid one, two, three, four, and five years, respectively, from and after the date of entry, and shall be entitled to a patent for the lands so entered upon the payment to the local land officers of said five annual payments, and in addition thereto 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 no other and further charge of any kind whatsoever shall be required of such settler to entitle him to a patent for the land covered by his entry: *Provided*, That if 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 forfeited and canceled: *And provided*, 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 by said Commission, receiving credit for payments previously made: *Provided, however*, That the entryman or owner of any land irrigable by any system hereunder constructed under the provisions of section fourteen of this Act shall in addition to the payment required by section nine of said Act be required to pay for a water right the proportionate cost of the construction of said system in not more than fifteen annual installments, as fixed by the Secretary of the Interior, the same to be paid at the local land office, and the register and receiver shall be allowed the usual commissions on all moneys paid.

"The entryman of lands to be irrigated by said system shall in addition to compliance with the homestead laws reclaim at least one-half of the total irrigable area of his entry for agricultural purposes, and before receiving patent for the lands covered by his entry shall pay the charges apportioned against such tract. No right to the use of water shall be disposed of for a tract exceeding one hundred and sixty acres to any one person, and the Secretary of the Interior may limit the areas to be entered at not less than forty nor more than one hundred and sixty acres each.

"A failure to make any two payments when due shall render the entry and water-right application subject to cancellation, with the forfeiture of all rights under this Act, as well as of any moneys paid thereon. The funds arising hereunder shall be paid into the Treasury of the United States and be added to the proceeds derived from the sale of the lands. No right to the use of water for lands in private ownership shall be sold to any landowner unless he be an actual bona fide resident on such land or occupant thereof residing in the neighborhood of such land, and no such right shall permanently attach until all payments therefor are made.

"All applicants for water rights under the systems constructed in pursuance of this Act shall be required to pay such annual charges for operation and maintenance as shall be fixed by the Secretary of the Interior, and the failure to pay such charges when due shall render

the water-right application and the entry subject to cancellation, with the forfeiture of all rights under this Act as well as of any moneys already paid thereon.

"The Secretary of the Interior is hereby authorized to fix the time for the beginning of such payments and to provide such rules and regulations in regard thereto as he may deem proper. Upon the cancellation of any entry or water-right application, as herein provided, such lands or water rights may be disposed of under the terms of this Act and at such price and on such conditions as the Secretary of the Interior may determine, but not less than the cost originally fixed.

"The land irrigable under the systems herein provided, which has been allotted to Indians in severalty, shall be deemed to have a right to so much water as may be required to irrigate such lands without cost to the Indians for construction of such irrigation systems. The purchaser of any Indian allotment, purchased prior to the expiration of the trust period thereon, shall be exempt from any and all charge for construction of the irrigation system incurred up to the time of such purchase. All lands allotted to Indians shall bear their pro rata share of the cost of the operation and maintenance of the system under which they lie.

"When the payments required by this Act have been made for the major part of the unallotted lands irrigable under any system and subject to charges for construction thereof, the management and operation of such irrigation works shall pass to the owners of the lands irrigated thereby, to be maintained at their expense under such form of organization and under such rules and regulations as may be acceptable to the Secretary of the Interior.

"The Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this Act into full force and effect."

That section fourteen of said Act be, and the same is hereby, amended to read as follows:

"SEC. 14. That the proceeds received from the sale of said lands in conformity with this Act shall be paid into the Treasury of the United States, and after deducting the expenses of the Commission, of classification and sale of lands, and such other incidental expenses as shall have been necessarily incurred, and expenses of the survey of the land, shall be expended or paid, as follows: So much thereof as the Secretary of the Interior may deem advisable in the construction of irrigation systems, for the irrigation of the irrigable lands embraced within the limits of said reservation; one half of the money remaining after the construction of said irrigation systems to be expended by the Secretary of the Interior as he may deem advisable for the benefit of said Indians in the purchase of live stock, farming implements, or the necessary articles to aid said Indians in farming and stock raising and in the education and civilization of said Indians, and the remaining half of said money to be paid to said Indians and persons holding tribal rights on said reservation, semiannually as the same shall become available, share and share alike: *Provided*, That the Secretary of the Interior may withhold from any Indian a sufficient amount of his pro rata share to pay any charge assessed against land held in trust for him for operation and maintenance of irrigation system."

SEC. 16. That jurisdiction is hereby conferred upon the Court of Claims, with right of appeal to the Supreme Court, to hear and determine the claims of Robert V. Belt, of Washington, District of Columbia, and Joseph P. Mullen, formerly of Fort Smith, Arkansas, now of Ardmore, Oklahoma, for services rendered and expenses incurred by them as the attorneys for the Choctaw and Chickasaw freedmen, in the prosecution of their claims for allotments of land within and of the domain of the Choctaw and Chickasaw nations of Indians, now in the State of Oklahoma.

That the suits in said cases shall be begun by filing petitions in the Court of Claims within sixty days after the approval of this Act, wherein shall be set out such facts and in the manner as prescribed by the rules of that court, by the said Robert V. Belt and Joseph P. Mullen, against the Choctaw freedmen in the one case and against the Chickasaw freedmen in the other case; service of said petitions shall be had by delivery of two copies of each to the Attorney-General, who, with such attorney as said freedmen may select and employ, shall appear and defend for all of the defendants in each of said cases.

That the court may receive and consider all papers, documents, records, depositions, or other evidence offered by any of the parties to said suits; and for such amount, if any, as the court shall adjudge to be justly and equitably due to said attorneys, Robert V. Belt and Joseph P. Mullen, as the value of the services rendered and expenses incurred by them for and on behalf of the said Choctaw and Chickasaw freedmen upon the evidence submitted it shall render judgment or decree against the individuals to whom such services were rendered, the same to be a lien against their respective allotments of land for their pro rata amounts thereof.

SEC. 17. That the Secretary of the Interior be, and he is hereby, authorized to cause allotments to be made under the provisions of the Act of March second, eighteen hundred and eighty-nine, entitled "An Act to divide a portion of the reservation of the Sioux Nation in Dakota into separate reservations and secure the relinquishment of the Indian title to the remainder, and for other purposes," to any living children of the Sioux tribe of Indians belonging on the Rosebud Reservation affected thereby, and who have not heretofore been allotted, so long as that tribe is in possession of any unallotted tribal or reservation lands: *Provided*, That no allotment shall be made to any allottee entitled to the same under the provisions of this Act of any lands in the county of Tripp, in the State of South Dakota.

SEC. 18. That the Secretary of the Interior be, and he hereby is, authorized and directed to investigate the allotment made in the name of William Jondron, Yankton Sioux allottee numbered eleven hundred and forty-seven, and if it be shown to his satisfaction that no such person as William Jondron was in existence at the time the Yankton Indians were allotted he is hereby authorized and directed to cancel the patent issued in the name of William Jondron and also the record of the allotment in his name, and to reallocate the lands covered thereby to a member or members of the Yankton tribe who were entitled to allotments, but failed to receive land when the Indians of the said tribe were allotted lands in severalty.

SEC. 19. That the Secretary of the Interior be, and he hereby is, authorized to cause allotments to be made under the provisions of the

Act of March second, eighteen hundred and eighty-nine, entitled "An Act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations, and to secure the relinquishment of the Indian title to the remainder, and for other purposes," to any living children of the Sioux tribe of Indians belonging on any of the Great Sioux reservations affected thereby and who have not heretofore been allotted, so long as the tribe to which such Indian children belong is possessed of any unallotted tribal or reservation lands; and where, for any reason, an Indian did not receive the quantity of land to which he was entitled under the provisions of the said Act of March second, eighteen hundred and eighty-nine, the Secretary of the Interior shall cause to be allotted to him sufficient additional lands on the reservation to which he belongs to make, together with the quantity of land heretofore allotted to him, the acreage to which he is entitled under said Act of March second, eighteen hundred and eighty-nine; and in case of the death of any such Indian, the additional lands to which he is of right entitled may be allotted to his heirs: *Provided*, That the tribe to which he belonged is possessed of any unallotted tribal or reservation lands.

Sec. 20. That the Secretary of the Interior is hereby authorized and directed to issue patents in fee to the Diocese of Duluth, organized under an act of the State of Minnesota entitled "An act concerning religious corporations," approved February twenty-sixth, eighteen hundred and eighty-five, of the Protestant Episcopal Church in the United States of America for the lands set apart to said church on the various Indian reservations in the State of Minnesota, as follows:

On the White Earth Indian Reservation at or near White Earth: The southwest quarter of the southwest quarter and lots seven and nine of section fourteen, township one hundred and forty-two north, range forty-one west of the fifth principal meridian, containing in all one hundred and eighteen and thirty-one one-hundredths acres.

On the White Earth Indian Reservation at or near Beaulieu, on Wild Rice River: All of lot one of section thirty-one, township one hundred and forty-five north, range forty west of the fifth principal meridian, containing twenty-nine and seventy-seven one-hundredths acres, except the two and one-half acres, more or less, on which the Government blacksmith shop is located, which tract corresponds to the southeast quarter of the northeast quarter of the northwest quarter of the northwest quarter of said section, township, and range. Also the two and one-half acres, more or less, of lot two of section thirty-one, township one hundred and forty-five north, range forty west of the fifth principal meridian, corresponding to the northwest quarter of the northwest quarter of the southwest quarter of the northwest quarter of said section, township, and range, upon which the Episcopal parsonage and church building stand. Also the south half of the northwest quarter and the north half of the southwest quarter of section thirty, township one hundred and forty-five north, range forty west of the fifth principal meridian, containing one hundred and thirty-nine and twenty-eight one-hundredths acres, more or less.

