

REGULATIONS  
GOVERNING  
LEASING OF LANDS  
AND  
REMOVAL OF RESTRICTIONS  
OF MEMBERS OF  
THE FIVE CIVILIZED TRIBES

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PRESCRIBED BY THE SECRETARY OF  
THE INTERIOR FOR THE PURPOSE OF  
CARRYING INTO EFFECT THE PROVI-  
SIONS OF THE AGREEMENTS WITH THE  
CREEK AND CHEROKEE NATIONS AND  
THE ACTS OF CONGRESS APPROVED  
APRIL 26, 1906 (*34 Stat. L., 137*) AND MAY 27,  
1908 (*35 Stat. L., 312*).

REPRINTED JUNE 1, 1916.

**NOTE:** The following Departmental instructions relative to signature of Indians who can not write **APPLY TO DEPARTMENTAL LEASES AND ACCOMPANYING PAPERS** and must be carefully followed:

Hereafter any Indian who can not write his name will be required to sign all official papers by making a distinct imprint of the right thumb (or the left, in case of loss of right) in lieu of cross mark.

Such signatures must be witnessed by two persons, one of whom must be a United States Government employe (such as Field Clerk, Postmaster, United States Commissionre, etc.)

Where possible, lessees are requested to take the lessor to the nearest District Agent and have execution of lease supervised by Field Clerk's office.

# LEASING

## APRIL 20, 1908.

To carry out the provisions of existing law as quoted herein the following regulations governing the leasing of lands of members of the Five Civilized Tribes are hereby prescribed. All former regulations for this purpose are replaced and superseded by these regulations.

### ACTS AFFECTING LEASES.

#### CHEROKEE AGREEMENT.

[Section 72 of the act of Congress approved July 1, 1902 (32 Stat. L. 716).]

Cherokee citizens may rent their allotments when selected for a term not to exceed one year for grazing purposes only and for a period not to exceed five years for agricultural purposes, but without any stipulation or obligation to renew the same; but leases for a period longer than one year for grazing purposes, and for a period longer than five years for agricultural purposes, and for mineral purposes, may also be made with the approval of the Secretary of the Interior, and not otherwise. Any agreement or lease of any kind or character violative of this section shall be absolutely void and not susceptible of ratification in any manner, and no rule of estoppel shall ever prevent the assertion of its invalidity.

#### CREEK AGREEMENT.

[Section 17 of the act of Congress approved June 30, 1902 (32 Stat. L. 500).]

Section 37 of the agreement ratified by said act of March 1, 1901, is amended, and as so amended is re-enacted to read as follows:

Creek citizens may rent their allotments, for strictly nonmineral purposes, for a term not to exceed one year for grazing purposes only and for a period not to exceed five years for agricultural purposes, but without any stipulation or obligation to renew the same. Such leases for a period longer than one year for grazing purposes, and for a period longer than five years for agricultural purposes, and leases for mineral purposes, may also be made with the approval of the Secretary of the Interior, and not otherwise. Any agreement or lease of any kind or character violative of this paragraph shall be absolutely void and not susceptible of ratification in any manner, and no rule of estoppel shall ever prevent the assertion of its invalidity.

#### LEGISLATION FOR FULL-BLOOD ALLOTTEES.

[Act of Congress approved April 26, 1906 (34 Stat. L. 137).]

Sec. 19. That no full-blood Indian of the Choctaw, Chickasaw, Cherokee, Creek or Seminole tribes shall have power to alienate, sell, dispose of, or encumber in any manner any of the lands allotted to him for a period of twenty-five years from and after the passage and approval of this act, unless such restriction shall, prior to the expiration of said period, be removed by act of Congress and for all purposes the quantum of Indian blood possessed by any member of said tribes shall be determined by the rolls of citizens of said tribes

approved by the Secretary of the Interior: **Provided, however.** That such full-blood Indians of any of said tribes may lease any lands other than homesteads for more than one year under such rules and regulations as may be prescribed by the Secretary of the Interior; and in case of the inability of any full-blood owner of a homestead, on account of infirmity or age, to work or farm his homestead, the Secretary of the Interior, upon proof of such inability, may authorize the leasing of such homestead under such rules and regulations: **Provided further,** That conveyances heretofore made by members of any of the Five Civilized Tribes subsequent to the selection of allotment and subsequent to removal of restriction, where patents thereafter issue, shall not be deemed or held invalid solely because said conveyances were made prior to issuance and recording or delivery of patent or deed; but this shall not be held or construed as affecting the validity or invalidity of any such conveyance, except as hereinabove provided; and every deed executed before or for the making of which a contract or agreement was entered into before the removal of restrictions be, and the same is hereby, declared void: **Provided further,** That all lands upon which restrictions are removed shall be subject to taxation, and the other lands shall be exempt from taxation as long as the title remains in the original allottee.

Sec. 20. That after the approval of this act all leases and rental contracts, except leases and rental contracts for not exceeding one year for agricultural purposes for lands other than homesteads, of full-blood allottees of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes shall be in writing and subject to approval by the Secretary of the Interior and shall be absolutely void and of no effect without such approval: **Provided,** That allotments of minors and incompetents may be rented or leased under order of the proper court: **Provided further,** That all leases entered into for a period of more than one year shall be recorded in conformity to the law applicable to recording instruments now in force in said Indian Territory.

[Sections 2, 3 and 11 of the Act approved May 27, 1908 (35 Stat. L. p 312).]

Sec. 2. That all lands other than homesteads allotted to members of the Five Civilized Tribes from which restrictions have not been removed may be leased by the allottee if an adult, or by guardian or curator under order of the proper probate court if a minor or incompetent, for a period not to exceed five years, without the privilege of renewal: **Provided,** That leases of restricted lands for oil, gas or other mining purposes, leases of restricted homesteads for more than one year, and leases of restricted lands for periods of more than five years, may be made, with the approval of the Secretary of the Interior, under rules and regulations provided by the Secretary of the Interior, and not otherwise: **And provided further,** That the jurisdiction of the probate courts of the State of Oklahoma over lands of minors and incompetents shall be subject to the foregoing provisions, and the term minor or minors, as used in this Act, shall include all males under the age of twenty-one years and all females under the age of eighteen years.

Sec. 3. That the rolls of citizenship and of freedmen of the Five Civilized Tribes, approved by the Secretary of the Interior shall be conclusive evidence as to the quantum of Indian blood of any enrolled citizen or freedmen of said tribes and of no other persons to determine questions arising under this Act and the enrollment records of the Commissioner to the Five Civilized Tribes shall hereafter be conclusive evidence as to the age of said citizen or freedman.

That no oil, gas, or other mineral lease entered into by any of said allottees prior to the removal of restrictions requiring the approval of the Secretary of the Interior shall be rendered invalid by this Act, but the same shall be subject to the approval of the Secretary of the Interior as if this Act had not been passed: **Provided,** That the owner or owners of any allotted land from which restrictions are removed by this act, or have been removed by previous Acts of Congress, or by the Secretary of the Interior, or may hereafter be removed under and by authority of any Act of Congress, shall have the power to cancel and annul any oil, gas, or mineral lease on said land whenever the owner or owners of said land and the owner or owners of the lease thereon agree in writing to terminate said lease and file with the Secretary of the Interior, or

his designated agent, a true copy of the agreement in writing canceling said lease, which said agreement shall be executed and acknowledged by the parties thereto in the manner required by the laws of Oklahoma for the execution and acknowledgment of deeds, and the same shall be recorded in the county where the land is situate.

Sec. 11. That all royalties arising on and after July first, nineteen hundred and eight, from mineral leases of allotted Seminole lands heretofore or hereafter made, which are subject to the supervision of the Secretary of the Interior, shall be paid to the United States Indian Agent, Union Agency, for the benefit of the Indian lessor or his proper representative to whom such royalties shall thereafter belong; and no such lease shall be made after said date except with the allottee or owner of the land: **Provided**, That the interest of the Seminole Nation in leases or royalties arising thereunder on all allotted lands shall cease on June thirtieth, nineteen hundred and eight.

## OIL AND GAS AND OTHER MINERAL LEASES.

### How to Procure Approval of a Lease.

1. Oil and gas and other mineral leases requiring the approval of the Secretary of the Interior shall be made for a period of five (now ten) years from the date of the approval thereof by the Secretary of the Interior and as much longer thereafter as oil, gas, or other mineral is found in paying quantities; all leases shall be executed upon forms prescribed herein (procure blanks from Superintendent Union Agency). See Sec. 1 of amendments of Feb. 6, 1911, p. 32.

2. All leases shall be in quadruplicate, and, *with the papers required*, shall be filed within thirty days from and after the date of execution by the lessor with the United States Indian agent at Union Agency, Muskogee, Okla. (See Amend. May 12, 1913. p. 39.)

3. The act of Congress approved March 1, 1907 (35 Stat. L., 1015), provides:

The filing heretofore or hereafter of any lease in the office of the United States Indian agent, Union Agency, Muskogee, Indian Territory, shall be deemed constructive notice.

4. Allottees are permitted to execute leases after formal application for allotment has been accepted.

5. No person, firm, or corporation will be allowed to lease, within the territory occupied by the Five Civilized Tribes, for the purpose of producing oil or gas, more than 4,800 acres of land in the aggregate.

6. Oil and gas leases shall be accompanied, when filed, with application, made under oath, on blank prescribed, Form B; leases for other mineral purposes shall be accompanied by application on Form L. These applications shall state specifically with what other persons, firms, or corporations the lessee is interested, either directly or indirectly, in oil or gas or other mineral leases of lands in the Five Civilized Tribes. The Department in every case reserves the right at any time to make

further inquiry as to the standing and business ability of any prospective lessee.

7. Where the lessee is a corporation, its first application must be accompanied by a sworn statement of its proper officer, showing:

The total number of shares of the capital stock actually issued and specifically the amount of cash paid into the treasury on each share sold; or, if paid in property, state kind, quantity, and value of the same paid per share.

Of the stock sold how much per share remains unpaid and subject to assessment.

How much cash the company has in its treasury and elsewhere, and from what sources it was received.

What property, exclusive of cash, is owned by the company, and its value.

What the total indebtedness of the company is, and specifically the nature of its obligations.

Subsequent applications of corporations should show briefly the aggregate amounts of assets and liabilities.

8. Corporations, with their first application, shall file one certified copy of articles of incorporation, and, if a foreign corporation, evidence showing compliance with local corporation laws; also a list showing officers and stockholders, with post-office addresses and number of shares held by each. Statements of any changes of officers or any changes or additions of stockholders shall be furnished to the Indian agent on January 1 of each year, and at any other time when requested; affidavits may be required of individual stockholders setting forth in what companies or with what persons or firms they are interested in oil or gas mining leases or lands in the Five Civilized Tribes, and whether they hold such stock for themselves or in trust. Evidence shall also be given—in a single affidavit (see Form E)—by the Secretary of the company, or by the president, showing authority of officers to execute lease, bond, and other papers.

9. Where lessor is a minor there must be filed—

Certified copy of letters of guardianship.

Certified copies of court orders authorizing and confirming lease.

Proof of age of minor, preferably affidavit of parent or parents. (Note: Sec. 3 of Act of May 27, 1908 (p. 4), now makes enrollment records conclusive evidence as to age and quantum of Indian blood, therefore affidavits not longer required.)

10. Lessee must procure and file with each lease an affidavit of the Indian lessor, made before a United States commissioner, Indian agent, county or district judge, Federal judge or clerk of a Federal court, showing that lease was understood by the lessor, and what, if any, the bonus agreements are, etc. (See Form D prescribed, which also covers lessee's affidavit of bonus no development, amended by Sec. 14, Regulations of June 20, 1908, p. 25.) NOTE: The Superintendent of Union Agency by Departmental order of July 1, 1907, is re-

quired to investigate and report upon the adequacy of bonus paid for each lease.

11. Except to prevent loss or waste, leases of undivided inherited lands will be approved only in cases where all the heirs join in the lease, and must be accompanied by satisfactory proof that the lessors are the only heirs of the deceased allottee. Minor heirs can lease or join adult heirs in leasing only through guardians under order of court. Proof of heirship shall be given upon Form F, prescribed. (See Amend. June 18, 1915, p. 43.)

If probate or other court proceedings have established the heirship in any case, or the land has been partitioned, certified copy of final order, judgment, or decree of the court will be accepted in lieu of Form F, mentioned above.

12. Lessees are required to furnish with each oil or gas lease, to be filed at the time the lease is presented, a bond upon Form C, with two or more sureties, or with a surety company duly authorized to execute bonds. Such bond shall be in amount as follows: For leases covering 40 acres and less than 80, \$1,000; for those covering 80 acres and less than 120, \$1,500; for those covering 120 acres and not more than 160 acres, \$2,000; and for each 40-acre tract or fractional part thereof above 160 acres an additional amount of \$500: *Provided, however*, That a lessee shall be allowed to file one bond, Form H—series 1908, covering all leases to which they are or may become parties instead of a separate bond in each case, said bond to be in the penal sum of \$15,000, covering all such leases to which they now are or may hereafter become parties, in lieu of the separate bond as above prescribed.

