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If the applicant is not satisfied with the decision of the Superintendent, an appeal may be taken as hereinafter set forth except as provided in paragraph (b) of this section.

(b) An appeal to the Commissioner of Indian Affairs may be taken from any decision or order issued by or under authority of the Superintendent except decisions or orders issued under authority of §§ 180.54, 180.59, and 180.91, by filing such appeal with the Superintendent within 30 days after service of the decision or order. The appeal shall incorporate or be accompanied by such written showing and argument on the facts and law as the appellant may deem adequate to justify reversal or modification of the order. All statements of facts must be made under oath. The Superintendent shall transmit the appeal and accompanying papers with a full report and recommendations, through official channels, to the Commissioner of Indian Affairs.

(c) An appeal from any decision of the Commissioner of Indian Affairs may be taken to the Secretary of the Interior within 30 days after service of the Commissioner's decision. The appeal shall be accompanied by such written showing and argument on the facts and law as appellant may deem adequate to justify reversal or modification of the decision. Any statement of facts not submitted to the Commissioner must be made under oath.

(d) Compliance with any decision or order issued by or under authority of the Superintendent shall not be suspended by reason of an appeal having been taken unless such suspension is authorized in writing by the Commissioner of Indian Affairs, and then only on a determination that such suspension will not be detrimental to the lessor or upon submission and acceptance of a bond deemed adequate to indemnify the lessor from loss or damage.

(Sec. 3, 34 Stat. 543. Interprets or applies secs. 1, 2, 45 Stat. 1478, 1479)

Part 183—Leasing of Restricted Lands of Members of Five Civilized Tribes, Oklahoma, for Mining

Sec.
183.1 Definitions. [Revised]

RENTS AND ROYALTIES

Sec.
183.18 Manner of payment of rents and royalties. [Revised]
183.19 Crediting advance annual payments. [Revised]
183.20 Disposition of income from leases. [Revoked]
183.29 Division orders. [Amended]

§ 183.1 *Definitions.* The term "Area Director" in this part refers to the officer in charge of the Five Civilized Tribes Indian Agency. Whenever the term "superintendent" is used in this part, the term "Area Director" shall be substituted therefor.

The term "supervisor" in this part refers to a representative of the Secretary of the Interior under direction of the Director of the United States Geological Survey, authorized and empowered to supervise and direct operations under oil and gas or other mining leases, to furnish scientific and technical information and advice, to ascertain and record the amount and value of production, and to determine and record rentals and royalties due and paid.

[16 F. R. 9192, Sept. 11, 1951]

RENTS AND ROYALTIES

§ 183.18 *Manner of payment of rents and royalties.* (a) Except as provided in paragraph (b) of this section, all rents, royalties and other payments due under leases which have been or may be approved in accordance with this part shall be paid by check or bank draft to the order of the Treasurer of the United States and mailed to the Area Director for deposit to the credit of the various lessors. When lessees and purchasers are instructed, in writing, by the Area Director, which instructions shall be complete as to lessors for each lease, separate remittances for each payment due each lessor shall be mailed to the Area Director. Any payments under this paragraph, covering lands or interests therein from which restrictions have been removed by death or otherwise, may continue to be made in the manner provided by this paragraph until ten days after notice of relinquishment of supervision has been mailed to the lessee.

(b) The Area Director may, in his discretion, whenever it appears to be in the best interest of any lessor, authorize and direct the lessee to pay directly to the lessor, or to the legal guardian of any lessor under guardianship, the rents, royalties and other payments (other than bonuses and advance payments for the first year) due under leases which have been or may be approved in accordance with the regulations in this part. Any such authority for direct payment shall be in writing, addressed to the owner or owners of the lease, and shall expressly provide for its revocation or modification at any time, in writing, by the Area Director. Written authorization for direct payment and written revocations or modifications thereof shall become a part of the lease and shall be distributed as in the case of original leases. All such revocations or modifications shall have a 5-day grace period after date of receipt. Rents, royalties, and other payments paid in accordance therewith shall constitute full compliance with the requirements of the lease pertaining to such payments.

(c) Rents and royalties paid pursuant to paragraphs (a) and (b) of this section on producing leases shall be supported by statements, acceptable to the Secretary or his duly authorized representative, to be transmitted to the Supervisor, in duplicate, covering each lease, identified by contract number and lease number. Such statements shall show the specific items of rents or royalties for which remittances are made, and shall identify each remittance by the remittance number, date, amount, and name of each payee.

(d) Rents paid on nonproducing leases pursuant to paragraphs (a) and (b) of this section shall be supported by a statement, acceptable to the Area Director, to be transmitted to the Area Director covering each lease, identified by contract number and lease number. Each remittance shall be identified by the remittance number, date, amount, name of each payee, and dates of mailing of remittances. Date of mailing, or, if remittance is sent by registered mail, the date of registration receipts covering remittances mailed, shall be considered as date of payment.