On the White Earth Indian Reservation at or near Pine Point: The southeast quarter of the northwest quarter and lot one, all in section thirty-three, township one hundred and forty-one north, range thirty-seven west of the fifth principal meridian, containing sixty-nine and five one-hundredths acres, more or less. Also that part of section

thirty-three, township one hundred and forty-one north, range thirty-seven west of the fifth principal meridian, described as follows: Beginning at a point that is twenty chains west and six chains south of the center of said section, thence south five chains, thence west two and one-half chains, thence north five chains, thence east two and one-half chains to the place of beginning, containing one and one-fourth acres, more or less. Also that part of said section described as follows: Beginning at a point five chains east of the southwest corner of said section, thence north ten chains, thence east three and seventy-five one-hundredths chains, thence south ten chains, thence west three and seventy-five one-hundredths chains, containing three and seventy-five one-hundredths acres, more or less, on which is located the missionary's house, and to which the chapel is to be removed.

On the Red Lake Indian Reservation at or near Redby: Lot two and the southwest quarter of the southeast quarter of section nineteen, and the northwest quarter of the northeast quarter of section thirty, township one hundred and fifty-one north, range thirty-three west of the fifth principal meridian, containing ninety-four and seventy-five one-hundredths acres, more or less.

On the Red Lake Indian Reservation at or near the subagency site the following-described parcel of land for cemetery purposes: Starting at the northeast corner of section twenty-nine, township one hundred and fifty-one north, range thirty-four west of the fifth principal meridian, thence running westward along the north line of said section two hundred and forty feet, thence southward on a line parallel to the east line of said section seventy-five feet to reach the point of beginning; thence from said point of beginning westward on a line parallel to the north line of said section four hundred and twenty feet, thence southward on a line parallel to the east line of said section two hundred and ten feet, thence eastward on a line parallel to the north line of said section four hundred and twenty feet, thence northward on a line parallel to the east line of said section two hundred and ten feet to said point of beginning, containing two acres, more or less. Also the northwest quarter of the northwest quarter of the southwest quarter of the northwest quarter of section twenty-eight, township one hundred and fifty-one north, range thirty-four west of the fifth principal meridian, containing five-eighths of an acre, more or less, on which is situated the missionary's house. Also that part of section twenty-one, township one hundred and fifty-one north, range thirty-four west, described as follows: Starting at the southwest corner of said section, thence running eastward along the south line of said section a thousand feet, thence northward on a line parallel to the west line of said section one hundred and sixteen feet to reach the point of beginning, thence from said point of beginning northward on a line parallel to the west line of said section sixty-six feet, thence westward on a line parallel to the south line of said section three hundred and thirty feet, thence southward on a line parallel to the west line of said section sixty-six feet, thence eastward on a line parallel to the south line of said section three hundred and thirty feet to the point of beginning, containing one-half an acre, more or less, on which the church and lace teacher's house are located. Also the southeast quarter of the northwest quarter of the northwest quarter and the southwest quarter of the northwest quarter and the northwest quarter of the southwest quarter of section twenty-eight, township one hundred and

fifty-one north, range thirty-four west of the fifth principal meridian, containing ninety acres, more or less.

On the Red Lake Indian Reservation at or near the Cross Lake School: West half of lot two, section six, township one hundred and fifty-two north, range thirty-three west of the fifth principal meridian, containing twenty-three acres, more or less.

On the Cass Lake Indian Reservation at or near the Cass Lake Government school: All of lot three, section twenty-nine, township one hundred and forty-six north, range thirty-one west of the fifth principal meridian, and that part of lot two of said section south of a line running parallel to and forty-five rods south of the north line of said section, containing in all thirty-two acres, more or less: *Provided*, That a roadway twenty feet wide shall be permitted across said lands from the Government school to the place of crossing the Mississippi River.

On the Leech Lake Indian Reservation at or near Onigum: The following-described tract of land in lot one, section twenty-four, and lot three, section thirteen, township one hundred and forty-two north, range thirty-one west of the fifth principal meridian: Starting at the northwest corner of section twenty-four, township one hundred and forty-two north, range thirty-one west of the fifth principal meridian, and running eastward along the north line of said section twenty-eight and ninety one-hundredths chains to reach the point of beginning; thence from said point of beginning southwest on an angle of thirty-seven degrees and twenty-seven minutes one chain; thence southeast on an angle of sixty-six degrees and twenty-seven minutes five and fifty-eight one-hundredths chains to the lake shore; returning to the point of beginning; thence running northeast on an angle of thirty-seven degrees and twenty-seven minutes one and twenty-seven one-hundredths chains; thence southeast on an angle of sixty-four degrees and two minutes three and nine-tenths chains to the lake shore. The foregoing lines, together with the lake shore, form the boundaries of said tract, containing about one and one-sixteenth acres: *Provided*, That a walk six feet wide shall be permitted across this property leading from the Government school to the dock, as the same is now located.

On the Leech Lake Indian Reservation at or near the old agency: All that part of the southwest quarter of the southeast quarter of section seventeen, township one hundred and forty-two north, range thirty west of the fifth principal meridian, described as follows: Beginning at the quarter post between sections seventeen and twenty, thence north seven and seventy-three one-hundredths chains to reach the point of beginning, thence from said point of beginning east three and seventeen one-hundredths chains, thence north three and seventeen one-hundredths chains, thence west three and seventeen one-hundredths chains to the point of beginning, containing one acre, more or less, on which said tract of land the church is located. Also that part of lot four of section seventeen, township one hundred and forty-two north, range thirty west of the fifth principal meridian, described as follows: Starting at the quarter post between sections seventeen and twenty and running thence north sixteen and ninety-four one-hundredths chains, thence west seven-tenths of a chain to reach a point of beginning, thence from said point of beginning north two and twenty-eight one-hundredths chains, thence west two and twenty-eight one-hundredths chains, thence south

two and twenty-eight one-hundredths chains, thence east two and twenty-eight one-hundredths chains to the said point of beginning, containing three-fourths of an acre, more or less. Also the southeast quarter of the northwest quarter of the southeast quarter of section seventeen, township one hundred and forty-two north, range thirty west of the fifth principal meridian, containing ten acres, more or less.

That the Secretary of the Interior is hereby authorized and directed to issue patents in fee to "The Bureau of Catholic Indian Missions", organized under an Act of the Assembly of Maryland entitled "An Act to incorporate The Bureau of Catholic Indian Missions", approved April sixth, eighteen hundred and ninety-four, for the lands set apart to the Catholic Church on the White Earth and Red Lake Indian Reservations in the State of Minnesota, as follows:

On the White Earth Indian Reservation at or near White Earth: The southwest quarter of the southeast quarter of section twenty-six, township one hundred and forty-two north, range forty-one west of the fifth principal meridian, containing forty acres more or less; also the northwest quarter of the northwest quarter and lots two, three and four of section thirty-five, township one hundred and forty-two north, range forty-one west of the fifth principal meridian, containing one hundred and thirty-one and seventy-five hundredths acres, more or less; also the northeast quarter of the northeast quarter of section thirty-four, township one hundred and forty-two north, range forty-one west of the fifth principal meridian, containing forty acres more or less; also the southeast quarter of the southeast quarter of section twenty-seven, township one hundred and forty-two north, range forty-one west of the fifth principal meridian, containing forty acres more or less.

On the White Earth Indian Reservation at or near Pembina settlement: The southeast quarter of the northwest quarter and the northeast quarter of the southwest quarter of section ten township one hundred and forty-four north, range forty-two west of the fifth principal meridian, containing eighty acres, more or less.

On the White Earth Indian Reservation at or near Rice River: Lots one, two and twelve of section seven, township one hundred and forty-four north, range forty west of the fifth principal meridian, containing ninety-five and ninety hundredths acres; more or less.

On the Red Lake Indian Reservation at or near Red Lake: Lots two and three of section twenty, and the west half of the northeast quarter and the east half of the northwest quarter of section twenty-nine, township one hundred and fifty-one north, range thirty-four west of the fifth principal meridian, containing two hundred and forty-five and forty hundredths acres, more or less.

Sec. 21. That the Secretary of the Interior is hereby authorized to convey to the State of Minnesota the following-described tracts and parcels of lands, situate in the county of Carlton, State of Minnesota, and described as follows, to wit: All of section thirty-six, township forty-nine, range eighteen, except east half of northeast quarter; and all of section thirty-one, township forty-nine, range seventeen, except southwest quarter of northwest quarter and southeast quarter of southwest quarter; south half of southeast quarter, south half of southwest quarter, northeast quarter of southeast quarter, and south half of northeast quarter, all in section thirty, township forty-nine, range seventeen; northeast quarter of northwest quarter, south half of north-

west quarter, all of the southwest quarter, and south half of southeast quarter and northeast quarter of southeast quarter, section twenty-nine, township forty-nine, range seventeen; north half of northwest quarter, southwest quarter of northeast quarter and southeast quarter, section thirty-two, township forty-nine, range seventeen, upon receipt by said Secretary of the Interior of the sum of one dollar and twenty-five cents per acre to him paid by any person or persons on behalf of said State of Minnesota.