The right is specifically reserved to increase the amount of any such bond above the sum named in any particular case where the Secretary of the Interior deems it proper to do so. Bonds covering other mineral leases shall be in such sum as may be fixed by the Secretary of the Interior. (See Amend. Nov. 20, 1915, p. 43.)

13. The Indian agent at Union Agency, or other Government officer having the matter in charge or under investigation, may, at any time, either before or after approval of a lease, call for and secure any additional information desired to carry out the purpose of these regulations, and such information shall be furnished within the time specified in the request therefor.

14. When a lessee fails to furnish, within the time specified, papers necessary to put his lease and bond in proper form

for consideration, the Indian agent at Union Agency is directed to forward such lease immediately for disapproval.

## ROYALTIES.

15. *a.* The minimum rate of royalty on oil on and after May 1, 1908, shall be  $12\frac{1}{2}$  per cent of the gross proceeds of the oil produced from leased premises, and payment shall be made at the time of sale or removal of oil.

*b.* Any lease approved, delivered, or assigned since October 14, 1907, wherein the royalty on oil is less than  $12\frac{1}{2}$  per cent, may, with the approval of the Secretary of the Interior, be subject to all rights, privileges, conditions, and terms of the lease form approved and issued by the Secretary of the Interior April 20, 1908, the same as if written therein at length, and any of the terms and conditions in said executed lease in conflict with the terms and conditions of said lease form of April 20, 1908, will be revoked and canceled, on and in consideration that owner of said lease stipulate in writing to increase the royalty on oil therein to  $12\frac{1}{2}$  per cent of the gross proceeds. (Procure form of stipulation from Superintendent, Union Agency.)

*c.* If the owner of any lease mentioned above in *b* shall fail to stipulate in writing for the increase of royalty to  $12\frac{1}{2}$  per cent, the rate of royalty for said lease shall, on and after May 1, 1908, be  $12\frac{1}{2}$  per cent, and said lease shall be free from any further increase in the rate of royalty on oil, but shall not have the rights, privileges, conditions, and terms of the lease form approved and issued by the Secretary of the Interior April 20, 1908, until said stipulation is filed.

*d.* If the owner of a lease delivered prior to October 14, 1907, wherein the royalty on oil is less than  $12\frac{1}{2}$  per cent, stipulates in writing within eight years from the date of said lease to increase the royalty on oil for said lease to  $12\frac{1}{2}$  per cent, and shall show that he has notified the lessor in writing, said lease shall thereafter have all the rights, privileges, conditions, and terms of the lease form approved and issued April 20, 1908, the same as if written therein at length, and any of the terms and conditions of said lease as originally executed in conflict with the terms and conditions of said lease form of April 20, 1908, will thereby be revoked and canceled.

*e.* In all cases notice in writing must be given by owner of lease to owner of leased land of intention to increase royalty on oil and, in consideration thereof, obtain the benefits of the lease form approved by the Secretary of the Interior April 20, 1908, and stipulation of owner of lease agreeing to increase of



royalty on oil must be filed with the Secretary of the Interior on or before eight years from date of execution of lease.

f. Any lease heretofore approved, wherein the royalty on oil is  $12\frac{1}{2}$  per cent or more, may, on terms and conditions to be approved by the Secretary of the Interior, at any time within eight years from date of the lease, and before removal of restrictions, be made subject to the terms, conditions, rights, and privileges of the lease form approved by the Secretary of the Interior April 20, 1908, as though the terms of said lease form were written in and made part of such lease.

16. From and after July 1, 1907, the royalty on gas-producing wells, irrespective of whether the leases were heretofore or shall hereafter be approved, shall be as follows:

Where the capacity of a well is tested at 3,000,000 cubic feet or less per day of twenty-four hours, \$150 per annum in advance, and where the capacity is more than 3,000,000 cubic feet per day, \$50 for each additional 1,000,000 cubic feet or major fraction thereof. (Changed to flat rate. See amended regulations of Feb. 6, 1911, p. 32.)

The capacity of wells shall be determined, under the supervision of the Secretary of the Interior, before utilized and annually thereafter (now semi-annually under leases on old form providing graduated scale gas royalty as per Departmental order of Sept. 2, 1909), the amount of royalty to be based on such determination.

Where the lessee desires to retain the gas-producing privilege of any well, but not to utilize the gas for commercial purposes, he shall pay an annual rental of \$50 (now \$100.00. See amended regulations of Feb. 6, 1911, p. 32) in advance, beginning from the date of discovery of gas, and to be paid within thirty days therefrom.

Except in cases of emergency, which shall not exceed ten days, not more than 75 per cent of the capacity of any gas well shall be utilized.

Evidence of date of discovery of gas wells and the beginning of utilization must be properly furnished in the form of a sworn statement.

Where wells produce both oil and gas, or gas alone in limited quantities, or gas in any quantity from a stratum which also produces oil or salt water to such an extent that the gas is unfit for domestic purposes, lessee may dispose of such gas at the following minimum rates:

For drilling, 5 cents per foot of drilling done, or a flat rate of \$5 per day.  
For pumping, \$1 per month for each well pumped.

For other purposes, 1 cent per thousand cubic feet, measured through standard meter.

For gas thus disposed of lessee will pay monthly, in the same manner as other royalties are paid, supported by sworn statements, such percentage of the gross proceeds received from the sale of gas as is paid under the same lease for royalty on oil.

17. The royalty on coal shall not be less than 8 cents per ton of 2,000 pounds on mine run, or coal as it is taken from the mines, including what is commonly called "slack."

18. The royalty on asphaltum shall not be less than 10 cents per ton of 2,000 pounds on crude asphalt, or 60 cents per ton on refined asphalt.

19. Application for leasing of gold, silver, iron, shale, limestone, or other mineral not specified in these regulations may be submitted, and the royalty thereon shall be fixed after a special investigation in each particular case by the Secretary of the Interior.

20. All royalties, rents, or payments due under leases which have been or may be approved by the Secretary of the Interior shall be paid to the United States Indian Agent at Union Agency, Muskogee, Okla., or to such other person as may be designated by the Secretary of the Interior, for the benefit of the various lessors, or, in cases of minors and incompetents, shall be deposited as hereinafter specified. (See amendment of July 23, 1910, as to minors and incompetents, p. 31.) No royalties on such leases shall be paid by the lessee direct to the lessors or their representatives.

All remittances to the United States Indian agent at Union Agency shall be made in New York, Chicago, or St. Louis exchange, except that where the same can not be procured, post-office or express money order will be accepted. (NOTE: Make all remittances payable to *Cashier Union Agency.*)

Royalty on oil, coal, or other minerals produced in each month (except yearly payments on gas wells as herein mentioned) shall be paid on or before the 25th day of the month next succeeding.

21. With the consent of the United States Indian agent, lessees may make arrangements with the purchasers of oil for the payment of the royalty to the United States Indian agent by such purchasers, but such arrangement, if made, shall not operate to relieve lessees from the responsibility for the payment of the royalty, should such purchaser fail, neglect, or refuse to pay the royalty when it becomes due.

Where lessees avail themselves of this privilege, division orders, permitting the pipe-line companies or other purchas-

ers of the oil to withhold the royalty interest, shall be executed and forwarded to the Indian agent for approval before wells are brought in, as pipe-line companies are not permitted to accept or run oil from Indian leases until after the approval of division orders showing that the lessee has a lease regularly approved and in effect.

22. In oil and gas leases until a producing well is completed on leased premises and in all other mineral leases advance royalty shall be paid annually in advance from the date of the lease (now date of approval of lease applies to leases drawn on forms adopted by regulations of April 20, 1908, also subsequent amendments to said regulations), as follows: 15 cents per acre per annum for the first and second years; 30 cents per acre per annum for the third and fourth years; 75 cents per acre for the fifth year (now \$1.00 per acre per annum after the fifth year); and in the case of mineral leases other than for oil and gas, 75 cents per acre annually thereafter; the sums thus paid to be credited on the stipulated royalties. (See amended regulations of Feb. 6, 1911, p. 32, and June 29, 1911, p. 34.)

The advance royalty for the first year shall be tendered at the time of the filing of the lease in the office of the United States Indian agent at Union Agency.

On all mineral leases other than for oil and gas, when the annual advance royalty becomes due on a leased tract from which minerals are being produced, the lessee will not be required to pay the advance royalty until the royalty on production during the month within which the advance royalty falls due is accounted for; and if royalty on production equals or exceeds the advance royalty, it will be accepted as covering both items, but if it does not equal the advance royalty due, the lessee shall include the difference with his payment on production.

23. An oil or gas lessee shall drill at least one well on leasehold within twelve months from the date of the approval of the lease by the Secretary of the Interior, or may delay drilling said well for not exceeding five years (now ten years) from the date of such approval by paying to the United States Indian agent, Union Agency, Muskogee, Okla., for the use and benefit of lessor (subject to the limitations and conditions in said lease contained), in addition to said advance royalty the sum of \$1 per acre, per annum, for each year the completion of such well is delayed, payable on or before the end of each year. The lessee may be required to drill and operate wells to offset paying wells on adjoining tracts and within 300 feet of the di-

viding line. (See amendments to regulations of Feb. 6, 1911 (P. 32) and June 29, 1911 (P. 34).)

24. Sworn reports accompanying each royalty remittance shall be made by each lessee within twenty-five days from the close of each month for the month preceding, covering all operations, whether there has been production or not, except that where division orders have been approved and the royalty paid by the pipe-line company or other purchaser of oil, lessees need not make monthly reports direct.

A lessee may include within one sworn statement all leases upon which there is no production or upon which dry holes have been drilled.

Quarterly reports, whether or not oil royalty is paid by pipe-line company or other purchaser, shall be made by each lessee within twenty-five days after December 31, March 31, June 30, and September 30 of each year, upon forms provided, showing manner of operations and total production during such quarter.

Sworn reports of gas wells shall be made both when discovered and when utilized.

25. All royalties, rents, or payments accruing under any lease made for or on behalf of any minor or incompetent shall be deposited by the Indian agent or other Government officer to whom paid, to the credit of the guardian or curator of such minor or incompetent, in some national bank or banks designated by the Commissioner of Indian Affairs, and may be withdrawn therefrom by such guardian or curator, with the consent of the United States Indian agent, in sums not exceeding \$50 per month unless otherwise ordered by the court. Sums in excess of \$50 per month may be withdrawn on order of the proper court and not otherwise. Such designated banks shall furnish satisfactory surety bonds to be approved by the Secretary of the Interior, guaranteeing the safe care and custody of the funds so deposited. (Amended July 23, 1910. See p. 31.) (Amended Nov. 29, 1912. See p. 38.)

OPERATIONS—(SUPERSEDED BY REGULATIONS APPROVED OCT. 20, 1915, P 44-51.)

26. Operations upon land covered by any lease requiring the approval of the Secretary of the Interior are not permitted until after such lease is regularly approved, delivered and official notice thereof given. (See Amend. May 12, 1913, p. 39.)

27. Lessees shall not be allowed to drill within 200 feet of the division lines between lands covered by their leases and

adjoining lands, except in cases where wells on adjoining tracts are drilled at a less distance, in which case lessees may offset such wells by drilling at an equal distance from the line; and provided further, that in cases where the dimensions of leased tracts do not permit drilling 200 feet from the lines, wells may be drilled at points halfway between lines which are 400 feet or less apart.

28. Lessees shall agree to allow the lessors and their agents, or any authorized representative of the Interior Department, to enter, from time to time, upon and into all parts of the leased premises for the purposes of inspection, and shall further agree to keep a full and correct account of all operations and make reports thereof, as herein required, and their books and records showing manner of operations and persons interested shall be open at all times for the examination of such officers of the Department as shall be instructed in writing by the Secretary of the Interior to make such examination.

29. Lessees or operators using natural gas for outside illumination, or in connection with operations carried on under approved oil and gas leases covering lands within the territory of the Five Civilized Tribes, are required to use the device known as a "Storm burner," or other burner consuming not more than 15 cubic feet of gas per hour. Such lamps shall not be lighted earlier than 5 o'clock in the afternoon and shall be extinguished not later than 8 o'clock each morning, and not more than four such lights shall be used in drilling one well. Stopcocks shall be placed on all pipes used for conveying gas to burning devices of any character, and the gas shall be shut off at all times when not in use. Boilers using gas for fuel shall have smokestacks or chimneys not less than 12 feet in height.

30. Operators upon approved leases within the territory of the Five Civilized Tribes are required to use all possible diligence to prevent any unnecessary waste of natural gas. Operators in possession of any gas well shall, within five days after gas-bearing sand or rock is penetrated, shut in and confine such gas in the well except so much of the product as can be utilized. Lessees or operators shall pay to the United States Indian agent at Union Agency, Muskogee, Okla., the sum of \$10 per day for each well during the time such well or wells are allowed to go uncontrolled or uncared for, unavoidable accidents excepted, and a failure on the part of the lessees or operators to prevent a waste of gas will further subject the lease to cancellation by the Secretary of the Interior after due

notice. (See Amendment May 12, 1913, p. 39.)

