

**CODE
OF FEDERAL
REGULATIONS**

1949 Edition

**CONTAINING A CODIFICATION OF DOCUMENTS OF GENERAL
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TITLE 25

pose of determining ownership or for other purposes designed to protect tribal land from destruction, shall be deemed guilty of an offense and upon conviction thereof shall be sentenced to hard labor for a period not to exceed 6 months.
[3 F. R. 1139]

§ 161.86NH *Trespass on areas reserved for demonstration purposes.* Any Indian who shall commit willful trespass on areas reserved for demonstration, administration, or agricultural purposes designed for the benefit of the tribe, shall be guilty of an offense and upon conviction thereof shall be sentenced to hard labor for a period not to exceed 60 days and shall be subject to a fine not exceeding \$100, or both. In lieu of cash, this fine, if levied, may be collected in livestock.
[3 F. R. 1139]

§ 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.
[6 F. R. 217]

THE INDIAN POLICE

§ 161.301 *Superintendent in command.* The superintendent of each Indian reservation shall be recognized as commander of the Indian police force and will be held responsible for the general efficiency and conduct of the members thereof. It shall be the duty of the superintendent, or his duly qualified representative, to keep himself informed as to the efficiency of the Indian police in the discharge of their duties, to subject them to a regular inspection, to inform them as to their duties and keep a strict accounting of the equipment issued them in connection with their official duties. It shall be the duty of the superintendent to detail such Indian policemen as may be necessary to carry out the orders of the Court of Indian Offenses and to preserve order during the court sessions. The superintendent shall investigate all reports and charges of misconduct on the part of Indian policemen and shall exercise such proper disciplinary measures as may be consistent with existing regulations. No superintendent of any Indian reservation shall assign or detail any member

of the Indian police force for duty as janitor or chauffeur or for any duty not connected with the administration of law and order.

§ 161.302 *Police commissioners.* The superintendent of any Indian reservation may, with the approval of the Commissioner of Indian Affairs, designate as police commissioner any qualified person. Wherever any special or deputy special officer is regularly employed in any Indian jurisdiction, he shall be police commissioner for that jurisdiction. Such police commissioner shall obey the orders of the superintendent of the reservation where employed and shall see that the orders of the Court of Indian Offenses are properly carried out. The police commissioner shall be responsible to the superintendent for the conduct and efficiency of the Indian police under his direction and shall give such instruction and advice to them as may be necessary. The police commissioner shall also report to the superintendent all violations of law or regulation and any misconduct of any member of the Indian police.

§ 161.303 *Police training.* It shall be the duty of the superintendent to maintain from time to time as circumstances require and permit classes of instruction for the Indian policemen. Such classes shall familiarize the policemen with the manner of making searches and arrests, the proper and humane handling of prisoners, the keeping of records of offenses and police activities, and with court orders and legal forms and the duties of the police in relation thereto, and other subjects of importance for efficient police duty. It shall further be the purpose of the classes to consider methods of preventing crime and of securing cooperation with Indian communities in establishing better social relations.

§ 161.304 *Indian policemen.* (a) The superintendent of any Indian reservation may, with the approval of the Commissioner of Indian Affairs, employ and appoint Indians as Indian police whose qualifications shall be as follows:

- (1) A candidate must be in sound physical condition and of sufficient size and strength to perform the duties required.
- (2) He must be possessed of courage, self-reliance, intelligence, and a high sense of loyalty and duty.
- (3) He must never have been convicted of a felony, nor have been convicted of

any misdemeanor for a period of 1 year prior to appointment.

(b) The duties of an Indian policeman shall be:

- (1) To obey promptly all orders of the police commissioner or the court of Indian offenses when assigned to that duty.
- (2) To lend assistance to brother officers.
- (3) To report and investigate all violations of any law or regulation coming to his notice or reported for attention.
- (4) To arrest all persons observed violating the laws and regulations for which he is held responsible.
- (5) To inform himself as to the laws and regulations applicable to the jurisdiction where employed and as to the laws of arrest.
- (6) To prevent violations of the law and regulations.
- (7) To report to his superior officers all accidents, births, deaths or other events or impending events of importance.
- (8) To abstain from the use of intoxicants, or narcotics and to refrain from

engaging in any act which would reflect discredit upon the police department.