(e) For leases other than oil and gas, all advance rentals and royalties for the first year shall be paid to the Area Director at the time of filing the lease, and the advance royalty and 20 percent of the first year's rental so paid shall be and become the property of the lessor, if the lease be disapproved because of the lessee's failure to meet the requirements of the law or of the regulations in this part or because of any other fault or defect chargeable to the lessee.

[16 F. R. 9192, Sept. 11, 1951]

§ 183.19 *Crediting advance annual payments.* In the event of discovery of minerals, all advance rents and advance royalties shall be allowed as credit on stipulated royalties for the year for which such advance payments have been made. No refund of such advance payments made under any lease will be allowed in the event the royalty on production is not sufficient to equal such advance payment, nor will any part of the moneys so paid be refunded to the lessee because of any subsequent surrender or cancellation of the lease.

[16 F. R. 9192, Sept. 11, 1951]

§ 183.20 *Disposition of income from leases.* [Revoked]

CONTINUATION: § 183.20 was revoked, 16 F. R. 9192, Sept. 11, 1951.

§ 183.29 *Division orders.* (a) Lessees may make arrangements with the purchasers of oil and gas for the payment of the royalties as provided for in the lease and the regulations but such arrangement, if made, shall not operate to relieve a lessee from responsibility should the purchaser fail or refuse to pay royalties when due. Where lessees avail themselves of this privilege, division orders should be executed by the lessee and forwarded to the supervisor for approval. Purchasers may be authorized by the supervisor to reimburse lessees out of royalties for advance rents and advance royalties. Copies of written instructions, notices, modifications, revocations, and authorizations, as provided for in § 183.18 (a) and (b), shall be furnished to purchasers. The right is reserved for the supervisor to cancel a division order at any time or require the purchaser to discontinue to run the oil of any lessee who fails to operate the lease properly or otherwise violates the provisions of the lease, of the regulations in this part, or of the operating regulations.

[Paragraph (a) amended by 16 F. R. 9192, Sept. 11, 1951]

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Part 186—Leasing of Tribal Lands for Mining

HOW TO ACQUIRE LEASES

Sec.
186.3 Sale of oil and gas leases. [Amended]
186.9 Acreage limitation. [Amended]

§ 186.3 *Sale of oil and gas leases.* (a) At such times as the Secretary of the Interior, or his authorized representative, may direct, after being authorized by the tribal council, the superintendent shall cause notices to be posted or advertisements to be published for a period of not less than fifteen days offering for sale at public auction or under sealed bids, or both, to the highest responsible bidder, oil and gas leases of specific tracts, each of which shall be in a compact body. As a guaranty of good faith the successful bidder shall deposit with the superintendent on the day of the sale, a certified check or bank draft drawn on a solvent bank in an amount not less than twenty per cent of the bonus bid and of the first year's rental. Unless such period shall have been extended by the superintendent for good and sufficient reason, within twenty days after the date upon which the lease is forwarded to the successful bidder for execution he shall return to the superintendent the same completely executed accompanied by the balance of the bonus and of the first year's rental. If the successful bidder fails to complete the lease or pay the full consideration within said period or extension thereof, or if the lease is disapproved through no fault of the lessor or of the Department, the amount of the bonus and rental deposited with the bid shall be forfeited, as liquidated damages, for the use and benefit of the Indian lessor.

[Paragraph (a) amended, 17 F. R. 7380, Sept. 19, 1952]

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§ 186.9 *Acreage limitation.* * * *

(a) * * *

(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 unless otherwise authorized by the Commissioner of Indian Affairs.

CODIFICATION: In § 186.9 (a) subparagraph (2) was amended to read as set forth above and subparagraph (4) was revoked, 16 F. R. 7277, July 28, 1951.

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SUBCHAPTER S—MONEYS, TRIBAL AND INDIVIDUAL

Part 221—Indian Money Accounts (Revised)

Sec.
221.1 Definitions.
221.2 Osage Agency.
221.3 Individual accounts.
221.4 Minors.
221.5 Adults under legal disability.
221.6 Voluntary deposits.
221.7 Payments by other Federal agencies.
221.8 Purchase orders.
221.9 Restrictions.
221.10 Funds of deceased Indians.
221.11 Funds of deceased Indians of the Five Civilized Tribes.
221.12 Supervision; appeal.

AUTHORITY: §§ 221.1 to 221.12 issued under R. S. 161; 5 U. S. C. 22.

SOURCE: §§ 221.1 to 221.12 appear at 16 F. R. 6173, June 27, 1951.

