

1941 SUPPLEMENT
TO THE
CODE OF FEDERAL REGULATIONS
OF THE
UNITED STATES OF AMERICA

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and legal effect issued by Federal Agencies and
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WITH ANCILLARIES AND INDEX



TITLE 8—TITLE 26

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For the purpose of the enforcement of the regulations in this part, an Indian shall be deemed to be any person of Indian descent who is a member of any recognized Indian tribe now under Federal jurisdiction, and a "reservation" shall be taken to include all territory within reservation boundaries, including fee patented lands, roads, waters, bridges, and lands used for agency purposes.

All Indians employed in the Indian Service shall be subject to the jurisdiction of the Court of Indian Offenses but any such employee appointed by the Secretary of the Interior shall not be subject to any sentence of such Court, unless such sentence shall have been approved by the Secretary of the Interior. (R.S. 463, 38 Stat. 586; 25 U.S.C. 2, 200) [As amended May 28, 1941; 6 F.R. 2651]

§ 161.9 *Professional attorneys.* Professional attorneys shall not appear in any proceeding before the Court of Indian Offenses unless Rules of Court have been adopted as set forth in § 161.5 prescribing conditions governing their admission and practice before the Court. Every defendant shall have the right to have some member of the tribe represent him and in the event he has no such representation, a representative may be appointed by the judge. The judge may appoint a member of the tribe as prosecutor. (R.S. 463, 38 Stat. 586; 25 U.S.C. 2, 200) [As amended June 9, 1941; 6 F.R. 3170]

§ 161.53 *Injury to public property.* Any Indian who shall, without proper authority, use or injure any public property of the tribe or the United States, shall be deemed guilty of an offense and upon conviction thereof shall be sentenced to labor for a period not to exceed 30 days. (R.S. 463, 38 Stat. 586; 25 U.S.C. 2, 200) [As amended June 9, 1941; 6 F.R. 3170]

§ 161.63 *Giving venereal disease to another.* Any Indian who shall infect another person with a venereal disease shall be deemed guilty of an offense, and upon conviction thereof shall be sentenced to labor for a period not to exceed 3 months. The Court of Indian Offenses shall have authority to order and compel the medical examination and treatment of any person charged with violation of this section or found to be afflicted with any communicable disease of this nature. (R.S. 463, 38 Stat. 586; 25 U.S.C. 2, 200) [As amended June 9, 1941; 6 F.R. 3170]

§ 161.87NH *Peyote violations.* Any Indian who shall introduce into the Navajo country, sell, use or have in his possession within said Navajo country, the bean known as peyote, shall be deemed guilty of an offense and upon conviction thereof shall be sentenced to labor for a period not to exceed 9 months, or a fine not to exceed \$100, or both. (R. S. 463, 38 Stat. 586; 25 U.S.C. 2, 200) [As added Dec. 28, 1940; 6 F.R. 217]

Subchapter Q—Leases and Permits on Restricted Indian Lands

PART 171—LEASING OF INDIAN ALLOTTED AND TRIBAL LANDS FOR FARMING, GRAZING, AND BUSINESS

§ 171.23 *Fees.* When Indian land is leased (either by formal lease or revocable permit), subleased, or assigned (including renewals or extensions), for farming, farm-pasture or other agricultural purposes, or business purposes, fees shall be fixed as follows:

(a) *Total rental: (To be paid by lessee, permittee, sublessee, or assignee)*

	<i>Fee</i>
Not to exceed \$100.00.....	\$1.00
\$101.00—\$250.00.....	2.50
\$251.00—\$500.00.....	5.00
For each additional \$500 or fraction thereof.....	.100

When, under the terms of the instrument, the occupant is to pay taxes accruing during the period, an amount equal to the estimated total amount of the taxes shall be included in the amount

to be used in determining the fee to be charged. In the case of a sublease, sub-permit, or assignment, the fee shall be based on the total amount yet to accrue under the instrument from the effective date of the transaction. When the lease or permit period is extended with the mutual consent of the parties concerned or the instrument provides for the extension of the lease or period at the option of the occupant, and such an extension is made, then the fee shall be computed from the effective date on the same basis as the original instrument. The fee to be collected in case of crop-share or other non-cash rental leases or permits shall be based on (1) an estimate of the cash rental value of the acreage or (2) the estimated value of the lessors' share of the crops.

(b) Except in the case of lessors authorized to negotiate their own leases and collect the rentals therefor, as provided in § 171.4, each individual lessor or permitter shall pay a fee based on the income from each allotment under each lease or permit which the lessor or permitter owns or has an interest in, as follows:

Total annual rentals due individual lessors or permitters on each lease or permit

\$26.00—\$50.00	-----	\$0.50
\$51.00—\$100.00	-----	1.00
\$101.00—\$250.00	-----	2.50
\$251.00—\$500.00	-----	5.00
\$501.00—\$750.00	-----	7.50
\$751.00 and over	-----	10.00

A minimum annual fee of 25 cents on income derived from each lease or permit shall be charged in each case when the individual annual rental from each allotment under a single lease or permit is less than \$26.00 per annum, except that in any case where the individual income accruing from each allotment under any lease or permit is less than 25 cents per annum, such lesser sum accruing shall constitute the total fee due from each such individual lessor or permitter. (Sec. 1, 41 Stat. 415, 47 Stat. 1417; 25 U.S.C. 413) [As amended July 31, 1941; 6 F.R. 4096]

PART 177—AGRICULTURAL AND GRAZING LEASES, OSAGE NATION, OKLAHOMA

§ 177.15 *Surface rights under oil and gas leases.* [Revoked]

NOTE: § 177.15 was revoked July 25, 1941; 6 F.R. 3981.

Subchapter Y—Trading with Indians

PART 276—LICENSED INDIAN TRADERS

§ 276.26 *Infectious plants.* Traders shall not introduce into, sell, or spread within Indian reservations any plant, plant product, seed, or any type of vegetation, which is infested, or infected or which might act as a carrier of any pests of infectious, transmissible, or contagious diseases, as determined by the laws and regulations of the State for plant quarantine and pest control. For the purpose of enforcement of this provision

State officers may enter Indian reservations, with the consent of the superintendent, to inspect the premises of such traders and otherwise to execute such State laws and regulations. (Sec. 5, 19 Stat. 200, 31 Stat. 1066, sec. 10, 32 Stat. 1009, 45 Stat. 1185; 25 U.S.C. 261, 262, 231) [As added July 26, 1941; 6 F.R. 3981]

APPENDIX

NOTE: Executive Order 8965, Dec. 10, 1941, extended trust periods on Indian lands expiring during the calendar year 1942, for a further period of 25 years. For full text of E.O. 8965, see Title 3 of this Supplement.