CUMULATIVE POCKET SUPPLEMENT

TO THE CODE OF FEDERAL REGULATIONS

Title 25—Indians

AS OF JANUARY 1 1959

For changes on and after January 1, 1959, see the daily issues of the Federal Register
§ 73.40 Expenses of elections. All expenses of elections including compensation to the members of the election board and any clerical assistants designated by the Superintendent under § 73.32, stationary supplies, printing and postage shall be borne by the Osage Tribe.

§ 73.51 Nominating conventions and petitions. Conventions shall be held in Osage County, Oklahoma, on or before the first Monday in April of the year in which a quadrennial election is held, and there shall be written reports of such conventions, duly certified by the Secretary or presiding officer, showing total number of qualified voters in attendance, together with the names of candidates nominated for the various offices. Provided that at least 25 qualified voters shall be in attendance at any such convention; also, names of any independent candidates nominated by petition of not less than 25 qualified voters, each signature to be witnessed by two persons, shall be filed with the supervisor not later than 6:00 p.m. on the first Monday in April of the year in which a quadrennial election is held in order that such names may be placed on the official ballot.

SUBCHAPTER I—CREDIT ACTIVITIES

PART 91—GENERAL CREDIT TO INDIANS

Sec. 91.20 Loans to Klamath Indians. [Add.]
§ 91.20 Loans to Klamath Indians. Loans may be made to withdrawing members of the Klamath Tribe who are of not less than one-quarter degree of Indian blood, to alleviate financial difficulties raised by the Termination Act of August 13, 1954 (25 U.S. C. 546), as amended. A loan made under this section shall constitute an indebtedness to be repaid without interest from funds representing the borrower’s share of the tribal assets. (Sec. 10, 43 Stat. 966; 25 U.S. C. 470) 12 P.R. 10133; Dec. 34; 1945)

SUBCHAPTER J—FISCAL AND FINANCIAL AFFAIRS

PART 104—INDIVIDUAL INDIAN MONEY ACCOUNTS [REVISED]

Sec. 104.1 Definitions.
104.2 Osage Agency.
104.3 Individual accounts.
104.4 Minor.
104.5 Adults under legal disability.
104.6 Voluntary deposits.
104.7 Payments by other Federal agencies.
104.8 Purchase orders.
104.9 Restrictions.

§ 104.1 Definitions. As used in this part:
(a) The term “individual Indian money account” means those accounts under the control of the Secretary of the Interior or his authorized representative for the benefit of individuals.

(b) The term “minor” means any individual who has not reached his majority as defined by the laws of the State of his domicile.

§ 104.2 Osage Agency. The provisions of this part do not apply to the Osage Agency or to any individual who is under such provision is subject to the provisions of Part 108 of this subchapter.

§ 104.3 Individual accounts. Except as otherwise provided in this part, adults shall have the right to withdraw funds from their accounts. They shall be paid such accounts in their behalf by the Secretary or his authorized representative, their funds shall be disbursed to them. All such disbursements shall be made at such convenient times and places as the Secretary or his authorized representatives may designate.

§ 104.4 Minors. Funds of a minor may be disbursed in such amounts as may be necessary for the best interests of the minor. Funds for the minor’s support, health, education, or welfare, or for the benefit of the minor, if placed in a trust account under the laws of the State, shall be paid to the guardian of the minor. (Sec. 12, 43 Stat. 966; 25 U.S. C. 470; 20 P.R. 10133; Dec. 24; 1945)

§ 104.5 Adults under legal disability. The funds of an adult who is not competent under the laws of the State to manage his affairs shall be disbursed by the Secretary or his authorized representative for such purposes as deems best for the welfare of the adult. The funds of an adult who is under legal disability and who is not competent to manage his affairs shall be disbursed by the Secretary or his authorized representative for such purposes as deems best for the welfare of the adult.

§ 104.6 Voluntary deposits. As a general rule, voluntary deposits shall not be accepted. Adults who require banking service shall be encouraged to utilize commercial facilities. If in any case it is determined that an exception to this prohibition should be made to a substantial hardship, the facts in the case shall be transmitted to the Secretary or his authorized representative and an exception will be allowed or denied.