That all restrictions on alienation as to any allottee or allotment embraced in the following-described lands, to wit: East half of northeast quarter, section thirty-six, township forty-nine, range eighteen; southwest quarter of northwest quarter, section thirty-one, township forty-nine, range seventeen; north half of northeast quarter and southeast quarter of northeast quarter, section thirty-two, township forty-nine, range seventeen; and northwest quarter of northwest quarter, northwest quarter of southeast quarter, section twenty-nine, township forty-nine, range seventeen; north half of northeast quarter, northwest quarter of southeast quarter, north half of southwest quarter, southeast quarter of northwest quarter, section thirty, township forty-nine, range seventeen; southeast quarter of southeast quarter, section twenty-five, township forty-nine, range eighteen, are hereby removed in so far that said allottees or any of them or their heirs may convey their allotments to the State of Minnesota upon such allotment being first appraised by the Secretary of the Interior, and not less than the appraised price paid therefor by the State, and in that case the trust patent heretofore issued for such allotment shall be deemed and be a patent in fee, and the proceeds of such allotment in case of an incompetent Indian shall be held and disposed of as provided by the Act of March first, nineteen hundred and seven, (Thirty-fourth Statutes at Large, pages one thousand and fifteen to one thousand and eighteen), or any Indian holding an allotment upon any of the lands described in this section may file with the Commissioner of Indian Affairs a relinquishment of said allotment conveying the same to the State of Minnesota and have the right to take another allotment of any unallotted lands subject to allotment in said State of Minnesota, provided that such relinquishment be accompanied by the sum of one dollar and twenty-five cents for each acre covered by such relinquishment, to be turned over to the Secretary of the Interior and disposed of as hereinafter provided.

That all moneys received by the Secretary of the Interior under and pursuant to the provisions of this Act shall be placed to the credit of the Chippewa Indians in the State of Minnesota, pursuant to the provisions of an Act of Congress entitled "For the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January fourteenth, eighteen hundred and eighty-nine, and Acts supplementary thereto.

That all outstanding contracts for the sale of timber upon any of the foregoing described lands made by the Secretary of the Interior or the General Land Office under the direction of the Secretary shall remain in force and the proceeds applied as provided for by existing laws, except that parties holding said contracts shall not be required to burn any debris upon said lands.

That this grant is made upon the condition that payment therefor shall be made within two years from the date of the approval of this

Act; that as to any land not paid for within that time the grant shall be void, and that said State shall not convey or lease or agree to convey or lease any of said land or any interest therein within ten years from the date of such approval. Any such conveyance, lease or agreement shall cause the land affected thereby to vest in the United States.

SEC. 22. That the Secretary of the Treasury be, and he is hereby, authorized and directed to transfer to the credit of the White Earth bands of Chippewa Indians in Minnesota the sum of nineteen thousand six hundred and ninety-four dollars and forty-eight cents, the proceeds of litigation with the Commonwealth Lumber Company, said sum having been heretofore covered into the Treasury by "miscellaneous revenue" covering warrant numbered two thousand two hundred and eighty-three of the first quarter nineteen hundred and five, and erroneously credited to the account of "depredations upon public lands."

SEC. 23. That the time of complying with the terms of article six of the agreement with the Alsea and other Indians on Siletz Indian Reservation, in Oregon, approved August fifteenth, eighteen hundred and ninety-four, as follows: "It is further stipulated and agreed that any religious society or other organization not occupying under proper authority, for religious or educational work among the Indians, any of the lands in this agreement ceded, shall have the right for two years from the date of the ratification of this agreement (same date as bill) within which to purchase the land so occupied at the rate of two dollars and fifty cents per acre, the same to be conveyed to such organization or society by patent;" be extended to one year from date of approval of this Act in favor of any such religious society or organization heretofore described as can prove that it has maintained religious or educational work among the Indians as contemplated in the original Act. The amount of land to be so conveyed shall not exceed ten acres.

SEC. 24. That the tracts of land remaining unsold in the Kiowa, Comanche, and Apache reservations under the Act of June fifth, nineteen hundred and six, and also under the Act of June sixth, nineteen hundred, shall be again and at once offered for sale and sold under the provisions and terms of said Act of June fifth, nineteen hundred and six: *Provided*, That said lands shall be sold under such regulations as may be prescribed by the Secretary of the Interior and for not less than one dollar per acre: *And provided further*, That any purchaser of said land may at his option pay the entire amount that is due in cash for such land and receive his title therefor without the necessity of actually settling thereon: *Provided further*, That before offering said lands for sale the Secretary of the Interior shall allot one hundred and sixty acres of land to each child of Indian parentage born since June fifth, nineteen hundred and six, whose father or mother was a duly enrolled member of either the Kiowa, Comanche, or Apache tribe of Indians and entitled to allotment of land under the Act of June fifth, nineteen hundred and six, opening said Kiowa, Comanche, and Apache reservations to settlement, said allotments to be made of lands remaining unsold known as the pasture reserves in said reservations.

The Secretary of the Interior shall make all necessary rules and issue all necessary instructions to carry the provisions of this Act into effect: *Provided*, That any person who has heretofore entered any of

said land under said Act of June fifth, nineteen hundred and six, shall receive patents therefor by paying all the deferred installments of purchase money and proving compliance with the requirements of the homestead laws at any time after the expiration of ten months from the date of his entry.

SEC. 25. That whenever the President is satisfied that all the Indians in any part of the Navajo Indian Reservation in New Mexico and Arizona created by Executive orders of November ninth, nineteen hundred and seven, and January twenty-eighth, nineteen hundred and eight, have been allotted, the surplus lands in such part of the reservation shall be restored to the public domain and opened to settlement and entry by proclamation of the President.

SEC. 26. That the Court of Claims is hereby authorized to consider and adjudicate and render judgment as law and equity may require in the matter of the claim of Clarence W. Turner, of Muskogee, Oklahoma, against the Creek Nation, for the destruction of personal property and the value of the loss of the pasture of the said Turner, or his assigns, by the action of any of the responsible Creek authorities, or with their cognizance and acquiescence, either party to said cause in the Court of Claims to have the right of appeal to the Supreme Court of the United States.

SEC. 27. That the Court of Claims is hereby authorized and directed to hear, consider, and adjudicate the claims against the Mississippi Choctaws of William N. Vernon, J. S. Bounds, and Chester Howe, their associates or assigns, for services rendered and expenses incurred in the matter of the claims of the Mississippi Choctaws to citizenship in the Choctaw Nation and to render judgment thereon on the principle of quantum meruit in such amount or amounts as may appear equitable and justly due therefor, which judgment, if any, shall be paid from any funds now or hereafter due such Choctaws as individuals by the United States. The said William N. Vernon, J. S. Bounds, and Chester Howe are hereby authorized to intervene in the suit instituted in said court under the provisions of section nine of the Act of April twenty-sixth, nineteen hundred and six, in behalf of the estate of Charles F. Winton, deceased: *Provided*, That the evidence of the intervenors shall be immediately submitted: *And provided further*, That the lands allotted to the said Mississippi Choctaws are hereby declared subject to a lien to the extent of the claims of the said Winton and of the other plaintiffs authorized by Congress to sue the said defendants, subject to the final judgment of the Court of Claims in the said case. Notice of such suit or intervention shall be served on the governor of the Choctaw Nation, and the Attorney-General shall appear and defend the said suit on behalf of the said Choctaws.

SEC. 28. That the Secretary of the Interior be, and he is hereby, authorized to make an allotment to Herman Lehman (Montechema), an enrolled member of the Comanche tribe of Indians, who did not get an allotment, of one hundred and sixty acres of unappropriated and unallotted land from the lands to be disposed of under the Act of Congress approved June fifth, nineteen hundred and six (Thirty-fourth Statutes at Large, page two hundred and thirteen), and patent shall issue therefor in fee simple.

SEC. 29. That all moneys forfeited under the regulations issued October nineteenth, nineteen hundred and six, by the Secretary of the

Interior under the Act entitled "An Act to open for settlement five hundred and five thousand acres of land in the Kiowa-Comanche and Apache Indian Reservation in Oklahoma Territory," approved June fifth, nineteen hundred and six, be repaid to the persons by whom such moneys were deposited in every case where it shall be made to appear to the satisfaction of the Commissioner of the General Land Office that the bid upon which the award was made was the result of a clerical error, or was due to an honest mistake on the part of the bidder as to the numbers, the description, or the character of the land upon which his bid was made.

That the Commissioner of the General Land Office shall make all necessary rules and issue all necessary instructions to carry the provisions of this Act into effect, and the payment of the deposits herein provided for shall be paid out of any moneys deposited in the Treasury of the United States as the proceeds arising from the sale of lands under said Act of June fifth, nineteen hundred and six, and an appropriation, sufficient in amount to cover such case, is hereby made.

SEC. 30. That twenty per centum of the proceeds arising from the sale of the south half of section thirty, townsite two north, range eleven west of the Indian meridian in Oklahoma, is hereby appropriated, to be available immediately after such sale, to begin construction of a court-house and post-office building at Lawton, in said State, to cost not more than one hundred thousand dollars; and all Acts in conflict herewith are hereby repealed. That the Secretary of the Interior is authorized and directed to turn over to the treasurers of the cities of Lawton, Hobart and Anadarko, the unexpended balance of the proceeds arising from the sale of town lots in said cities heretofore appropriated and set apart for public improvements in such cities by the Act of March third, nineteen hundred and one, and the Acts of June thirtieth, nineteen hundred and two and March fourteenth, nineteen hundred and six.