In cases where oil-bearing strata are found at a greater depth than gas-bearing sand, packers and two strings of casing shall be used, so that waste of the gas from the first sand shall be prevented, thereby securely shutting in and preserving the gas.

31. A lessee producing crude oil or natural gas within the territory of the Five Civilized Tribes shall at time of abandoning a well securely plug the same so as to effectually shut off all water from the oil-bearing stratum, or in the manner required by the laws of the State of Oklahoma. Upon the abandonment of a well in which no oil or gas bearing stratum is encountered, lessee shall fill the bottom of the hole solidly for at least 25 feet with sand pumpings, gravel, and pulverized rock; immediately on top of such filling shall be seated a dried pine plug of not less than 2 feet in length and of a diameter of not less than one-fourth inch less than the inside diameter of the casing; upon this plug another filling of at least 25 feet of sand pumpings or other mineral substance shall be made, upon which there shall be seated a dried pine plug, and the well again filled for at least 25 feet with similar filling material; after the casing has been drawn from such well there shall be immediately seated at the point where such casing was seated a cast-iron ball, or tapered wooden plug at least 2 feet in length, the diameter of which ball or the top of which plug shall be greater than that of the hole below the point where such casing was seated, and above such ball or plug such well shall be solidly filled with the aforesaid filling material for a distance of at least 50 feet; and the hole shall then be closed or marked. Or such abandoned well may be plugged in the manner required by the laws of the State of Oklahoma. Every lessee or operator shall pay to the United States Indian agent, Union Agency, Muskogee, Okla., for the use and benefit of lessor, the sum of \$10 per day for each well drilled during the time such well remains uncapped or unplugged as herein provided.

32. Lessees shall provide proper tankage, or suitable shape for accurate measurement, into which all production of crude oil shall be conducted direct from wells through pipes or other closed connections. Where a lease covers a homestead and surplus lands and such surplus lands are sold, separate tankage must be supplied for the homestead tracts and oil extracted therefrom reported separately. If the contents of such tanks are disposed of in any manner other than to a purchaser to whom a division order has been approved, or removed from the leased premises, accurate measurement shall first be made

and the production reported and royalty thereon paid to the United States Indian agent in the usual manner.

In cases of emergency, where the capacity of new wells is such that lessees are unable immediately to provide proper tankage, production may be conducted to open ponds, or earthen tanks, but in no case shall any embankment exceed 15 feet in height. Such ponds or tanks shall be so constructed as to minimize the danger of overflow or collapse, or damage to crops or adjacent property.

Crude oil run into earthen tanks in cases of emergency, as indicated above, shall not be allowed to remain in such earthen tankage for a longer period than fifteen days, except that where lessees desire to so store their oil, and after it has been properly gauged and royalty paid thereon, such tankage may be used when so constructed as to remove all reasonable danger of fire, overflow, and damage to other property. The right is reserved to supervise the construction of earthen tanks where deemed necessary.

Oil to be temporarily held or stored in earthen tankage must be run from the wells into receiving tanks capable of accurate measurement, and then gauged before being turned into earthen tankage.

33. Oil shall not be sold to a pipe-line company until a division order is filed as hereinbefore provided. Should the lessee desire to sell oil or remove it from the leased premises in any other manner, such sale or removal shall not be made until authorized by the Indian agent. Lessee or his representative shall actually be present when oil taken under division orders is run by pipe-line companies, and lessee shall be responsible for the correct measurement and report of oil so run; otherwise, the approval of division order may be revoked.

34. Whenever operators desire to secure from allotted lands timber for rigs, transmission of power, foundations, or for any other purpose, they must first obtain the consent of the allottee and properly compensate the owner of the timber therefor.

35. Lessees shall keep a true and correct record of each well drilled, including a complete log made at the time of drilling, and, whenever requested by properly authorized officers of the Interior Department, shall furnish a copy of such record and log, duly certified.

36. Lessees are required, when so requested, to file a plat of their leases showing exact locations of all producing oil or gas wells, dry wells, proposed locations, tanks, power houses, pumping stations, etc. Such plats, when desired, should also

show locations of dry or producing wells upon adjoining tracts, so far as known to lessee.

37. Lessees are not permitted to locate either tanks or wells within 200 feet of any building used as a dwelling, granary, or shelter for stock, except where actually necessary to offset wells upon adjoining tracts.

38. All "B. S." or refuse from tanks or wells shall be drained off into proper receptacles, at a safe distance from the tanks, wells, or buildings, to the end that it may be disposed of by being burned or transported from the premises; but in no case shall it be permitted to flow over the surface of the land to the injury of any surrounding property or to the pollution of any stream. Salt water or any other product from any oil or gas well, not marketable, shall not be permitted to run into any tanks or pools used for watering stock.

#### ASSIGNMENTS.

39a. No lease or any interest therein, by working or drilling contract or otherwise, or the use of such lease, shall be sublet, assigned, or transferred, directly or indirectly, without the consent of the Secretary of the Interior; and if at any time the Secretary of the Interior is satisfied that the provisions of any lease, or that any of the regulations heretofore or that may be hereafter prescribed have been violated, he reserves authority to terminate the lease in the manner therein provided, and the lessor shall then be entitled to take immediate possession of the land.

b. All leases hereafter approved, or any interest therein, may be assigned or transferred with the approval of the Secretary of the Interior, it being understood that to secure such approval the proposed assignee need only be qualified to hold such a lease under the existing rules and regulations, and furnish a bond with responsible surety to the satisfaction of the Secretary of the Interior, conditioned for the faithful performance of the covenants and conditions of said lease. (Modified by Departmental orders of May 14, 1909, and July 2, 1910, which provide for the approval of assignments, subject to the specific condition that the price basis for the computation of oil royalties must be determined by the Secretary of the Interior.)

c. In all leases heretofore approved where the royalty on oil is now less than 12½ per cent, if the lessee at any time within eight years from the date of the lease shall consent to increase said royalty on oil to 12½ per cent of the gross proceeds, said lease shall thereafter be subject to and have all the



rights, privileges, and terms in the lease form approved by the Secretary of the Interior April 20, 1908, and be assignable as provided in *b* hereof.

*d.* If the present owner of a lease heretofore approved, in which the royalty on oil is less than 12½ per cent, will not stipulate to increase such royalty to 12½ per cent of the gross proceeds produced, and the owner of said lease should hereafter desire to transfer or assign the same, then said owner shall make application to the Indian agent, stating the reasons for the proposed assignment, and when such application is approved by said agent, formal assignment papers in quadruplicate may be entered into and filed with the Indian agent for transmission to the Secretary of the Interior. The acceptance by the proposed assignee and consent of the surety company shall be filed on the form prescribed herein, "G." Financial showing and other papers as required from an original lessee must be furnished by the assignee, and the parts of the lease distributed to the lessee and lessor shall be returned for endorsement. No assignment under this regulation (39*d*) shall be allowed without notice first having been given to the lessor of the application to assign.

#### CANCELLATIONS.

40. Where a lessee makes an application for the cancellation of an approved lease, all royalties or rentals due up to the date of the application for cancellation must be paid before such application will be considered, and the parts of the lease delivered to the lessor and the lessee should be surrendered. (Amended by Departmental order of January 11, 1909, which provides that the lessee and surety shall be held for payment of all royalties and rentals due to the date of *completion of application* for cancellation, which, if the lease has been recorded, also includes filing of a properly executed and recorded release of record, and payment to Superintendent Union Agency \$1.00 cancellation fee if lease so stipulates.)

NOTE:—For proper method of terminating Departmental leases covering lands now *unrestricted*, see also Sec. 3, Act of Congress of May 27, 1908, (35 Stat. L., 312).

#### FORMS.

41. Applications, leases, and other papers must be upon forms prepared by the Department, and upon application the Indian agent at Muskogee, Okla., will furnish prospective lessees with such forms at a cost of \$1.00 per set.

## SET 1.

- Form A. Oil and gas lease.
- Form B. Application for oil and gas lease, including financial showing.
- Form C. Bond.
- Form D. Affidavit of Indian lessor, proof of bonus, etc.
- Form E. Authority of officers to execute papers.
- Form F. Proof of heirship.
- Form G. Assignment.
- Form H. \$15,000 bond.
- Form I. Stipulation increasing oil royalty and extending term of lease.
- Form J. Stipulation increasing oil royalty, extending term of lease, and rescinding regulations of October 14, 1907.
- Form K. Lessor's consent to extension of term of lease.

## SET 2.

- Form L. Application for mineral lease, other than oil and gas.
- Form M. Coal and asphalt lease.
- Form N. Lease for minerals, other than oil and gas or coal and asphalt.
- Form O. Agriculture lease.
- Form P. Grazing lease.
- Form Q. Affidavit of personal surety to accompany bond.

## LANDS FROM WHICH RESTRICTIONS HAVE BEEN OR MAY BE REMOVED.

42a. On and after January 1, 1908, all leases of any description whatever executed by an allottee of the Five Civilized Tribes on land from all of which the restrictions against alienation had been removed before such execution, may be executed without any provision for reference to or supervision by the Secretary of the Interior or any official of the Department of the Interior; and the Indian agent shall refuse to accept for consideration any lease executed after January 1, 1908, covering land from all of which restrictions had been removed before such execution.

b. All leases executed before the removal of restrictions against alienation, on land from all of which restrictions against alienation shall be removed after such execution, if such leases contain specific provision for approval by the Secretary of the Interior, whether now filed with the Department or presented for consideration hereafter, will be considered and acted upon by this Department as heretofore.

c. All leases executed and approved heretofore or hereafter on land from all of which restrictions against alienation have been or shall be removed, even if such leases contain provisions authorizing supervision by this Department, shall, after such removal of restrictions against alienation, be operated entirely free from such supervision, and the authority and power delegated to the Secretary of the Interior in said leases shall cease, and all payments required to be made to the United States Indian agent shall thereafter be made to lessor or the then owner of said land, and changes in regulations

hereafter made by the Secretary of the Interior applicable to oil and gas leases shall not apply to such leased land from which said restrictions are removed, except where a bond is required in said lease it shall be furnished with responsible surety, unless the giving of said bond is waived by lessor or the owner of the land. (Amended August 12, 1908. See p. 30.)

d. In event restrictions are removed from a part of the land included in a lease for oil, gas, or other mineral purposes, the entire lease shall continue subject to approval and supervision of the Secretary of the Interior, and all royalties thereunder shall be paid to the Indian agent until such time as the lessor and lessee shall furnish the Secretary of the Interior satisfactory information that adequate arrangements have been made to account for the oil, gas, or mineral upon the restricted land separately from that upon the unrestricted. Thereafter the restricted land only shall be subject to the supervision of the Secretary of the Interior, provided that the unrestricted portion shall be relieved from such supervision as in the lease or regulations provided.

43. These regulations shall be applicable to leases heretofore made and approved, as well as those hereafter entered into, except as otherwise herein provided.

#### AGRICULTURAL AND GRAZING LEASES.

(Re-written and amended under Act of May 27, 1908. See Sections 15-17 of Regulations of June 20, 1908, p. 26.)

44. Allottees other than full blood of the Creek and Cherokee nations who desire to lease for terms longer than five years for agricultural purposes and one year for grazing purposes are required under existing law to have their leases approved by the Secretary of the Interior. Agricultural and grazing leases for shorter terms made by citizens other than full bloods do not require approval.

Allottees enrolled as *full-blood members* of the Choctaw, Chickasaw, Creek, Cherokee, and Seminole tribes can lease their allotments for a period longer than one year only with the approval of the Secretary of the Interior, and their homesteads only in case of their inability, on account of infirmity or age, to work or farm them. And where leases are submitted for approval covering the homestead land the affidavit of a physician or other satisfactory evidence must be furnished showing the inability of the allottee to work or farm his homestead and the reason therefor.

Agricultural leases from full-bloods will not be made for a longer period than five years. Agricultural and grazing leases

made under these regulations shall be made upon the forms prescribed herein.

In case it is desired to lease both the homestead and surplus of the full-blood allottee, separate leases shall be submitted.

45. All leases shall be in quadruplicate, and, *with the papers required*, shall be filed within thirty days from and after the date of execution with the United States Indian agent at Union Agency, Muskogee, Okla.

The Indian agent will make a full investigation to ascertain whether an allottee comes within the purview of the law, and in case of a lease upon homestead lands whether it will be to the best interests of the allottee to lease such homestead, and whether the consideration named in the lease is a fair one. He will also ascertain the character and responsibility of the prospective lessee.

46. Lessees shall be required to furnish a bond executed by two or more sufficient sureties, each of whom must justify under oath to an amount equal to the entire rental, guaranteeing the payment of all rents at the time and in the manner specified in the lease and the performance of all covenants and agreements named in the lease.

47. The lessee, when requested, shall furnish any additional information required by the Department. The general rules herein prescribed for oil and gas leases will be followed so far as applicable to agricultural and grazing leases, particularly as to corporations.

48. The enforcement of these regulations in the field and the general supervision of oil and gas operations thereunder shall be under the direction of the Commissioner to the Five Civilized Tribes in Oklahoma after July 1, 1907.

