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**CODE
OF FEDERAL
REGULATIONS**

1949 Edition

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APPLICABILITY AND FUTURE EFFECT AS OF DECEMBER 31, 1948

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TITLE 25

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Preface

The Code of Federal Regulations, 1949 Edition, contains a codification of the Federal administrative rules and regulations, general and permanent in nature, duly promulgated on or before December 31, 1948, and effective as to facts arising on and after January 1, 1949. This is the second edition of the Code of Federal Regulations. The first edition, similar in scope and arrangement, was compiled as of June 1, 1938. Reference to the first edition and the supplements thereto should be made for Federal administrative rules affecting facts or circumstances which arose prior to January 1, 1949.

Current regulatory material appearing in the daily issues of the Federal Register is keyed to this second edition and serves as a daily supplement to the Code. Each book of this second edition is provided with a pocket for the insertion of the annual cumulative supplement thereto. Each book also contains a special subject index. The General Index to the entire edition is published in a separate volume together with the General Preface to the 1949 Edition and a reprint of the general preface to the first edition of the Code of Federal Regulations.

This book contains the rules and regulations constituting Title 25 of the Code of Federal Regulations, 1949 Edition. Each section of the Code is accompanied by a citation of the source document and of the specific authority under which it was prescribed. All citations of statutory authority and of statutes interpreted or applied by the codified material are tabulated under Title 2 in this edition. This tabulation is designed to lead users from the Federal statutes codified in the United States Code to the related administrative legislation codified in this edition of the Code of Federal Regulations. Title 3 of this edition consists of a tabulation of Proclamations, Executive orders, and similar documents promulgated by the President, which are cited or otherwise included in the 1949 Edition. Title 3 therefore serves as a guide leading from such Presidential documents to related or dependent codified material.

The 1949 Edition is published as a special edition of the Federal Register, dated January 1, 1949, pursuant to Part 2 of the regulations of the Administrative Committee of the Federal Register, approved by the President October 11, 1948 (13 F. R. 5935; 1 CFR Part 2), under the authority contained in section 11 (d) of the Federal Register Act as amended (50 Stat. 305; 44 U. S. C. 311 (d)). The contents of the Federal Register and of this Code are by law prima facie evidence of the text of the original documents and are required to be judicially noticed (49 Stat. 502, 50 Stat. 304; 44 U. S. C. 307, 311 (c)).

This edition should be cited "CFR." Thus the approved abbreviated citation § 1.1 in Title 25 hereof would be "25 CFR 1.1."

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is to be started, which shall be as soon as practicable, and the supervisor and not less than two of the judges shall remain continuously in the room until all cast ballots are finally counted, when the supervisor shall again, in the presence of the election board, unlock and open the ballot box, after which the count shall be started in the manner outlined. Two judges shall act as official counters and the clerks shall each record the vote upon a sheet opposite the name of the respective candidate for which the vote is cast, and shall continue this manner of recording until all votes have been counted. The duties of the remaining officials of the election board will be to assist in the counting and recording of each vote cast correctly and after the ballot has been counted it shall be pierced by a needle and strung and after all ballots have been so treated both ends of the string shall be tied and the ballots deposited with the list of names of voters kept by the clerk during the election in the ballot box which shall then again be locked and the keys retained by the supervisor.

§ 18.20 *Sworn statement of count to be made by election board.* A statement pertaining to the conduct of the election; correctness of vote tallied opposite each candidate, in which shall be incorporated

the names of each candidate declared to have been elected, with designation of office and total number of votes credited each, shall be prepared and duly acknowledged before an officer qualified to administer oaths, which instrument shall, with the keys to the ballot box, be delivered by the supervisor to the superintendent of the Osage Agency for appropriate disposition.

§ 18.21 *Notification of election of tribal officers.* The superintendent of the Osage Indian Agency shall in due time give written notice to candidates of their election to the various tribal offices and as soon thereafter as practicable such tribal officers shall appear and subscribe to oath of office before an officer qualified to administer oaths and such oaths shall be delivered to the superintendent and by him transmitted to the Commissioner of Indian Affairs.

§ 18.22 *Failure of any member of election board to serve.* If a member of the election board desires to be relieved from duty for any cause he shall notify the superintendent in writing to that effect and the Principal Chief shall be called upon by him to designate someone else and with the approval of the superintendent such substitute shall serve in the capacity of this designation as a member of the election board.

SUBCHAPTER E—CREDIT TO INDIANS

CROSS REFERENCES: For tribal and individual money regulations, see Subchapter S of this chapter. For list of loan forms, see § 296.10 of this chapter.

Part 21—General Credit to Indians

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AUTHORITY: §§ 21.1 to 21.17 issued under sec. 10, 48 Stat. 986; 25 U. S. C. 470. Statutory

tions organized pursuant to the Oklahoma Indian Welfare Act or whose form of organization has been approved by the Secretary; cooperative associations whose members are not eligible to borrow from incorporated or unincorporated tribes or bands; members of Indian tribes or their descendants of at least one-fourth degree of Indian blood, who are not members of a corporation, tribe, or band, which is conducting credit operations, and who are not eligible for loans from a credit association.