Approved, May 29, 1908.

Pub. 156—08—2

AUTHORITY

OFFICE OF INDIAN AFFAIRS
RECEIVED
APR 17 1908

File

25026

FILE

THE BOROUGH OF CARLISLE, PENNSYLVANIA, is hereby granted a LICENSE, revocable at will by the Secretary of the Interior, to construct, operate, and maintain an outfall sewer through School Farm, No. 1, commonly known as the Parker Farm, of the Carlisle Indian School, Pennsylvania, following with said outfall sewer the route indicated on blue-print filed with the application of said licensee for the privilege herein granted, and bearing the legend:

"Map showing location of outfall sewer, approximate subdivisions of properties, location of disposal plans, buildings, Ec., and buildings and sewers of Indian School, Carlisle, Pa. Scale 1 in. 200 ft. Jan. 1908. T. Chalkley Hatton, Cons. Engr., Wilmington, Del."

THIS LICENSE is granted subject to the following conditions and provisions:

1. That said licensee shall permit the authorities of the Indian School to connect the said school sewer with the sewer herein authorized; and shall provide for the disposal of the sewage from said school sewer upon terms satisfactory to the officer in charge of said School.
2. That the occupation of said reservation, incident to this license, shall be subject to such rules and regulations in the interest of good order, police, sanitation, discipline, and the conservation of the interests of the Government as may from time to time be prescribed by the officer in charge of said School.
3. That said licensee shall restore the surface of the ground to its normal condition, wherever the same may be disturbed under authority of this license.
4. That all work incident to this license shall be subject to the supervision and approval of said officer in charge of said school.
5. That any sum which may have to be expended, after revocation or relinquishment of this license, in putting any premises or property, hereby authorized to be occupied or used, in as good condition for use by the United States as it is at this date, shall be repaid by said licensee on demand.

475/08
Carlisle
475-1

Inclosures

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

April 16, 1908.

Education
425- 9232
17596-18432
19011-25026
1908
J. H. D.

SUBJECT:

Request of Borough of Carlisle
for right of way for an outfall
sewer across the Carlisle Indian
school grounds.

The Secretary of the Interior.

Sir:

In response to a recent request of the Interior Department, the Secretary of War granted a license to the Borough of Carlisle, Pennsylvania, which is constructing a new outfall sewer under the State laws, and asked for a right of way, or easement, across the Carlisle Indian school grounds, to construct, operate, and maintain an outfall sewer through the reservation of Carlisle Barracks, Pennsylvania, in accordance with the route indicated on the blue-print filed with the application of the Borough, subject to certain provisions and conditions.

The Superintendent of Carlisle School has just reported that the line of the proposed sewer crosses School Farm, No. 1, commonly known as the Parker Farm, which was purchased in 1881 under the direction of the Interior Department.

As it is not deemed advisable to throw any obstacles in the way of the State and local authorities in their efforts to

425/08
Carlisle
425

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Secretary.

improve and safeguard the public health, I respectfully recommend that the Borough of Carlisle be granted a right of way, or easement, across School Farm, No. 1, in accordance with the line laid down on the map filed with its application.

A form of license is herewith inclosed.

Very respectfully,

(Signed) *C. F. Lavallee*

Acting Commissioner.

(F)

Inclosures.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Education
425- 9232
17596-18432
19011-25026
1908
J.H.D.

WASHINGTON.

April 18, 1908.

SUBJECT:

Request of Borough of Carlisle
for right of way for an outfall
sewer across the Carlisle Indian
school grounds.

Supt. Indian School,
Carlisle, Pa.

Sir;

There are herewith inclosed two licenses: one from the War Department and the other from the Interior Department, granting permission to the Borough of Carlisle, Pennsylvania, to construct, operate, and maintain an outfall sewer through the reservation of Carlisle Barracks and School Farm, No. 1, commonly known as the Parker Farm, as described in said licenses and subject to the conditions and provisions set forth therein.

The proposition of the Borough to permit the school to join its sewer to the disposal plant of the Borough at an annual fixed charge of \$200, based on a school population of 700, and to make a proportionate decrease in the charge in case the average attendance falls 100 or more below 700, and

FILE
425/08
Carlisle
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Carlisle

a proportionate increase in case the average attendance reaches 100 or more above 700, is acceptable to this Office.

Very respectfully,

(Signed) C. F. Parrabee,
Acting Commissioner.

(F)

Authority 25026-08

Inclosure.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

Education
25026-1908
J.H.D.

April 17, 1908.

SUBJECT:

Request of Borough of Carlisle
for right of way for an outfall
sewer across the Carlisle Indian
school grounds.

The Commissioner of Indian Affairs.

Sir:

In accordance with your recommendation of April 16, I
inclose herewith a license granting the Borough of Carlisle,
Pennsylvania, permission to construct, operate, and maintain
an outfall sewer through School Farm, No. 1, commonly known as
the Parker Farm, of the Carlisle Indian School, Pennsylvania,
subject to the provisions and conditions set forth therein.

Very respectfully,

(Signed) Jesse E. Philson.

Assistant Secretary.

(F)

44-5708
Carlisle
44-5-

FILE



DEPARTMENT OF THE INTERIOR,

INDIAN INDUSTRIAL SCHOOL,

OFFICE OF SUPERINTENDENT.

Subject:

Proposed right
of way for sewer.

Carlisle, Pa.,

April 11, 1908.

The Commissioner of Indian Affairs,

Washington, D. C.

Sir:

Replying to your Office letter (Education 17596-18432-19011/08) of March 28th, relative to right of way for an outfall sewer in favor of the Borough of Carlisle, there is inclosed herewith a copy of a letter from the President of the Borough Council, with a copy of a resolution passed by said Council, to the effect that in the event of the average attendance at this school being 100 or more pupils below the 700 as mentioned in the resolution of Council passed March 12, 1908, that then the charge for the use of said outfall sewer and disposal plant, as provided for in said resolution, shall be proportionately decreased. It will also be noted that a further stipulation is made to the effect that in the event that the attendance at this school shall exceed by 100 or more pupils the 700, as provided by said resolution, then the annual charge shall be proportionately increased.

In reply to the further inquiry of your Office I have to say that the line of the proposed sewer crosses No. 1 school farm, commonly known as the Parker Farm, which was purchased in 1881 under direction of the Interior Department.

Very respectfully,

W. B. Friedman

Superintendent.

AES



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Apr. 10,

Marion Friedman, Supt.,

Carlisle Indian School,

Carlisle, Pa.

Dear Sir:

4-125-108
Carlisle

Complying with a request received through a communication from Mr. Chas. E. Dickson, supervisor in charge of the Indian Industrial School, at Carlisle, I beg to report that the Council of the said Borough, at a meeting held Apr. 9th, 1908 passed the following resolution in relation to charge for use of Sewage Disposal through the Indian Industrial School, through the main Outfall Sewer and Disposal Plant as contemplated in the plans as filed with the Interior Department.

In the matter of resolution fixing charge for Sewage Disposal for the Indian Industrial School at Carlisle, Pa.

Be it further resolved that, in the event of the average attendance at the said Indian Industrial School being 100 or more pupils below the 700 as mentioned in the resolution of Council passed April 9th, 1908, that then the charge for the use of said Outfall Sewer and Disposal Plant, as provided for in said resolution, shall be proportionately decreased; and in the event that the attendance at said school shall exceed by 100 or more pupils the 700, as provided by said resolution referred to herein, then the annual charge shall be proportionately increased.

448

Mr. J. F.

2

With reference to further information desired by the Interior Department as to whether the proposed Outfall sewer will pass over property under the authority of the War Department, I presume that this information can be obtained through your office. My impression is that it will traverse some such property. I shall be under obligations to you for your prompt attention in forwarding this action of Council to the proper authorities at Washington.

Very respectfully yours,

John W. Council
Pres. Council

Rec. by J.W.E.

445/08
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In the matter of resolution fixing charge for Sewage Disposal for the Indian Industrial School at Carlisle, Pa.

Be it further resolved that, in the event of the average attendance at the said Indian Industrial School being 100 or more pupils below the 700 as mentioned in the resolution of Council passed March 12th, 1908, that then the charge for the use of said Outfall Sewer and Disposal Plant, as provided for in said resolution, shall be proportionately decreased; and in the event that the attendance at said School shall exceed by 100 or more pupils the 700, as provided by said resolution referred to herein, then the annual charge shall be proportionately increased.

Copy of resolution passed by Council of the Boro of Carlisle. Apr 9, 1908.

DEPARTMENT OF THE INTERIOR,

Education
17596-18432
19011-1908
J.H.D.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. March 28, 1908.

SUBJECT:

Request of Borough of
Carlisle for right of way
for outfall sewer.

Supervisor in Charge,
Indian Training School,
Carlisle, Pa.

Sir:

I am in receipt of your letter of March 14, submitting a proposition from the Borough of Carlisle, which is constructing an outfall sewer and has asked for a right of way, or easement, across the Indian school lands, covering the per capita cost to the school for joining its sewer to the disposal plant of the Bureau.

