# 1947 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 published in the Federal Register during the calendar year 1947, including Presidential proclamations, Executive orders, and other Presidential documents in full text**

WITH ANCILLARIES AND INDEX

TITLE 18—TITLE 30

**Published by the**
**Division of the Federal Register, the National Archives**
**Pursuant to Section 11 of the Federal Register**
**Act as Amended**

●

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1948

HeinOnline -- 0 Fed. Reg. i 1935

# Subchapter R—Leases and Sale of Minerals, Restricted Indian Lands

## PART 186—LEASING OF TRIBAL LANDS FOR MINING

HOW TO ACQUIRE LEASES

Sec.
186.9 Acreage limitation. [Revised]

§ 186.9 *Acreage limitation.* (a) No individual, corporation, partnership, company, or association shall hold under leases for mining purposes Indian tribal lands and restricted allotted Indian lands in any one State in excess of the following areas, exclusive of holdings in the Five Civilized Tribes and the Osage Nation:

(1) On deposits of the nature of lodes or veins, containing ores of gold, silver, copper, lead, zinc, or other useful metals, not more than 640 acres.

(2) For beds of placer gold, gypsum, asphaltum, phosphate, iron ores, or other useful minerals except coal, oil, and gas, not more than 960 acres.

(3) For coal, not more than 10,240 acres.

(4) For oil or gas, not more than 15,360 acres, except as follows:

(i) State of Oklahoma—no limitation.

(ii) Tribal lands within that part of the Navajo Reservation lying within the State of New Mexico—10,240 acres irrespective of other holdings in said State.

(iii) Leases operated under a cooperative or unit plan approved or prescribed by the Secretary of the Interior shall not be considered in determining holdings under this subparagraph.

(b) For the purposes of this section:

(1) Acreage leased by an officer or director of a corporation, company, or association, or by a stockholder holding 40 percent or more of the stock of the corporation, company, or association, shall be charged against the corporation, company, or association, and vice versa.

(2) Acreage leased by a member of a partnership shall be charged against the partnership, and vice versa.

(3) The acreage of corporations, companies, or associations having common stockholders owning a majority of the stock of each corporation, company, or association, or having one or more common officers or directors, shall be charged against each other. (52 Stat. 347; 25 U.S.C. 396a–396f) [Order No. 2316, May 1, 1947, 12 F.R. 3051]

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

Sec.
189.13 Acreage limitation. [Revised]

§ 189.13 *Acreage limitation.* The provisions of § 186.9, of this subchapter as amended, are applicable to leases under this part. (35 Stat. 783; 25 U.S.C. 396) [Order No. 2316, May 1, 1947, 12 F.R. 3051]

# Subchapter T—Patents in Fee, Competency Certificates, Sales and Reinvestment of Proceeds

## PART 241—ISSUANCE OF PATENTS IN FEE, CERTIFICATES OF COMPETENCY, SALE OF CERTAIN INDIAN LANDS, AND REINVESTMENT OF PROCEEDS

PATENTS IN FEE

Sec.
241.1 Application for patent in fee. [Revised]
241.2 Issuance of patents in fee. [Revised]

SALE OF ALLOTTED LANDS, EXCLUSIVE OF FIVE CIVILIZED TRIBES' LANDS

241.12a Removal of restrictions; limitations on sale of Indian allotments. [Revoked]

REMOVAL OF RESTRICTIONS AND SALE OF LANDS, FIVE CIVILIZED TRIBES AND REINVESTMENT OF FUNDS IN NONTAXABLE LANDS

Sec.
241.34 Removal of restrictions, application. [Revised]

SALES, REMOVALS OF RESTRICTIONS AGAINST ALIENATION, AND CONVEYANCES OF PURCHASED LANDS [ADDED]

Sec.
241.49 Purchased lands defined.
241.50 Sale of purchased lands.
241.51 Removal of restriction against alienation of purchased lands.

PATENTS IN FEE

AUTHORITY: §§ 241.1 and 241.2 issued under R.S. 161, 34 Stat. 182, 1034, Pub. Law 687, 79th



HeinOnline -- 0 Fed. Reg. 4149 1935

Cong., 60 Stat 939; 5 U.S.C. 22, 25 U.S.C. 349, 1a.

SOURCE: §§ 241.1 and 241.2 contained in Order 2332, Acting Secretary of the Interior, June 5, 1947, 12 F.R. 3889.

§ 241.1 *Application for patent in fee.* Any Indian 21 years of age or over may apply for a patent in fee for any land held by him under a trust patent. Application should be made on Form 5–105 or such other form as the Commissioner of Indian Affairs may prescribe. The application must be filed with the Superintendent of the Indian agency having jurisdiction over the land which the applicant seeks to have patented in fee. The application must contain full information regarding the competency of the applicant and his ability to manage his own affairs.