C. F. LARRABEE,

*Acting Commissioner of Indian Affairs.*

DEPARTMENT OF THE INTERIOR,

*Washington, D. C., April 20, 1908.*

Approved:

JAMES RUDOLPH GARFIELD,

*Secretary.*

# LEASING and REMOVAL of RESTRICTIONS

JUNE 20, 1908

The following regulations are hereby prescribed for the purpose of carrying into effect those provisions of the Act of Congress approved May 27, 1908, (Public No. 140,) quoted herein.

1. The Commissioner to the Five Civilized Tribes is charged with the general supervision and the enforcement of these regulations.

#### DISTRICT AGENTS.

(Section 6 of the Act approved May 27, 1908.)

Sec. 6. That the persons and property of minor allottees of the Five Civilized Tribes shall, except as otherwise specifically provided by law, be subject to the jurisdiction of the probate courts of the State of Oklahoma. The Secretary of the Interior is hereby empowered, under rules and regulations to be prescribed by him, to appoint such local representatives within the State of Oklahoma who shall be citizens of that State or now domiciled therein as he may deem necessary to inquire into and investigate the conduct of guardians or curators having in charge the estates of such minors, and whenever such representative or representatives of the Secretary of the Interior shall be of the opinion that the estate of any minor is not being properly cared for by the guardian or curator, or that the same is in any manner being dissipated or wasted or being permitted to deteriorate in value by reason of the negligence or carelessness or incompetency of the guardian or curator said representative or representatives of the Secretary of the Interior shall have power and it shall be their duty to report said matter in full to the proper probate court and take the necessary steps to have such matter fully investigated, and go to the further extent of prosecuting any necessary remedy, either civil or criminal, or both, to preserve the property and protect the interests of said minor allottees; and it shall be the further duty of such representative or representatives to make full and complete reports to the Secretary of the Interior. All such reports, either to the Secretary of the Interior or to the proper probate court, shall become public records and subject to the inspection and examination of the public, and the necessary court fees shall be allowed against the estates of said minors. The probate courts may, in their discretion, appoint any such representative of the Secretary of the Interior as guardian or curator for such minors, without fee or charge.

And said representatives of the Secretary of the Interior are further authorized and it is made their duty, to counsel and advise all allottees, adult or minor, having restricted lands of all of their legal rights with reference to their restricted lands, without charge, and to advise them in the preparation of all leases authorized by law to be made, and at the request of any allottee having restricted land he shall, without charge, except the necessary court and recording fees and expenses, if any, in the name of the allottee, take such steps as may be necessary, including the bringing of any suit or suits and the prosecution and appeal thereof, to cancel and annul any deed, conveyance,

mortgage, lease, contract to sell, power of attorney, or any other encumbrance of any kind or character, made or attempted to be made or executed in violation of this Act or any other Act of Congress, and to take all steps necessary to assist said allottees in acquiring and retaining possession of their restricted lands.

Supplemental to the funds appropriated and available for expenses connected with the affairs of the Five Civilized Tribes, there is hereby appropriated for the salaries and expenses arising under this section, out of any funds in the Treasury not otherwise appropriated, the sum of ninety thousand dollars, to be available immediately, and until July first, nineteen hundred and nine, for expenditure under the direction of the Secretary of the Interior: **Provided**, That no restricted lands of living minors shall be sold or encumbered, except by leases authorized by law, by order of the court or otherwise.

And there is hereby further appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available and available until expended as the Attorney-General may direct, the sum of fifty thousand dollars, to be used in the payment of necessary expenses incident to any suits brought at the request of the Secretary of the Interior in the Eastern judicial district of Oklahoma: **Provided**, That the sum of ten thousand dollars of the above amount, or so much thereof as may be necessary, may be expended in the prosecution of cases in the western judicial district of Oklahoma.

Any suit brought by the authority of the Secretary of the Interior against the vendee or mortgagee of a town lot, against whom the Secretary of the Interior may find upon investigation no fraud has been established, may be dismissed and the title quieted upon payment of the full balance due on the original appraisalment of such lot: **Provided**, That such investigation must be concluded within six months after the passage of this act.

Nothing in this act shall be construed as a denial of the right of the United States to take such steps as may be necessary, including the bringing of any suit and the prosecution and appeal thereof, to acquire or retain possession of restricted Indian lands, or to remove cloud therefrom, or clear title to the same, in cases where deeds, leases or contracts of any other kind or character whatsoever have been or shall be made contrary to law with respect to such lands prior to the removal therefrom of restrictions upon the alienation thereof; such suits to be brought on the recommendation of the Secretary of the Interior, without costs or charges to the allottees, the necessary expenses incurred in so doing to be defrayed from the money appropriated by this act.

2. Local representatives appointed under the above quoted section 6, shall be known officially as "District Agents," and located in the various districts named herein comprising that part of the State of Oklahoma occupied by the Five Civilized Tribes. Such additional local representatives and the necessary assistance, including supervision, that may at any time be deemed necessary by the Secretary of the Interior to carry out the provisions of said section 6 and these regulations will be appointed or authorized. Such District Agents shall report to and act under the direction of the United States Indian Agent, Union Agency.

DESCRIPTION OF DISTRICTS AND LOCATION OF OFFICES OF THE DISTRICT AGENTS ON MAY 1, 1912.

- District No. 1: Office at Vinita, comprising Craig, Mayes, Delaware and that part of Ottawa County within the Cherokee Nation.
- District No. 2: Office at Nowata, comprising Washington, Nowata and Rogers Counties.
- District No. 3: Office at Sapulpa, comprising Tulsa and Creek Counties.

- District No. 4: Office at Okmulgee, comprising Okmulgee and Okfuskee Counties.
- District No. 5: Office at Muskogee, comprising Wagoner, Muskogee and McIntosh Counties.
- District No. 6: Office at Westville, comprising Cherokee, Adair and Sequoyah Counties.
- District No. 7: Office at Poteau, comprising Haskell and LeFlore Counties.
- District No. 8: Office at McAlester, comprising Pittsburg, and Latimer Counties.
- District No. 9: Office at Holdenville, comprising Hughes and Seminole Counties.
- District No. 10: Office at Atoka, comprising Pontotoc, Coal and Atoka Counties.
- District No. 11: Office at Pauls Valley, comprising McClain, Garvin and Murray Counties.
- District No. 12: Office at Chickasha, comprising that part of Grady, Stephens and Jefferson Counties within the Chickasaw Nation.
- District No. 13: Office at Ardmore, comprising Carter and Love Counties.
- District No. 14: Office at Madill, comprising Johnston, Marshall and Bryan Counties.
- District No. 15: Office at Hugo, comprising Choctaw and Pushmataha Counties.
- District No. 16: Office at Idabel, comprising McCurtain County.

3. The offices of the District Agents shall be open from eight thirty a. m., to five p. m., each day, Sundays and legal holidays excepted, and any and all counsel and advice desired by allottees concerning deeds, leases or other instruments or matters relating to lands allotted to them shall be furnished by such agents free of charge. Each District Agent shall give his entire time to his official duties and shall not during his term of employment as such District Agent have any interest directly or indirectly in any transaction concerning leases covering lands of allottees or in the purchase or sale of any such lands regardless of whether the restrictions have or have not been removed. This prohibition, however, shall not apply to lands which such District Agents may have legally acquired before their employment.

4. Except when special circumstances require otherwise each District Agent will be required to be at his office during Friday and Saturday of each week and in the field the remainder of the time, except Sundays and legal holidays, visiting different localities for the purpose of procuring information and making necessary investigations as the law provides and as he may be directed.

5. Each District Agent shall examine the records of each county within his district at least once in each month, and oftener if directed, for the purpose of ascertaining the nature of transactions involving all lands and estates of all minor allottees, and also of restricted lands of adults, and shall perform such other duties as may be required. They shall report

to the United States Indian Agent at the end of each month the work performed during such period and special reports shall be made immediately of any apparently illegal transaction involving the estates or allotments of allottees.

6. Copies of the reports of the District Agents to the Probate Courts as authorized by section 6 of the act, quoted, shall be forwarded to the Indian Agent.

7. Leases requiring the approval of the Secretary of the Interior should be filed with the District Agent of the District in which the leased land is situate and by him forwarded after investigation with report and recommendation to the Indian Agent, Union Agency.

8. Applications by allottees of restricted land for the removal of restrictions shall be presented to the District Agent of the District in which the applicant resides, and such applications, after investigation including a personal interview with the applicant, shall be forwarded to the Indian Agent with report and recommendation.

### LEASING.

9. Sections 1 to 43, inclusive, of the Revised Regulations of April 20, 1908, governing the leasing of allotted lands of members of the Five Civilized Tribes, with reference to oil, gas or other mineral leases are, with the following modifications, hereby promulgated under and in accordance with and made applicable to the following quoted provisions of said Act, and shall, with said modifications, remain in full force and effect and Sections 44 to 48, inclusive, pertaining to agricultural and grazing leases are revised as hereinafter shown.

(Section 2, 3 and 11 of the Act approved May 27, 1908.)

Sec. 2. That all lands other than homesteads allotted to members of the Five Civilized Tribes from which restrictions have not been removed may be leased by the allottee if an adult; or by the guardian or curator under order of the proper probate court if a minor or incompetent, for a period not to exceed five years, without the privilege of renewal: **Provided**, That leases of restricted lands for oil, gas or other mining purposes, leases of restricted homesteads for more than one year, and leases of restricted lands for periods of more than five years, may be made, with the approval of the Secretary of the Interior, under rules and regulations provided by the Secretary of the Interior, and not otherwise: **And provided further**, That the jurisdiction of the probate courts of the State of Oklahoma over lands of minors and incompetents shall be subject to the foregoing provisions, and the term minor or minors, as used in this Act, shall include all males under the age of twenty-one years and all females under the age of eighteen years.

Sec. 3. That the rolls of citizenship and of freedmen of the Five Civilized Tribes, approved by the Secretary of the Interior shall be conclusive evidence as to the quantum of Indian blood of any enrolled citizen or freedman of said tribes and of no other persons to determine questions arising under this Act



and the enrollment records of the Commissioner to the Five Civilized Tribes shall hereafter be conclusive evidence as to the age of said citizen or freedman.

That no oil, gas or other mineral lease entered into by any of said allottees prior to the removal of restrictions requiring the approval of the Secretary of the Interior shall be rendered invalid by this Act, but the same shall be subject to the approval of the Secretary of the Interior as if this Act had not been passed: **Provided**, That the owner or owners of any allotted land from which restrictions are removed by this Act, or have been removed by previous Acts of Congress, or by the Secretary of the Interior, or may hereafter be removed under and by authority of any Act of Congress, shall have the power to cancel and annul any oil, gas, or mineral lease on said land whenever the owner or owners of said land and the owner or owners of the lease thereon agree in writing to terminate said lease and file with the Secretary of the Interior, or his designated agent, a true copy of the agreement in writing cancelling said lease, which said agreement shall be executed and acknowledged by the parties thereto in the manner required by the laws of Oklahoma for the execution and acknowledgement of deeds, and the same shall be recorded in the county where the land is situate.

Sec. 11. That all royalties arising on and after July first, nineteen hundred and eight, from mineral leases of allotted Seminole lands heretofore or hereafter made, which are subject to the supervision of the Secretary of the Interior, shall be paid to the United States Indian Agent, Union Agency, for the benefit of the Indian lessor or his proper representative to whom such royalties shall thereafter belong; and no such lease shall be made after said date except with the allottee or owner of the land: **Provided**, That the interest of the Seminole Nation in leases or royalties arising thereunder on all allotted lands shall cease on June thirtieth, nineteen hundred and eight.

10. To expedite necessary investigation and final action leases should hereafter be presented to the District Agent of the district in which the leased land is situate for transmission to the Indian Agent at Union Agency.

11. No mineral lease which covers the land of a minor allottee and requires the approval of the Secretary of the Interior shall be for a term extending beyond the minority of such minor unless the court having jurisdiction of the minor's estate and the Secretary of the Interior shall approve such lease.

12. With the approval of the proper court and the Secretary of the Interior, mineral leases covering land of minor allottees made and approved upon forms authorized prior to the revised regulations of April 20, 1908, may be modified to give to the parties thereto any or all of the rights, privileges, conditions or terms of the lease form approved April 20, 1908.

13. From and after July 1, 1908, mineral leases which require the approval of the Secretary of the Interior covering lands of Seminole allottees, as provided in section 11 of the Act of May 27, 1908, shall be made under these regulations without the approval of the tribal authorities.

14. Section 10 of the regulations of April 20, 1908, is amended to read as follows:

Lessees must procure and file with each an affidavit of the Indian lessor, made before the District Agent, United States Indian Agent, Union Agency, if possible, or if not, before a Federal Judge, Clerk of the Federal Court, United States Commissioner or County or District Judge, showing that the lease was understood by the lessor, and bonus agreements, if any. (See form D, prescribed, which also covers lessees' affidavit of bonus and non-development.)

