

**CUMULATIVE SUPPLEMENT**  
**TO THE**  
**CODE OF FEDERAL REGULATIONS**  
**OF THE**  
**UNITED STATES OF AMERICA**

**Containing a codification of documents of general applicability and legal effect issued by Federal Agencies and filed with the Division of the Federal Register during the period June 2, 1938, to June 1, 1943, inclusive, including Presidential proclamations, Executive orders, and other Presidential documents in full text**

**WITH ANCILLARIES AND INDEX**



**TITLE 18—TITLE 25**

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legal fence as defined by State law. [Reg., Sec. Int., Aug. 9, 1938; 4 F.R. 10]

§ 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. [Reg., Sec. Int., June 9, 1941; 6 F.R. 3170]

§ 161.53CA *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. [Reg., Sec. Int., Aug. 9, 1938; 4 F.R. 10]

§ 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. [Reg., Sec. Int., June 9, 1941; 6 F.R. 3170]

§ 161.63CA *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. [Reg., Sec. Int., Aug. 9, 1938; 4 F.R. 10]

§ 161.75CA *Attempted rape.* Any Indian who shall wilfully and knowingly by force or violence attempt to rape another or assist in permitting an attempted rape shall be deemed guilty of an offense, and, upon conviction thereof, shall be sentenced to labor for a period not to exceed 90 days, or a fine of \$180, or both such fine and imprisonment. [Reg., Sec. Int., Aug. 9, 1938; 4 F.R. 10]

§ 161.76CA *Vagrancy.* Any Indian who wanders about in idleness, living off others who are able to work, and has no property or money sufficient for his (her) support or loafs or loiters in any city, town or village on the Coeur d'Alene Indian Reservation without any attempt to obtain regular employment shall be deemed guilty of an offense, and upon conviction thereof, shall be sentenced to labor for a period not to exceed 30 days, or to a fine not to exceed \$60, or to both such imprisonment and fine, with costs. [Reg., Sec. Int., Aug. 9, 1938; 4 F.R. 10]

§ 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. [Reg., Sec. Int., Dec. 28, 1940; 6 F.R. 217]

## Subchapter Q—Leases and Permits on Restricted Indian Lands

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NOTE: For the text of sections listed in the above table and not appearing in this supplement, see 25 CFR Part 171.

AUTHORITY: §§ 171.7 to 171.26 appearing in this supplement issued under 26 Stat. 795, 28 Stat. 305, 31 Stat. 229, 36 Stat. 856, 39 Stat. 128, 41 Stat. 1232, 54 Stat. 745; 25 U.S.C. 397, 402, 395, 403, 394, 393. Additional authority is noted in parentheses at end of section affected.

§ 171.7 *Leases for undetermined heirs and certain heirs and devisees.* Leases of inherited and devised restricted allotments may be made by the superintendent of the reservation within which the lands are located (a) when the heirs or devisees of such decedents have not been determined, in which event leases should be limited, except in unusual cases, to a period of 1 year and (b) when the heirs or devisees of such decedents 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 a lease of the land by reason of the number of heirs or devisees, their absence from the reservation, or for other cause. The authority under (b) of this section shall be exercised with the greatest degree of care to insure the heirs and devisees their right to lease their inherited and devised restricted allotments. The

proceeds derived from leases made pursuant to this section shall be credited to the individual Indian money accounts of the estates or other accounts of the individuals entitled thereto in accordance with their respective interests. There is excepted from application of this section leases for oil and gas mining purposes. [Reg., Sec. Int., Sept. 21, 1940; 5 F.R. 4301]

§ 171.12 *Tribal lands; approval of permit or lease.* Tribal lands may be used for farming, farm-pasture, or business purposes under revocable permits or leases for stated periods, after advertising as provided in § 171.9. In accordance with existing law and applicable provisions of the constitution and bylaws or charter of any Indian tribe, approval of permits and leases shall be handled in the following manner:

(a) *Permits.* Permits may be approved by the superintendent when the annual rental does not exceed \$1,000, or by the Commissioner of Indian Affairs when the annual rental is more than \$1,000 but does not exceed \$5,000, but in the case of any permit in which the annual rental exceeds \$5,000 or where the constitution and by-laws of the Indian tribe involved requires its approval by the Secretary of the Interior, such permit shall be submitted to the Secretary of the Interior for his approval.