(9) To refrain from the use of profane, insolent or vulgar language.

(10) To use no unnecessary force or violence in making an arrest, search, or seizure.

(11) To keep all equipment furnished by the Government in reasonable repair and order.

(12) To report the loss of any and all property issued by the Government in connection with official duties.

§ 161.305 *Dismissal.* The superintendent of any Indian reservation may remove any Indian policeman for any noncompliance with the duties and requirements as set out in § 161.304 or for neglect of duty.

§ 161.306 *Return of equipment.* Upon the resignation, death or discharge of any member of the Indian police all articles or property issued him in connection with his official duties must be returned to the superintendent or his representative.

SUBCHAPTER Q—LEASES AND PERMITS ON RESTRICTED INDIAN LANDS

CROSS REFERENCE: For list of land leasing forms, see § 296.5 of this chapter.

Part 171—Leasing and Permitting of Restricted Indian Lands and Other Lands Administered by the Bureau of Indian Affairs for Farming, Farm Pasture, and Business

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AUTHORITY: §§ 171.1 to 171.29 issued under E. S. 161; 5 U. S. C. 22. Interpret or apply sec. 3, 26 Stat. 795, sec. 1, 28 Stat. 305, secs. 1, 2, 31 Stat. 229, 246, 34 Stat. 1015, 1034, 35 Stat. 70, 95, 97, sec. 4, 36 Stat. 856, sec. 1, 39 Stat. 128, 41 Stat. 415, as amended, sec. 1, 41 Stat. 781, sec. 1, 41 Stat. 1232, sec. 17, 43 Stat. 636, 641, 44 Stat. 658, as amended, 44 Stat. 894, 1365, as amended, 47 Stat. 1417, sec. 17, 48

Stat. 984, 988, sec. 5, 49 Stat. 116, 118, sec. 55, 49 Stat. 760, 761, 1135, sec. 3, 49 Stat. 1967, 54 Stat. 745, 1057, 80 Stat. 308, 962; 25 U. S. C. 380, 393, 363a, 394, 398, 397, 402, 402a, 403, 403a, 403b, 403c, 413, 477.

Source: §§ 171.1 to 171.29 appear at 13 F. R. 829.

§ 171.1 *Definitions.* As used in this part:

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

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

(c) "Superintendent" means the superintendent or other officer in charge of an Indian agency or unit under which the administration of restricted lands as described in this part has been placed.

(d) "District director" means the official in charge of a district office of the Bureau of Indian Affairs, or such other employee of the Bureau as he may properly designate in writing as acting director.

(e) "Tribe" means a tribe, band, pueblo, rancheria, or other group of Indians.

(f) "Tribal Council" means the council, business committee, governor, or other body or individual authorized to represent the tribe.

(g) "Restricted lands" means lands or interests in lands held by Indian tribes in fee or by Indian title or held in trust by the United States for the benefit of Indian tribes; and lands or interests in lands held by the United States in trust for individual Indians or held by individual Indians subject to restrictions against alienation without the consent of the Secretary of the Interior or his duly authorized representative.

(h) "Farm pasture" lease or permit means a lease or permit authorizing the grazing of livestock on areas of land used in connection with farming operations, or scattered tracts which, because of isolation or for other special reasons, are not included or not suitable for inclusion in range units, pursuant to Part 71 of this chapter.

(i) "Permit" means a permit revocable in the discretion of the issuing or approving officer.

§ 171.2 *Purpose of regulations.* The regulations in this part prescribe the terms and conditions under which restricted lands that are not in use by the Indian owners or the United States may

be leased or permitted for farming, farm pasture, and business purposes.

