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TITLE 25
§ 221.34 Payments for descent dependents. Disbursing agents are hereby authorized to disburse the income from the accounts of any adult Indian who has deserts his or her family such sums, not to exceed $100 per month, as may be absolutely necessary for the support of his or her minor child or children in cases where neither the deceased parent nor children have funds.

[Repeal, Jan. 31, 1938, as amended Dec. 1, 1938]

§ 221.35 Purchase tombstones. Disbursing agents are hereby authorized to expend not exceeding $100 from accounts of deceased Indians in the erection of suitable monuments at their graves upon request of relatives. Also, to permit individual adult Indians to expend from their accounts not exceeding $100 for such purposes provided their bank balances are sufficient to justify such expenditure.

[Repeal, Dec. 1, 1939]

§ 221.40 Advance to heirs. Disbursing agents are hereby authorized to disburse in their discretion not to exceed $100 from a decedent's estate to each person who has a prior lien for the formal determination of the heirs of the deceased, provided the disbursing agent is satisfied beyond a reasonable doubt that the person is an heir and that the estate is sufficient to cover the lien and any and all expenses incident to the administration of the estate.

[Repeal, May 13, 1939]

§ 221.50 Individual budgets and expenses. The superintendent of the Five Civilized Tribes Indian Agency, Oklahoma, and the general superintendent of the Department of Indian Affairs in Washington, D.C., are authorized to approve budgets in individual cases and to make expenditures in accordance with the approved budgets in sums where the total amount involved does not exceed $10,000 per annum. In such cases, the preceding sections of this law shall be inapplicable.

[Repeal, Dec. 1, 1939]

Part 224—Deposit and Expenditure of Individual Funds of Members of the Osage Tribe of Indians Who Do Not Have Certificates of Competency

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§ 224.35 Disbursements of Indian affairs.

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§ 224.37 Accounts: $224.1 to 224.36 issued under Act 109th Congress, 2d Session, 19th and 20th October, 1960, not to exceed $1,000 in any one case.

§ 224.38 Expenditure of individual funds of members of the Osage Tribe of Indians who do not have certificates of competency.
§ 222.2 Payment of taxes of adult Indians. The superintendent may cause to be paid out of any money herefore accruing to or hereafter accruing to the credit of any adult Indian, all taxes of every kind and character for which such Indian is or may be liable before paying any of such funds as may be required by law. All checks in payment of such taxes shall be made payable to the proper collector. For the purpose of establishing a fund with which to meet the payment of such taxes when due, the superintendent may cause the funds of adult Indians to be deposited in the following manner:

(a) For the payment of ad valorem taxes, one-fourth of the estimated amount of ad valorem taxes from each quarterly payment unless this procedure would cause the obligation of more than 20 percent of such quarterly payments, in which event the necessary additional funds shall be retained from other allowable funds payable to such person under the law. If there be no other allowable funds available, or if the funds from other sources are insufficient, one fourth of the estimated amount of ad valorem taxes may be obligated from such quarterly payment. If an Indian adult Indian does not have ad valorem funds, or such funds are insufficient for the payment thereof, surplus funds may be used for such payment.

(b) For the payment of income taxes, one-half of the estimated amount of income taxes for each quarter successively payable on interest on deposits, but if such interest payments are insufficient to cover the payment of income taxes, such interest payments shall be retained from interest on investments, rentals, or other allowable funds.

(2) Whenever funds are withheld for the payment of taxes, any funds in a fund to meet the payment of taxes, the Indian shall be notified of the action taken.

§ 222.3 Payment of taxes of Indians under 21 years of age. All taxes assessed against the property of adult Indians under 21 years of age shall be paid by the superintendent direct to the collector of taxes from funds derived from such funds, and the balance, if any, of such rents and income shall be paid to the parents of such Indians. If the parents are separated, the balance shall be paid to the parent having custody of the child under 21 years of age. All other taxes for which an Indian under 21 years of age may be liable shall be paid from surplus funds as may be required.

§ 222.4 Disbursement of allowance funds. Except as provided in § 222.2, all allowance funds shall be disbursed to the Indian, unless the Indian owner directs otherwise in writing. At the request of the Indian owner, such funds may be retained by the superintendent as authorized by the Indian owner, except upon withdrawal of such funds by notice or written direction of the Indian owner. The superintendent is a power of attorney executed by the Indian and may disburse the allowance funds of the Indian in any manner therewith so long as the power of attorney remains in force and effect.

