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TITLE 22—FOREIGN RELATIONS
TITLE 23—HIGHWAYS
TITLE 24—HOUSING CREDIT
TITLE 25—INDIANS

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No printed forms are provided by the Department for the submission of the reports.*† [Sec. 22]

230.14 Checks. Each bank designated as a depository shall furnish the disbursing agent, without charge, an adequate supply of blank checks. Checks to be supplied by banks carrying active checking accounts must be printed in accordance with instructions from disbursing agents.*† [Secs. 23, 24]

230.15 Service charges prohibited. No bank in which Indian funds are deposited shall charge or receive any exchange or other fees or compensation on account of the cashing or collection of any checks or drafts or the performance of any other service for disbursing agents.*† [Sec. 25]

230.16 Statements required. Depositories shall render such statements and give such information as properly accredited inspecting and administrative officers may request.*† [Sec. 26]

230.17 Disqualification. Any bank which shall fail to comply with the regulations in this part shall be liable to be disqualified.*† [Sec. 27]

230.18 Effective date. The regulations in this part became effective March 5, 1938 and supersede regulations on the same subject approved February 17, 1931.*† [Sec. 28]

PART 233—REGULATIONS FOR PRO RATA SHARES OF TRIBAL FUNDS

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| Sec. | Sec. |
| 233.1 Fee-simple patentees. | 233.4 Interest in pro rata shares not vested rights unless application approved. |
| 233.2 Applicants who have received neither fee-simple patents nor certificates of competency. | 233.5 Basis of distribution; pro rata shares. |
| 233.3 Applicants who are mentally or physically incapable of managing their affairs. | 233.6 Disposition of pro rata share in event of applicant's death. |
| | 233.7 Pro rata shares of minors. |

CROSS REFERENCES

Regulations pertaining to the determination of heirs and approval of wills:
See Part 81 and §§ 161.30-161.32C.

Section 233.1 Fee-simple patentees. When the applicant has been granted a patent in fee or certificate of competency, that fact will be accepted as prima facie evidence of his competency, but in forwarding applications of this class the agent will give the date on which the patent was issued, report whether in his judgment the patentee has made proper use of his privileges and would make good use of his share of the tribal funds if paid to him, and make a specific recommendation for approval or disapproval of the application.**†† [Sec. I (A)]

**§§ 233.1 to 233.7, inclusive, issued under the authority contained in 39 Stat. 128; 25 U.S.C. 121.

††The source of §§ 233.1 to 233.7, inclusive, is Pro rata shares regulations, Secretary of the Interior, June 29, 1927.

*†For statutory and source citations, see note to § 230.1.

233.2 Applicants who have received neither fee-simple patents nor certificates of competency. In the case of an applicant who has received neither a fee-simple patent nor a certificate of competency, the application must be accompanied by evidence which will establish the fact that he is capable of managing his own affairs. In forwarding applications of this class the Superintendent will report fully, as follows:

(a) Is the applicant living on this allotment? If so, is he making reasonable efforts to cultivate his land and to support himself and family? If he is not living on his allotment, what is his occupation?

(b) Is any part of his allotment leased? If so, to what extent does he depend upon the rent therefrom to support himself and family?

(c) Has the applicant been given the privilege of leasing his own lands; and if so, with what result?

(d) Has he an interest in any inherited land? If he has sold or leased any inherited land, how has he managed the proceeds?

(e) Is the applicant of good moral character?

(f) Is he addicted to the use of intoxicants? And if so, does this habit, in the judgment of the agent, unfit him to make proper use of his share of the tribal funds?

(g) What is his physical condition?

(h) Is the applicant in debt? If so, to what extent and for what purpose was the debt incurred?

(i) Has the applicant the necessary business qualifications to enable him to manage his own affairs?

(j) Give such other information concerning the applicant as will aid the office in determining whether or not to approve his application.

(k) Make a specific recommendation for the approval or disapproval of the application.*† [Sec. I (B)]

233.3 Applicants who are mentally or physically incapable of managing their affairs. Applications of 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 Indian and handled as individual Indian money.

In forwarding applications the agent will report fully as follows:

(a) Sex and exact date of birth.

(b) Identify the applicant by allotment and last annuity-roll numbers.

(c) What is the actual physical condition of the applicant? If suffering from disease, submit certificate of physician if necessary to establish disability.

(d) What is the actual 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 or her share at this time?

(g) Has it been explained to the applicant and does he understand that if the application is approved the funds will be deposited to his credit as individual Indian money to be expended under the supervision of the Superintendent?

(h) Make a specific recommendation for the approval or disapproval of the application.*† [Sec. II]

CROSS REFERENCES: For individual Indian money regulations, see Part 221. For deposits of Indian funds in banks, see Part 230.

233.4 Interest in pro rata shares not vested rights unless application approved. On November 6, 1908, the Secretary of the Interior decided, in effect, that the interest of an Indian in a pro rata share of a tribal fund does not vest in the Indian as inheritable property until after his application has been approved by the Secretary and an order signed by him segregating it from the tribal fund. Applications for shares of funds under this Act may be made at any time, but in view of the Secretary's decision such applications should be forwarded to the Indian Office by the superintendent as soon as they are completed and filed with him. Applications from those who are blind, decrepit, etc., must be made special and forwarded to the Indian Office, Washington, D. C., as soon as possible.*† [Sec. III (C)]

233.5 Basis of distribution; pro rata shares. In estimating the pro rata share of an individual, the last annuity pay roll prior to July 1 or January 1 of each year will be taken as a basis of distribution. Where no payment has been made within 1 year the last census, if taken within the year, will be the basis. If no census has been taken or payment made within a year, the last available record—either census or annuity roll will be used.*† [Sec. III (D)]

233.6 Disposition of pro rata share in event of 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 share to which he would have been entitled, if living, will revert to the tribe. In case of the death of an applicant after approval of his application and the signing by the Secretary of the Interior of an order for the segregation of his share, but before payment is made, his share will descend to his legal heirs and should be deposited to the credit of the estate pending formal determination thereof.*† [Sec. III (E)]

CROSS REFERENCES: For regulations pertaining to the determination of heirs and approval of wills, see Part 81 and §§ 161.30-161.32C.

233.7 Pro rata shares of minors. The shares of minors will not be withdrawn except when necessary for their own benefit. The application should be signed by the parent or guardian and transmitted to the Indian Office by the Superintendent with his recommendation as in other cases and a full explanation of the circumstances which justify the withdrawal. Such shares will be deposited to the credit of the minors subject to expenditure under the individual Indian money regulations. The term "minor," as used herein, shall be interpreted in conformity with the State law.*† [Sec. III (F)]

CROSS REFERENCE: For individual Indian money regulations, see Part 221.

*†For statutory and source citations, see note to § 233.1.