1939 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 1939, including Presidential proclamations and Executive orders in full text

WITH ANCILLARIES AND INDEX

TITLE 1—TITLE 25

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tion may be waived in writing by the Superintendent or other officer in charge of the Five Civilized Tribes Agency either before or after the approval of a lease, such waiver to be subject to termination at any time upon 10 days' written notice to the holder of the lease by the said Superintendent or other officer in charge.

Each lessee, except oil and gas lessees, shall file with the Superintendent an itemized statement in duplicate, within 20 days after the close of each calendar year, of the amount and character of said expenditures during such year; the statement to be certified under oath by the lessee or his agent having personal knowledge of the facts contained therein. (Secs. 2, 3, 11, 35 Stat. 312, 313, 316, 45 Stat. 495, 733, secs. 1, 8, 47 Stat. 777, 779, sec. 18, 41 Stat. 426; 25 U.S.C. 356) [As amended Aug. 9, 1939; 4 F.R. 3679]

PART 186—LEASING OF TRIBAL LANDS FOR MINING

Rents and Royalties

§ 186.27a *Prospecting permits.* With the consent of the Tribal Authorities the Superintendent may issue permits to prospect for minerals other than oil and gas upon tribal lands. Such permits must describe the area to be prospected and definitely state the period of time within which such work is permitted. No ores shall be removed from the reservation under such permits, except samples for assay and experimental purposes. A prospecting permit will not give the permittee any preference right to a lease, unless specifically so stated in the permit, and all permits granting a preference right to a lease must comply with all the laws and regulations applicable to mineral leases on tribal Indian lands. (Secs. 16, 17, 48 Stat. 987, 988, secs. 1, 2, 49 Stat. 1250, secs. 1, 3, 49 Stat. 1967, 52 Stat. 347; 25 U.S.C. 476, 477, 48 U.S.C., Sup., 358a, 362, 25 U.S.C., Sup., 501, 503, 396a–396f) [As added Dec. 2, 1939; 4 F.R. 4884]

PART 189—LEASING OF CERTAIN RESTRICTED ALLOTTED INDIAN LANDS FOR MINING

§ 189.15 *Annual rentals on leases for minerals other than oil and gas.* Advance annual rentals shall be paid on leases for minerals other than oil and gas at the following rates: Twenty-five cents per acre for the first calendar year or fraction thereof; 50 cents per acre per annum for the second and third years; and $1 per acre per annum for each and every calendar year thereafter during the continuance of the lease. (35 Stat. 783; 25 U.S.C. 396) [As amended Oct. 24, 1939; 4 F.R. 4523]

PART 201—LEAD AND ZINC MINING OPERATIONS AND LEASES, QUAPAW AGENCY

§ 201.13 *Bond.* Every mineral lease made and entered into under the regulations in this part, by an Indian or by the superintendent as his representative or in his behalf, must be accompanied by a surety bond, executed by the lessee and by a responsible surety company or two or more satisfactory sureties, guaranteeing the payment of all deferred installments of bonus and the payment of all specified royalties and rentals and the performance of all covenants and agreements undertaken by the lessee. Such bond shall be in amount as follows: For leases covering less than 80 acres, $2,500; for those covering 80 acres and less than 120 acres, $3,500; for those covering 120 acres or more, $5,000; *Provided, however,* That the lessee may, in lieu of such surety bond and upon execution of a proper penal bond to the United States in the sum prescribed and a proper power of attorney to the Secretary of the Interior, submit therewith United States bonds or notes in the aggregate sum prescribed as security for the carrying out of the terms, conditions, and provisions of the lease; *Provided further,* That a lessee may file in lieu of such individual lease bonds, one bond in a sum to be fixed by the Secretary of the Interior covering all leases to which he is or may become a party. The right is specifically reserved to the Secretary of the Interior to require an increase of the amount of any bond above the sum named in any particular case where he deems it necessary to require such increased bond. (Sec. 26, 41 Stat. 1248; 50 Stat. 68) [As amended Nov. 30, 1939; 4 F.R. 4809]

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