§ 104.7 Payments by other Federal agencies. Money received from the Veterans Administration or other Federal agencies may be credited to the fund.

§ 104.8 Purchase orders. Purchase orders may be issued only in emergencies upon the request of any account holder. The Secretary or his authorized representative may act in emergencies on behalf of an account holder who is unable to make a request because of illness or incapacity or, to meet expenses of last illness or funeral.

§ 104.9 Restrictions. Funds of individuals may be applied by the Secretary or his authorized representative against delinquency or indebtedness to the United States or of any of its agencies or to the tribe of which the individual is a member, unless such payments are prohibited by law. Credit balances shall be paid to the individual or to his personal representative, if any, in the case of legal disability, or to his guardian or conservator, if any, in the case of an adult under legal disability, or to his executor or administrator, if any, in the case of death. Funds derived from the sale of capital assets which by agreement approved prior to such sale by the Secretary or his authorized representative are to be expended for specific purposes and subject to contractual agreements approved in advance by the Secretary or his authorized representative 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. The funds of an adult whom the Secretary or his authorized representative finds to be in need of assistance in managing his affairs, even though such adult is not competent, or under legal disability, may be disbursed to the adult within his best interest, under approved plans. Such finding and the basis for
such finding shall be recorded and filed with the records of the account.

Cross References: For rules governing the payment of judgments from individual Indian money accounts, see §11.55 of this chapter.

§ 104.10 Funds of deceased Indians other than the Five Civilized Tribes. Funds of a deceased Indian other than those of the Five Civilized Tribes may be disbursed (a) for the payment of obligations incurred, unauthorized, including authorized expenses of last illness; (b) for authorized funeral expenses; (c) for support of dependents members of the family of decedent in such amounts deemed necessary to avoid hardship and consistent with the value of the estate and the interest of the heirs; (d) for necessary expenses to conserve the estate pending the completion of probate proceedings; and (e) for probate fees and claims allowed pursuant to Part 16 of this chapter.

§ 104.11 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, and other taxes or obligations approved by the Secretary or his authorized representative prior to death or by a court of competent jurisdiction if allowed by the statute of limitations, costs of determining heirs to restricted property by the State courts, and claims allowed pursuant to Part 16 of this chapter.

§ 104.12 Appeals. Appeal from action taken by a Superintendent or other officer in charge of an Indian agency or reservation may be taken within 30 days of notification of the decision by the Area Director in charge of an area office of the Bureau of Indian Affairs. An appeal from an action of the Commissioner of Indian Affairs may be taken within 30 days to the Secretary of the Interior.

Chapter I—Bureau of Indian Affairs
§ 121.55 Notice of intent to issue order. Prior to the issuance of an order removing restrictions the Indian shall be notified in writing that:
(a) Section 2 (b) of the act of August 11, 1955 (69 Stat. 666), directs the Secretary of the Interior to issue an order removing restrictions to Indian of the Five Civilized Tribes who, in the judgment of the Secretary, has sufficient ability, knowledge, and judgment to enable him to manage his affairs, including the administration, use, investment, and disposition of any property turned over to such person and in the income derived therefrom, with such reasonable degree of prudence and wisdom as will be apt to prevent him from losing such property or the benefits thereof.
(b) He has been determined tentative to the Secretary of the Interior by the statute; and an order removing restrictions will be issued 60 days after the date of the notice, unless he or someone acting in his behalf, presents persuasive reasons for not issuing the order. Such reasons should be in writing and received in the office issuing the notice before the end of the 60-day period.

§ 121.56 Issuance of order. (a) If no objection is filed, as permitted by § 121.54 (b), the order shall be issued at the end of the 60-day period, and the Indian and the Bqrd of County Commissioners for the county in which the Indian resides shall be so notified. The order shall become effective six months after the date of such notice, unless the same is extended by a county court. The timely initiation of proceedings before a