### AGRICULTURAL, GRAZING AND OTHER LEASES OTHER THAN MINERAL.

15. Leases, other than mineral, covering restricted lands other than homesteads for a period not exceeding five years without the privilege of renewal, and leases covering restricted homesteads for a period not exceeding one year, may be made by allottees without the approval of the Secretary of the Interior.

16. Leases other than mineral covering restricted lands for longer periods than provided above may be made with the approval of the Secretary of the Interior and not otherwise.

17. Leases other than mineral which require the approval of the Secretary of the Interior shall be made in quadruplicate upon forms prescribed by said Secretary, and with the papers required shall be filed with the District Agent in which the land leased is situate within thirty days after the date of execution. Lessees are required to furnish a bond with satisfactory surety, in a sum equal to the entire rental. The general rules prescribed for oil and gas leases will be followed as far as applicable for leases for other purposes, particularly as to corporations. (See Amendment Dec. 21, 1914, pp. 41 and 52.)

18. Forms for leases other than mineral, agricultural and grazing have not been prescribed. Such leases on any satisfactory form will be considered.

#### REMOVAL OF RESTRICTIONS.

(Sections 1 and 9 of the Act of Congress approved May 27, 1908.)

Sec. 1. That from and after sixty days from the date of this Act the status of the lands allotted heretofore or hereafter to allottees of the Five Civilized Tribes shall, as regards restrictions on alienation or incumbrance, be as follows: All lands, including homesteads, of said allottees enrolled, as intermarried whites, as freedmen, and as mixed-blood Indians having less than half Indian blood including minors shall be free from all restrictions. All lands, except homesteads, of said allottees enrolled as mixed-blood Indians having half or more than half and less than three-quarters Indian blood shall be free from all restrictions. All homesteads of said allottees enrolled as mixed-blood Indians having half or more than half Indian blood including minors of such degrees of blood, and all allotted lands of enrolled full-bloods, and enrolled mixed-bloods of three-quarters or more Indian blood, including minors of such degrees of blood, shall not be subject to alienation, contract to sell, power of attorney, or any other incumbrance prior to April twenty-sixth, nineteen hundred and thirty-one, except that the Secretary of the Interior may remove such restrictions, wholly or in part, under such rules and regulations con-

cerning terms of sale and disposal of the proceeds for the benefit of the respective Indians as he may prescribe. The Secretary of the Interior shall not be prohibited by this Act from continuing to remove restrictions as heretofore, and nothing herein shall be construed to impose restrictions removed from land by or under any law prior to the passage of this Act. No restrictions of alienation shall be construed to prevent the exercise of the right of eminent domain in condemning rights of way for public purposes over allotted lands, and for such purposes sections thirteen to twenty-three inclusive, of an act entitled "An act to grant the right of way through Oklahoma Territory and the Indian Territory to the Enid and Anadarko Railway Company, and for other purposes," approved February twenty-eighth, nineteen hundred and two (Thirty-second Statutes at Large, page forty-three), are hereby continued in force in the State of Oklahoma.

Sec. 9. That the death of any allottee of Five Civilized Tribes shall operate to remove all restrictions upon the alienation of said allottee's land: **Provided**, That no conveyance of any interest of any full-blood Indian heir in such land shall be valid unless approved by the court having jurisdiction of the settlement of the estate of said deceased allottee: **Provided further**, That if any member of the Five Civilized Tribes of one-half or more Indian blood shall die leaving issue surviving, born since March fourth, nineteen hundred and six, the homestead of such deceased allottee shall remain inalienable, unless restrictions against alienation are removed therefrom by the Secretary of the Interior in the manner provided in section one hereof, for the use and support of such issue, during their life or lives, until April twenty-sixth, nineteen hundred and thirty-one; but if no such issue survive, then such allottee, if an adult, may dispose of his homestead by will free from all restriction; if this be not done, or in the event the issue hereinbefore provided for die before April twenty-sixth, nineteen hundred and thirty-one, the land shall then descend to the heirs, according to the laws of descent and distribution of the State of Oklahoma, free from all restrictions: **Provided further**, That the provisions of section twenty-three of the act of April twenty-sixth, nineteen hundred and six, as amended by this act, are hereby made applicable to all wills executed under this section.

19. Adult members of the Five Civilized Tribes, whose allotments can not be sold or encumbered except after removal of restrictions therefrom by the Secretary of the Interior as provided by the above quoted provisions of law, and who desire to have the restrictions removed from all or part of such allotments, shall apply to the United States Indian Agent, Union Agency, through the District Agent of the district in which the applicant resides; the application to be made in duplicate on forms which have been prescribed and will be furnished free of charge on application to the United States Indian Agent or any District Agent.

20. The classes of restricted lands to which the above quoted provisions of laws and these regulations apply are as follows:

Homesteads of adult mixed-blood allottees having half or more than half and less than three-quarters Indian blood.

All allotted lands of adult mixed-bloods of three-quarters or more Indian blood.

All allotted lands of adult full-blood allottees.

21. When an application is received by a District Agent he shall, after investigation, including a personal interview with the applicant, forward the application with report and recommendation to the Indian Agent at Union Agency to be transmitted with his report and recommendation for such action as the Secretary of the Interior may deem proper.

22. If the Secretary of the Interior finds that any applicant for the removal of restrictions should have the unrestricted control of his allotment he will remove the restrictions wholly or in part without conditions concerning terms of sale and disposal of the proceeds.

23. When, however, the Secretary of the Interior finds it to be for the best interests of any applicant that all or part of his restricted lands should be sold with conditions concerning terms of sale and disposal of the proceeds, he may remove the restrictions to become effective only and simultaneously with the execution of the deed by said applicant to the purchaser. Before said deed is executed the designated tract or tracts of land shall be sold upon such terms as the Secretary of the Interior may in each case specifically direct. Whenever the Secretary of the Interior so directs the Indian Agent will cause a description of the land with necessary information, to be posted at his office, and so far as practicable on the bulletin board at the Court House of each county within the territory occupied by the Five Civilized Tribes, and also at the office of each District Agent, for a period of not less than thirty days; and sealed bids for the purchase of any such land will be received at the office of the District Agent of the district in which the land is situate until two o'clock p. m., of the day on which the bids are to be opened, and the bids will be publicly opened immediately after that hour at the office of the District Agent. All bids shall be enclosed in a sealed envelope on which must be plainly written, "Bid for Indian Lands," and the date bids will be opened must be endorsed on the envelope. The envelope must not disclose the description of the land. Neither the Indian Agent nor any employe connected with the Indian Service will be allowed to prepare any bid or to assist in the preparation thereof. Each bid must be accompanied by a duly certified check on some solvent bank, for the use of the grantors, payable to the United States Indian Agent, Union Agency, for ten per cent of the amount bid as a guaranty for the faithful compliance by the bidder with his proposition. If the bid is accepted and the successful bidder shall fail, within ten days from the receipt of notice of the acceptance of his bid, to comply with the terms thereof such certified check will be forfeited

to the use of the owner or owners of the land unless within thirty days after the date of opening bids the Secretary of the Interior shall order otherwise. The right to reject any or all bids is reserved. (See Amend. Jan. 16, 1915, p. 42.) (See Amend. April 13, 1916, p. 52.)

24. Each tract of land posted or offered for sale, as provided herein, shall, prior to the date bids are to be opened, be personally inspected and appraised at its full value by the Indian Agent at Union Agency, or such officer or employe as he may designate, and a certificate of such appraisal by the officer or employe making the appraisal shall be sealed and not opened until immediately after the bids received for that particular tract of land are opened. The appraisal shall not be disclosed to any person prior to the opening of bids nor be made public thereafter (all appraisements now made public when tract advertised for sale, see amendment, p. 30), and no bid less than the appraised value shall be considered. All cost of conveyancing and recording shall be at the expense of the purchaser. The checks of unsuccessful bidders shall be returned at the earliest possible moment when properly received for to the Indian Agent.

25. Upon the proper consummation of a sale made in compliance with the directions of the Secretary of the Interior, the Indian Agent, or other officer in charge of the Union Agency, will make an endorsement upon the order for the removal of restrictions from the land sold, using the following form:

I hereby certify that, pursuant to the above order, the land described therein has been sold in compliance with the directions of the Secretary of the Interior, and that, to make the sale effective, deed for said land from said allottee to.....the purchaser, was executed on.....  
190.....

26. The Indian Agent, or other officer in charge of the Union Agency, will make an endorsement upon the deed also, using the following form:

I hereby certify that the land conveyed by this deed has been sold in compliance with the directions of the Secretary of the Interior pursuant to the order dated..... 190....., for the removal of restrictions from said land.

27. Such deed and the order for the removal of restrictions, thus endorsed shall, after proper record thereof has been made at the Union Agency, be delivered by the Indian Agent to the grantee.

28. The proceeds of such sales shall be held by said Indian Agent in his official capacity, and be disbursed for the benefit of the respective Indians as the Secretary of the Interior may direct in each case.

29. When the Secretary of the Interior deems it to be to the best interest of the allottee he will, as far as practicable direct that the payment for the land sold shall be part cash and the balance secured by a first mortgage on the premises conveyed, such balance to be paid upon such terms and conditions as may be designated in each case. (Amended April 20, 1912. See p. 35.)

C. F. LARRABEE,

*Acting Commissioner of Indian Affairs.*

DEPARTMENT OF THE INTERIOR,

June 20, 1908.

Approved:

JESSE E. WILSON,

*Assistant Secretary.*

### ORDER OF AUGUST 12, 1908.

#### Notice to Parties Holding Mineral Leases, Approved by the Department, on Lands from Which the Restrictions Have Been Removed.

The following provision has been adopted by the Department for the relinquishment of supervision of leases approved by the Secretary of the Interior on lands from which the restrictions have been removed.

"That under Section 42 of the Revised Leasing Regulations of April 20, 1908, in cases where the restrictions are removed where the Department is to relinquish supervision as provided in said section, the Indian Agent at Union Agency will notify the lessees that before such supervision will be relinquished, unless a new bond is waived by the lessor or owner of the land, as the regulations authorize, the lessee must furnish a bond running to the lessor, his heirs or assigns, in the same amount as originally required where such bond was made to the United States, and when such bond is filed with the Indian Agent, examined by him and the surety found to be satisfactory, it shall be forwarded to the lessor, his heirs or assigns, and both parties will thereupon be notified that the Department will no longer exercise supervision over the lease and the surety upon the original bond running to the United States will be notified that it will only be liable for such obligations as accrued prior to the date of the new bond."

Upon the filing of a waiver of bond, the lessee and surety will be given the same notice of relinquishment of supervision as if a new bond were furnished.

Approved August 12, 1908.

JESSIE E. WILSON,

*Assistant Secretary.*

## AMENDMENT OF AUGUST 31, 1909.

TO SECTION 24 OF THE REGULATIONS OF JUNE 20,  
1908, GOVERNING THE REMOVAL OF RESTRICTI-  
TIONS IN THE FIVE CIVILIZED TRIBES.

"Each tract of land posted or offered for sale as provided herein shall, prior to the date bids are to be opened, be inspected and appraised at its full value under the direction of the Superintendent or other officer in charge of the Union Agency, Oklahoma, and the amount of such appraisement shall be stated in the advertisement and no bid for less than the appraised value shall be considered. All cost of conveyance and recording shall be at the expense of the purchaser. The checks of the unsuccessful bidders shall be returned at the earliest possible moment when properly receipted for to the Superintendent at Union Agency."

F. H. ABBOTT,  
*Acting Commissioner.*

Approved Aug. 31, 1909.

FRANK PIERCE,  
*First Assistant Secretary.*

## AMENDMENT OF JULY 23, 1910.

TO THE REGULATIONS OF APRIL 20, 1908, GOVERNING  
THE LEASING OF LANDS OF MEMBERS OF THE  
FIVE CIVILIZED TRIBES.

Section 25 of the Revised Regulations of April 20, 1908, covering the leasing of oil and gas lands in the Five Civilized Tribes, re-promulgated June 20, 1908, is amended so as to read as follows:

All royalties, rents or payments accruing under any lease made for or on behalf of any minor or incompetent shall be held by the United States Indian Superintendent, Union Agency, or such other disbursing officer as may be designated by the Secretary of the Interior, to the credit of the guardian (or curator) of such minor or incompetent and shall be paid to such guardian (or curator) upon voucher executed by him and approved by the Judge of the County (Probate) Court having jurisdiction of the estate of such minor or incompetent (the form of such voucher to be prescribed by the Department), or upon authority of such court in the form of an order satisfactory to said Superintendent or other officer in charge of the Union Agency.

C. F. HAUKE,  
*Second Assistant Commissioner.*

Approved: July 23, 1910.

FRANK PIERCE,  
*First Assistant Secretary.*

## AMENDMENTS OF FEBRUARY 6, 1911.

TO THE REGULATIONS OF APRIL 20, 1908, GOVERNING  
LEASING OF LANDS OF MEMBERS OF THE FIVE  
CIVILIZED TRIBES, IN OKLAHOMA.

EFFECTIVE MAY 1, 1911.

