

is of non-Indian blood, the Osage Agency register of Indian families for the year ending December 31, 1901, shall be accepted as prima facie evidence of the quantum of Indian blood.

(2) When one parent of a person is an enrolled member, or the descendant of an enrolled member of the Osage Tribe, and the other parent is of non-Osage blood, the Osage Agency register of Indian families for the year ending December 31, 1901, shall be accepted as prima facie evidence in determining the quantum of Osage Indian blood.

(3) When one parent of a person is of non-Osage Indian blood, the certification of the superintendent or other officer in charge of the Indian Agency having jurisdiction over the affairs of the tribe of which the non-Osage Indian parent is a member or descendant of a member, as to such parent's quantum of Indian blood, shall be accepted as prima facie evidence in determining the quantum of non-Osage Indian blood.

(4) When the non-Osage parent of a person is alleged to be of Indian blood, and the superintendent or other officer in charge of the Indian agency having jurisdiction over the affairs of the tribe of which such parent is an alleged member or descendant of a member thereof, is unable to certify as to the quantum of Indian blood of such parent, affidavits as to such parent's quantum of Indian blood, when properly executed by two qualified individuals, may be accepted.

§154.4 Notification; disagreement and decision.

When the superintendent shall have determined that a person, 21 years or over, is of less than one-half Indian blood, he shall notify such person of his finding and inform him that if objection is not received within 20 days from the date of notification, a certificate of competency will be issued. If the person claims to be of one-half or more Indian blood and that a certificate of competency should not be issued, he should submit to the superintendent two affidavits or other evidence in support of his claim. The claim, affidavits or other evidence of the person as to his quantum of blood shall be submitted to the Commissioner of Indian

Affairs for a ruling before the certificate of competency is issued.

§154.5 Issuance of certificate of competency.

A certificate of competency shall be issued by the superintendent on Form 5-182¹ to each person heretofore or hereafter attaining the age of 21 years and who has been determined to be of less than one-half Indian blood. Such certificate shall be recorded with the county clerk of Osage County, Oklahoma, before delivering the same to the person entitled thereto.

§154.6 Costs of recording certificates of competency.

The superintendent may expend the surplus funds of a person to make direct payments of the cost of recording a certificate of competency. If the person to whom a certificate of competency is issued has no surplus funds, the cost of recording the same shall be paid from Osage tribal funds.

§154.7 Delivery of cash and securities.

After issuance and recordation of a certificate of competency as authorized by the regulations in this part, the superintendent shall deliver to the individual named therein, or the legal guardian thereof, the original copy of the certificate of competency, together with all cash, stocks and bonds credited to the account of such individual upon the books of the Osage Agency, and obtain a receipt therefor.

PART 156—REALLOTMENT OF LANDS TO UNALLOTTED INDIAN CHILDREN²

Sec.

156.1 Relinquishment of original patent.

156.2 Relinquishment when original patent has been lost or destroyed.

AUTHORITY: Sec. 3, 36 Stat. 856; 25 U.S.C. 408.

¹Filed with the original document. Copies may be obtained upon request at the Bureau of Indian Affairs, Department of the Interior, Washington, DC.

²The reallocation provisions herein dealt with are not applicable on reservations subject to the Indian Reorganization Act of June 18, 1934 (48 Stat. 984, as amended; 25 U.S.C. 461-479).

CROSS REFERENCES: For Bureau of Land Management regulations pertaining to allotments to Indians and Eskimos, see 43 CFR parts 2530 and 2560. For Bureau of Land Management regulations pertaining to restored and ceded Indian lands, see 43 CFR part 1400.

§ 156.1 Relinquishment of original patent.

To effect a reallocation under section 3 of the Act of June 25, 1910 (36 Stat. 856; 25 U.S.C. 408), the Indian owner shall endorse on the original patent a relinquishment of all lands described therein and explain the purpose of the relinquishment. The relinquishment shall name the child or children to be reallocated and follow with descriptions by legal subdivisions of the land. If a part of the allotment is being retained by the Indian owner, the relinquishment and application for reallocation may describe only the tract to be reallocated. The relinquishment must be signed by the original allottee or owner of the land involved and be acknowledged before a superintendent of an Indian agency or an officer authorized to administer oaths. The signatures of those who cannot write must be by thumb mark and be witnessed.

[22 FR 10564, Dec. 24, 1957. Redesignated at 47 FR 13327, Mar. 30, 1982]

§ 156.2 Relinquishment when original patent has been lost or destroyed.

When the original patent has been lost or destroyed, the relinquishment and application for reallocation may be submitted in the form of a letter, which must be accompanied by an affidavit showing the loss or destruction of the original patent. If no patent has been issued, that fact should be set out in the letter.

[22 FR 10564, Dec. 24, 1957. Redesignated at 47 FR 13327, Mar. 30, 1982]

PART 158—OSAGE LANDS

Sec.

- 158.51 Definitions.
- 158.52 Application for change in designation of homestead.
- 158.53 Order to change designation of homestead.
- 158.54 Exchanges of restrictive lands.
- 158.55 Institution of partition proceedings.
- 158.56 Partition records.

158.57 Approval of deeds or other instruments vesting title on partition and payment of costs.

158.58 Disposition of proceeds of partition sales.

AUTHORITY: 5 U.S.C. 301. Interpret or apply 62 Stat. 18; 25 U.S.C. 331 note.

SOURCE: 22 FR 10565, Dec. 24, 1957, unless otherwise noted. Redesignated at 47 FR 13327, Mar. 30, 1982.

§ 158.51 Definitions.

When used in this part:

(a) *Homestead* means the restricted nontaxable lands, not exceeding 160 acres, allotted to an enrolled member of the Osage Tribe pursuant to the act of June 28, 1906 (34 Stat. 539), or the restricted surplus lands designated in lieu thereof pursuant to the act of May 25, 1918 (40 Stat. 578).

(b) *Surplus land* means those restricted lands, other than the homestead, allotted to an enrolled member of the Osage Tribe pursuant to the act of June 28, 1906 (34 Stat. 539).

§ 158.52 Application for change in designation of homestead.

Any Osage allottee or the legal guardian thereof may make application to change his homestead for an equal area of his surplus land. The application shall give in detail the reasons why such change is desired and shall be submitted to the Osage Indian Agency on the form "Application to Change Designation of Homestead."

§ 158.53 Order to change designation of homestead.

The application of an Osage allottee, or his legal guardian, may be approved by the Secretary of the Interior, or his authorized representative, and an order issued to change designation of homestead, if it is found that the applicant owns an equal area of surplus land. The expense of recording the order shall be borne by the applicant. The order to change designation shall be made on the form "Order to Change Designation of Homestead."

§ 158.54 Exchanges of restrictive lands.

Upon written application of the Indians involved, the exchange of restricted lands between adult Indians,