

1940 SUPPLEMENT
TO THE
CODE OF FEDERAL REGULATIONS
OF THE
UNITED STATES OF AMERICA

**Containing documents of general applicability
and legal effect issued by Federal Agencies and
filed with the Division of the Federal Register
during the calendar year 1940, including
Presidential proclamations, Executive
orders, and other Presidential
documents in full text**

WITH ANCILLARIES AND INDEX



TITLE 21—TITLE 29

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(i) § 21.32 (a): Inapplicable.

(j) § 21.32 (h): Applications from individuals who will have an aggregate indebtedness to the corporation exceeding \$2,500.

(k) § 21.36: Inapplicable.

(l) § 21.41: Mortgages on vessels shall be filed at the nearest Customs House. All other liens, mortgages, and repayment guarantees shall be filed in the office of a representative of the Commissioner of Indian Affairs, and shall be available for public inspection. Expenses of filing, registering, or recording shall be borne by the borrower. Credit funds may not be used for such purposes except when included in loans to the borrower.*†

§ 21.51 *Effective date.* The regulations of this part are applicable only to loan agreements made pursuant thereto, provided that when a corporation having a loan agreement executed prior to the date of approval hereof adopts a resolution requesting modification of its loan agreement to bring it under the terms of any or all sections of this part, said

section or sections may be declared applicable in the discretion of the Secretary of the Interior.*†

PART 28—KLAMATH TRIBAL LOAN FUND

§ 28.29. *Financial assistance in cases of illness, death, or other emergency.* Loans in the amount of \$500 or more may be made to meet emergencies such as illness when security in the full amount of loan is furnished. Unsecured loans in amounts less than \$500 may be made when the applicant has an established reputation for financial integrity. No loan shall be made in excess of \$250 for the burial of a deceased person. Security shall be required, if available, for this class of loans regardless of the amount of the loan. If no security is available character loans for such purposes may be made when the applicant has an established reputation for financial integrity. (Sec. 3, 50 Stat. 872; 25 U.S.C., Sup., 532) [As amended July 24, 1940; 5 F.R. 2820]

Subchapter I—Grazing

PART 71—GENERAL GRAZING REGULATIONS

§ 71.10 *Authority to sell grazing privileges on tribal and allotted land.* Grazing privileges may be sold for all Indian land, other than tribal land required to meet the Indian free grazing privileges: *Provided,* That authority to do so has been granted in the following manner:

(a) Authority to sell grazing privileges on tribal lands shall be granted by a majority vote of the Indians in general council or their duly authorized representatives.

(b) Authority to sell grazing privileges on allotted land may be granted by the allottees, except those classes hereinafter described in paragraphs (c) and (d) of this section, by means of "Powers of Attorney" or "Authorities to Grant Grazing Privileges." In unorganized tribes these instruments may be made out to the Superintendent or to any tribal body that may be authorized by the Commissioner of Indian Affairs to receive such instruments. In organized tribes, such instruments may be accepted

by any tribal agency or officer authorized, under the Constitution, bylaws, and charter of the tribe, to receive the same, or by the Superintendent.

(c) Authority to grant grazing privileges on the allotments of minors, other than orphans, shall be given by the head of the family.

(d) The Superintendent may grant grazing privileges on the restricted allotments or fractions thereof owned by Indian orphan minors, Indians non compos mentis and on restricted inherited or devised allotments when the heirs or devisees of such deceased allottees have not been determined. The Superintendent may also grant grazing privileges when the heirs or devisees of such deceased allottees 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 for a 3-months' period to agree upon the granting of grazing privileges by reason of the number of heirs or devisees, their absence from the reservation, or for other cause: *Provided,* That the Superintendent or his authorized representative shall notify

*†For authority and source citations, see note to § 21.1.

absentee heirs and devisees by mailing to their last known address notice that the heirs have a 3-months' period from the date of the notice to reach an agreement with respect to the granting of grazing privileges on their inherited or devised restricted allotments. The authority of this section, particularly with respect to the granting of grazing privileges on inherited and devised restricted allotments of adults shall be exercised with the greatest degree of care to insure the heirs and devisees their right to grant grazing privileges on their inherited and devised restricted allotments. The proceeds derived from such grazing privileges granted pursuant to this section shall be credited to the in-

dividual Indian money accounts of the estates or other accounts of the individuals entitled thereto in accordance to their respective interests.

(e) The person or persons granting the authority to sell grazing privileges shall also determine the minimum rate which will be accepted for the land over which he has authority. (R.S. 161, 465, sec. 3, 26 Stat. 795, sec. 1, 28 Stat. 305, sec. 1, 30 Stat. 85, sec. 1, 31 Stat. 229, sec. 4, 36 Stat. 856, sec. 1, 39 Stat. 128, sec. 1, 41 Stat. 1232, secs. 6, 16, 17, 18, 48 Stat. 986, 987, 988, 54 Stat. 745; 5 U.S.C. 22, 25 U.S.C. 9, 397, 402, 395. 403, 394, 393, 466, 476, 477, 478) [As amended Nov. 5, 1940; 5 F.R. 4532]

Subchapter K—Hospital and Medical Care of Indians

PART 86—COMMITMENT TO ST. ELIZABETHS HOSPITAL

Sec.

86.1 Sanity hearings.

86.2 Petition for commitment in local institutions.

86.3 Commitment in St. Elizabeths Hospital.

§ 86.1 *Sanity hearings.* No Indian residing on any Indian reservation under the jurisdiction of the United States shall be placed in any hospital or other institution for the care and treatment of the insane except in pursuance of a sanity hearing and an order for commitment issued as provided in this part. (R.S. 463; 25 U.S.C. 2) [Regs., Aug. 28, 1940; 5 F.R. 3913]

§ 86.2 *Petition for commitment in local institutions.* Upon petition of the spouse, a parent, brother, sister or child of full age or other next of kin of any Indian alleged to be insane for commitment of said Indian to any State hospital or State institution for the care and treatment of the insane, the Superintendent or other official in charge of the reservation, whenever he finds after due investigation that such course is justified, may arrange for such commitment in conformity with the laws of the State pertaining to such cases. (R.S. 463; 25 U.S.C. 2) [Regs., Aug. 28, 1940; 5 F.R. 3913]

§ 86.3 *Commitment in St. Elizabeths Hospital.* Insane Indians residing on Indian reservations under the jurisdiction of the United States may be com-

mitted to St. Elizabeths Hospital for the insane in Washington, D. C., by order of the Secretary of the Interior based on certificates of insanity issued as herein-after provided:

(a) A certificate of insanity must be made under oath by two reputable physicians appointed to conduct an examination of the alleged insane Indian by the Superintendent of the reservation on which such Indian resides. The physicians must be full time Indian Service physicians or graduates of recognized medical schools or colleges, have the qualifications prescribed by law for the practice of medicine or surgery, and shall not be related by blood or marriage to such Indian nor to any person applying for a certificate of insanity.

(b) The spouse, a parent, brother, sister or child of full age or other next of kin of any Indian alleged to be insane may file with the Superintendent a petition for a commitment, such petition to contain a statement of the facts on which the allegation of insanity is based. Upon the receipt of such a petition, or in any other case in which the Superintendent or other official in charge has reason to believe from personal investigation or otherwise that an Indian is insane, the Superintendent or other official in charge shall immediately appoint two physicians having qualifications prescribed in paragraph (a) of this section, to conduct an examination of the Indian alleged to be insane at such time and