Sections 1, 16, 22 and 23 of the regulations, approved April 20, 1908, are hereby amended to read as follows:

1. Oil and gas leases requiring the approval of the Secretary of the Interior, may be made for a period of *ten* years from the date of the approval thereof by the Secretary of the Interior and as much longer thereafter as oil or gas is found in paying quantities; all leases shall be executed upon forms prescribed by the Department.

16a. Oil and gas leases shall contain the following provision in lieu of that portion of paragraph 2 of the lease form approved April 20, 1908, which relates to the mining of gas and the payment of royalties thereon:

And the lessee shall pay as royalty on each gas-producing well \$300 per annum in advance, to be calculated from the date of commencement of utilization: **Provided**, however, in the case of gas wells of small volume, when the rock pressure is 100 pounds or less, the parties hereto may, subject to the approval of the Secretary of the Interior, agree upon a royalty which will become effective as a part of this lease: **Provided**, further, That in cases of gas wells of small volume, or where the wells produce both oil and gas or oil and gas and salt water to such an extent that the gas is unfit for ordinary domestic purposes, or where the gas from any well is desired for temporary use in connection with drilling and pumping operations on adjacent or nearby tracts, the lessee shall have the option of paying royalties upon such gas wells of the same percentage of the gross proceeds from the sale of gas from such wells as is paid under this lease for royalty on oil. The lessor shall have the free use of gas for domestic purposes in his residence on the leased premises, provided there be surplus gas produced on said premises over and above enough to fully operate same. Failure on the part of the lessee to use a gas producing well, which can not profitably be utilized at the rate herein prescribed, shall not work a forfeiture of his lease so far as the same relates to mining oil, but if the lessee desires to retain gas producing privileges, the lessee shall pay a rental of one hundred dollars per annum in advance calculated from date of discovery of gas, on each gas-producing well, gas from which is not marketed or not utilized otherwise than for operations under this lease. Payments of annual gas royalties shall be made within twenty-five days from the date such royalties become due, other royalty payments to be made monthly on or before the 25th day of the month succeeding that for which such payment is to be made, supported by sworn statements.

b. The capacity of wells shall be ascertained, under the supervision of the Secretary of the Interior, when necessary



under the terms of the lease to determine the amount of royalty to be collected.

c. Except in cases of emergency, which shall not exceed ten days, not more than seventy-five per cent of the capacity of any gas well shall be utilized.

d. Evidence of date of discovery of gas wells and the beginning of utilization must be promptly furnished by the lessee in the form of a sworn statement.

22. In oil and gas leases until a producing well is completed on leased premises and in all other mineral leases advance royalty shall be paid annually in advance from the date of approval of the lease, as follows: 15 cents per acre per annum for the first and second years; 75 cents per acre for the fifth year, and on oil and gas leases *one dollar per acre for each successive year*; and in the case of mineral leases other than for oil and gas, 75 cents per acre annually after the fifth year; the sums thus paid to be credited on the stipulated royalties.

The advance royalty for the first year shall be tendered at the time of the filing of the lease in the office of the United States Indian Superintendent at Union Agency.

On all mineral leases other than for oil and gas, when the annual advance royalty becomes due on a leased tract from which minerals are being produced, the lessee will not be required to pay the advance royalty until the royalty on production during the month within which the advance royalty falls due is accounted for; and if royalty on production equals or exceeds the advance royalty, it will be accepted as covering both items, but if it does not equal the advance royalty due, the lessee shall include the difference with his payment on production.

23. An oil and gas lessee shall drill at least one well on lease-hold within twelve months from the date of the approval of the lease by the Secretary of the Interior, or may delay drilling said well not exceeding *ten* years from the date of such approval by paying to the United States Indian Superintendent, Union Agency, Muskogee, Oklahoma, for the use and benefit of lessor (subject to the limitations and conditions in said lease contained), in addition to said advance royalty the sum of \$1 per acre per annum, for each year the completion of such well is delayed, payable on or before the end of each year. The lessee *may be required by the Secretary of the Interior, or by such officer as he may designate for the purpose, to drill and operate wells to offset wells on adjoining tracts and within three hundred feet of the dividing line, or in case of gas wells the lessee*

*may have the option of paying on each proposed well a sum equal to the royalty, which, under these regulations, would be payable on the well to be offset instead of drilling such offset well. Offset wells must be drilled, or royalties paid in lieu of drilling, within ten days after the lessee is notified to do so, and failure to comply with such requirement shall constitute a violation of one of the substantial terms of the lease.*

(Sections 22 and 23, Amended June 29, 1911. P. 34.)

Appropriate changes will be made in the lease form to provide for and carry into effect the provisions of the above modified regulations and such modifications of the regulations and lease form shall be effective May 1, 1911, and may, at the option of the parties, be incorporated in leases hereafter executed prior to that date. Said modified provisions may also be substituted in any lease, executed prior to said date on forms now or heretofore in use, in lieu of corresponding provisions contained in such leases, upon formal stipulations by the parties to that effect, when duly approved by the Secretary of the Interior. All leases which embrace the said provisions, whether in original form or by substitution, shall be subject to these regulations.

These regulations shall not be construed as intended to affect existing approved leases, except where such leases are modified by stipulation, as provided herein or where such leases are susceptible of modification in these respects by regulation.

F. H. ABBOTT,

*Asst. Commissioner of Indian Affairs.*

DEPARTMENT OF THE INTERIOR,

*Washington, D. C., February 6, 1911.*

Approved:

FRANK PIERCE,

*First Assistant Secretary.*

#### AMENDMENTS OF JUNE 29, 1911.

TO THE REGULATIONS OF APRIL 20, 1908 (AND SUBSEQUENT AMENDMENTS), GOVERNING LEASING OF LANDS OF MEMBERS OF THE FIVE CIVILIZED TRIBES IN OKLAHOMA.

Sections 22 and 23 of the Regulations approved April 20,

1908, as re-written and amended February 6, 1911, are hereby amended as follows:

(22) Add the following paragraph to Section 22 as now written:

Advance royalty accruing under this section when paid shall not be refunded to the lessee because of any subsequent surrender or cancellation of the lease, nor shall the lessee be relieved from his obligation to pay said advance royalty annually when it becomes due by reason of any subsequent surrender or cancellation of such lease.

(23) Section 23 of the Regulations (paragraph 4 of the lease form) will be entirely re-written and is amended to read as follows:

Sec. 23. The lessee shall exercise diligence in sinking wells for oil and natural gas on land covered by the lease and shall drill at least one well thereon within one year from the date of approval of the lease by the Secretary of the Interior, or shall pay to the United States Indian Superintendent, Union Agency, Muskogee, Oklahoma, for the use and benefit of the lessor, for such whole year the completion of such well is delayed after the date of such approval by the Secretary of the Interior, for not to exceed ten years from the date of such approval, in addition to the other considerations named in the lease, a rental of one dollar per acre, payable annually; and if the lessee shall fail to drill at least one well within any such yearly period and shall fail to surrender the lease by executing and recording a proper release thereof and otherwise complying with paragraph 7 of the lease on or before the end of any such year during which the completion of such well is delayed, such failure shall be taken and held as conclusively evidencing the election and covenant of the lessee to pay the rental of one dollar per acre for such year, and thereupon the lessee shall be absolutely obligated to pay such rental. The failure of the lessee to pay such rental before the expiration of fifteen days after it becomes due at the end of any yearly period, during which a well has not been completed as provided herein, shall be a violation of one of the material and substantial terms and conditions of the lease, and be cause for cancellation of such lease under paragraph 9 thereof; but such cancellation shall not in any wise operate to release or

relieve the lessee from the covenant and obligation to pay such rental or any other accrued obligation. The lessee may be required by the Secretary of the Interior, or by such officer as he may designate for the purpose, to drill and operate wells to offset wells on adjoining tracts and within three hundred feet of the dividing line, or in case of gas wells the lessee may have the option of paying on each proposed well a sum equal to the royalty, which, under these regulations, would be payable on the well to be offset instead of drilling such offset well. Offset well must be drilled, or royalties paid in lieu of drilling, within ten days after the lessee is notified to do so, and failure to comply with such requirement shall constitute a violation of one of the substantial terms of the lease.

Pending unapproved leases will be approved upon the condition that the lessee and surety agree to the acceptance of the foregoing amendments, and appropriate changes will be made in the lease form to provide for and carry into effect such amendments.

F. H. ABBOTT,

*Acting Commissioner of Indian Affairs.*

DEPARTMENT OF THE INTERIOR,

*Washington, D. C., June 29, 1911.*

Approved:

SAMUEL ADAMS,

*First Assistant Secretary.*

#### AMENDMENT OF APRIL 20, 1912.

#### TO THE REGULATIONS OF JUNE 20, 1908, GOVERNING THE REMOVAL OF RESTRICTIONS IN THE FIVE CIVILIZED TRIBES.

Section 29 of the Regulations, approved June 20, 1908, under the acts of Congress of May 27, 1908, (35 Stat., 312) is hereby amended to read as follows:

29. Upon the approval by the Secretary of the Interior of a conditional order for the removal of restrictions, as provided in these regulations, the land covered thereby to be sold under the supervision of the Superintendent of the Union Agency, the said Superintendent is hereby authorized, in such cases, as he considers to be for the best interests of the respective allottees so to do, to advertise and sell said land by sealed bids or at public auction for not less than the appraised value, for cash or upon deferred payments, any such deferred payment sales to be made under the following terms:

Where the consideration is \$500 or less, at least one-half to be paid in cash at the time of the sale and the remainder to be evidenced by purchasers notes due and payable in not more than eighteen months after the date of purchase and secured by first mortgage on the premises conveyed.

Where the consideration exceeds \$500, and is not more than \$1,500, at least one-third to be paid in cash at the time of sale and the remainder in two equal payments evidenced by purchaser's note or notes to fall due not more than two and one-half years from date of purchase, and secured by first mortgage on the premises conveyed.

Where the consideration exceeds \$1,500, at least one-fourth to be paid in cash at the time of sale and the remainder in three equal payments evidenced by purchaser's note or notes to fall due not more than three and one-half years from the date of purchase and secured by first mortgage on the premises conveyed.

All cash payments at the time of sale to be paid into the hands of the cashier and special disbursing agent of the Union Agency, Muskogee, Oklahoma, or his successor in authority and all notes, and mortgages securing same, to contain the express condition that no payment purporting to discharge, satisfy, or release the indebtedness evidenced thereby, unless such payments, and interest accruing thereon, are made to the cashier of the Union Agency, or his successor in authority, for the benefit of the proper allottees, or, if such note or notes are properly negotiated with the approval of the Secretary of the Interior, to the owner or owners of such notes, shall operate as a release, satisfaction, discharge or payment thereof, and such notes shall be non-negotiable except with the approval of the Secretary of the Interior. Said note or notes shall be held by the said cashier of the Union Agency, or his successor in authority, for collection when due. Said note shall draw interest from date of execution until paid at the rate of eight per cent per annum.

All moneys received by the said cashier of the Union Agency, or his successor in authority, on account of deferred payments, and accrued interest thereon, shall be deposited or held to the credit of the proper allottee in Individual Bank Accounts, and to be subject to the rules, regulations, and orders of this Department governing the holding of moneys so deposited or the disbursement thereof.

This amendment shall apply to any order of this Department heretofore made covering the sale of allotted lands of members of the Five Civilized Tribes where the land covered by such order has not been sold and such order is still in effect.

ROBERT G. VALENTINE,

*Commissioner of Indian Affairs.*

DEPARTMENT OF THE INTERIOR,

April 20, 1912.

Approved:

SAMUEL ADAMS,

*First Assistant Secretary.*

AMENDMENT OF OCT. 14, 1907, TO SECTION FIFTEEN OF THE REGULATIONS OF JUNE 11, 1907, GOVERNING THE LEASING OF LANDS ALLOTTED TO MEMBERS OF THE FIVE CIVILIZED TRIBES IN THE INDIAN TERRITORY.

Section fifteen of the regulations referred to above is hereby amended to read as follows:

15. The minimum rate of royalty on oil shall be ten (10) per cent of the gross proceeds of all oil produced from the leased premises, payment to be made at the time of the sale or disposition of the oil, but the Secretary of the Interior may, from time to time, increase the existing minimum rate of royalty to a minimum rate not exceeding sixteen and two-thirds (16 2/3) per cent, provided that any lease hereafter delivered to the lessee, in which the royalty specified is at any time less than the minimum rate of royalty in force at that time, as fixed in accordance herewith, shall be subject to such minimum rate of royalty instead of the rate originally specified in the lease.

C. F. LARRABEE,

*Acting Commissioner of Indian Affairs.*

DEPARTMENT OF THE INTERIOR,

October 14, 1907.

Approved:

JAMES RUDOLPH GARFIELD,

*Secretary.*

AMENDMENT OF NOVEMBER 29, 1912.

