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DEPARTMENT OF THE INTERIOR

REGULATIONS OF THE INDIAN SERVICE

INDIVIDUAL  
INDIAN MONEYS

APPROVED BY  
THE SECRETARY OF THE INTERIOR

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## INDIVIDUAL INDIAN MONEY REGULATIONS

1. Individual Indian moneys are funds, regardless of derivation, belonging to individual Indians which come into the custody of a disbursing agent.

2. Requests for authority to draw checks against individual money should be made in triplicate on Form 5-139, carefully prepared for the approval of the Commissioner of Indian Affairs, except that the date of approval and the number should be left blank. All requests for authority must show clearly the necessity for the proposed expenditure and, where it is intended to pay directly to the depositor for unrestricted use, his competency to handle without supervision the amount requested.

3. Such an authority lapses at the end of the fiscal year.

4. Whenever necessary superintendents are hereby authorized to draw checks for monthly allowances of not to exceed \$50 in favor of adult Indians. This section should be cited as authority therefor. Specific authority must be obtained for larger amounts.

5. Disbursing agents are hereby authorized to turn over without restriction to reasonably competent adult Indians not to exceed \$100 in any one month nor \$500 in any one year, this section to be cited as authority therefor. The purpose of such payments to adult Indians not incapacitated by age or physical or mental infirmity is that they may be encouraged to assume personal responsibility and acquire that self-reliance and practical business experience which will enable them to become independent and progressive members of the community.

6. Authority is hereby granted disbursing agents, in their discretion to turn over to any Indian upon the issuance of a fee patent any individual funds then on deposit to his credit. The payment of future accruals should be based on the degree of competency shown by the allottee in handling the amount so paid.

7. Authority is hereby granted disbursing agents to draw checks against the accounts of adult and minor Indians, living or dead, to cover doctor and hospital bills necessitated by unforeseen emergency in amounts not greater than \$50 for medical attention or \$150 for surgical and hospital treatment in any one case.

8. Authority is hereby granted disbursing agents to make expenditures of not to exceed \$1,000 in any one quarter or \$2,000 per annum from the accounts of adult Indians for seed, implements, livestock, and other agricultural purposes; and for the construction, repair, and equipment of houses, barns, outbuildings, fences, corrals, wells, and other necessary structures on their allotments.

9. Authority is hereby granted disbursing agents to draw checks against a decedent's account for the payment of actual funeral expenses not to exceed \$150 and to cover the fees required by the act of January 24, 1923 (42 Stat. L. 1185), as follows:

### *Probate fees*

\$250 and not exceeding \$1,000.....	\$20
Over \$1,000 and less than \$2,000.....	25
Over \$2,000 and not exceeding \$3,000.....	30
Over \$3,000 and not exceeding \$5,000.....	50
Over \$5,000 and not exceeding \$7,500.....	65
Over \$7,500.....	75

10. A disbursing agent at a nonreservation Indian boarding school who has in his custody individual moneys belonging to pupils is hereby authorized to make payments therefrom in sums not greater than \$50 in any one month or \$200 a year and to pay from individual funds to a pupil about to return home on vacation or permanently a reasonable sum not to exceed \$100 to defray the expenses of the trip.

11. During any one year not more than \$200 of the funds of a minor may be transferred by a reservation disbursing agent to the superintendent of a nonreservation Indian boarding school.

12. Disbursing agents are hereby authorized to disburse for the benefit of a minor of school age in regular attendance at school or who has been excused therefrom on account of physical disability or other good reason, not more than \$50 in any one month or \$100 in a single year.

13. In addition to the above expenditures authority is hereby granted superintendents to disburse individual Indian money in conformity with the school rules from the funds of minors or their parents who have ample financial resources in such amounts as may be required for their support and education in a Government Indian school not to exceed \$25 per month or \$250 a year. Special authority should, however, be requested for the payment from minors' funds of tuition in a private or mission school.

