

Toll charge restriction.

Liquidation provisions.
Payment of cost and bonds by State authorized.

Amendment, etc.

Act be, and the same are, hereby repealed insofar as such conflict exists. Nothing in this Act shall be construed as authorizing tolls to be charged for the use of any one or more of the hereinbefore-named bridges except as hereinabove provided, and nothing herein shall be construed so as to prohibit the State of Maryland from paying all or any part of the costs of the construction of any one or more of such bridges or their approaches, and any and all bonds issued for such purposes, from any funds of the State which may now or hereafter be made available for that purpose.

SEC. 8. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, April 7, 1938.

[CHAPTER 110]

AN ACT

April 7, 1938
[H. R. 8982]
[Public, No. 473]

To amend Public Law Numbered 282, Seventy-fifth Congress, relative to the fisheries of Alaska.

Alaska fisheries.

50 Stat. 639.
48 U. S. C., Supp.
III, § 222a.
43 Stat. 464.
48 U. S. C. § 222.

Bristol Bay.
Residence and citizenship requirements, persons taking salmon with stake net, etc., for commercial purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law Numbered 282, Seventy-fifth Congress, entitled "An Act making further provision for the fisheries of Alaska," approved August 14, 1937 (50 Stat. 639), is amended to read as follows: "That section 1 of the Act approved June 6, 1924, entitled 'An Act for the protection of the fisheries of Alaska, and for other purposes' (43 Stat. 464), as amended, is further amended by inserting in said section at the end of the first proviso thereof another proviso to read as follows: '*Provided further*, That in the area embracing Bristol Bay and the arms and tributaries thereof, no person shall at any time fish for or take salmon with a stake net or set net, for commercial purposes, unless such person shall be a citizen of the United States and shall have theretofore continuously resided for the period of at least two years within said area; but for the salmon fishing season of 1938, residence within said area continuously after June 1, 1937, shall be deemed sufficient compliance with the residence requirements of this proviso.'"

Approved, April 7, 1938.

[CHAPTER 120]

AN ACT

April 8, 1938
[H. R. 7277]
[Public, No. 474]

To amend an Act entitled "An Act to refer the claim of the Menominee Tribe of Indians to the Court of Claims with the absolute right of appeal to the Supreme Court of the United States", approved September 3, 1935.

Menominee Tribe of Indians.

49 Stat. 1085.

Section repealed.

Prosecution of claims; separate suits permitted.

Facts to be set forth in petition.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to refer the claim of the Menominee Tribe of Indians to the Court of Claims, with the absolute right to appeal to the Supreme Court of the United States" (Public, Numbered 413, Seventy-fourth Congress), approved September 3, 1935, is hereby amended in the following particulars:

Section 2 of said Act is hereby repealed and in lieu thereof the following is enacted:

"SEC. 2. The Menominee Tribe of Indians is hereby empowered to prosecute any and all of its claims by bringing at its election, acting through its attorneys, a suit or suits, as party plaintiff, against the United States, as party defendant, by filing a petition or petitions in the Court of Claims and serving with respect to each petition a copy thereof on the Attorney General of the United States. Such petition or petitions shall set forth the facts on which the claims for recovery are based and shall be verified by the attor-

ney or attorneys employed by said Menominee Tribe of Indians in accordance with existing law to prosecute such claims which may be made upon information and belief and no other verification shall be necessary. Any suit hereunder shall be instituted by the filing of a petition in the Court of Claims before the end of the calendar year of 1938. The petition or petitions shall be subject to amendment at any time prior to final submission of the case to the Court of Claims."

The first sentence of section 3 of said Act is amended by repealing the words "said suit" and inserting in lieu thereof the words "any suit instituted hereunder".

Section 6 (c) of said Act is hereby amended to read as follows:

"(c) If it shall be determined by the court that the United States has violated the terms and provisions of the Act of Congress of March 28, 1908 (35 Stat. L. 51), by cutting other than dead and down timber or such fully matured and ripened timber as the Forestry Service shall have properly designated, or by cutting such timber so as to prevent forest perpetuation, the court shall award as damages to the Menominee Tribe of Indians either (1) the difference between the net income which would have been and would be received from an acreage which would have produced, under selective cutting, if then cut, the same volume of timber as that unlawfully cut, from the time of the commencement of the unlawful cutting up to the time when the timber unlawfully cut shall have been replaced by replanting and the sustained yield from the said replanted timber shall be equal, acre for acre, to the sustained yield from the timber had it been selectively cut so as to perpetuate the forest, as required by law, with interest thereon at the rate of 4 per centum per annum for the same period, said period, wherever specified herein, to be deemed to end sixty years from the time of replacement by planting, unless otherwise determined at the trial, plus the cost of replacement of the timber on the same areas, including the necessary protection until the replanted timber shall have attained the said sustained yield, and the net income that has been and will be received from the liquidation of the timber on the acreage unlawfully cut; or (2) the cost of replacement of timber on the respective areas thus unlawfully cut, including the necessary protection until the replanted timber shall have attained the aforesaid sustained yield plus interest at 4 per centum per annum for the same period of time on an amount equal to the reasonable value as of the date of the unlawful cutting of the timber on the areas thus cut; whichever is the greater. The term 'net income' shall include the stumpage value of the timber that would have been cut under selective cutting or that was cut under clear cutting. The cost of replacement, including fire lines of the timber on the acreage unlawfully cut over, unless proved otherwise at the trial, shall be deemed to be \$15 per acre, and the annual cost of fire protection, unless proved otherwise at the trial, shall be deemed to be 6 cents per acre per year."

There is inserted as section 6 (e) the following:

"SEC. 6. (e) The causes of action and measures of damage set forth in the various paragraphs of this section 6 shall be construed to be independent of each other, but no one or all of said causes of action and measures of damage shall exclude the assertion of other causes of action as permitted by section 1 hereof or the application of other proper cumulative measures of damage."

The first sentence of section 7 of said Act is amended by repealing the words "such suit", and inserting in lieu thereof the words "any suit".

Approved, April 8, 1938.

Limitation of action.

Amendment.

Principles of law applicable; clarifying phrase.

49 Stat. 1086.

Unlawfully cut timber.

35 Stat. 51.

Computation of damages.

Interest.

Replacement cost.

Interest.

"Net income" to include stumpage value.

Causes of action and measures of damage construed to be independent of each other.
49 Stat. 1087.

Textual correction.
49 Stat. 1088.