

one, thirty-two, and the northwest quarter of section thirty-three. And such area or areas, as fast as complete title is acquired, shall be permanently held by the United States and shall be known as the Calaveras Bigtree National Forest and shall be administered, and protected, by the Secretary of Agriculture from the funds appropriated for the administration of National Forest land to prolong the existence, growth, and promote the reproduction of said big trees: *Provided*, That the owners of land acquired hereunder shall convey to the United States full title to any of the above-described areas approved for said national forest by the Secretary of Agriculture, the completeness of such title to be determined by the Secretary of the Interior in each case, and shall be reimbursed therefor only in any or all of three ways: They may be given the right to file with the Secretary of the Interior, within sixty days after any such conveyance, selections for an equal area of surveyed, unreserved, unappropriated, nonmineral public lands which, if found subject to such lieu selection, and of a value substantially equal to that of the amounts conveyed, may be patented to said owners in lieu of the land conveyed, and if any selection is rejected other selections may be made under conditions applicable to the one rejected; or the Secretary of Agriculture may grant to any such conveying owner the right to cut from national forest land an amount of timber and wood, substantially equal to the amount of timber and wood on the land acquired by the United States under the provisions of this Act: *Provided*, That nothing contained in this Act shall warrant an appropriation from the Treasury to carry out the terms of this Act.

Approved, February 18, 1909.

Name.

Provisos.
Title.

Reimbursement
plan.

No appropriation.

CHAP. 144.—An Act To amend the laws of the United States relating to the registration of trade-marks.

February 18, 1909.
[S. 3969.]

[Public, No. 238.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section two of the Act of February twentieth, nineteen hundred and five, and Section one of the Act of May fourth, nineteen hundred and six, be, and the same are hereby, amended so that the sections shall, respectively, read as follows:

Trade-marks.
Laws of, extended to interstate commerce.
Vol. 33, p. 724, amended.
Vol. 34, p. 169, amended.

“**SEC. 2.** That the application prescribed in the foregoing section, in order to create any right whatever in favor of the party filing it, must be accompanied by a written declaration verified by the applicant, or by a member of the firm or an officer of the corporation or association applying, to the effect that the applicant believes himself or the firm, corporation, or association in whose behalf he makes the application to be the owner of the trade-mark sought to be registered, and that no other person, firm, corporation, or association, to the best of the applicant's knowledge and belief, has the right to use such trade-mark in the United States, either in the identical form or in such near resemblance thereto as might be calculated to deceive; that such trade-mark is used in commerce among the several States, or with foreign nations, or with Indian tribes, and that the description and drawing presented truly represent the trade-mark sought to be registered. If the applicant resides or is located in a foreign country, the statement required shall, in addition to the foregoing, set forth that the trade-mark has been registered by the applicant, or that an application for the registration thereof has been filed by him in the foreign country in which he resides or is located, and shall give the date of such registration, or the application therefor, as the case may be, except that in the application in such cases it shall not be necessary to state that the

Verified declaration of ownership.
R. S., sec. 4938, p. 955, amended.

Use in the United States.

Applicants residing abroad.

Proof of registration, etc., in country of residence.

Verification, how made.

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

Application requirements.
R. S., sec. 4937, p. 955, amended.

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

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

Approved, February 18, 1909.

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

[Public, No. 239.]

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

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to pay from the funds remaining to the credit of the Omaha and Winnebago tribes of Indians any assessments which may be made by any drainage district in the State of Nebraska on the tribal lands of said Indians to protect such lands from overflow, not exceeding an average of eight dollars per acre.

Per capita payments to Indians.

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

Proviso.
Allotments held in trust.