§ 21.3 *Application.* An applicant for a loan will submit an application on a form approved by the Secretary or his authorized representative. Such application will indicate the purposes for which the loan is to be used, the period of the loan, the interest to be paid, the security to be offered, and the procedures to be followed in handling and repaying the loan.

§ 21.4 *Purpose of loans.*² Borrowers from the United States may use funds to make loans to individual members, cooperative associations, subordinate bands, and enterprises of their members for any purpose which will promote the economic development of the group or individual, or to finance corporate or tribal enterprises.

§ 21.5 *Approval of loans.* Loan agreements must be executed on a form approved by the Secretary or his authorized representative. The borrower will furnish security, if available, up to an amount adequate to protect the loan. The Secretary or his authorized representative will approve the loan by issuing a commitment order covering the terms and conditions for making the loan. Any modification of the terms of the contract must be agreed to in writing by the borrower and the Secretary or his authorized representative.

§ 21.6 *Interest.* Corporations, unincorporated tribes and bands, and credit associations shall pay 1 percent interest annually on loans from the date made until paid, on the basis of 360 days per annum. Individual borrowers and cooperative associations shall be charged interest at a rate of 3 percent annually. Borrowers from Indian organizations

² These sections refer to borrowers other than individual borrowers from the United States.

shall pay the rate of interest specified in the governing loan agreement, but not less than 1 percent.

§ 21.7 *Records and reports.*² Borrowers shall keep separate records and accounts of their credit activities and make signed reports as directed by the Commissioner.

§ 21.8 *Maturity.* The period of maturity of the loan should be determined according to the circumstances, except that 30 years shall be the maximum.

§ 21.9 *Security.* A mortgage, chattel mortgage, lien, or conditional sales contract on property acquired with the proceeds of the loan may be required as security for the loan. Where the loan is made for the purpose of financing the advance of credit, it may be secured through the assignment of notes, mortgages, chattel mortgages, or liens, and such other securities as the Secretary or his authorized representative may approve. Unless otherwise provided in the loan agreement, title to all property purchased with loans shall be taken in the name of the United States in trust for the borrower.

§ 21.10 *Penalties on default.* Failure on the part of any borrower to conform to the terms of the loan agreement will be deemed grounds for any one or all of the following steps to be taken, at the option of the Secretary or his authorized representative, if the loan agreement so provides:

(a) Discontinue any further advances of funds contemplated by the loan agreement.

(b) Take possession of any or all collateral given as security, and in the case of individuals and cooperative associations, the property purchased with borrowed funds.

(c) Prosecute legal action against the borrower, or against officers of corporations, unincorporated tribes and bands, and credit and cooperative associations.

(d) Declare the entire amount advanced immediately due and payable.

(e) Prevent further disbursement of credit funds under the control of the borrower.

(f) Withdraw any unobligated funds from the borrower.²

(g) In the case of corporations, unincorporated tribes and bands, and credit associations, require that all repayments

on loans made be applied to liquidate the indebtedness to the United States.

(h) In the case of credit associations, take possession of the assets of the borrower and exercise or arrange for the exercise of its powers until the indebtedness to the United States is liquidated, or until the Secretary has received acceptable assurance of its repayment and of compliance with the loan agreement.

(i) In the case of corporate and tribal enterprises and cooperative associations, where the loan agreement so provides, to liquidate or operate, or arrange for the operation of the enterprise or association, until its indebtedness is paid, or until the Secretary has received acceptable assurance of its repayment and of compliance with the loan agreement.

§ 21.11 *Assignment.* A borrower may not assign his loan agreement or any interest therein to a third party without the consent of the Secretary or his authorized representative.

§ 21.12 *Tribal industrial assistance funds.* (a) Tribal industrial assistance funds may be transferred to corporations and unincorporated tribes and bands, when authorized by Congress and agreed to by the corporation, tribe, or band, and may be used for the same purposes as revolving credit funds. No interest shall be paid to the United States on such funds.

(b) Loans of tribal industrial assistance funds may be made to individuals; and cooperative associations under the same conditions as loans of revolving credit funds.

(c) Support loans may be made to old, indigent, or disabled allottees, and loans may be made for burial expenses where the deceased Indian was an allottee, from tribal industrial assistance funds. Interest may be waived on such loans.

(d) Individuals need not be of at least one-fourth degree of Indian blood in order to receive loans of tribal industrial assistance funds, but must be members of the corporation, tribe, or band to which the funds belong.

(e) Loans to Menominee Indians from Menominee tribal funds shall bear interest at 2 percent per annum.