§ 171.3 *Applicability of regulations.* The regulations in this part are intended to be generally applicable but are subject to the special exceptions provided in §§ 171.24 to 171.29, inclusive.

§ 171.4 *Authority for leases or permits.* Either leases or permits may be granted for tribally or individually owned restricted lands, except that, where no specific statutory authority to lease has been provided, permits only may be issued.

§ 171.5 *Individual leases and permits.* Restricted lands of individual Indians may be leased or permits may be granted for farming, farm pasture, or business purposes when by reason of age, disability, or inability the owners of the lands cannot personally and with benefit to themselves occupy or improve such lands.

§ 171.6 *Duration of leases and permits of restricted lands of individual Indians.*

(a) Restricted nonirrigable lands of individual Indians may be leased or permits may be granted respecting such lands for periods not exceeding 5 years.

(b) Restricted irrigable lands of individual Indians may be leased or permits may be granted respecting such lands for periods not exceeding 10 years, except that no business lease or permit may be made for a period in excess of 5 years.

§ 171.7 *Power of superintendent to grant leases or permits for restricted lands of individual Indians.* (a) The superintendent may grant leases or permits for individual restricted lands on behalf of Indians non compos mentis, nonresidents whose whereabouts are unknown to him, and orphaned minors for whom no legal guardians have been appointed.

(b) The superintendent may grant leases or permits embracing inherited or devised restricted individual lands (1) when the heirs or devisees of such lands have not been determined, or (2) when the heirs or devisees of such lands have been determined and the lands are not in use by any of the heirs or devisees and the heirs or devisees have not been able within a period of 3 months or longer to agree upon a lease or permit of the land by reason of the number of

heirs or devisees, their absence from the reservation, or for any other cause.

§ 171.8 *Negotiation of individual leases and permits.* Adult Indians (other than those non compos mentis), for themselves and their minor children, may negotiate, on forms approved by the Secretary or his authorized representative, leases or permits for the use of individual restricted lands, subject to the requirements of this part and the written approval of the superintendent. Unless such leases or permits provide otherwise, rentals shall be paid directly by the lessees or permittees to the adult Indian lessors or permittees for their lands and the lands of their minor children: *Provided, however,* That the superintendent may at any time, upon determining that an Indian has shown himself to be irresponsible, issue to the Indian a written notice that no future lease or permit respecting restricted land of the Indian shall be negotiated by the Indian and stating that any future lease or permit respecting restricted land of the Indian will be negotiated by the superintendent, subject to the signature of the Indian.

§ 171.9 *Duration of tribal leases and permits.* (a) Nonirrigable tribal lands may be leased or permits respecting such lands may be granted for periods not exceeding 5 years.

(b) Irrigable tribal lands may be leased or permits respecting such lands may be granted for periods not exceeding 10 years.

(c) Tribal lands (irrigable and nonirrigable) may be made the subject of permits for business purposes for periods not exceeding 5 years.

§ 171.10 *Negotiation of tribal leases and permits.* (a) Tribes, acting through their tribal councils, may negotiate, on forms approved by the Secretary or his authorized representative and subject to the approval of the Secretary or his authorized representative, leases or permits with respect to tribal lands. A lease or permit may provide for the payment of rentals direct to the lessor when a tribe is authorized to receive such proceeds and has facilities for handling its own funds, including an acceptable bonded officer to receipt for funds. Otherwise, the lease or permit shall provide for the payment of rentals to the superintendent for deposit in his individual Indian money account to the credit of the tribe or for

deposit in the United States Treasury to the credit of the tribe when authorized by the Commissioner.

(b) The constitutions, bylaws, charters, ordinances, and resolutions, adopted by tribes organized pursuant to the Indian Reorganization Act of June 18, 1934 (48 Stat. 984, 25 U. S. C. 461-479), as amended June 15, 1935 (49 Stat. 378) and May 1, 1936 (49 Stat. 1250), and the Oklahoma Indian Welfare Act of June 26, 1936 (49 Stat. 1967, 25 U. S. C. 501-509), shall govern where inconsistent with the regulations in this part.