14. Disbursing agents having individual Indian money in their hands belonging to run-away pupils not returned to the school shall transmit such funds to the superintendent of the reservation where the pupil resides after having reimbursed the school for any expense incurred in attempting to return such pupils to the school. If, in the judgment of the superintendent, the circumstances justify charging the pupil with the cost of clothing, etc., the facts should be reported to the Indian Office with appropriate recommendation.

Funds to the accounts of former pupils, also other Indians, whose whereabouts can not be ascertained may be deposited and covered into the Treasury in a lump sum and carried under heading "Unclaimed Individual Indian Money (Special Fund)," which will be available for payment upon submission of claims. Each superintendent must furnish a list of Indians, with amounts whose funds are so held, to the Treasury Department, General Accounting Office, and Indian Bureau. (Comp. Dec. A20508, November 28, 1927.)

15. Disbursing agents are hereby authorized to consider married minors over 18 years of age the same as adults and to disburse their funds in conformity with the regulations governing such Indians.

16. (a) Authority is hereby granted superintendents to disburse not to exceed \$25 in any quarter nor \$100 in a single year from the accounts of minors under school age when actually needed for the proper care and direct benefit of such minors.

(b) Authority is hereby granted disbursing agents to use the funds of minor children not to exceed \$200 in any one family for the purchase of seed or farming implements when the superintendent is satisfied that this action is necessary, each year from March 15 to June 1.

17. Where an adult Indian's account is \$50 or less and is not likely to be increased, authority is hereby granted disbursing agents to pay the entire balance to the depositor for his unrestricted use; and where such an Indian lives permanently away from the jurisdiction, to transfer sums in excess of \$50 to the superintendent nearest to whom the Indian resides. This section applies only to "dead" accounts and should not be invoked where periodic deposits are made from rentals, annuity or per capita payments, or other sources.

18. A disbursing agent who has in his custody moneys belonging to adult Indians earned by their own efforts and voluntarily placed by them in his hands for safekeeping is hereby authorized to make payments therefrom at any time and in any amount not to exceed the total deposit upon the request of the depositor. The words "voluntary deposit" should be noted in the account covering such expenditure.

19. Debts of Indians will not be paid from funds under the control of the United States, including individual Indian moneys, unless previously authorized by the superintendent except in emergency cases necessitating medical treatment or in the payment of last illness or funeral expenses as elsewhere herein provided and any other exceptional cases where specific authority is granted by the Indian Office.

20. Persons who extend unauthorized credit to Indians do so at their own risk and must look to the debtors themselves for payment. However, all Indians should be urged to pay their just and legitimate debts so far as they may be able. For this purpose superintendents may upon request of the depositor turn over to any competent adult Indian not to exceed the sums specified in paragraph 5 hereof, which should be cited as authority in such cases.

21. Claims against the estates of deceased Indians may be paid (1) if previously authorized, (2) if for last illness or funeral expenses, (3) if just and the heirs agree to or request payment, (4) if elsewhere herein authorized. Any other debts of decedents should be presented to the examiner of inheritance and by him transmitted to the Indian Office with superintendent's recommendation for consideration.

22. Authority is hereby granted disbursing agents to draw checks against individual funds in all cases where the Indian has signed an agreement to repay the Government therefrom for expenditures in his behalf and specifically authorizing the superintendent to do so. Discretion should be used in the exercise of this authority to the end that the Indians be not left destitute thereby. This does not apply to purchases from reimbursable funds and agreements thereunder. (See Reimbursable Regulations.)

23. Every Indian who can not read should be required to indorse checks payable to his or her order and sign receipts and other documents by making an imprint of the ball of his right thumb (or the left if he has lost the right) after his name. This imprint should be clear and distinct (showing the central whorl and striations) and witnessed by two reputable persons whose addresses and occupations should be given opposite their names. If an Indian who can not write has lost both thumbs, his signature may be made by the mark "X" before two witnesses.

24. Before any thumb mark is recognized the Indian shall have made his thumb mark signature for record (Form 5-416) before two witnesses and certified by the disbursing agent, farmer, or other employee personally acquainted with him before an officer authorized by law to administer oaths.

