

Determination of attorneys' fees.

"SEC. 3. That upon the final determination of such suit or suits the Court of Claims shall have jurisdiction to fix and determine a reasonable fee, not to exceed 10 per centum of the recovery, together with all necessary and proper expenses incurred in the preparation and prosecution of said suit or suits, to be paid to the attorneys employed by said Wichita and affiliated bands of Indians, and the same shall be included in the decree and paid out of any sum or sums found to be due said Indians: *Provided*, That the balance of such judgment shall be placed in the United States Treasury to the credit of the Indians entitled thereto, where it shall draw interest at the rate of 4 per centum per annum, and shall be thereafter subject to appropriation by Congress for educational, health, industrial, and other purposes for the benefit of said Indians, and no part of said judgment shall be paid out in per capita payments to said Indians unless authorized by Congress."

Payment.

Proviso.
Balance of judgment deposited in Treasury.

Approved, April 21, 1932.

[CHAPTER 123.]

AN ACT

April 21, 1932.
[S. 3560.]

[Public, No. 93.]

To amend the Act of May 27, 1930, authorizing an appropriation for the reconstruction and improvement of a road on the Shoshone Indian Reservation, Wyoming.

Wind River Indian Reservation, Wyo.
Road construction on.
Vol. 46, p. 430.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act authorizing reconstruction and improvement of a public road in Wind River Indian Reservation, Wyoming," approved May 27, 1930 (46 Stat. 430), is hereby amended by adding the following sections:

Payments for rights of way, etc.

"SEC. 2. In connection with the construction of such road, payment may be made for rights of way across Indian lands and also of the total irrigation construction costs and accrued operation and maintenance charges on affected lands.

Disbursement of State funds.

"SEC. 3. Any funds provided by the State of Wyoming shall not be subject to the requirement in section 1 hereof for the employment of Indian labor."

Approved, April 21, 1932.

[CHAPTER 124.]

AN ACT

April 21, 1932.
[S. 3655.]

[Public, No. 94.]

To provide for the leasing of the segregated coal and asphalt deposits of the Choctaw and Chickasaw Indian Nations, in Oklahoma, and for an extension of time within which purchasers of such deposits may complete payments.

Choctaw and Chickasaw Indians, Okla.
Lease of coal and asphalt deposits of, authorized.

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 and empowered, under rules and regulations to be prescribed by him, and upon such terms and conditions as he may deem proper, not inconsistent with this Act, to lease to citizens of the United States or any association of such persons, or to any corporation organized under the laws of the United States or of any State or Territory thereof, any developed tract of the unsold coal and asphalt deposits of the Choctaw and Chickasaw Nations, in Oklahoma, such leases to be entered into on behalf of said nations by the Choctaw and Chickasaw mining trustee or such other officer as the Secretary of the Interior may designate, and said lessees, subject to the approval of the Secretary of the Interior, said leases and the mining operations thereon to be under

Supervision and control.

the supervision and control of said mining trustee: *Provided*, That the rate of royalty for coal mined shall not be less than 8 cents per ton at the mine, payable monthly, and that the leases shall require the mining of a minimum of fifteen thousand tons of coal per annum from each tract leased, or the payment of royalty thereon at the said rate the same as if the coal had been mined: *Provided further*, That \$500 of the annual minimum tonnage royalty shall be paid annually in advance, beginning with the date of approval of the lease by the Secretary of the Interior, that the royalty paid on the minimum tonnage for any year shall not be applied on the minimum royalty due for any prior or subsequent year, and all moneys received as royalties or otherwise for leases made under the provisions of this Act shall be deposited in the Treasury of the United States to the credit of the Choctaw and Chickasaw Indian Nations; that no lease shall be made to extend for a period of more than fifteen years from and after September 25, 1932; that the Secretary of the Interior, in his discretion, may add to any developed lease, upon application of the lessee, not more than six hundred and forty acres of the segregated unleased coal deposits, where it is shown that such additions are necessary for the successful operation of such lease; that the tracts to be added must be contiguous to the leased deposits of the lessee, such additional acreage to be subject to the rules and regulations prescribed by the Secretary of the Interior under this Act; that the lease on the added area shall expire at the same time as the lease of which it becomes a part; and the rate of royalty on coal mined on the added area shall be the same as that fixed by this Act.

SEC. 2. That the prior lessee of any developed lease, who has paid all moneys due on coal mined thereon, or any person or corporation which by judicial sale or otherwise has succeeded or may succeed to any right of a former lessee in any developed lease, shall be given the preference right to a new lease on such developed premises, if in the opinion of the Secretary of the Interior the granting of such right will fully protect the interest of the Indians. The said parties shall be allowed thirty days after notice from the Superintendent of the Five Civilized Tribes or other official designated by the Secretary of the Interior within which to apply for new leases.