§ 171.11 *Grants of permits for the use of other lands.* In order to conserve and protect them from deterioration, lands acquired by the United States for Indian school or other Indian administrative purposes or transferred to or placed under the administration of the Bureau of Indian Affairs, and which are not immediately needed for the purposes for which they were acquired or transferred, may be made available by the superintendent, subject to the approval of the Commissioner or his authorized representative, for farming, farm pasture, business, or public purposes under permits for minimum periods conducive to proper use.

§ 171.12 *Irrigable lands, payment of charges.* Any lease or permit for restricted lands within an irrigation project shall require the lessee or permittee to pay on the due date annually in advance during the term of the instrument, and in amounts determined by orders of the Secretary or his authorized representative, the operation and maintenance charges assessed against the irrigable acreage of the lease or permit, including any penalties assessed against such lands. The irrigation charge shall be in addition to the rental payments prescribed in the lease or permit. All payments of such irrigation charges and penalties shall be made to the superintendent or other officer designated by the Commissioner.

§ 171.13 *Farming and farm pasture units.* (a) When areas of restricted land, consisting of parts or all of a number of allotments of individual lands or separate tracts of tribal lands, can be developed and effectively utilized under proper soil conservation and land use practices as single operational units, a suitable division shall be made by the superintendent of such lands into units: *Provided, however,* That the establishment of units containing in excess of 640

acres of irrigable land or in excess of 2,560 acres of dry farming or farm pasture land shall be subject to the approval of the Commissioner or his authorized representative.

(b) A lease or permit may be issued by the superintendent on restricted land in a unit if such authority has been granted to the superintendent by the owners of the areas in the unit or if the superintendent is authorized in accordance with the provisions of this part to issue leases or permits covering such lands without the consent of the owners.

§ 171.14 *Grazing units excepted.* Restricted grazing lands within range units established pursuant to Part 71 of this chapter, general grazing regulations, shall not be leased and permits respecting such lands shall not be issued under this part.

§ 171.15 *Minors' land, use by parents.* Any Indian who supports his dependent minor children may use their restricted lands during the period of their minority without charge for the use of their lands, if such use will enable him to engage in a farming or business enterprise which will also be beneficial to his minor children; and any such Indian may also pledge the income from such lands for the period of his children's minority as security for a loan from the United States, an Indian chartered corporation, an unincorporated tribe, or an Indian credit association.

§ 171.16 *Fees.* When lands are leased or permits are issued in accordance with the provisions of this part, or when they are subleased or assigned (including renewals or extensions), fees shall be fixed as follows:

(a) To be paid by lessee, permittee, sublessee, or assignee:	Fee
Rental:	
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.....	1.00

When, under the terms of the instrument, the occupant is to pay taxes accruing during the period of its operation, 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 or assignment, the fee shall be based on the total rental which will 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, 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, including all improvements to be placed on the land by the lessee or permittee for the benefit of the lessor or permitter, or (2) the estimated value of the lessor's share of the crops.

(b) *Fees, tribal employees.* When the clerical and ministerial work in connection with the grants of leases or permits is performed by tribal employees paid from tribal funds, fees may be fixed, subject to approval by the Commissioner or his authorized representative, by the respective tribes concerned in lieu of the fees prescribed in paragraph (a) of this section.

(c) *Disposition of fees.* Fees collected pursuant to paragraph (a) of this section shall be covered into the Treasury as miscellaneous receipts, except that when the expenses of the clerical and ministerial work in the issuance of permits or leases of lands under this part are paid from tribal funds, the fees shall be credited to such funds.

§ 171.17 *Advertising.* Unless otherwise permitted by the Commissioner or his authorized representative, the superintendent, prior to the issuance by him of a lease or permit in accordance with the provisions of this part or in accordance with a power to issue a lease or permit granted to the superintendent by the owners, shall advertise the land for lease or permit in order that the highest possible rental may be obtained. The terms, conditions, and procedures governing the advertising of such lands shall be prescribed by the Commissioner.

