

spelled out in the lease and order and everywhere else, but it's not a good practice.

Mr. TUNNEY. But, you didn't charge both?

Mr. SCHLESINGER. No, no; the lessee. This was established and determined by the court and the lessee paid.

Mr. TUNNEY. Fine. Well, when you would go to the court with a request for approval of fees to be charged, would the court ever go behind the statement that you would make that these fees resulted in services performed? Did the court ever inquire into the background of the charge or was it assumed that the attorney was ethical and was going to charge only the fee he was entitled to?

Mr. SCHLESINGER. The fee was based on an hourly charge including representatives, as such, and properly supported by schedules. We have never been questioned in our office on fees until recently when Mr. Cox and Mr. Randall would review each petition. We always sent a petition to the Bureau, of course, in connection with any fee we charged.

Mr. TUNNEY. This is always done?

Mr. SCHLESINGER. Yes; but recently, even with the detailing of the exact time and exact purpose, and the amount of fee charged in a specific matter, Mr. Cox has questioned certain items, and though we have not agreed with him, in the spirit of compromise, we have reduced our fee a minimum amount and this has made him happy. The judge has not—in our hourly fee, he has not said, "This is not necessary, I won't grant it."

Mr. TUNNEY. You only charge hourly fees; is that it? Is that your testimony?

Mr. SCHLESINGER. Yes, sir.

Mr. TUNNEY. Have you had any occasion to make any will for any Indians?

Mr. SCHLESINGER. Yes.

Mr. TUNNEY. When you made the will for that Indian, or those Indians, did you explain to them what an executor was?

Mr. SCHLESINGER. Very carefully.

Mr. TUNNEY. What his function was? Did you explain to him he was entitled to fees?

Mr. SCHLESINGER. Yes.

Mr. TUNNEY. Did you ask him to name an executor, or did you name—

Mr. SCHLESINGER. Oh, no. I always ask their choice for executor.

Mr. TUNNEY. And was the executor somebody that they named, or somebody that you supplied?

Mr. SCHLESINGER. No; it was never anybody I supplied. The only time that I would—as a result of the person saying he wanted someone like the bank, it'd be the bank that normally—it would be the bank very frequently that was the conservator of the particular Indian, but we did not suggest that.

Mr. TUNNEY. Do you believe that the fact that some of the lessees have had to pay large size fiduciaries and attorneys, has been an encumbrance to the development of the Indian lands?

Mr. SCHLESINGER. Very seriously; yes, sir.

Mr. TUNNEY. The Bureau of Indian Affairs is charged with the approval of all dispositions of trust land, dispositions such as sales,