§ 222.5 Procedure for hearings to assure supervision of expenditure of allowance funds. (a) Whenever the superintendent has reason to believe that an adult Indian is wasting or squandering his allowance funds, the superintendent may cause an investigation and written report of the facts to be made. If the report indicates that the Indian is wasting or squandering his allowance funds, the following notice shall be served upon the Indian, in person or by registered mail, that he shall have 30 days to discontinue the wasteful conduct or he will be deprived of his allowance funds.

(b) Sections 1 of the Act of February 27, 1924 (43 Stat. 1059) provides in part as follows: "All payments to adults not having certificates of competency, including amounts paid for the support of the Interior funds that such adults are wasting or squandering said income, to be subject to the control of the superintendent of the Osage Agency ...." Such a provision, which has been made to me concerning your handling and management of the income paid to you through the above-mentioned fund, indicates that you have been wasting and squandering your allowance funds. You are hereby notified that a hearing will be held in the Osage Indian Agency, Pawhuska, Oklahoma, at 19th day of ________, 19____ before the superintendent and the purpose of taking testimony and evidence and of submitting the Commissioner of Indian Affairs for his consideration. Any written statement or protestations shall be subject to the supervision of the Superintendent. You are required to appear at the hearing at the time and place designated above. You may be represented by counsel, who may appear and testify in your defense. You are strongly advised to make such representation, and your testimony and evidence as you deem appropriate to show that you are not wasting or squandering your payments and that your payments should continue to be made to you without restriction.

You are entitled to employ an attorney as agent or counsel for you. Upon your request, the employees of the Osage Agency will furnish you with any information you desire concerning your Indian ownership and the Osage Agency or any of your transactions handled through the Osage Agency.

Date ____________________________
Superintendent ____________________

(b) A hearing shall be held pursuant to the notice, the date of which shall be not less than 10 days after date of the notice. For good cause shown to exist the superintendent may continue the hearing to a later date.

(c) A record of the proceedings, consisting of the superintendents preliminary report, the notice and proof of service, all testimony and evidence introduced at the hearing, and all briefs and letters filed by the Indian or his attorney shall be submitted to the Commissioner, together with a recommendation from the superintendent.

(d) Upon a finding by the Commissioner that an Indian is wasting or squandering his allowance funds shall thereafter be subject to the supervision of the superintendent. Notice shall be given to the Commissioner that the allowance funds shall be furnished all interested parties.

§ 222.6 Allowance for minors. The superintendent may disburse from the surplus funds of an Indian under 21 years of age not to exceed $25 quarterly for the support and maintenance of the minor. Disbursement is made to be paid for the minor, or person other than school or institution having actual custody of the minor, or the minor shall be discharged and disbursement may be made direct to the minor.

§ 222.7 Disbursement or expenditure of surplus funds of adult Indians. Except as specified in the regulations in this part, no disbursement or expenditure of surplus funds of adult Indians shall be made without the consent of the Indian owner and such disbursement has been obtained from the Commissioner. Application by an adult Indian or his agent or counsel for the expenditure of surplus funds shall be presented to the Commissioner, fully justified with the supporting evidence such as court orders, decrees or otherwise. Such application shall contain full information regarding the individual including his cash balance, the sum invested, the number of shares in the Osage mineral estate, total income derived from such funds including that paid on behalf of the family status and the occupation or employment of the applicant. When request is made for payment or funds without supervision, the record of said individual and his ability to handle such funds shall be submitted to the Commissioner.

§ 222.8 Purchase of land. Upon written application of an adult Indian, the superintendent may disburse not to exceed $1,000 per quarter for the purchase of land from the surplus funds of such Indian for the purchase of land for the use of which has been examined and accepted by the Indian owner or the Commissioner for the Osage Indians or other individual designated by the Commissioner. In all cases the latter must be taken by deed containing a clause restricting alienation or subdivision without the consent of the Secretary of the Interior or his authorized representative.

§ 222.9 Construction and repairs. Upon written application by an adult Indian, the superintendent may disburse not to exceed $1,000 per quarter for the construction of such Indian for the use of which has been examined and accepted by the Indian owner or the Commissioner for the Osage Indians or other individual designated by the Commissioner. In all cases the latter must be taken by deed containing a clause restricting alienation or subdivision without the consent of the Secretary of the Interior or his authorized representative.