§ 171.18 *Bonds.* Unless otherwise provided by the Commissioner or his authorized representative, full performance of the conditions of each lease or permit issued under this part shall be guaranteed by a satisfactory corporate surety bond or individual surety bond in a penal sum of not less than 1 year's rental, plus the estimated value of any improvements to be constructed by the lessee or permittee for the benefit of the lessor or permitter, except that no bond shall be required on any lease or permit on which the rental is to be paid in ad-

vance for the full lease term and which does not provide for the construction of improvements by the lessee or permittee for the benefit of the lessor or permitter. In lieu of furnishing a surety bond, a lessee or permittee may deposit with the superintendent cash or negotiable United States Treasury bonds or other negotiable Treasury obligations in the appropriate amount, together with a power of attorney appointing and empowering the Commissioner or his authorized representative in the event of any breach of the lease or permit to pay over any such cash, or to dispose of any such bonds and pay over the proceeds derived therefrom, as liquidated damages to or for the benefit of the lessor or permitter.

§ 171.19 *Subleases; assignments.* A sublease or assignment of any lease or permit issued under this part may be made only with the written consent of all parties thereto, including the surety or sureties, and the Government officer or employee who had authority to approve the original lease or permit.

§ 171.20 *Liquor clause.* All leases or permits issued under this part shall contain liquor and morality provisions substantially as follows:

The lessee [permittee] agrees that he will not use or permit the use of any part of the premises for the sale, gift, storage, or drinking of intoxicants; and that he will not allow gambling, immorality, or any illegal practices whatever in or upon said premises. Violation of this clause will be deemed sufficient ground for cancellation of the lease [permit].

§ 171.21 *Advance execution of leases.* Except with the approval of the Commissioner or his authorized representative, no lease or permit shall be negotiated more than 12 months prior to the date when it is to become effective.

§ 171.22 *Violation of lease or permit.* The superintendent is responsible for and shall enforce compliance with the requirements of leases or permits issued under this part and the applicable regulations. If he has reason to believe that a lessee or permittee has violated the lease or permit or the regulations, he shall serve written notice upon the lessee or permittee setting forth in detail the nature of the alleged violation and give the violator 10 days from the date of notice in which to show cause why the lease or permit should not be canceled. The surety or sureties on the lease or permit shall be notified of the alleged violation by promptly mailing to each surety a copy

of each notice sent to the lessee or permittee. The failure of a lessee or permittee within the prescribed time to furnish satisfactory reasons why the lease or permit should not be canceled shall result in the cancellation of the instrument. The superintendent shall immediately notify the lessee or permittee in writing of the cancellation of the instrument, demand payment of all obligations due, and direct the premises be vacated promptly. This notice shall also inform the lessee or permittee that his failure to abide by the notice will necessitate the presentation of the case to the United States Attorney for appropriate action. The General Accounting Office shall be notified of the cancellation of any lease or permit if the original has been filed with that office.

§ 171.23 *Court action.* Whenever court action is required because of the breach of a lease or permit issued under this part or by reason of trespass on the land covered by a lease or permit, the superintendent shall make the necessary request for legal action pursuant to instructions from the Commissioner.

§ 171.24 *Crow Reservation.* (a) Notwithstanding paragraph (b) of § 171.6, no lease or permit of any irrigable allotment on the Crow Reservation shall be made for a period longer than 5 years, except that irrigable lands in Indian ownership within the Big Horn unit of the Crow Indian irrigation project may be leased or permits may be issued for farming purposes for periods not to exceed 10 years.

(b) A lease or permit respecting restricted land on this reservation may be negotiated for farming purposes not to exceed 18 months before it is to become effective.