25. If an Indian because of legal disability, such as insanity, etc., can not give a proper acquittance or for physical reasons can not sign his name or make his thumb mark, or is a minor, the superintendent, fully explaining the circumstances, will recommend to the Commissioner of Indian Affairs that the head of the family, if such there be, or if not the disbursing agent, be authorized to indorse checks payable to his order. The form of the signature should be: "John Doe, by Charles Thomsa, Supt. and S. D. A., ex officio guardian." The disbursing agent should note the authority therefore on the ledger account of the Indian. This does not apply to checks for interest on Liberty bonds, which is covered by bookkeeping and accounting regulations.

26. If a disbursing agent receives authority to draw a check against individual Indian money for a specific purpose he must not disclose the extent of the authority to any dealer or other interested third person before securing quotations or bids. When personal property, such as horses, wagons, implements, etc., is purchased for an Indian, singly or in the aggregate of a value of \$50 or more, the superintendent shall take a bill of sale therefor in his name as vendee expressly in trust for the Indian. Where the State law provides for the recordation of bills of sale, the original should be filed permanently in the agency records; where the State law requires the filing of the original a copy should be kept at the agency. If property held under a bill of sale is wrongfully in the hands of a person other than the Indian owner the superintendent

will make demand for its return and in the event of refusal at once notify the proper United States attorney, inclosing a copy of the bill of sale and asking that steps be taken to recover the property.

27. Unless otherwise provided moneys derived from the rental of restricted lands belonging to minors shall be deposited by the superintendent as "individual Indian money" and credited to the accounts of the allottee on the agency records. The term "minors" as used herein shall include all males under the age of 21 years and all females under the age of 18 years, except as elsewhere herein otherwise provided.

28. The funds of a deceased Indian should be carried on the records to the credit of the estate until the heirs have been legally determined, when, after the payment of all proper claims against the estate, including reimbursable and other debts due the United States, the balance (if any) will be transferred in the correct proportions to the individual accounts of the heirs. Except as herein elsewhere otherwise provided, the disbursing agent shall not turn over or pay to any person the funds of an Indian prior to the determination of the heirs without specific authority from the Commissioner of Indian Affairs.

29. If the necessity arises for withdrawing individual funds except as herein provided, the disbursing agent shall submit a full explanation of the circumstances with a request in duplicate on Form 5-139 for authority to draw checks against the account. Requests submitted under this section shall be approved by the Commissioner of Indian Affairs, the Assistant Commissioner of Indian Affairs, or Acting Commissioner of Indian Affairs.

30. Upon receipt of each authority for the expenditure of individual Indian money disbursing agents should give a serial number thereto which, together with the date of the authority, should be noted on the vouchers covering the transaction. A new series of numbers should be maintained for each fiscal year.

31. Authority is hereby granted superintendents to draw checks against the accounts of minor and incompetent adult Indians to cover taxes legally assessed against unrestricted property owned by such Indians and for the payment of premiums on property insurance.

32. Authority is hereby granted superintendents in their discretion to issue orders to Indians who have funds to their credit and who are incompetent or extravagant, such orders to cover purchase of necessary supplies such as food, clothing, implements, seeds, etc. These orders are to be headed "To any dealer" and the total sum to be expended should be clearly shown and notation added to the effect that *no cash* is to be given to the Indian under any circumstances. No order should be issued where the Indian has no funds to his credit. Superintendents will be held personally responsible for the indebtedness if these instructions are disregarded. If an Indian is in need and is expecting funds from land sale, rentals, or annuity payments, etc., such case should be reported to this office.

33. Disbursing agents are hereby authorized to disburse from the account of any adult Indian who has deserted his or her family such sums, not to exceed \$25 per month, as may be absolutely necessary for the support of his or her minor child or children in cases where neither the deserted parent nor children have funds.

NOTE.—The foregoing regulations include the amendments approved by the Department May 2, 1928.

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