Section 25 of the Revised Regulations of April 20, 1908, covering the leasing of the lands in the Five Civilized Tribes repromulgated June 20, 1908, is further amended by adding to the said section as re-written and amended July 23, 1910, the following:

Provided, however, that the said superintendent, or other officer in charge of the Union Agency, is authorized, in his discretion, where considered for the best interests of any adult, minor, or incompetent lessor, or his or her heirs, for whose account royalties, rents or payments accruing under any lease have been paid to said superintendent, to withhold the disbursement of such royalties, rents or payments, wholly or in part from any such adult, or guardian or curator of any such minor or incompetent, or his or her heirs, until such time or times as the payment thereof is considered best for the benefit of said lessor, or his or her heirs.

LEWIS C. LAYLIN,

*Assistant Secretary.*

Approved Nov. 29, 1912.

# AMENDMENTS OF MAY 12, 1913

EFFECTIVE JUNE 1, 1913.

Sections 2, 2 6and 30 of the regulations approved April 20, 1908, with subsequent amendments, are hereby further amended and modified to read as follows:

Sec. 2. All leases shall be in quadruplicate, and, with the papers required, shall be filed within thirty days from and after the date of execution by the lessor, with the United States Indian Superintendent at Union Agency, Muskogee, Oklahoma.

Assignments of leases and stipulations modifying the terms of existing leases shall also be filed with said Superintendent within thirty days from and after the date of execution.

A filing fee of \$5 for each lease and each assignment, and \$2 for each stipulation modifying the terms of existing contracts, is hereby required, and shall accompany each lease, assignment or stipulation from and after June 1, 1913. Such fees shall be accounted for by the disbursing agent of Union Agency as miscellaneous receipts Clas IV, subject to disbursement under the regulations governing such funds.

Within twenty-four hours of the execution by an Indian lessor of an oil, gas, or other mineral lease, which requires the approval of the Secretary of the Interior, the lessee must either file in the office of the Superintendent of Union Agency or deposit in the mails addressed to said Superintendent a notice of the execution of such lease, signed by the lessee or his agent upon a form furnished with the lease blanks, showing date and hour of execution, description of land, names of parties, character of lease, etc. It is preferred that these notices be sent by registered mail. If not so sent, other proof of mailing may be required. Immediately upon receipt of such notice by the Superintendent, entry thereof will be made in the same manner as leases are indexed for the information and notice of the public. Failure to file the lease within thirty days from and after the date of execution, will be considered an abandonment thereof, and the land may be leased to other parties.

Filing fees will be increased in the discretion of the Secretary of the Interior where assignments and stipulations are

not filed within the required time.

Sec. 26. Operations will not be permitted under any lease requiring approval of the Secretary of the Interior, until the approved lease has been delivered. If there has been a contest respecting a lease or leases, the approved, disapproved or cancelled parts thereof will be held in the office of the Superintendent for five days after promulgation by him, by mailing or delivery, of the Department's decision, and will not be delivered, if within that period a motion for review or reconsideration be filed, until such motion is passed upon by the Department.

Sec. 30. (a) Lessees drilling for oil or gas on Indian lands must keep at each well ready for immediate use, the best approved facilities for capping the well to prevent the waste of gas or oil in the case of the unexpected flow of either from the well; in case of wells already under way, immediately notify the Superintendent of the Union Agency of the exact location of each well and the kind of equipment for capping oil and gas wells provided by them. Lessees must hereafter furnish such report immediately upon the commencement of every new well.

(b) In all oil or gas wells where gas occurs above the oil, the gas must be forced back and held in the strata until needed,—in which case the drilling for oil can be resumed as soon as the gas has been confined in its own stratum—or the drilling must be discontinued and the well securely capped to prevent the waste of the gas; or the gas must be cased off and brought out of the well for use, separate from the oil.

In no case shall gas occurring in strata above the oil be used to lift oil from the oil bearing strata to the surface and be allowed to escape.

(c) Operators will be expected to exercise every reasonable precaution to avoid waste of natural gas, after separation from the oil, where the gas occurs in the same strata and comes from the wells with the oil.

In general, every possible precaution must be taken to stop the present waste and prevent future waste of natural gas both at the wells and from connecting pipe lines, and also to prevent the wasteful use of gas about the wells.

(d) When, in the course of drilling, operators strike water, drilling must be stopped, before proceeding into the strata, until adequate provision has been made for permanently shutting out the water and thus preventing its reaching either the overlying or underlying oil and gas-bearing strata.



(e) A failure on the part of the lessee or operators to prevent a waste of gas and to prevent the oil and gas strata from an inflow of water, as provided by these regulations, shall be a violation of one of the material and substantial terms and conditions of the lease and shall subject the lease to cancellation by the Secretary of the Interior.

These amendments shall become effective and be in full force from and after June 1, 1913, and supersede all former regulations in conflict therewith.

F. H. ABBOTT,

*Acting Commissioner of Indian Affairs.*

DEPARTMENT OF THE INTERIOR,

*Washington, D. C., May 12, 1913.*

Approved:

FRANKLIN K. LANE,

*Secretary.*

#### AMENDMENT OF DECEMBER 21, 1914.

##### Agricultural Leases.

Section 17 of the regulations of April 20, 1908, as amended June 20, 1908, is hereby amended and modified to read as follows:

“Leases, other than mineral, which require the approval of the Secretary of the Interior, shall be made in quadruplicate upon forms prescribed by said Secretary, and with the papers required shall be filed as soon as possible after execution with the field clerk or other local representative in charge of the district in which the land is situated. Any unusual delay in filing must be explained, and if more than thirty days, the consent of the lessor may, in the discretion of the Commissioner of Indian Affairs, be required. Provided, that no such lease will be accepted or filed after the expiration of 60 days from the date of its execution. Lessees, when required, shall furnish bond with satisfactory surety, in a sum equal to the entire rental. The general rules prescribed for oil and gas leases will be followed as far as applicable for leases for other purposes, particularly as to corporations.”

E. B. MERITT,

*Assistant Commissioner of Indian Affairs.*

DEPARTMENT OF THE INTERIOR,

*Washington, D. C., December 21, 1914.*

Approved:

BO SWEENEY,

*Assistant Secretary.*

## AMENDMENTS OF JANUARY 16, 1915.

Section 23 of the regulations approved June 20, 1908, under the provisions of the Act of Congress approved May 27, 1908 (Stats., 312), is hereby amended to read as follows:

Bids for the purchase of allotted Indian lands of restricted allottees will be received at the office of the local field representative of the Department for the district in which the land is situate at the duly advertised hour of the day on which the bids are to be received and such hour shall not be earlier than ten o'clock a. m., and not later than four o'clock p. m. of the date set for the sale.

Section 29 of the regulations approved June 20, 1908, and the Amendment thereto approved April 20, 1912, under the Act of Congress approved May 27, 1908 (35 Stats. 312) is hereby amended to read as follows:

Notes representing deferred payments of consideration paid for allotted Indian lands of restricted allottees shall bear interest from date of execution until paid at the rate of six per cent per annum.

These amendments shall apply to any order of the Department heretofore made covering the sale of allotted lands of members of the Five Civilized Tribes where the lands covered by such order have not been sold and such order is still in effect.

CATO SELLS,

*Commissioner Indian Affairs.*

DEPARTMENT OF THE INTERIOR,

*January 16, 1915.*

Approved:

A. A. JONES,

*First Assistant Secretary of the Interior.*

## AMENDMENT OF JUNE 18, 1915, TO

Section 11 of the Regulations of April 20, 1908.

In connection with the consideration and approval of leases of minors' lands, the following general rules are promulgated:

1. A lease for a term extending beyond the minority of the lessor will not be considered unless it is sufficiently shown that such a lease is necessary to prevent damage by reason of drainage or otherwise.

2. Leases covering the lands of minors who will become of age in one or two years will not be favorably considered unless there is likelihood of the land being jeopardized during such period by reason of development of the adjacent properties.

3. Minors' leases will be approved except as mentioned in Rule 1 to continue during the minority of lessor and as long thereafter as oil or gas is found in paying quantities where said minors will become of age in two years or more. The stipulated term, however, not to exceed ten years.

DEPARTMENT OF THE INTERIOR,

*Washington, D. C., June 18, 1915.*

Approved:

Bo SWEENEY,  
*Assistant Secretary.*

#### AMENDMENT OF NOVEMBER 20, 1915.

Section 12 of the regulations of April 20, 1908, is amended to read as follows:

"The right is specifically reserved to increase the amount of any such bond above the sum named in any particular case and to accept substitute bonds where the Secretary of the Interior deemed it proper to do so. Bonds covering other mineral leases shall be in such sum as may be fixed by the Secretary."

E. B. MERITT,  
*Assistant Commissioner.*

Approved Nov. 20, 1915.

Bo SWEENEY,  
*Assistant Secretary.*

#### REGULATIONS TO GOVERN OIL AND GAS OPERATIONS ON RESTRICTED INDIAN LANDS IN OKLAHOMA.

##### DEFINITIONS.

The following expressions, wherever used in the lease and regulations, shall have the meaning now designated, viz:

*Superintendent.*—The superintendent of any Indian agency in Oklahoma, or any other person who may be in charge of such agency and reservation, and it shall be his duty to enforce compliance with these regulations.

*Inspector.*—Any person appointed as inspector of oil and gas operations, or who may be designated by the Secretary of the Interior or the Commissioner of Indian Affairs to supervise oil or gas operations on restricted Indian lands, acting under general instructions from the Bureau of Mines and under the supervision of the superintendent.

*Oil Lessee.*—Any person, firm, or corporation to whom an oil-mining lease is made under these regulations.

*Gas Lessee.*—Any person, firm, or corporation to whom a gas lease is made under these regulations.

*Leased Lands.*—The term “leased lands” or “leased premises” or “leased tract” shall mean any restricted lands belonging to Indian allottees within the State of Oklahoma from which restrictions have not been removed, and which have been leased by such allottees with the approval of the Secretary of the Interior.

### OPERATIONS.

1. No operations shall be permitted upon any tract of land until a lease covering such tract shall have been approved by the Secretary of the Interior.

### POWERS AND DUTIES OF INSPECTOR.

It shall be the duty of the inspector—

2. To visit from time to time leased lands where oil and gas mining operations are being conducted and to inspect and supervise such operations, with a view to preventing waste of oil and gas, damage to oil, gas, or water bearing formations, or to coal measures or other mineral bearing deposits, or injury to property or life, in accordance with the provisions of these regulations.

3. To make reports to the superintendent and to the Bureau of Mines as to the general conditions of the leases, property, and the manner in which operations are being conducted and his orders complied with.

4. To consult and advise with the superintendent as to the condition of the leased lands and to submit information and

recommendations from time to time for safeguarding and protecting the property of the lessor and securing compliance with the provisions of these regulations.

5. To give such orders or notices as may be necessary to secure compliance with the regulations and to issue all necessary instructions or orders to lessees to stop or modify such methods or practices as he may consider contrary to the provisions of such regulations.

6. To modify or prohibit the use or continuance of any operation or method which, in his opinion, is causing or is likely to cause any surface or underground waste of oil or gas or injury to any oil, gas, water, coal, or other mineral formation, or which is dangerous to life or property or in violation of the provisions of these regulations.

7. To prescribe, subject to the approval of the superintendent, the manner and form in which all records or reports called for by these regulations shall be made by the lessee.

8. To prohibit the drilling of any well into any producing sand, when in his opinion and with the approval of the superintendent the marketing facilities are inadequate, or insufficient provision has been made for controlling the flow of oil or gas reasonably to be expected therefrom, until such time as suitable provision can be made.

9. To prescribe or approve the methods of drilling wells through coal measures or other mineral deposits.

10. To determine when and under what conditions a producing well may be drilled deeper and under what conditions a producing well or sand may be abandoned.

11. To require that tests shall be made to detect waste of oil or gas or the presence of water in a well, and to prescribe or approve the methods of conducting such tests.

12. To require that any condition existing subsequent to the completion of a well which is causing, or is likely to cause, damage to an oil, gas, or water-bearing formation, or to coal measures, or other mineral deposits, or which is dangerous to life or property, be corrected as he may prescribe or approve.

13. To approve the type or size of separators used to separate the oil, gas, or water coming from a well.

14. The inspector may limit the percentage of the open flow capacity of any well which may be utilized when in his opinion such action is necessary to properly protect the gas-producing formation.

15. The inspector shall be the sole judge of whether his orders have been fully complied with and carried out.

### DUTIES OF LESSEES.

16. Before actual drilling or development operations are commenced on the leased lands, or within not less than 30 days from the date of approval of these regulations in case of producing leases, or leased lands on which such operations have been commenced prior to such approval, the lessee or assignee shall appoint a local or resident representative within Osage County or Oklahoma on whom the superintendent or other authorized representative of the Department of the Interior may serve notices or otherwise communicate with, in securing compliance with these regulations and shall notify the superintendent of the name and post-office address of the representative so appointed.

In the event of the incapacity or absence from the county of such designated local or resident representative, the lessee shall appoint some person to serve in his stead and in the absence of such representative, or of notice of the appointment of a substitute, any employee of the lessee upon the leased premises or the contractor or other person in charge of drilling operations thereon shall be considered the representative of the lessee for the purpose of service of orders or notices as herein provided, and service upon any such employee, contractor, or other person shall be deemed service from the lessee.