(c) The approval of the superintendent of the Crow Agency shall not be required under § 171.8 with respect to leases or permits which are issued by Indian allottees whose names appear as competent on the rolls completed in accordance with the provisions of section 3 of the act of June 4, 1920 (41 Stat. 751), and which cover their own allotments or the allotments of their minor children for farming or grazing purposes, except that leases or permits of lands allotted pursuant to the act of May 19, 1926 (44 Stat. 566), as supplemented by the act of May 2, 1928 (45 Stat. 482), and heirship lands of Crow Indians require the approval of the superintendent. Leases or

permits requiring the approval of the superintendent shall provide that all rentals are to be paid by the lessee or permittee to the superintendent for the benefit of the Indian owners. Copies of all leases or permits issued without the approval of the superintendent shall be filed promptly with the superintendent of the Crow Agency.

§ 171.25 *Fort Belknap Reservation.* Not to exceed 20,000 acres of allotted and tribal lands (nonirrigable as well as irrigable) on the Fort Belknap Reservation in Montana may be leased or permits respecting such lands may be granted for the culture of sugar beets and other crops in rotation for terms not exceeding 10 years.

§ 171.26 *Restricted lands in the State of Washington.* (a) Any restricted Indian lands in the State of Washington may, with the written consent of the Indian owners, be leased or made the subject of permits for periods not to exceed 25 years for religious, educational, recreational, business, or public purposes, including, but not limited to, airports, experimental stations, stockyards, warehouses, and grain elevators. Leases or permits shall not be made for the exploitation of any natural resources.

(b) Any restricted Indian land on the Fort Madison and Snohomish or Tulalip Indian Reservations, Wash., may be leased or made the subject of permits for the purposes prescribed in § 171.5 for terms not exceeding 25 years, and any such lease or permit, when it so provides, may be renewed for an additional term of not to exceed 25 years.

(c) Unimproved allotted lands on the Yakima Reservation may be leased for agricultural purposes for periods not exceeding 10 years.

§ 171.27 *Wind River Reservation.* Restricted irrigable lands on the Wind River Reservation, Wyo., may be leased or made the subject of permits for periods not exceeding 20 years.

§ 171.28 *Pueblo Lands.* The lands of the Pueblo Indians in New Mexico may be leased or made the subject of permits for longer periods than are allowed by this part when such leases or permits are approved by the Secretary or his authorized representative.

§ 171.29 *Osage Reservation.* The regulations prescribed in this part shall not apply to the Osage Reservation, Okla.

Part 177—Agricultural and Grazing Leases, Osage Nation, Oklahoma

- Sec. 177.1 General requirements.
- 177.2 Bond.
- 177.3 Execution of leases.
- 177.4 Homestead allotments.
- 177.6 Payment of rentals.
- 177.6 Crop or monetary consideration.
- 177.7 Lease term.
- 177.8 Lease; minors' lands.
- 177.9 Leases; heirship lands.
- 177.10 Leases; undetermined heirs.
- 177.11 Leases; minors and incompetents.
- 177.12 Description.
- 177.13 Group leases.
- 177.14 Execution of leases by lessee.
- 177.15 Fees.
- 177.16 Informal and oral agreements.
- 177.17 Authority of officer in charge under regulations.
- 177.18 Terracing and erosion requirements.
- 177.19 Business leases.

ETHIOPIA: §§ 177.1 to 177.19 issued under P.L.C. 12, 34 Stat. 545. Interpret or apply sec. 7, 34 Stat. 545. Other statutory provisions interpreted or applied are cited to text in parentheses.

SOURCE: §§ 177.1 to 177.19 contained in regulations governing agricultural and grazing leases in the Osage Nation, Oklahoma, July 27, 1916, except as noted following sections affected.