The proposition of the Borough of a fixed annual charge of \$200, based upon a school population not exceeding 200 persons, has been considered by the Office, and will be accepted provided the Borough is willing to make a ratable reduction in this charge in case the school population drops below the number named.

Submit this decision to the Borough authorities and inform the Office of their action on it. Also report whether the route for the sewer crosses any land the title to which rests in the

425/08
Carlisle 425

2
Carlisle

Interior Department, so that, if it does, authority for such right of way may be obtained from the Secretary.

The War Department has consented to whatever adjustment of the matter this Office will make with the Borough of Carlisle.

Very respectfully,

(Signed) L. F. Larrabee,
Acting Commissioner.

(F)

Subject:
Right of way
for sewer through
school grounds.

DEPARTMENT OF THE INTERIOR,

UNITED STATES INDIAN SERVICE,

Indian Industrial School,

Carlisle, Pa., March 14, 1908.



The Commissioner of Indian Affairs,

Washington, D. C.

Sir:

Referring to your letter of the 3d instant in regard to granting right of way over our school grounds for an outfall sewer to the Borough of Carlisle, you are advised that a copy of said letter was furnished to Mr. J. C. Eckels, president of the council.

I am now in receipt of his reply dated the 13th instant, a copy of which is herewith inclosed. It will be noted that by resolution of the council the Government is given the right to attach its sewage system to the proposed outfall sewer, when completed and ready for the disposal of sewage, at an annual fixed charge of \$200, based upon a school population of not to exceed 700 persons. It is thought that the latter number, including employees and members of their families, will constitute about the average population of the school grounds during the year, based upon an enrollment of 1000 children with the outing system conducted about as it is at present.

Very respectfully,

Chas. H. Dickerson

Supervisor in Charge.

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JRW-S

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~~Copied~~
Corrough Corporation
Office of President.

OFFICE OF INDIAN AFFAIRS
RECEIVED
MAR 16 1908
File
18432

MSD

Carlisle, Pa., Mar. 13,

475/08
Carlisle
475

Mr. Chas. H. Dickson,
Supervisor Carlisle Indian School,
Carlisle, Pa.

Referred to
Answered
Referring to file

Dear Sir:

I beg to acknowledge the receipt of your communication of recent date enclosing a copy of letter received from Commissioner Leupp on the matter of easement or Right of Way over lands of the U. S. Government for a proposed outlet sewer. I submitted the same to Council at their regular meeting last evening, and beg leave to report that the following resolution was adopted.

"Resolved—that in consideration of a free Right to build and maintain an outfall sewer over and through lands of the U. S. Government, adjacent to Carlisle and now used as an Indian Training School and farm lands, that the said U. S. Government be, and is hereby given the right to attach their present sewerage system at the Indian Industrial School at Carlisle, Penna. to the proposed outfall sewer, as soon as the plant for the disposal of sewerage is built and ready to receive the same;

That so long as the average attendance at said School does not exceed 700 persons, that an annual charge be fixed for the use of said outfall sewer and disposal plant at \$200. per annum."

You will please explain to Com. Leupp that we fully appreciate the privilege we are asking of the U. S. Government, and

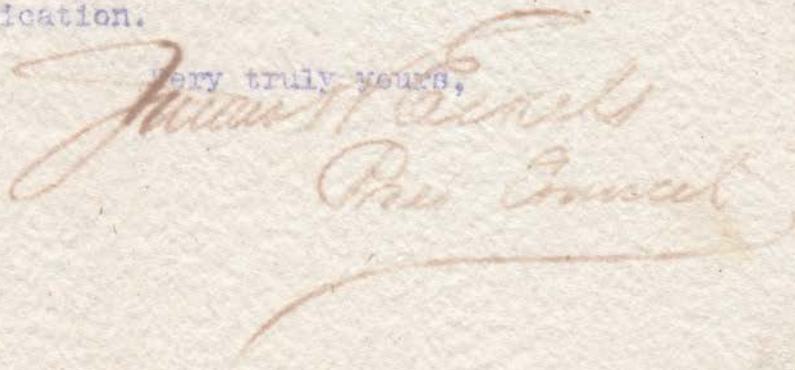
G.H.D.

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likewise his kindly expression in regard to improving the sanitary arrangements for Carlisle and vicinity. Council regard the charge of \$200. as a very fair and equitable one as compared to what it would cost the Indian School to build and maintain a Disposal plant to take care of sewage from the school. The "per capita" as estimated by Engineer Hutton is considered very low owing to the fact that there is underlying lime stone rock over a considerable portion of this proposed system which will necessarily make the cost considerable in excess of the estimate submitted. The writer believes that if ~~you~~ get through with 35 to 40¢ per capita, that this will be nearer the actual cost, than the estimate submitted. I trust that this action of Council will meet with the approval of yourself and Com. Leupp, and that we may have a prompt and favorable action upon our application.

Very truly yours,

Dis. by J.W.E.



18432

DEPARTMENT OF THE INTERIOR,

UNITED STATES INDIAN SERVICE,

Subject:
Proposed sewer
for Borough of
Carlisle.

Indian Industrial School,

Carlisle, Pa., March 16, 1908.



The Commissioner of Indian Affairs,
Washington, D. C.

Sir:

Answering your office letter (Education 9232/1908, File 425) dated the 14th instant, I have to advise that reply was made to your Office letter of the 3d instant on the 14th. Said reply has doubtless reached you ere this.

Upon receipt of your said Office letter of the 3d the matter was promptly submitted to the president of the Borough Corporation, but it was necessary for him to secure the action of the Borough Council, which was the cause of the delay.

Very respectfully,

Chas. H. Dickson

Supervisor in Charge.

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Carlisle

FILE

WAR DEPARTMENT,

WASHINGTON.

15404.



March 10, 1908.



Sir:

Referring to your letter of 3d instant, I transmit, herewith, an instrument granting The Borough of Carlisle, Pennsylvania, permission, revocable at will by the Secretary of War, to construct, operate and maintain an outfall sewer through the reservation of Carlisle Barracks, Pennsylvania, as described in said instrument, subject to the provisions and conditions set forth therein.

Very respectfully,

Assistant Secretary of War.

The Honorable
The Secretary of the Interior.

(Inclosure: 3 of 15404).

FILE



J.A.G.O.
(22869)

17596

THE BOROUGH OF CARLISLE, PENNSYLVANIA, is hereby granted a LICENSE, revocable at will by the Secretary of War, to construct, operate, and maintain an outfall sewer through the reservation of CARLISLE BARRACKS, Pennsylvania, following with said outfall sewer the route indicated on blue-print filed with the application of said licensee for the privilege herein granted, and bearing the legend:

"Map showing location of outfall sewer, approximate subdivisions of properties, location of disposal plans, buildings, Ec., and buildings and sewers of Indian School, Carlisle, Pa. Scale 1 in. 200 ft. Jan. 1908. T. Chalkley Hatton, Cons. Engr., Wilmington, Del."

THIS LICENSE is granted subject to the following conditions and provisions:

1.---That said licensee shall permit the authorities of the Indian School to connect the said school sewer with the sewer herein authorized; and shall provide for the disposal of the sewage from said school sewer upon terms satisfactory to the officer in charge of said School.

2.---That the occupation of said reservation, incident to this license, shall be subject to such rules and regulations in the interest of good order, police, sanitation, discipline, and the conservation of the interests of the Government as may from time to time be prescribed by the officer in charge of said School.

3.---That said licensee shall restore the surface of the ground to its normal condition, wherever the same may be disturbed under authority of this license.

4.---That all work incident to this license shall be subject to the supervision and approval of said officer in charge of said School.

5.---That any sum which may have to be expended, after revocation or relinquishment of this license, in putting any premises or property, hereby authorized to be occupied or used, in as good condition for use by the United States as it is at this date, shall be repaid by said licensee on demand.

WITNESS my hand this 10th day of MARCH, 1908.

Robert H. H. H. H.

Asst. Secretary of War.

File 17596
J.A.G.O.
22869

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

Education
13035 - 1908
File 370

SUBJECT: .

February 27, 1908.

Sewer right of way
over Carlisle School
premises.

Mr. James S. Sherman, Chairman,
Committee on Indian Affairs,
House of Representatives.

My dear Mr. Sherman :

I am in receipt of your letter of the 21st instant, asking whether or not there is any law under which the City of Carlisle, Pennsylvania, can procure a right of way for a sewer over the Carlisle School grounds.

I assume that the laws which relate to the condemnation of property for public uses would apply at the Carlisle School as well as elsewhere. As you know, the school premises are the old Carlisle Barracks, the site for which was purchased by the Government for military purposes in 1801. The order turning over the Barracks to the Interior Department contained this paragraph :

Pursuant to instructions from the General of the Army, dated August 22, 1879, the post of Carlisle Barracks, Pennsylvania, will be transferred to the custody and control of the Interior Department, to be used as a school for the education of Indian children ; reserving, however, the right of the War Department to resume occupation of Carlisle Barracks whenever needed for military purposes, or when required by Congressional action.

As there is a question regarding the school's joining the municipal sewer which, as proposed, will pass through the grounds, the Office now has the matter under consideration, and as soon as a definite

conclusion can be reached, it is proposed to submit the request of the Borough of Carlisle for a right of way over the property to the War Department for its approval.

Very respectfully,

(Signed) F. E. Leupp.

Commissioner.

J.H.D.(P)

Compared. *p*

SIXTIETH CONGRESS.