§ 21.13 *Relending by borrower.* Funds loaned by the United States to a corporation, unincorporated tribe or band, or credit association, may be relented by

it, with the approval of a representative of the Commissioner, unless the Commissioner authorizes the corporation, tribe, band, or association, to approve applications for particular loans up to a specified amount.

§ 21.14 *Repayments.* Repayments on loans by the United States shall be made to the bonded Government disbursing agent or his authorized representative, who shall issue an official receipt therefor.

§ 21.15 *Cooperative associations.* The Secretary may issue charters to cooperative associations of ten or more members in Oklahoma whose articles of association and bylaws have been approved by him.

§ 21.16 *Educational loans.* Loans for educational purposes may be made under the regulations in this part. The interest rate on loans by the United States shall be 3 percent per annum. The rates on loans by Indian organizations shall be not less than 1 percent per annum, and may not exceed the rate charged borrowers on loans for other purposes.

(Sec. 1, 60 Stat. 361; 25 U. S. C. 303) [12 F. R. 3674]

§ 21.17 *Amendments to articles of association and bylaws.* The Commissioner of Indian Affairs may approve amendments to articles of association and bylaws of credit and cooperative associations originally approved by the Secretary.

[12 F. R. 5778]

Part 23—Revolving Cattle Pool

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23.19	Transfer of cattle.
23.20	Relending by corporations and tribes.

AUTHORITY: §§ 23.1 to 23.20 issued under R. S. 161; 5 U. S. C. 22.

SOURCE: §§ 23.1 to 23.20 appear at 12 F. R. 3954, except as noted following section affected.

§ 23.1 *Definitions.* Wherever used in the regulations in this part, the terms defined in this section shall have the meaning herein stated.

(a) "Secretary" means Secretary of the Interior.

(b) "Commissioner" means Commissioner of Indian Affairs.

(c) "Corporation" means an Indian corporation chartered under section 17 of the act of June 18, 1934 (48 Stat. 988; 25 U. S. C. 477).

(d) "Tribe" means an unincorporated Indian tribe or band. A tribe shall be deemed to include any band, pueblo, or group of Indians residing on one reservation having a form of organization recognized by the Commissioner.

(e) "Loans" mean both loans of cattle repayable in kind and assignments of cattle under agreements requiring maintenance of the number and other operating conditions.

(f) "Corporate enterprise" means a business operated by a corporation.

(g) "Tribal enterprise" means a business operated by a tribe.

§ 23.2 *Purpose of regulations.* The purpose of this part is to prescribe the terms and conditions of loans of cattle owned by the United States, in order to promote the economic development of the borrower. Sections 23.2 to 23.19, inclusive, shall govern loans by the United States. Relending by corporations and tribes shall be governed by the provisions of § 23.20.

§ 23.3 *Eligible borrowers.* Loans of cattle may be made to:

(a) Corporations and tribes;

(b) Cooperative associations whose members are not members of a corporation or tribe making loans of cattle, and whose articles of association and bylaws have been approved by the Commissioner;

(c) Members of Indian tribes or their descendants of at least one-fourth degree of Indian blood, who are not members of a corporation or tribe making loans of cattle.

§ 23.4 *Application.* The application shall be submitted on a form approved

by the Secretary and shall indicate the period of the loan, the interest, if any, to be paid, the security offered, and the procedures to be followed in handling and repaying the loan.

§ 23.5 *Purpose of loans.* Cattle loaned to corporations and tribes may be used in the operation of corporate or tribal enterprises, and to make loans to individual members, cooperative associations, and subordinate bands, in order to promote the economic development of groups or individuals.

§ 23.6 *Type of credit system.* Before any loans are approved, the Commissioner shall determine whether a corporate, tribal, cooperative, or individual system for making loans of cattle is to be established at a particular jurisdiction.

§ 23.7 *Approval of loans.* Loans of cattle to corporations and tribes shall require the approval of the Commissioner. Loans to cooperative associations and individuals shall require the approval of the Commissioner or his authorized representative. Loan agreements must be executed on forms approved by the Secretary. Applications shall be approved either as submitted, or by issuance of commitment orders covering the terms and conditions of making loans. Commitment orders shall be unconditionally accepted by borrowers.

§ 23.8 *Modifications.* Modifications of loan agreements shall be handled through the same channels as the original agreement, except that an authorized representative of the Commissioner may approve modifications of loan agreements approved by the Commissioner in cases in which the number of cattle covered by the original agreement is not increased.

§ 23.9 *Interest.* Interest may be charged on loans of cattle by the United States at rates as nearly equivalent as possible to those set forth in this section. Payments may be made either in cattle or in cash. Cash payments shall be based on market prices of cattle as approved by the Commissioner or his authorized representative. Cattle received in payment may be relented under the provisions of the regulations in this part. Cash received in payment shall be deposited in the Treasury to the credit of the United States.

(a) Corporations and tribes may be charged one head for each ten head