

735), to those rights and privileges only to which they would have been entitled if they had not resigned from the retired lists of the Regular Army: *Provided further*, That nothing in this Act shall be construed to entitle any former emergency officer retired under the Act of May 24, 1928, to retired pay from the Veterans' Administration in a greater amount than when added to the retired or retainer pay received from the Army, Navy, or Marine Corps shall equal 75 per centum of the pay the former emergency officer was entitled to receive (except pay under the Act of May 18, 1920) when discharged from his commissioned service as a World War emergency officer.

Approved, January 26, 1933.

[CHAPTER 23.]

AN ACT

Relative to restrictions applicable to Indians of the Five Civilized Tribes in Oklahoma

January 27, 1933.
[H. R. 8750.]
[Public, No. 322.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all funds and other securities now held by or which may hereafter come under the supervision of the Secretary of the Interior, belonging to and only so long as belonging to Indians of the Five Civilized Tribes in Oklahoma of one-half or more Indian blood, enrolled or unenrolled, are hereby declared to be restricted and shall remain subject to the jurisdiction of said Secretary until April 26, 1956, subject to expenditure in the meantime for the use and benefit of the individual Indians to whom such funds and securities belong, under such rules and regulations as said Secretary may prescribe: *Provided*, That where the entire interest in any tract of restricted and tax-exempt land belonging to members of the Five Civilized Tribes is acquired by inheritance, devise, gift, or purchase, with restricted funds, by or for restricted Indians, such lands shall remain restricted and tax-exempt during the life of and as long as held by such restricted Indians, but not longer than April 26, 1956, unless the restrictions are removed in the meantime in the manner provided by law: *Provided further*, That such restricted and tax-exempt land held by anyone, acquired as herein provided, shall not exceed one hundred and sixty acres: *And provided further*, That all minerals including oil and gas, produced from said land so acquired shall be subject to all State and Federal taxes as provided in section 3 of the Act approved May 10, 1928 (45 Stat. L. 495).

SEC. 2. The Secretary of the Interior be, and he is hereby, authorized to permit, in his discretion and subject to his approval, any Indian of the Five Civilized Tribes, over the age of twenty-one years, having restricted funds or other property subject to the supervision of the Secretary of the Interior, to create and establish, out of the restricted funds or other property, trusts for the benefits of such Indian, his heirs, or other beneficiaries designated by him, such trusts to be created by contracts or agreements by and between the Indian and incorporated trust companies or such banks as may be authorized by law to act as fiduciaries or trustees: *Provided*, That no trust company or bank shall be trustee in any trust created under this Act which has paid or promised to pay to any person other than an officer or employee on the regular pay roll thereof any charge, fee, commission, or remuneration for any service or influence in securing or attempting to secure for it the trusteeship in any

Amount of retired pay.

Vol. 41, p. 601.

Five Civilized Tribes of Indians, Okla. Funds, etc., of certain members declared restricted.

Supervision of expenditure.

Provisos. Duration of restriction.

Tax-exempt lands.

Maximum area.

Minerals subject to taxation.
Vol. 45, p. 496.

Creation of trusts by Indians.

Provisos. Restriction on payment of trustees' fees.