S. I. F.

Committee on Indian Affairs,

House of Representatives U. S.,

Washington, D. C., February 21, 1908.

JAMES S. SHERMAN, N. Y., Chairman.
Thomas F. Marshall, N. Dak.
Charles L. Knapp, N. Y.
Edmund H. Hinshaw, Nebr.
Amos L. Allen, Me.
Phillip P. Campbell, Kans.
Joseph Howell, Utah.
Bird S. McGuire, Okla.
Charles A. Lindbergh, Minn.
E. A. Morse, Wis.
William H. Parker, S. Dak.
John H. Stephens, Tex.
Claude Kitchin, N. C.
Gilbert M. Hitchcock, Nebr.
Edward W. Saunders, Va.
Charles D. Carter, Okla.
Ben Cravens, Ark.
Thomas Hackney, Mo.
William H. Andrews, N. Mex.

H. E. Devendorf, Clerk.

Hon. F. E. Leupp,
Commissioner of Indian Affairs,
Washington, D.C.

My dear Mr. Leupp:-

Will you kindly inform me whether or
not there is any law under which the City of
Carlisle, Pa., can secure a right of way for
a sewer over the Carlisle School grounds.

With thanks for the information and
great respect, I am,

Sincerely yours,

J. S. Sherman



FILE



2

Inclosure

March 3, 1908.

425/08
Carlisle
425-

Education
9232-1908
File 425

SUBJECT:
Request of Borough of
Carlisle for right of way
for an outfall sewer across
the Carlisle Indian School
grounds.

The Secretary of War.

Sir:

The Borough of Carlisle, Pennsylvania, which is constructing a new outfall sewer under the State laws, has asked for a right of way, or easement, across the Carlisle Indian School grounds and the school farm adjoining the grounds.

On August 25, 1879, the Post of Carlisle Barracks, Pennsylvania, was transferred to the custody and control of the Department of the Interior to be used as a school for the education of Indian children, with this proviso:

Reserving, however, the right of the War Department to resume occupation of Carlisle Barracks whenever needed for military purposes or when required by Congressional action.

The Indian Office has been in correspondence, through the Acting Superintendent of the Carlisle School, with the Borough authorities of Carlisle, concerning the right of way for this outfall sewer; and the Commissioner of Indian Affairs is of the opinion that, if satisfactory rates can be made with the municipal authorities for joining the school sewer with

2
Secretary of War

plant, there would be no objection to granting the right of way, it being understood from the correspondence that no permanent damage would be done the school grounds.

As the title and right to possession, however, still remains in the War Department, the request is submitted to you for your approval.

In view of the proposed sanitary arrangements of the State and the local authorities, it is not deemed advisable to throw any obstacles in the way of their efforts to improve and safeguard the public health. I therefore recommend that the War Department grant the necessary permission for this right of way, or easement, in accordance with the line as laid down on the map herewith inclosed.

Very respectfully,


Assistant Secretary.

J.H.D.(F)

Inclosure

FILE

DEPARTMENT OF THE INTERIOR,

WASHINGTON. March 3, 1908.

Education
9232-1908
File 425

SUBJECT:

Request of Borough of
Carlisle for right of way
for an outfall sewer across
the Carlisle Indian School
grounds.

FILE
9232-1908
Education
File 425

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Very respectfully,

Secretary.

J.H.D.(P)

425

DEPARTMENT OF THE INTERIOR,
INDIAN INDUSTRIAL SCHOOL,
OFFICE OF SUPERINTENDENT.



Subject:
Proposed sewer
for Borough of
Carlisle.

Carlisle, Pa., Feb. 6, 1908.

The Honorable,
The Commissioner of Indian Affairs,
Washington, D. C.

Sir:

Referring to your Office letter (Education 425-1908, File 425), dated January 8, 1908, relative to right of way or easement for a new outfall sewer across the Indian school grounds and Indian school farm adjoining the grounds, to be constructed by the Borough of Carlisle, attention is invited to the inclosed copies of letters dated January 16 and 29, 1908, by my predecessor, Major W. A. Mercer, to Mr. James W. Eckels, chairman of the committee on sewage, and to copies of replies dated January 27th of the consulting engineer for the Borough, T. Chalkley Hatton, and of Mr. Eckels, dated January 30th and February 4th.

This correspondence, together with the map accompanying Mr. Hatton's letter, which is also forwarded herewith, and which shows the location of the proposed sewer line with reference to the Indian School grounds and property, will, I think, supply your Office with full information bearing upon this subject. The map, it will be observed, shows not only the distances traversed by the proposed sewer line over the Indian school property, but also contains a profile showing depth of the pipe below the surface,

425-1908
Carlisle
425

location of man-holes, etc. From the data furnished and the statement of Mr. Hatton, it does not appear that the present sewerage system of the school would be in any way affected by the construction of the borough line. Mr. Eckels indicates that the sewer pipe can be laid without causing any inconvenience to the school and without any destruction to its property. This of course can hardly be possible, strictly speaking, as the construction of the sewer line will necessarily interfere with the use of the ground for a considerable period and as part of the ground is used for garden purposes, the interference will necessarily be considerable if the construction work is done during the growing season. Aside from this, the laying of the pipe would cause no permanent injury. This, however, would not be true of the man-holes which will necessarily be more or less of a permanent obstruction. Besides, the Borough authorities will necessarily be required to go upon the grounds from time to time for the purpose of making repairs.

The present sewerage system of the school is entirely satisfactory and no complaint has ever been made as to its efficiency. Neither has the health of the public ever been adversely affected by the discharge of the school sewage into the creek below the school grounds, so far as the school authorities are aware. The sewage from the hospital has been disposed of the same as other sewage from the school plant ever since the present system was installed.

It will be noted from the letter of Mr. Eckels dated February

4th that the Borough would hardly consider it an equitable exchange to permit this school to have the free use of the Borough sewer and disposal plant in exchange for the proposed right of way or easement. It is estimated by Mr. Hatton that the per capita cost of the system will be about \$3.40. Upon the basis of 6% of this amount as a nominal charge the per capita cost would be about 21 cents per annum, or \$210 for the Indian school based upon a population of 1000 persons. Mr. Eckels states that it is ^{not} intended that the school shall extend any aid in the matter of constructing the new sewage system, and that it is entirely optional with the authorities in charge of the school whether or not they connect with the proposed sanitary arrangement.

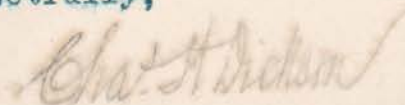
I do not feel that the U. S. Government would be warranted in placing any obstacles whatever in the way of any proposed sanitary arrangements of the State and of the local authorities that would tend to improve and safeguard the public health. The health authorities of the State are, it is understood, making every effort to bring about changes in the matter of disposal of sewage from towns and cities and also to prevent discharges of matter into the streams of the State that might endanger the health of the public. It will likely be only a matter of time when the school authorities here will be requested to stop the discharge of sewage into Letort Creek as at present and to otherwise arrange for the disposal of the sewage.

In view of all the facts it is believed the Borough of Carlisle

should be granted a right of way or easement over the Indian school property as proposed, if it so desires, upon such terms as may be deemed just and equitable, and I so recommend.

Should the school wish to connect its sewer at any time with the disposal plant of the Borough as indicated, quite extensive changes would be necessary in the school buildings in connection with the disposing of the storm water from the roofs. At present most of this water is conducted into the school sewers together with the sewage, but the Borough disposal plant will not be designed to take care of the roof water, but only of the sewage. It is estimated the new system of down spouts, gutters, etc., would cost the school from \$250 to \$300.

Very respectfully,



Supervisor in Charge.

JRW-S

FILE

DEPARTMENT OF THE INTERIOR,

Education
9232-1908
File 425

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

March 14, 1908.

SUBJECT:

Proposed sewer for Borough
of Carlisle.

4425/08
Carlisle
4425

Supervisor in Charge,

Indian Training School,

Carlisle, Pa.

Sir:

Please inform me as promptly as possible what action has been taken on Office letter of March 3, with regard to the proposition of the Borough of Carlisle in connection with its request for a right of way, or easement, for a new outfall sewer across the Indian school grounds and farm.

Very respectfully,

(Signed) C. F. Larrabee,
Acting Commissioner.

E.A.F.

DEPARTMENT OF THE INTERIOR,

Education
9232-1908
File 425

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. March 3, 1908.

SUBJECT:

Proposed sewer for Borough
of Carlisle.

Supervisor in Charge,

Indian Training School,

Carlisle, Pa.

Sir:

Your letter of the 6th ultimo has been received, relative to a right of way, or easement, for a new outfall sewer across the Indian school grounds and the Indian school farm adjoining the grounds, to be constructed by the Borough of Carlisle.

In connection with this, you call attention to the statement made by the Chairman of the Committee on Sewerage, Mr. Eckels, in his letter of February 4, that the Borough would hardly consider it an equitable arrangement to permit the school to have the free use of its sewer and disposal plant in exchange for the proposed right of way, or easement.

It seems that the Borough proposes to charge the Indian school the full per capita cost for the use of the sewer. The Office cannot see this as an equitable arrangement, and therefore suggests that you again consult with the proper authorities and ask them to submit some other proposition covering the per capita cost to the school for joining its sewer with the disposal

FILE
425/08
Carlisle 425

2
Carlisle

plant of the Borough, in consideration of a free right of way, or easement, across the school grounds.

