§ 102.2 Applicants who are mentally or physically incapacitated to manage their affairs. Applicants for this class must be accompanied by evidence that will establish the advisability of withdrawing the share. If the application is approved, the funds will be deposited to the credit of the individual and handled as individual Indian money.

In forwarding applications the agency will follow:
(a) Sex and exact date of birth.
(b) Identity of the applicant by allotment- and last annuity-roll numbers.
(c) What is the current physical condition of the applicant? If subject to disease, submit certificate of physician necessary to establish disability.
(d) What is the mental condition of the applicant? Answer fully.
(e) What are the material resources of the applicant?
(f) What advantages will accrue to applicant by withdrawal of his share?

§ 102.4 Basis of distribution: pro-rata shares. In estimating the pro-rata basis of the individual, the last annuity payment for July 1 or January 1 of each year will be taken as the basis of distribution. When no payment has been made within 1 year, the last one paid will be taken in determining the amount to be paid.

§ 102.5 Disposition of pro-rata shares in event of an applicant's death. In the event of the death of an applicant prior to the approval of his application by the Secretary of the Interior, the Secretary may, at his discretion, direct that no payment be made to any person other than the individual's estate.

§ 102.6 Commissions. The commissions apply for a certificate of appointment. The Commissions will not be required to state.

§ 102.7 Indian Money Accounts. Indian money accounts shall be maintained by the Commissions for all persons entitled thereto. These accounts shall be kept in the name of the individual and shall be maintained by the Commissions for the benefit of the individual.

§ 102.8 Provisions for Indian money accounts. Provisions for Indian money accounts shall be made by the Secretary of the Interior in such a manner as to ensure the safety and security of the funds deposited therein.

§ 102.9 Accountability of funds. Accountability of funds shall be maintained by the Commissions for all persons entitled thereto. These funds shall be maintained by the Commissions for the benefit of the individual.


Chapter I—Bureau of Indian Affairs

(1) Location with respect to the nearest agency.

(2) Financial condition.

(3) State of interest and security.

(4) No bank will be considered for designation unless it has been in successful operation for 3 years.

(5) Bonding. The bureau will not accept a bank that has not been in good standing for 3 years.

(6) Collateral security. Banks handling United States bonds or notes as security shall execute a deposit agreement in favor of the Commissioner of Indian Affairs and shall furnish a statement of appointment by the board of directors, authorizing the assignment of the securities in trust for the benefit of the Commissioner.

(7) Secured by United States bonds or notes, which shall be endorsed in triplicate on the face of the bonds or notes for the purpose of this section, and each copy must be accompanied by a transcript of the resolution of the board of directors of the bank authorizing the depositors to execute the instrument. The bonds or notes must be evidenced by a resolution of the board of directors, authorizing the deposit of said bonds or notes in accordance with the provisions of this section.

(8) In the event of the failure of any bank to comply with the provisions of this section, the Commissioner of Indian Affairs may, in his discretion, require the deposit of such additional amount as he may deem necessary to secure the proper performance of the duties imposed upon the bank.

(9) Security. Under the agency's regulations, deposits of funds in banks are required to be secured by trust deeds or notes of the United States.

105.3 Security. Under the provisions of this chapter, deposits of funds in banks are required to be secured by trust deeds or notes of the United States. The following is a list of the securities which are acceptable to the Commissioner of Indian Affairs:

1. United States bonds or notes.
2. Bank of the United States bonds or notes.
4. United States treasury notes.
5. United States savings bonds.
6. United States post office savings bonds.
7. United States land mortgage bonds.
8. United States land mortgage notes.
10. United States land mortgage certificates of deposit.

105.4 Qualification. Any bank desiring to hold these securities must be in good standing with the Commissioner of Indian Affairs and must have been in continuous operation for a period of at least 5 years.

105.5 Individual sureties. Each person appearing as a surety on a personal surety bond must qualify in accordance with the regulations of the Commissioner of Indian Affairs.

105.6 Corporatior securing. Only those companies holding certificates of authority from the Commissioner of Indian Affairs to write bonds on which the United States is obliged are acceptable as sureties.

105.7 Individual sureties. Each person appearing as a surety on a personal surety bond must qualify in accordance with the regulations of the Commissioner of Indian Affairs.

105.8 Collective sureties. No bank or corporation may be named as a surety unless it has been in existence for a period of not less than 5 years.

105.9 Terms. Any instrument issued contrary to the regulations in this part will be considered void and of no effect.

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