(b) *Leases.* The approval of leases covering tribal lands of Indian tribes having corporate charters issued pursuant to the Acts of June 18, 1934 (48 Stat. 984), May 1, 1936 (49 Stat. 1250), or June 26, 1936 (49 Stat. 1967) shall be handled in the same manner as the approval of permits as provided in paragraph (a) hereof. All other leases regardless of the amount of annual rental shall be subject to the approval of the Secretary of the Interior. [Reg., Sec. Int., July 6, 1939; 4 F.R. 3327]

§ 171.13 *Organized tribes.* \* \* \*

In all cases of organized tribes where provision is contained in their constitution or charter dealing with agricultural, grazing or business leases or permits which require that such leases or permits "must be approved by the Secretary of the Interior or his duly authorized representative," the respective superintendents of the several reservations on which organized tribes reside are hereby designated as "the duly author-

ized representative of the Secretary of the Interior" to approve all such leases or permits where the annual rental does not exceed \$1,000. In all such cases where the annual rental is more than \$1,000 but does not exceed \$5,000, such leases or permits may be approved by the Commissioner of Indian Affairs who is hereby designated to approve same as "the duly authorized representative of the Secretary of the Interior." [As added May 11, 1943; 8 F.R. 7463]

§ 171.18 *Violation of contract.* The Superintendent is responsible for and shall enforce compliance with the lease or permit requirements and regulations. On any violator of the lease, permit, or regulations he shall serve 10 days written notice to show cause why cancellation of the lease or permit should not be effected as authorized in the instrument or the regulations. Failure of a lessee or permittee within the prescribed time to furnish satisfactory evidence why the lease or permit should not be canceled shall result in the cancellation of the instrument. The Superintendent immediately shall notify in writing the lessee or permittee of the cancellation of the instrument, demand payment of all obligations due, and direct the premises be vacated promptly. The notice shall also inform the lessee or permittee that his failure to abide by the notice will necessitate the presentment of the case to the United States Attorney for action consistent with the law and the facts. The sureties on a lease or permit which has been violated shall be notified of the violation by mailing to them a copy of all notices sent to the lessee or permittee. The letter transmitting any notice shall invite attention to their liability for the principal's violation of the lease or permit. Notification shall be made to the General Accounting Office of the cancellation of any lease or permit, the original of which is filed with that office. [Reg., Sec. Int., May 2, 1942; 7 F.R. 3958]

§ 171.19 *Rentals; extensions.* The Superintendent, in his discretion, under the terms of the instrument may grant a lessee or permittee an extension of time of not to exceed six months in which to pay any installment due under the lease or permit or defer the delivery date of the lessor's share of the crop or the date fixed for completion of improvements when such request is filed in writing by the lessee or permittee prior to the

due date prescribed in the instrument, and such application is accompanied by the written consent thereto of the lessor or permitter and the sureties. An interest charge of six percent per annum from the due date shall be made on the sum extended or the value of the crop or the improvements, the delivery or construction of which is deferred. [Reg., Sec. Int., May 2, 1942; 7 F.R. 3958]

§ 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-----	1.00

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, subpermit, 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

permittee owns or has an interest in, as follows:

*Total annual rentals due individual lessors or permittees 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 permittee. (41 Stat. 415, 47 Stat. 1417; 25 U.S.C. 413) [Reg., Sec. Int., July 31, 1941; 6 F.R. 4096]

§ 171.26 *Leases or permits; irrigable lands.* Leases and permits of restricted allotted or tribal Indian 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 of the Interior, the operation and maintenance charges, including penalties assessed against the irrigable acreage of the lease or permit. 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 designated officer. [Reg., Sec. Int., May 2, 1942; 7 F.R. 3958]

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NOTE: For the text of the regulations in this part, see 25 CFR Part 174.

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NOTE: For the text of sections listed in the above table and not appearing in this supplement, see 25 CFR Part 177.

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

Total Rental (To be paid by lessee, permittee, sublessee, or assignee):		<i>Fee</i>
Not to exceed \$100.00-----	\$1.00	
\$100.01—\$250.00-----	2.50	
\$250.01—\$500.00-----	5.00	
For each additional \$500 or fraction thereof-----	1.00	