- Trust agreements, approval of. trust: *Provided further*, That all trust agreements or contracts made or entered into prior to the date of approval of this Act, and all contracts or agreements made or entered into prior to said date providing for or looking to the creation of such trust or trusts shall be null and void unless such contracts or agreements shall have heretofore been approved by the Secretary of the Interior.
- Transfers to trustee authorized. SEC. 3. The Secretary of the Interior be, and he is hereby, authorized, upon the execution and approval of any trust agreement or contract as herein provided, to transfer, or cause to be transferred, to the trustee, from the individual restricted or trust funds or other restricted property of the respective Indian, the funds or property required by the terms of the approved agreement, and the funds or property so transferred shall in each case be held by the trustee subject to the terms and conditions of the trust agreement or contract creating the trust, separate and apart from all assets, investments or trust estates in the hands of said trustee.
- Segregation of assets. SEC. 4. None of the restrictions upon the funds or property transferred under the terms of any such trust agreement or contract shall be in any manner released during the continuance of the restriction period now or hereafter provided by law, except as provided by the terms of such agreement or contract, and neither the corpus of said trust nor the income derived therefrom shall, during the restriction period provided by law, be subject to alienation, or encumbrance, nor to the satisfaction of any debt or other liability of any beneficiary of such trust during the said restriction period. The trustee shall render an annual accounting to the Secretary of the Interior and to the beneficiary or beneficiaries to whom the income for the preceding year, or any part thereof, was due and payable.
- Release of trust agreement restrictions denied. SEC. 5. Trust agreements or contracts executed and approved as herein provided shall be irrevocable except with the consent and approval of the Secretary of the Interior: *Provided*, That if any trust, trust agreement, or contract be annulled, canceled, or set aside by order of any court, or otherwise, the principal or corpus of the trust estate, with all accrued and unpaid interest, shall be returned to the Secretary of the Interior as restricted individual Indian property.
- Alienation of corpus and income. SEC. 6. If, after the creation and approval of any trust, it is found that said trust was procured in violation of any of the provisions of this Act, or that the trustee designated therein has failed or refused to properly perform the duties imposed thereby, in accordance with the terms, provisions and requirements of said trust agreement, it shall be the duty of the Attorney General to institute appropriate proceedings in the Federal courts for the cancellation and annulment of said trust by court decree, and upon decree of annulment and cancellation, which shall be at the cost of the trustee, and after accounting, but without the allowance of any fee, charge, or commission for any services rendered by the trustee, all funds held by the trustee shall be paid to the Secretary of the Interior as restricted funds, and the Federal courts are hereby given exclusive jurisdiction of all actions involving an accounting under any trust created under the provisions of this Act, and all actions to cancel, annul, or set aside any trust entered into pursuant to this Act.
- Annual accounting required. SEC. 7. The Secretary of the Interior is hereby authorized to prescribe such rules and regulations as he may deem necessary for the proper administration of this Act. He shall fix and determine the value of each trust, revising such valuation from time to time as he
- Irrevocability of approved contracts. *Proviso*. Revesting of funds if trust agreement annulled.
- Illegally procured trusts. Cancellation proceedings.
- Return of trust funds. Jurisdiction, etc., of courts.
- Administration of Act. Valuation of trust, bond, etc.

may deem necessary, and, for the faithful performance of each trust agreement or contract, shall require corporate surety company bond equal to the value of the respective trust so fixed and determined, or the deposit of securities of the United States Government equal to such amount: *Provided, however,* That trusts created under the provisions of this Act shall not extend beyond a period twenty-one years after the death of the last survivor of the named beneficiaries in the respective trust agreement.

SEC. 8. That it shall be the duty of the attorneys provided for under the Act of May 27, 1908 (35 Stat. L. 312), to appear and represent any restricted member of the Five Civilized Tribes before the county courts of any county in the State of Oklahoma, or before any appellate court thereof, in any matter in which said restricted Indians may have an interest, and no conveyance of any interest in land of any full-blood Indian heir shall be valid unless approved in open court after notice in accordance with the rules of procedure in probate matters adopted by the Supreme Court of Oklahoma in June of 1914, and said attorneys shall have the right to appeal from the decision of any county court approving the sale of any interest in land, to the district court of the district to which the county is a part.

Approved, January 27, 1933.

Proviso.
Trust period restriction.

Oklahoma courts.
Attorneys to represent restricted members.
Vol. 35, p. 312.

Approval of conveyances required.

Right of appeal.

[CHAPTER 24.]

AN ACT

To extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Cannelton, Indiana.

January 27, 1933.
[S. 5131.]
[Public, No. 323.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of a bridge across the Ohio River at or near Cannelton, Indiana, authorized to be built by the Hawesville and Cannelton Bridge Company, by an Act of Congress approved March 1, 1929, heretofore extended by Acts of Congress approved May 13, 1930 and February 20, 1931, are hereby further extended one and three years, respectively, from March 1, 1933.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, January 27, 1933.

Ohio River.
Time extended for bridging, at Cannelton, Ind.
Vol. 46, p. 1174, amended.

Amendment.

[CHAPTER 25.]

AN ACT

To extend the time for completing the construction of a bridge across the Missouri River at or near Saint Charles, Missouri.

January 27, 1933.
[S. 5232.]
[Public, No. 324.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time for completing the construction of a bridge across the Missouri River at or near Saint Charles, Missouri, authorized to be built by the Wabash Railway Company, its successors and assigns, by an Act of Congress approved February 7, 1930, is hereby extended to February 7, 1935.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, January 27, 1933.

Missouri River.
Time extended for bridging, at Saint Charles, Mo.
Vol. 46, p. 64, amended.

Amendment.