The Office does not wish to place any obstacles in the way of any proposed sanitary arrangements of the State or the local authorities, but at the same time it believes that the school has some equities in the matter.

Make the position of the Office clear to the Borough authorities,--that in view of a free right of way, and the fact that the Indian school is a federal institution, some concessions seem right and proper.

As soon as this matter is definitely determined, a final decision will be rendered.

Very respectfully,

(*Signed*) *J. E. Rupp*,
Commissioner.

J.H.D.(F)

800 - 5 - 4000

350 - 4 - 1400

500 - 3 - 1500

12 (6900)

575-

Emp.
families - 100

675-

9620 - 1900
340

384800
28860

34708

3270800
1

Pass.

Hold
Memo.: (425-1908)

Jan. 6/08.

The Chairman of the Sewer Committee says that at no point will the proposed sewer traverse grounds immediately adjacent to any building, nor mar its attractiveness. In so far as this promise is concerned I see no objection to granting the right of way requested, yet I am of the opinion that their suggestion for the cooperation of the Government in the construction and maintenance of the sewer is not practicable and believe that, in view of the valuable franchise requested in the occupation of school lands, it would be an equitable exchange to concede its free use to the Government.

*425/08
Carfile
425*

I note that the proposed sewer as laid down on the map, parallels, in a measure, the present school sewer and may at some points conflict therewith. Should it be deemed advisable to grant this right of way and to avoid any complications incident to interferences as above mentioned, it is desired that an accurate survey of the accepted line of the proposed sewer be furnished by the Sewer Committee for file in the records of this Office. It is also required that this line be platted on the map of the school grounds forwarded to Superintendent, under separate cover, and to have indicated thereon the most convenient and practicable point of connection of school sewer with the proposed; with the understanding that this connection be made at the expense of the Sewer Committee and, furthermore, that any conflict with the school sewer shall be adjusted by them, at their expense, and satisfactory to the Superintendent.

G. F.

Copy

FILE

Carlisle Pa

Jan. 20, 1908.

475/108
Carlisle 475

Mr. James W. Eckels,
Carlisle, Pa.

Sir:

Referring to my letter to you of January 16th in regard to right of way for the construction of a sewer by the Borough of Carlisle through the Indian school premises, I am in receipt of the inclosed letter and accompanying map from the consulting engineer, T. Chalkley Hatton, of Wilmington, Del., bearing upon the subject and giving information called for by the Indian Office. As we are without advice as to Mr. Hatton's authority to act in your behalf in this matter, I deem it proper to refer the papers to you for examination and return of same to me with such comments or additional remarks as you may see fit to make.

Very respectfully,

W. H. Miller
Major 11th Cavalry,

Superintendent.

JHW-S



MSD

Copy
Borough Corporation

Carlisle, Penna Feb. 4,

8.

Hon. Chas. H. Dickson,

Supervisor of the Carlisle Indian School,

Carlisle, Pa.

Dear Sir:

Replying to your communication of recent date in which you request information as to the probable cost to the Carlisle Indian School for taking care of their sewage through the proposed disposal plant, I beg to state that anticipating this inquiry I submitted the question to Mr. T. Chalkley Hatton, the engineer in charge of the proposed system and quote from his letter addressed to me as Chairman of the Sewerage Committee, under date of Dec. 19, 1907

"Replying to your inquiry of the 16th inst as to what my estimate would be of a fair, fixed yearly fee which should be paid you by the Indian School property for taking care of their sewage, in your proposed disposal plant, I beg to refer you to my latter to you of Dec. 8th wherein I summed up the total cost, which was fair for the said property to pay "per capita", which cost was \$3.47. Assuming this sum to be correct the nominal fixed charges should be based upon the legal rate of interest on this cost, or 6% of \$3.47, being 21¢ "per capita" per annum. This would make \$210. per annum for the Indian School based upon a population of 1000.

Mr. Hatton has also approximately fixed the charge to be estimated for a separate disposal plant for the Indian School which he says would cost about \$8300. and on which he calculates for in-

498/08
Carlisle
H. H.

2.

terest, deposition and maintenance an aggregate sum of \$857. This as you will see is considerably higher than the other referred to.

In my opinion it would be sufficient to estimate about \$300 per annum for the use of this part of the system, however I am not in a position to specify any positive arrangement as you understand this will have to be submitted to Council should such an arrangement be concluded.

Upon referring to the extract from the letter written by the department I would infer that an impression was entertained that the Borough of Carlisle desired the assistance on the part of the School in the building and maintenance of this plant. This is not correct as you will understand it is entirely optional with the authorities in charge of the school whether they connect with this sanitary arrangement or not. What the town council desire is the right to lay this outfall pipe in such a way as to cause no inconvenience to the school nor any destruction to the property.

I trust that this will give you the desired information if not I shall be pleased to hear from you further.

Very truly yours,

Dic. by J.W.E.



Copy

Referred to Files

Wilmington, Del., Jan. 27, 1908

Hon. Charles S. Dickson,

Superintendent, Carlisle Indian School.

My dear Sir:

Referring to a letter written by Major W.A. Mercer to Mr. James W. Eckels Jan. 18, 1908 which Mr. Eckels has requested me to answer in detail, I have the honor of enclosing you herewith a blue-print upon which is shown the location of the proposed outfall sewer for carrying the sewage from the Borough of Carlisle to the disposal plant designed to be located about 3000 feet below the property of the Carlisle Indian School. (Property thus alluded to meaning the tract upon which the school buildings are erected) Also a true location of the boundary lines of said property and the buildings erected thereon, taken from a blueprint prepared by the Commissioner of Indian Affairs, entitled; "Plan of Buildings and Premises of the United States Indian Industrial School, Carlisle, Pa." Also the location of the sewers and branches now built within and without such premises for the purpose of carrying off underground all the liquid wastes and sewage from the buildings erected thereon.

Also a profile showing the depth of the proposed Borough sewer below the present surface of the ground. The location of manholes, sewage disposal plant, etc. etc. From this plan a true and correct knowledge may be readily obtained of the effect which the construction of the proposed Borough sewer would have upon the premises of the U.S. Indian School.

Replying to the first ppg. of the letter, dated Jan. 8, from the Commissioner of Indian Affairs, a copy of which is embodied in Major Mercer's letter of the 16 th. I beg to state that it is true that the school already has a sewer system of its own, the efficiency of which has not been questioned. This system has been gradually built

445108
Carlisle

a little at a time, the sewage being discharged into a small branch of the Letort Spring Run. During the past year a new hospital building was built upon the grounds and the sewage system extended to carry off the liquid fluids and sewage from this hospital. This act in itself is clearly contrary to the Laws of the State of Pennsylvania creating the Health Department. (See Section 4 Act # 182 of the General Assembly of Commonwealth of Pennsylvania. Approved April 22, 1905) inasmuch as the sewage system was extended ^{and without permit from the Health Commission} and connected with the hospital building subsequent to the passage of this Act.

Aside from the illegality of the extension of the school sewerage system is the moral effect upon the community at large. The Health Commissioner of the State of Pennsylvania is ^{using} ~~making~~ every just endeavor to prevent the pollution of the waters of the state, requiring municipalities, at great cost, to purify the raw sewage before discharging it into these waters. Among these municipalities is the Borough of Carlisle which is required by the said Commissioner to purify its sewage before discharging it into the same stream into which the sewage from the Indian School premises is now being discharged without purification. How can we convince the taxpayer that he should pay for purifying his sewage before discharging it into the same stream in which the United States Government is permitted to discharge its crude sewage?

While the granting of the right-of-way for this outfall sewer to the Borough of Carlisle would be an act of some value to the Borough the benefits thus obtained are two sided. The Borough upon its part thus gets a little better line for construction purposes than it could obtain by passing wholly outside of the Industrial School premises, but The Industrial School is largely benefited in that the opportunity is thus afforded it to connect with a large municipal sewer which must forever be kept up and maintained by the municipal authorities under the direction of the State Health Commissioner, and to his satisfaction; and the opportunity is also given for the school ^{to dispose} of its sewage forever without building, maintaining and operating its own purification plant. This is a benefit of great value when you consider the enormous expenditures for construction & operation and maintenance made by other municipalities and public institutions throughout this country for the purpose of properly taking care of their sewage. The time is

present when the crude sewage from the hospital of the Carlisle Indian School should not be discharged into the Latort Spring, which passes through a large agricultural community and when polluted is a constant danger not only to the actual settlers upon this spring ~~which~~ but to all those who may obtain their milk from these settlers.

Certainly if the Industrial School has an opportunity of having its crude sewage purified by a large municipal filter plant under State supervision, rather than be required to build, maintain and operate its own plant at an increased relative cost and trouble, the benefit is too great to permit the mere right of way for such an opportunity to stand in the way of its realization.