§ 222.10 Purchase of automobile equipment. The superintendent may disburse from the surplus funds of an adult Indian not to exceed $2,000 for the purchase of automobile equipment when the Indian agrees in writing to carry property and liability insurance for the automobile equipment and to reimburse the superintendent for such surpluses funds account from allowance funds. At the request of the Commissioner, disbursement of surplus funds for the purchase of automobile equipment shall be made for both the Indian and the Commissioner. An agreeable agreement will endanger the payment of taxes, insurance or other obligations. Such an agreement may cause the Commissioner to take a material interest in the Indian and to his current living expenses from allowance funds.
§ 222.11 Insurance. The superintendent may permit policies of insurance covering the restricted property, real or personal, of minor Indians and pay the premiums thereon from the funds of the minors. Upon application by an adult Indian the superintendent may procure insurance on any restricted property, real or personal, by the applicant, and pay the necessary premiums from his surplus or allowance funds. When authorized by the commissioner, the superintendent may also procure insurance on restricted property, real or personal, of any adult Indian who neglects or refuses to take out such insurance.

§ 222.12 Costs of recording and conveyancing. The superintendent may expend the surplus funds of an Indian to make direct payment for recording fees and costs of conveyancing, including abstracting costs, which are properly payable by the Indian.

§ 222.13 Telephone and telegraph messages. The superintendent may expend the surplus funds of an Indian to make direct payment for telephone and telegraph messages sent by the agency or received at the instance of the Indian or his guardian or attorney.

§ 222.14 Miscellaneous expenditure of surplus funds. Upon application by an adult Indian the superintendent may disburse the surplus funds of such Indian for the following purposes:

(a) Medical, dental, and hospital expenses for the applicant or a member of his family, not to exceed one thousand dollars ($1,000) during any one fiscal year.

(b) Funeral expenses, including the funeral costs of a deceased member of his family, not to exceed one thousand dollars ($1,000).

(c) A tombstone or monument to mark the grave of a deceased member of his family, not to exceed five hundred dollars ($500).

(d) Court costs in any judicial proceeding to which the applicant is a party.

(e) Bond premiums, except bail and superintendents' bond.

(f) For miscellaneous purposes, not to exceed five hundred dollars ($500) during any one fiscal year.

§ 222.15 Collections from insurance companies. Premiums collected from insurance companies for loss or damage to restricted real or personal property shall be deposited to the credit of the Indian owner as surplus funds. Money so deposited to the credit of an adult Indian may be paid on application of the Indian to the superintendent, if so authorized by the superintendent for the purpose of repairing or replacing the property. Money collected from insurance companies for loss or damage to restricted real or personal property shall be paid to the Indian for his unrestricted use.

§ 222.16 Reimbursement to surplus fund. If the expenditure made from surplus funds is declared to be void or of no effect by the court, the surplus funds shall be restituted to the Indian owner for his unrestricted use.

§ 222.17 Inactive surplus funds accounts. When the balance of surplus funds in the credit of an Indian is less than $500 and when there is no likelihood of the court finding for the Indian in 20 days, the superintendent may disburse the entire balance to the Indian owner for his unrestricted use.

§ 222.18 Withdrawal and payment of aggregated trust funds. The withdrawal and payment of aggregated trust funds will be made only upon application and satisfactory evidence that the withdrawal and payment of such funds would be to the best interest of the Indian in view of all circumstances shown to exist. The aggregate of the funds in his Indian under guardianship or in Indian trust, over 21 years of age shall not be released and paid except to a guardian appointed by proper court order, or bonds approved by the court conditioned upon the faithful accounting of the funds. The court may condition the distribution of the funds.

§ 222.19 Debts of Indians. No indebtedness will be paid from their trust funds or from the funds of the Secretary unless authorized in writing and obligated against their accounts by the superintendent or some other designated employee except in cases of emergency involving the protection or preservation of life or property in which emergency must be clearly shown. With the exception, no authorization or obligation against the account of any Indian for indebtedness may be made by the superintendent or any officer of the Department without specific authorization by the Commissioner. When necessary to prevent hardship or suffering, purchase orders may be issued by the superintendent against the funds of an Indian in an amount not to exceed 80 percent of the anticipated quarterly payments. The payment of purchase orders issued against future income shall be contingent upon the availability of funds.

§ 222.20 Fees and expenses of attorneys. When payment of an attorney fee or services to an Indian is to be made from such funds, the employment and compensation of the attorney by the Indian must be approved in advance. All fees will be allowed at a rate not to exceed 20 percent on a quantum meruit basis and paid upon the recommendation of the service. The superintendent may approve the employment of an attorney, determine the amount of the surplus funds of the Indian in payment thereof when the fee does not exceed $500. Upon application by the Indian and upon the satisfactory endorsement or authenticated vouchers, the superintendent may disburse the surplus funds of the Indian in an amount not to exceed $500 in payment of necessary expenses incurred by the attorney.

