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CUMULATIVE POCKET SUPPLEMENT
TO THE . . . CODE
OF FEDERAL
REGULATIONS

Title 25—Indians

For changes on and after
January 1, 1955, see the daily issues of the Federal Register

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. 9102, 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. 9102, Sept. 11, 1951]

Disposition of income from lease

Cross reference: § 183.20 was revoked. 16 F. R. 9102, Sept. 11, 1951.

§ 183.2 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 lessor 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. 9102, Sept. 11, 1951]

Part 186—Leasing of Tribal Lands For Mining

HOW TO ACQUIRE LEASES

See:

186.3 Sale of oil and gas leases. [Amended]
186.9 Acreage limitation. [Amended]
186.10 Term of leases. [Revised]

§ 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. 1600, Sept. 14, 1952]

§ 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 25, 1951.

§ 186.10 Term of leases. Mining leases may be made for a specified term not to exceed ten years from the date of approval by the Secretary of the Interior, or his authorized representative, and as much longer as the substances specified in the lease are produced in paying quantities.

[16 F. R. 4291, July 23, 1951]

Part 187—Leasing for Oil and Gas or Other Mining Purposes of Certain Lands Administered by the Secretary of the Interior Through the Commissioner of Indian Affairs [Revoked]

CODIFICATION: Part 187 was revoked. 19 F. R. 8341, Aug. 21, 1954.

Part 189—Leasing of Certain Restricted Allotted Indian Lands for Mining

See:

189.14 Payment of rentals and royalties. [Revised]

§ 189.14 Payment of rentals and royalties. (a) Except as provided in paragraphs (b), (d) and (f) 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 transmitted through the supervisor to the Superintendent for deposit to the credit of the various lessors. When lessees and purchasers are instructed, in writing, by the

superintendent, which instructions shall be complete as to lessors for each lease, separate remittances for each payment due each lessor shall be made to the Superintendent. Any payments under this paragraph, covering lands or interests therein from which supervision by the Secretary of the Interior has been relinquished may continue to be made in the manner provided by this paragraph until ten days after notice of such relinquishment of supervision has been mailed to the lessee.

(b) The Superintendent 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, the legal guardian of any lessor under guardianship, or to the parent of any minor, the rents, royalties and other payments 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 Superintendent, and shall either name a bank to receive deposit of such payments, or shall give the mailing address of each lessor. 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, shall identify each remittance by the remittance number, date, amount, and name of each payee, shall show the total amount of royalties or rental paid, and shall be supported by a copy of the purchaser's settlement or pipeline statement for each lease under which royalties are paid.

(d) Rents paid on nonproducing leases pursuant to paragraphs (a) and (b) of this section shall be supported by a statement, acceptable to the Superintendent, to be transmitted to the Superintendent 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) In the event of the discovery of minerals in paying quantities all advance payments shall be allowed as credit on stipulated royalties for the year for which the payment is made. No refund will be made under oil, gas, or other mining leases. In the event the royalty on production for any year is not sufficient to equal the advance payment for that year, nor will any part of the moneys so paid be refunded to the lessee because of any subsequent surrender or cancellation of the lease, nor shall the lessee be relieved from the obligations to pay said advance rental annually when it becomes due by reason of any subsequent surrender or cancellation of the lease.

(f) For leases other than oil and gas, advance rental for the first year shall be paid to the Superintendent at the

time of filing the lease, and the amounts 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 the regulations in this part, or because of any other fault or defect chargeable to the lessee.

110 F. R. 7873, Dec. 1, 1954.

Part 207—Leasing of Choctaw and Chickasaw Nations' Segregated Coal and Asphalt Deposits, Oklahoma [Revoked]

CODIFICATION: Part 207 was revoked, 10 F. R. 6341, Aug. 21, 1954.

Part 210—Mining Operations on Choctaw and Chickasaw Nations' Segregated Coal and Asphalt Lands, Oklahoma [Revoked]

CODIFICATION: Part 210 was revoked, 10 F. R. 6341, Aug. 21, 1954.

Part 213—Sale, Coal and Asphalt Deposits in Choctaw and Chickasaw Nations' Segregated Mineral Area [Revoked]

CODIFICATION: Part 213 was revoked, 10 F. R. 6341, Aug. 21, 1954.

SUBCHAPTER S—MONEYS, TRIBAL AND INDIVIDUAL

Part 221—Indian Money Accounts [Revised]

- 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 Rental bills.
- 221.10 Funds of deceased Indians.
- 221.11 Funds of deceased Indians of the Five Civilized Tribes.
- 221.12 Supervision; appeal.

ATTORNEY: §§ 221.1 to 221.12 issued under § 101; 6 U. S. C. 22.
SOURCE: §§ 221.1 to 221.12 appear at 16 F. R. 4172, June 27, 1954.

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 amount 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 now comatose 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; 20 U. S. C. 1), 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 30 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 act 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 31 and 32 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