17. Five days prior to the commencement of drilling operations lessee shall submit, on forms to be furnished by the superintendent, a report in duplicate showing the location of the proposed wells.

18. Lessee shall keep upon the leased premises accurate records of the drilling, redrilling, or deepening of all wells, showing formations drilled through, casing used, together with other information as indicated on prescribed forms to be furnished by the superintendent and shall transmit such and other reports of operations when required by the superintendent.

19. Lessee shall furnish on the 1st day of January and the 1st day of July of each year a plat in manner and form as prescribed by the superintendent, showing all wells, active or abandoned, on the leased lands, and other related information. Blank plats will be furnished upon application.

20. Lessee shall clearly and permanently mark all rigs or wells in a conspicuous place, with the name of the lessee and the number or designation of the well, and shall take all necessary precautions for the preservation of these markings.

21. Lessee shall not drill within 300 feet of boundary line of leased lands except with the consent of the superintendent. Lessee shall not locate any well or tank within 200 feet of any public highway or any building used as a dwelling, granary, barn, or established watering place, except with the written permission of the superintendent.

22. Lessee shall notify the superintendent, in advance, of intention to use the mud-fluid process of drilling, so that the inspector may approve the method and material to be used, in the event the operator is not familiar with this process.

23. Lessee shall provide a properly prepared slush pit into which all sand pumpings and other materials extracted from the well during the process of drilling shall be deposited. Such sand pumpings and materials shall not be allowed to run over the surface of the land. The construction of such pits shall be subject to the approval of the inspector.

24. Lessee shall effectually shut out and exclude all water from any oil or gas-bearing stratum and take all proper precaution and measures to prevent the contamination or pollution of any fresh water supply encountered in any well drilled for oil or gas.

25. Lessee shall protect to the satisfaction of the inspector each productive oil or gas-bearing formation drilled through for the purpose of producing oil or gas from a lower formation.

26. Lessee shall place an approved gate valve, or other approved controlling device, on the innermost string of casing seated in the well, and keep same in place and in proper condition for use until the well is completed, whenever drilling operations are commenced in "wildcat" territory, or in a gas or oil field where high pressures are known to exist, whenever the inspector shall deem same necessary for the proper control of the production from the well.

27. When natural gas is encountered in commercial quantities in any well, lessee shall confine such gas to its natural stratum until such time as the same can be produced and utilized without waste, it being understood that a commercial quantity of gas produced by a well is any unrestricted flow of natural gas in excess of 2,000,000 cubic feet per 24 hours: *Provided*. That if in the opinion of the superintendent gas of a lesser quantity shall be of commercial value, the superintendent shall have authority to require the conservation of said gas. Water shall not be introduced into any well where such intro-

duction will operate to kill or restrict the open flow of gas therein.

28. Lessee shall separate the oil from the gas when both are produced in commercial quantities from the same formation or under such conditions as might result in waste of oil or gas in commercial quantities.

29. Lessee shall not use natural gas from a distinct or separate stratum for the purpose of flowing or lifting the oil.

30. Lessee shall prevent oil or gas or both from escaping from any well into the open air, and not permit any oil or gas well to go wild or to burn wastefully.

31. Lessee shall not use natural gas in place of steam to operate engines or pumps under direct pressure except with the special permission of the inspector.

32. Lessee shall not use natural gas in flambeau lights, save as authorized or approved by the inspector.

33. Lessee shall use every possible precaution, in accordance with the most approved methods, to stop and prevent waste of natural gas and oil, or both, at the wells and from connecting lines, and to prevent the wasteful utilization of such gas about the well.

34. Lessee shall notify the superintendent a reasonable time in advance of starting work, of intention to redrill, deepen, plug, or abandon a well; and whenever the superintendent or inspector has given notice that extra precautions are necessary in the plugging of wells in a particular territory, lessee shall give at least three days' advance notice of such intended plugging.

35. Lessee shall not abandon any well for the purpose of drilling deeper for oil or gas unless the producing stratum is properly protected, and shall not abandon any well producing oil or gas except with the approval of the superintendent or where it can be demonstrated that the further operation of such well is commercially unprofitable.

36. Lessee shall plug and fill all dry or abandoned wells on the leased lands in the manner required, and where any such well penetrates an oil or gas bearing formation it shall be thoroughly cleaned to the bottom of the hole before being plugged or filled, and shall then be filled with mud-laden fluid of a consistency approved by the inspector, from the bottom to the top thereof, before any casing is removed from the well, or in lieu of the use of such mud fluid, each oil and gas bearing formation shall be adequately protected by cement, or approved plugs, or by both such plugs and cement, and the well



filled in above and below such cement or plugs with material approved by the inspector.

Where both fresh and salt water are encountered in any dry or abandoned well which is not being filled with mud-laden fluid as hereinbefore provided, the fresh water shall be sufficiently protected against contamination by cement or approved plugs, or by both such cement and plugs, to be placed at such points in the well as the inspector shall approve for the protection of the fresh water.

37. If such abandoned or dry well be in a coal bed or other mineral vein deposit, or be in such condition as to warrant taking extraordinary precautions, the inspector may require such variations in the above-prescribed methods of plugging and filling as may be necessary in his judgment to protect such seam or deposit against infiltration of gas or water, and to protect all other strata encountered in the well.

38. The manner in which such mud-laden fluid, cement, or plugs shall be introduced into any well being plugged and the type of plugs so used, shall be subject to the approval of the inspector.

In the event the lessee or operator shall fail to plug properly any dry or abandoned well in accordance with these regulations, the superintendent may, after five days' notice to the parties in interest, plug such well at the expense of the lessee or his surety.

39. All B-S or water from tanks or wells shall be drained off into proper receptacles located at a safe distance from tanks, wells, or buildings, to the end that same may be disposed of by being burned or transported from the premises.

Where it is impossible to burn the B-S, or where it is necessary to pump salt water in such quantities as would damage the surface of the leased land, or adjoining property, or pollute any fresh water, the lessee shall notify the superintendent, who shall give instructions in each instance as to the disposition of such B-S or salt water.

40. Lessee shall make a full and complete report to the superintendent of all accidents or fires occurring on the leased premises.

41. Lessee shall provide approved tankage of suitable shape for accurate measurement, into which all production of crude oil shall be run from the wells, and shall furnish the superintendent copies of accurate tank tables and all run tickets, as and when requested.

42. The superintendent may make arrangements with the purchasers of oil for the payment of the royalty, but such ar-

rangements, if made, shall not relieve the lessee from responsibility for the payment of the royalty should such purchaser fail, neglect, or refuse to pay the royalty when it becomes due: *Provided*, That no oil shall be run to any purchaser or delivered to the pipe line or other carrier for shipment or otherwise conveyed or removed from the leased premises until a division order is executed, filed, and approved by the superintendent, showing that the lessee has a regularly approved lease in effect and the conditions under which the oil may be run. Lessees shall be required to pay for all oil or gas used off the leased premises for operating purposes; affidavits shall be made as to the production used for such purposes and royalty paid in the usual manner. The lessee or his representatives shall be present when oil is taken from the leased premises under any division order, and will be responsible for the correct measurement thereof and shall report all oil so run.

The lessee shall also authorize the pipe-line company or the purchaser of oil to furnish the superintendent with a monthly statement, not later than the 10th day of the following calendar month, of the gross barrels run as common carrier shipment or purchased from his lease or leases.

43. Lessee will not be permitted to use any timber from any Osage lands except under written agreement with the owner, and in all cases where lands are restricted such agreement shall be subject to the approval of the superintendent or inspector. Lessee shall, when requested by the superintendent, furnish a statement under oath as to whether the rig timbers were purchased on the leased tract, and if so, state the name of the person from whom purchased and give such other information regarding the procurement of timber as the superintendent may desire.

44. Unless expressly provided for in the lease, lessees shall pay to the superintendent for the parties in interest all reasonable damage done to the surface and any growing crops thereon or to improvements on said land in the amounts of such damage when agreed upon between the parties in interest. When such amount can not be agreed upon, any of such parties may notify the superintendent, whereupon the superintendent shall notify the parties in interest that if such claims can not be arbitrated satisfactorily, he will, after 10 days from date of notice, investigate the matter of damage, such notice to be sent the lessee, allottee, or his heirs, and such other person as may have informed the superintendent in writing of a claim to an interest in such lands. The superintendent shall thereupon determine the damage and apportionment thereof between the

parties in interest, such determination to be final unless an appeal therefrom be taken to the Secretary of the Interior within 10 days from the date of notice of such determination. The decision of the Secretary of the Interior shall be final and conclusive upon all parties concerned. The lessee shall be permitted to proceed with operations pending determination of the amount of damage by the superintendent upon depositing with the superintendent such amount as he may stipulate as sufficient to cover the damages claimed, and such lessee may continue with operations pending appeal upon depositing such additional amount, if any, as may be sufficient to cover the damages as fixed and apportioned by the superintendent, the surplus, if any, to be returned to the lessee. Pending action upon the appeal so much of said amount as is not in dispute by the parties in interest may be disbursed.

45. Failure to comply with any provision of these regulations shall subject the lease to cancellation by the Secretary of the Interior or the lessee to a fine of not more than \$500 per day for each and every day the terms of the lease or of the regulations are violated, or the orders of the superintendent pertaining thereto are not complied with, or to both such fine and cancellation, in the discretion of the Secretary of the Interior: *Provided*, That the lessee shall be entitled to notice and hearing with respect to the terms of the lease or of the regulations violated, which hearing shall be held by the superintendent, whose finding shall be conclusive unless an appeal be taken to the Secretary of the Interior within 30 days after notice of the superintendent's decision, and the decision of the Secretary of the Interior upon appeal shall be conclusive.

46. These regulations shall become effective and in full force from and after the date of approval and shall be subject to change or alteration at any time by the Secretary of the Interior.

E. B. MERITT,

*Assistant Commissioner of Indian Affairs.*

VAN H. MANNING,

*Director Bureau of Mines.*

Approved:

Department of the Interior,

FRANKLIN K. LANE.

AMENDMENT OF JANUARY 29, 1916.

(Agricultural Leases.)

DEPARTMENT OF THE INTERIOR,

OFFICE COMMISSIONER OF INDIAN AFFAIRS,

WASHINGTON, D. C.

Mr. Gabe E. Parker,  
Supt. Five Civilized Tribes.

My Dear Mr. Parker:

All agricultural leases which under the law (Act of May 27, 1908) must be made under rules and regulations prescribed by the Secretary of the Interior and with his approval, may well be finally acted upon in your office, and thus avoid the delay incident to transmitting the same to this city. The effect of this will be to permit the lessee to obtain possession of the land at an earlier date.

Therefore, authority is hereby granted for the Superintendent for the Five Civilized Tribes, or the Acting Superintendent in the absence of the Superintendent or his inability to act, to approve all such leases in the name of the Secretary of the Interior.

If the approval is made by you, it would be as follows:

“Approved: FRANKLIN K. LANE,  
*Secretary of the Interior.*

By GABE E. PARKER,  
*Superintendent for the Five Civilized Tribes.”*

After action shall have been taken in the manner indicated, you will forward the original of the lease in each case for filing in the Indian office.

Sincerely yours,

CATO SELLS,  
*Commissioner.*

Approved: Jan. 29, 1916.

FRANKLIN K. LANE,  
Secretary.

#### AMENDMENT OF APRIL 13, 1916.

Section 23 of the regulations approved June 20, 1908, under the provisions, of the Act of Congress approved May 27, 1908 (35 Stat., 312), as amended on January 16, 1915, is hereby amended to read as follows:

Bids for the purchase of allotted Indian lands of restricted allottees will be received at such place, or places, as may be designated by the Superintendent for the Five Civilized Tribes at the duly advertised hour of the day on which the bids are to be received, and such hour shall not be earlier than 10 o'clock a. m., and not later than 4 o'clock p. m., of the date set for the sale.

Bo SWEENEY,  
Assistant Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,  
*Washington, D. C., April 13, 1916.*

GABE E. PARKER.

Make all remittances payable to  
W. M. BAKER, Cashier.

Local Offices:

Vinita,  
Jay,  
Nowata,  
Sapulpa,  
Okmulgee,  
Muskogee,  
Tahlequah,  
Sallisaw,  
Poteau.

Idabel,  
Hugo,  
McAlester,  
Holdenville,  
Atoka,  
Madill,  
Armore,  
Chickasha,  
Paulsvalley.

SUPERINTENDENT.

L E A S E

Letter 21694 Department of the Interior

JFK-BBH-2-26-17 United States Indian Service

Enc.-Information regarding coal leases.

Five Civilized Tribes

Muskogee, Oklahoma.

February 26, 1917,

Geo. W. Scott,  
Stigler, Oklahoma,

Dear Sir:-

Replying to your communication of the 19th instant, with reference to obtaining coal and asphalt mining leases on lands of restricted Indians, you are advised that I am enclosing herewith copy of the regulations governing the leasing of lands of restricted Indians, and your attention is invited to pages five, ten and eleven thereof, which will give you the desired information.

Sincerely yours

*Gabe E. Parker*  
Superintendent for the  
Five Civilized Tribes.