SEC. 3. That the Choctaw and Chickasaw mining trustee, or such officer as the Secretary of the Interior shall designate, is hereby authorized to examine the books and accounts of lessees who shall submit, upon oath, statements and reports, in such form and on such blanks as the Secretary of the Interior may require. Lessees shall report each month under oath to the Superintendent for the Five Civilized Tribes or to any other officer designated by the Secretary of the Interior, the quantity of coal mined on each lease during the previous month, and shall pay the royalty due thereon, as required by the rules and regulations prescribed under this Act. The failure of any lessee to make such report and pay such royalty within sixty days after such report and royalty become due shall subject the lease to cancellation, whereupon all advance and minimum royalties to the credit of such lease shall be forfeited and become the property of the nations, and any lessee making a false report, statement, or representation shall be subject to punishment as for perjury: *Provided*, That no lessee shall assign or sublease his estate, term, or interest in any lease without the written approval of the Secretary of the Interior, and a violation of this provision shall subject the lease so assigned or subleased to cancellation by the Secretary of the Interior, whereupon all advance and minimum royalties to the credit of the lease shall be forfeited and become the property of said nation.

Provisos.
Payment of royalties.

Part in advance.

Deposit in Treasury.

Time limit of leases.

Addition to developed lease authorized.

Condition.

Expiration date.

Royalty rate.

Preference right of prior lessee.

Time for application.

Examination of accounts, books, etc.

Monthly report of lessee.

Cancellation upon failure.

Punishment for false report, etc.

Proviso.
Assignment of lease.

Application of delinquent owners for extension.

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Part payment to accompany.

Payment of balance.

Provisos.
Cancellation upon failure to pay installment.

Payment of balance.

Monthly payments for mined coal and asphalt.

Examination of records of operation.

Rules and regulations.

Provisos.
Disposition of forfeited or canceled tracts.

Right to dispose of deposits not affected.

SEC. 4. That within thirty days from the approval of this Act any person owing a balance on any tract of the tribal coal and asphalt deposits, purchased under the Act of February 8, 1918 (40 Stat. L. 433), as amended by subsequent Acts, may make application to the Secretary of the Interior for an extension of time within which to pay his balance, which application must be accompanied by 10 per centum of such balance, including principal and interest. Upon approval of such application by the Secretary of the Interior such purchaser may be allowed five years from May 25, 1932, to pay the remaining 90 per centum of the amount due by him, said balance to be paid annually in five equal installments, the first installment to be due and payable one year from May 25, 1932, and subsequent installments to be due and payable on or before May 25 of each year thereafter, all deferred payments to bear interest at 6 per centum per annum: *Provided*, That upon failure of a purchaser to pay any installment for a period of sixty days from the due date, the Secretary of the Interior shall cancel the sale, whereupon all payments theretofore made thereon shall be forfeited to the Choctaw and Chickasaw Nations: *Provided further*, That a purchaser may pay the entire balance due on any purchase at the time of payment of any installment, and thereupon be entitled to a patent as authorized by the statutes providing for the sale of said mineral deposits.

SEC. 5. That the purchaser of any tract on which coal or asphalt is mined shall pay each month to the Superintendent for the Five Civilized Tribes, or such other officer as may be designated by the Secretary of the Interior, a sum equal to not less than 15 cents per ton mine run for coal mined, and not less than 10 cents per ton on crude, and 60 cents per ton on refined asphalt mined, such payments to be applied on request of the purchaser on any installment of the purchase price when due.

SEC. 6. The Choctaw and Chickasaw mining trustee, or any other official designated by the Secretary of the Interior, shall have the right to examine all records of operations of any purchaser on a purchased tract; and all payments on monthly output shall be under oath to the Superintendent of the Five Civilized Tribes, the same as payments made by lessees of unsold tracts.

SEC. 7. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations not inconsistent with this Act as may be deemed necessary and proper for the protection of the interests of said nations and for the purpose of carrying the provisions of this Act into full force and effect: *Provided*, That upon the expiration of any developed lease, if the lessee thereof shall not apply for its renewal, or if the sale of any coal or asphalt tract upon which operations have begun shall be forfeited and canceled, the Secretary of the Interior is hereby authorized to take possession of said expired lease or canceled tract and dispose of the same under the provisions of this Act, or take whatever steps may be necessary to preserve and protect such property: *Provided further*, That nothing in this Act shall be construed or held to affect in any way the right to dispose of the coal and asphalt deposits of the Choctaw and Chickasaw Nations by sale as now authorized by law.

Approved, April 21, 1932.