§ 221.1 *Definitions.* Whenever used in this part the terms defined in this section shall have the meaning stated:

(a) "Commissioner" means the Commissioner of Indian Affairs.

(b) "Area Director" means the officer in charge of an area office for the Bureau of Indian Affairs.

(c) "Superintendent" means the superintendent or other officer in charge of an Indian reservation, agency or establishment.

(d) "Minor" means an individual who has not reached his majority as defined by the laws of the state of his domicile.

(e) "Indian Money Accounts" are those accounts under the control of superintendents or disbursing agents containing funds, regardless of derivation, belonging to individuals.

§ 221.2 *Osage Agency.* The provisions of this part do not apply to funds the deposit or expenditure of which is subject to the provisions of Part 222 of this subchapter.

§ 221.3 *Individual accounts.* Individuals shall have the right to withdraw funds in their Indian money accounts and upon their request the superintendent shall disburse the funds to them at such convenient times and places as the superintendent may designate, except as otherwise provided in this part.

§ 221.4 *Minors.* Funds of a minor may be disbursed for the minor's support, health, education, or welfare to parents, state-appointed guardians, fiduciaries, or to persons having the control and custody of the minor under plans approved by the superintendent, or directly to the minor upon such conditions as the superintendent may prescribe, in such amounts as he may deem necessary in the best interests of the minor. Superintendents are authorized to require modification of an approved plan whenever deemed in the best interest of the minor.

§ 221.5 *Adults under legal disability.* The funds of an adult who is non compos mentis or under other legal disability may be disbursed for his benefit for such purposes deemed to be for his best interest and welfare in the discretion of the superintendent, or the funds may be disbursed to a state-appointed guardian or curator under such conditions as the superintendent may prescribe.

§ 221.6 *Voluntary deposits.* Voluntary deposits shall not be accepted, but Indians who require banking service shall be encouraged to utilize commercial facilities. If in any case it is the judgment of the superintendent that an exception to this prohibition should be made to avoid a substantial hardship, he shall submit the facts in the case to the Area Director who is authorized to allow or deny an exception.

§ 221.7 *Payments by other Federal agencies.* Superintendents are authorized to accept and administer moneys that may be received from the Veterans Administration or other government agency pursuant to the act of February 25, 1933 (47 Stat. 907; 25 U. S. C. 14), for the benefit of adult Indians under legal disability or minors for whom no legal guardian or fiduciary has been appointed.

§ 221.8 *Purchase orders.* Purchase orders shall not be issued except upon the request of the individual and only to meet emergencies.

§ 221.9 *Restrictions.* Funds obligated under assignments made pursuant to Part 20 of this chapter shall be disbursed only in accordance with the terms thereof. Funds derived from the sale of capital assets which by agreement approved prior to such sale by the Commissioner or his authorized representative are to be expended for specific purposes, and funds obligated under contractual arrangements approved in advance by the superintendent or subject to deductions specifically authorized or directed by acts of Congress, shall be disbursed only in accordance with the agreements (including any subsequently approved modifications thereof) or acts of Congress.

§ 221.10 *Funds of deceased Indians.* Funds of a deceased Indian may be disbursed (a) for support of dependent members of the families of decedent in such amounts deemed necessary to avoid hardship and consistent with the value of the estate and the interest of probable heirs; (b) for the payment of obligations previously authorized; (c) for the last illness and funeral expenses of the decedent; and (d) for probate fees and claims allowed pursuant to Parts 81 and 82 of this chapter.

§ 221.11 *Funds of deceased Indians of the Five Civilized Tribes.* Funds of a deceased Indian of the Five Civilized Tribes may be disbursed to pay ad valorem and personal property taxes, Federal and state estate and income taxes, obligations approved by the superintendent prior to death of decedent, expenses of last sickness and burial and claims found to be just and reasonable which are not barred by the statute of limitations, and costs of determining heirs to restricted property by the state courts.

§ 221.12 *Supervision; appeal.* Exercise of authority by superintendents under this part shall be subject to the supervision and control of the Commissioner and his designated representatives. Appeal from an action taken by the superintendent may be taken within 30 days to the Area Director and thence to the Commissioner within a like period.

Part 223—Judgment and Payments in Lieu of Allotment Funds

SUBPART C—WIND RIVER RESERVATION, WYOMING

Sec.
223.50 Program removed; purposes for which expenditures may be made. [Revised]
223.52 Scope of programs. [Revised]
223.54 Approval of programs. [Revised]
223.56 Right of appeal. [Revised]
223.66 Individual land purchases. [Revised]
223.67 Clearance of purchase orders. [Revised]
223.68 Purchase of real property. [Revised]
223.69 Trust status of property. [Revised]