§ 241.2 *Issuance of patents in fee.* (a) Except as provided in paragraph (d) of this section, the issuance of a patent in fee to any Indian holding land held under a trust patent is discretionary, and no patent in fee will be issued to any applicant unless he submits satisfactory evidence that he is competent and capable of managing his own affairs.

(b) The location of the land covered by the application in relation to other trust or restricted Indian land may be taken into consideration in acting upon the application.

(c) Except as provided in paragraph (d) of this section, any application for a patent in fee may be denied when it appears that the applicant is not qualified to receive a patent in fee or when the land applied for lies within an area largely occupied and used by Indians whose lands are held in a trust or restricted status. Whenever an application for a patent in fee is denied, the applicant shall be notified in writing of that fact. The notice shall contain a statement of the reasons for denying the application and shall inform the applicant of his right of appeal.

(d) The issuance of patents in fee to adult mixed-blood Indians owning land within the White Earth Reservation in the State of Minnesota is mandatory upon application being made by such adult mixed-blood Indians. No evidence of the competency of the applicant to handle his own affairs shall be required.

SALE OF ALLOTTED LANDS, EXCLUSIVE OF FIVE CIVILIZED TRIBES' LANDS

§ 241.12a *Removal of restrictions; limitations on sale of Indian allotments.* [Revoked]

CODIFICATION: § 241.12a was revoked by Order 2332, Acting Secretary of the Interior, June 5, 1947, 12 F.R. 3889.

REMOVAL OF RESTRICTIONS AND SALE OF LANDS, FIVE CIVILIZED TRIBES AND REINVESTMENT OF FUNDS IN NONTAXABLE LANDS

§ 241.34 *Removal of restrictions, application.* Application for the removal of restrictions and for approval of sales of lands must be made in triplicate on approved form Five Civilized Tribes, 5–484, and submitted to the Superintendent for the Five Civilized Tribes or any field clerk. These forms will be furnished free of charge by the Superintendent or field clerk. (R. S. 161, secs. 1, 9, 35, Stat. 312, 315, sec. 1, 45 Stat. 495, 46 Stat. 1471, 47 Stat. 474, secs. 1, 47 Stat. 777, Pub. Law 687, 79th Cong., 60 Stat. 935; 5 U. S. C. 22, 25 U. S. C. 409a, 1a) [Order 2332, June 5, 1947, 12 F.R. 3889]

SALES, REMOVALS OF RESTRICTIONS AGAINST ALIENATION, AND CONVEYANCES OF PURCHASED LANDS [ADDED]

AUTHORITY: §§ 241.49 to 241.51, inclusive, issued under R. S. 161, 47 Stat. 474, Pub. Law 687, 79th Cong., 60 Stat. 939; 5 U. S. C. 22, 25 U. S. C. 1a.

SOURCE: §§ 241.49 to 241.51, inclusive, contained in Order 2332, Acting Secretary of the Interior, June 5, 1947, 12 F.R. 3889.

§ 241.49 *Purchased lands defined.* Purchased lands are defined to include all lands held by individual Indians under deeds or other instruments of conveyance which recite that the lands shall not be sold or alienated without the consent or approval of the Superintendent, the Commissioner of Indian Affairs, or the Secretary of the Interior, irrespective of whether the lands were acquired by purchase with restricted moneys, in exchange for other restricted property, or as gifts.

§ 241.50 *Sale of purchased lands.* The Indian owner of purchased land may apply for the sale of all or any part of such land in conformity with the applicable provisions of §§ 241.17 to 241.32, inclusive. No sale or conveyance made pursuant thereto shall be valid unless



HeinOnline -- 0 Fed. Reg. 4150 1935

approved by the Commissioner of Indian Affairs or his authorized representative.

§ 241.51 *Removal of restrictions against alienation of purchased lands.* Applications for the removal of restrictions from purchased lands shall be filed by the Indian owners with the Superintendent having jurisdiction over the lands. If the lands are not located within the territorial limits of an Indian reservation, the Indian owners may file the applications with the Superintendent most conveniently located with respect to the land. Each application shall set forth the experience which the applicant has had in the transaction of his business affairs and the reasons why a removal of restrictions is desired. An appraisement of the land shall be made. If it appears that the applicant is competent and capable of managing his affairs or that the removal of restrictions is otherwise to the best interests of the applicant, an order removing all restrictions against alienation of the land covered by the application will be issued by the Commissioner of Indian Affairs or his authorized representative.



HeinOnline -- 0 Fed. Reg. 4151 1935