The Commissioner of Indian Affairs writes of the valuable franchise which may be conferred upon the Borough of Carlisle by the granting of this ^{right} ~~kind~~ of way. In the common use of this word this is not a franchise at all, inasmuch as the Borough is not building the sewer for profit or for selling privileges. The request is for a right of easement under ground the ^{or} ~~exercise~~ of which will in no way curtail the free use of the entire ground by the present owners for all needful purposes inasmuch as six months after the sewer is constructed there will be no evidence of its location except the few manhole covers built upon the tops of the brick manholes. These covers being of cast iron two feet in diameter and placed level with the surface of the ground. Replying to the second ppg. of the Commissioners letter, the blueprint enclosed does this except to state that in no place will the construction of the Borough sewer interfere with the continuous use of the school sewer. The former crosses the latter at but one point and then about 18 inches higher. The Borough sewer is so located that any portion of the school system which now connects with the main outfall sewer for such system can be connected with the Borough sewer by simply taking up a few feet of such portion where it connects with its present outfall, laying it at a less grade for these few feet and connecting it with branches to be built into the Borough sewer at any convenient points. The cost of making each connection should not exceed ten dollars. Trusting I have satisfactorily given all the information requested I am very respectfully yours

(Sgd) H Chalkley Hatton

Consulting Engineer for the Borough of Carlisle, Pa.



Copy

Carlisle Pa Jan. 16, 1908.

Mr. James W. Eckels,
Carlisle, Pa.,

Sir:

Referring to previous correspondence relative to the proposed outfall sewer for the Borough of Carlisle, I have to quote the following from a letter, dated January 8th, by the Commissioner of Indian Affairs:

"It is understood that the school already has a sewer system of its own, concerning the efficiency of which there has been no complaint. If such is the case, the cooperation of the Government with the Borough in the construction and maintenance of the proposed sewer does not seem either advisable or practicable, in view of the valuable franchise which it is requested to grant. The occupation of the land for the purpose proposed should be considered an equitable exchange for the free use of the sewer."

"It is noted that the proposed line of the sewer, as shown on the map, parallels the present school system and may at some point conflict therewith, should it be deemed advisable to grant a right of way. To avoid any complications incident to possible interference, it is desirable that an accurate survey of the accepted line of the proposed sewer be furnished by the Committee for the files of this Office; also that the line be platted on the map of the school grounds forwarded to you under separate cover, and that there be indicated thereon the most convenient and practicable point of connection of the school sewer with the one proposed; with the understanding that the connection is to be made at the expense of the Sewer Committee, and that any conflict with the school sewer be adjusted at their expense and satisfactorily to you."

The map of the school grounds mentioned above is sent to you under separate cover, with the suggestion that the survey be made and platted on said map, as indicated by the Commissioner of Indian Affairs. The map was not received until this morning, which has caused some delay in taking the matter up with you.

Very respectfully,

H. A. Mercer

Major 11th Cavalry, Supt.

Sch.

475-108
Carlisle



9232

Copy
Borough Corporation
Office of Secretary

MSD

Carlisle, Penna. Jan. 30, 8.

Hon. W. A. Mercer,
Indian Industrial School,
Carlisle, Pa.

Dear Sir:

I am in receipt of your communication of the 29th inst containing map and letter from T. Chaikley Hatton, Wilmington, Del. bearing upon the subject of Right of Way for outfall sewer through Indian School property and in reply would state that Mr. Hatton is the engineer in charge of this work and is authorized to act in behalf of the Council of the Borough of Carlisle, in so far as his duties as engineer may extend.

Upon receipt of your communication of the 16th inst which embodied an extract from a letter dated Jan. 8th from the Commissioner of Indian Affairs, at which time I also received a blue print of the school grounds, I forwarded a copy of the extract with the blue print to Mr. Hatton with the request that he would furnish the required information, and also that the proposed line be dotted on the map of the school grounds.

My request was that this information be furnished me as Chairman and there was no suggestion to Mr. Hatton that he should enter into any discussion of the proposition which was contained in the letter of the Commissioner to yourself.

I find from examination of Mr. Hatton's letter under date of Jan. 27th to Hon. Chas. H. Dickson, a copy of which *has* been forwarded to me, that he has given the desired information in so far as an ac-

445108
Carlisle
445108



DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

Education
425 - 1908
File 425

Subject:

January 8, 1908.

Proposed sewer for
Borough of Carlisle.

Superintendent,
Indian Industrial School,
Carlisle, Pennsylvania.

Sir :

I am in receipt of your letter of the 2nd instant, forwarding copies of letters received from the Chairman of a Committee on Sewerage for the Borough of Carlisle, relative to a right of way for a proposed new outflow sewer across the Indian school grounds and Indian school farm adjoining the grounds. You submit the matter to the Office for consideration and such action as may be deemed appropriate in the premises.

The correspondence shows that the Borough of Carlisle proposes to install a system of sewerage at a cost of \$150,000; that the outflow sewer leading to the disposal plant will pass either through, or adjacent to, the Indian school grounds; and that the cooperation of the School is asked in the erection, use and maintenance of the proposed system.

As it is said that the proposed sewer will not at any point pass immediately adjacent to any building and that it will not mar the attractiveness of the grounds, there would be no objections on these points to granting the right of way requested, provided there are no legal difficulties in the way of doing so.

425-1908
Carlisle
425-

It is understood that the school already has a sewer system of its own, concerning the efficiency of which there has been no complaint. If such is the case, the cooperation of the Government with the Borough in the construction and maintenance of the proposed sewer does not seem either advisable or practicable, in view of the valuable franchise which it is requested to grant. The occupation of the land for the purpose proposed should be considered an equitable exchange for the free use of the sewer.

It is noted that the proposed line of the sewer, as shown on the map, parallels the present school system and may at some point conflict therewith should it be deemed advisable to grant a right of way. To avoid any complications incident to possible interference, it is desirable that an accurate survey of the accepted line of the proposed sewer be furnished by the Committee for the files of this Office; also that the line be platted on the map of the school grounds forwarded to you under separate cover, and that there be indicated thereon the most convenient and practicable point of connection of the school sewer with the one proposed; with the understanding that the connection is to be made at the expense of the Sewer Committee, and that any conflict with the school sewer be adjusted at their expense and satisfactorily to you.

You make no definite recommendation with regard to the advisability of granting the right of way requested. Before any definite action can be taken here it will be necessary for you to submit a full

report on the subject, especially with reference to any necessity there may be for a discontinuance of the present school sewer system and connection with the new one proposed.

Very respectfully,

(Signed) F. E. Leupp.

(Signed) F. E. Leupp.
Acting Commissioner.

J.H.D.(P)

Compared?

P.

(Copy)

Carlisle Pa

December 18,

7.

Major W. A. Mercer,

Superintendent Indian Industrial School,

Carlisle, Pa.

Dear Sir:

The Council of the Borough of Carlisle propose to install a system of sewerage for said Borough, at a cost of \$150,000. This system embraces one of the latest purification plants and when completed will add greatly to the sanitation of Carlisle and its vicinity.

The outfall sewer from this system, leading to the disposal plant, will pass either through, or adjacent to grounds occupied by the Carlisle Industrial School.

In designing the system, the Sanitary Engineer took into consideration the care of sewage from the Indian School, and we hereby invite your cooperation in the erection, use and maintenance of the proposed system.

We believe the attachment could be made at little expense and that the cost per year would be very moderate.

Very respectfully,

The Borough Council.

By

The Com. on Sewerage.



Chairman.

Carlisle
Hwy 108

(Copy)

MSP

Carlisle, Penna December 12, 7.

Major W. A. Mercer,
Superintendent Indian Industrial School,
Carlisle, Pa.

Dear Sir:

By virtue of a resolution of the town Council of Borough of Carlisle, application is hereby made for a right of way for an outfall sewer over grounds occupied by the Carlisle Industrial School for school and farm purposes.

The proposed sewer will enter the grounds a short distance north of the Cumberland Valley R. R. freight track, and continue in a northerly direction along the extreme western limits of grounds to a point in a road leading from grounds to Harrisburg turnpike; thence by several courses along the extreme northern boundaries of the school property and farm lying adjacent, to a road leading from what is known as the Poor House road to the Harrisburg pike.

For almost the entire distance the proposed outfall sewer will follow the course of the Letort Spring, and at no point will it traverse grounds immediately adjacent to building of any kind, nor will it cut any portion of ground used for school purposes. In taking the course as above stated, there will be no cuts nor fills necessary in the construction of the sewer but a regularity of trench be maintained, which will in no way interfere with the use of the property, nor mar its attractions.

We might further add that this is the only available outlet for the proposed sewerage of the Borough of Carlisle, and trust that the application will be promptly and favorably considered.

Carlisle
HVS/108

FVS

A map showing the location of the proposed sewer will be furnished with this application.

Very respectfully yours,

~~The Borough Council.~~

By

The Committee on Sewerage

James M. Corbett

Chairman.

MSD

(Copy)

Carlisle, Penna, December 30,

7.

445/08

Carlisle 445

Major W. A. Mercer,
Indian School,
Carlisle, Pa.

Dear Sir:

Enclosed herewith find blue print of proposed outfall sewer. I notice the line is not very distinct and would suggest that someone trace with red ink. It is the dotted line beginning at a point south of the railroad track. Should any other maps be required, kindly advise.

Very truly yours,

Dis. by J.W.E.

John Smith
Thamman

(Copy)

MSD

Carlisle Penna.,

Jan. 1, 8.

Maj. W. A. Mercer,
Supt. Indian Industrial School,
Carlisle, Pa.

Dear Sir:

I enclose herewith Map showing the location of the proposed Outfall Sewer through the U. S. Government grounds. You will note that the dotted red line indicates the proposed route on this property.

We shall be under obligations to you if you will forward this to the department, at once, so that the matter may be considered at an early date.

Will you kindly return to me the other Map sent with the application?

Very truly yours,

Dis. by J.W.E.