§ 177.1 *General requirements.* All leases must be submitted to the office of the superintendent of the Osage Agency, at Pawhuska, Okla., in quadruplicate, and on the form prescribed by the Department of the Interior. Farming leases will be executed preferably during the months of August and September, effective January 1 next after the date of execution; grazing leases in October and November, effective March 1 or April 1 next after execution. No leases dated or executed more than 5 months prior to the beginning of the term thereof will be received or considered, nor will any lease be received or considered unless signed and acknowledged by both parties and submitted to the office of the superintendent of the Osage Agency within 30 days from the date of such lease. In case of duplicate leases, the right of priority shall be governed by the time of filing of lease in the office of the Osage Agency. The superintendent is authorized to reject forthwith any proposed

* Forms may be obtained from the Commissioner of Indian Affairs, Washington 25, D. C.

leases submitted by persons whose presence on the reservation may be deemed by him detrimental to the welfare of the Indians, and no lease shall be considered from persons delinquent in the payment of rentals under other leases unless such delinquency shall be adjusted to the satisfaction of the superintendent.

§ 177.2 *Bond.* Each lease must be accompanied by a bond with good and sufficient sureties acceptable to said superintendent, in a sum equal to 1 year's rent plus the value of any improvements to be made and in cases where demanded by the superintendent the bond shall be increased to insure proper protection of improvements already on the land.

§ 177.3 *Execution of leases.* In all cases where the lessor is a resident of Osage County, Oklahoma, leases must be acknowledged by such lessor before the superintendent of the Osage Agency, or before any Government farmer in Osage County (the Government farmer to certify that the lease was fully explained to the lessor before signing); lessors residing outside of Osage County may acknowledge the execution of leases before any officer having authority to take acknowledgments. Lessees may execute leases before any officer having authority to take acknowledgments. Where leases are acknowledged before others than Government officers, the official character of the acknowledging official shall be certified in the manner prescribed by the law of the place of acknowledgment, and when requested, such evidence shall be attached to the lease or filed with the superintendent of the Osage Agency; it must be shown that the party taking the acknowledgment is not interested directly or indirectly in the lease, and that the conditions, terms, contents and effects of the lease were explained to and fully understood by the lessor prior to the execution thereof. Leases executed before Government officials shall involve no expense for execution to the lessor.

§ 177.4 *Homestead allotments.* Leases covering homesteads of allottees to whom certificates of competency have been issued or lands allotted to or inherited by such allottee's minor children are invalid without the approval of the Secretary of the Interior as provided in the regulations in this part.

§ 177.5 *Payment of rentals.* All money due or payable under any form

of lease shall be paid to the superintendent of the Osage Agency for the use and benefit of the allottee or his heirs, except as provided in this part and shall be accounted for by him in the usual manner. The superintendent is hereby authorized to pay on the lease roll all funds coming into his hands direct to the person entitled thereto citing the regulations in this part and this section as authority therefor. All moneys paid to the superintendent on account of leases made for undetermined heirs, shall be deposited in bank to the credit of the estate and so held until the heirs have been determined, when it may be disbursed under special authority. All rentals under leases executed by legal guardians, administrators and executors appointed by courts of competent jurisdiction shall be payable direct to such guardian, administrators and executors by the lessees. In such cases as may be specifically authorized in writing by the superintendent where the lessors are Osage citizens to whom certificates of competency have been issued, or are not enrolled as Osage citizens the lessee shall pay the cash rental direct to the lessor and shall when requested by the superintendent furnish evidence of such payment; such written authority shall be attached to the lease and may be revoked at any time by the superintendent in his discretion by written notice to the lessor and the lessee.

§ 177.6 *Crop or monetary consideration.* Farming leases shall be given preference over grazing leases. Leases providing for valuable improvements or a share of the crop rental shall be considered more desirable than leases providing for a money consideration alone. The value of all improvements should be shown in the lease. The making of farming leases for a crop rental consideration, wherever possible, shall be encouraged.

§ 177.7 *Lease term.* Lands of adults may be leased for terms not exceeding 5 years for farming purposes and not exceeding 3 years for grazing purposes, except in cases where leases are made in favor of the oil or gas lessees of the lands when they may be made for the time the title to the minerals remains in the Osage tribe, with provision that the rental shall be adjusted every 2 years from the date of approval of such lease. Lands of minors may be leased for the same terms except that in no case shall