§ 222.21 Disbursements to legal guardians. Any disbursement authorized to be made to an Indian by the regulations of this part of the Code or by the Indian under guardianship, be made by the superintendent to the guardian. All expenditures by a guardian of the funds of his ward must be accounted for in writing by the court and the superintendent.

§ 222.22 Transactions between guardian and ward. Business dealings between the guardian and his ward involving the sale or purchase of any property, real or personal, by the guardian to or from the ward, or to or from any store, company, or organization in which the guardian has a direct interest or concern of the Indian owner will be paid from his surplus funds, if so authorized in writing.

§ 222.23 Charges for services to Indians. The superintendent may make the following charges for services to Indians for services rendered and for the following charges for services to Indians for the supervision and non-liquidating dividends received from all types of securities, including stocks, bonds, and mortgages held in trust for individuals and organizations and group investments. Such fees shall be deposited in the Treasury of the United States.
to the credit of the fund "Proceeds of Oil and Gas Leases, Royalties, etc., Osage Reservation, Oklahoma".

§ 232.26 Expenses incurred pending qualification of an executor or administrator. Pending the qualification of either the executor or administrator of the estate of a deceased Indian of one-half or more Indian blood who did not have a certificate of competency at the time of his death, the superintendent may authorize the expenditure of funds to the credit of the Indian or any funds, other than those listed in subparagraphs (1) (2) (8) and (10) of the paragraph which accrue pending administration of the estate.

§ 232.28 Payment of claims against estates. The superintendent may disburse to the executor or administrator of the estate of a deceased Indian of one-half or more Indian blood who did not have a certificate of competency at the time of his death the surplus funds out of the estate to pay the following classes of claims approved by the court:

(a) Debts authorized by the superintendent during the lifetime of the Indian.
(b) Expenses incurred pending qualifications of an executor or administrator under authority contained in § 232.26
(c) Expenses of administration, including court costs, premium on bond of executor or administrator, transcript fees and appraisal fees.
(d) Living expenses incurred within the last 12 months of the deceased Indian, including the date of death of the Indian.
(e) Allowance of not to exceed $125 per month for 12 months to a widow who was entitled to participate in the distribution of the estate and who does not have sufficient funds of her own.
(f) Allowance of not to exceed $35 per month for 12 months for each child of the deceased Indian, of age 25 years or under, who is entitled to participate in the distribution of the estate and who is in need of such support.
(g) Insurance premiums and license fees on restricted property.
(h) Not to exceed $1,000 for the preservation and upkeep of restricted property, including the services of a caretaker when necessary.

§ 232.29 Sale of personal property. The superintendent may approve the sale of restricted personal property other than livestock. The superintendent may also approve the sale of livestock when authorized to do so by general instructions from the Commissioner.

§ 232.30 Removal of restrictions from personal property. The superintendent may relinquish title to personal property held by the United States in trust for the Indian on and after the date of sale.

§ 232.32 Funds of Indians of other restricted non-Osage Indians, both adults and minors, residing within the jurisdiction of the Osage Agency, deriving from sources within the Osage Nation and collected through the Osage Agency, may be disbursed by the superintendent, subject to the condition that all payments to third persons, including taxes and insurance proceeds, shall be made upon the written authorization of the individual whose funds are involved, if an adult, and upon the written authorization of the parent or guardian, if a minor. The funds of restricted non-Osage Indians who do not reside within the jurisdiction of the Osage Agency shall be transferred to the superintendent of the jurisdiction within which the Indian resides, to be disbursed under regulations of the receiving agency.

§ 232.33 Signature of delegate. An Indian who cannot write shall be required to endorse checks payable to his order and sign receipts or other documents by making an imprint of the thumb or the left hand at the right thumb (or the left, if he has lost his right) after his name. This imprimatur shall be clear and distinct, showing the size, shape, color, and extent of the thumb mark and witnessed by two reputable persons whose addresses shall be given opposite following their names. An Indian may refuse to endorse the checks where he is unable to attach his thumb mark for physical reasons.

§ 232.34 Financial status of Indians. The financial status of Indian shall be regulated and shall not be disclosed except to the owner of the account in whose name the funds are deposited and authorized to be disclosed by the Commissioner.

§ 232.35 Appeals. In all cases involving administrative decisions in which a person in interest may appeal from the decision or action of the superintendent or the Commissioner, the person aggrieved may appeal to the Secretary of the interior.