

CODE
OF
FEDERAL REGULATIONS

TITLE 25—INDIANS

CHAPTER I

Office of Indian Affairs, Department of the Interior

CHAPTER II

Indian Arts and Crafts Board, Department of the Interior



UNITED STATES DEPARTMENT OF THE INTERIOR

Harold L. Ickes, Secretary

OFFICE OF INDIAN AFFAIRS

John Collier, Commissioner

William Zimmerman, Jr., Assistant Commissioner

incompetent adult Indians or minor Indians for whom no legal guardian or other fiduciaries have been appointed; such funds to be handled and accounted for, and disbursed for the use and benefit of such beneficiaries, in accordance with existing law and the regulations in this part. In view of the nature of these funds, Superintendents should keep their records in such manner that they will be prepared to submit detailed reports either to this Office or to the Veterans' Administration or other Federal agency upon request.* [Sec. 38, Regs., as added May 12, 1933]

PART 224—ANNUITY AND OTHER PER CAPITA PAYMENTS.

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224.1 Persons to share payments.	224.4 Election of shareholders.
224.2 Enrolling non-full blood children.	224.5 Future payments.
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Section 224.1 Persons to share payments. In making all annuity and other per capita payments, the funds shall be equally divided among the Indians entitled thereto share and share alike. The roll for such payments should be prepared on Form 5-322* in strict alphabetical order by families of husband, wife, and unmarried dependent minor children. Unless otherwise instructed, (a) Indians of both sexes may be considered adults at the age of 18 years; (b) deceased enrollees may be carried on the rolls for one payment after death; (c) where final rolls have been prepared constituting the legal membership of the tribe, only Indians whose names appear thereon are entitled to share in future payments, after-born children being excluded and the shares of deceased enrollees paid to the heirs if determined or if not determined credited to the estate pending determination; and (d) the shares of competent Indians will be paid to them directly and the shares of incompetents and minors deposited for expenditure under the individual Indian money regulations.**† [Sec. 1]

**§§ 224.1 to 224.5, inclusive, issued under the authority contained in R.S. 161; 5 U.S.C. 22.

†The source of §§ 224.1 to 224.5, inclusive, is Annuity and other per capita payment regulations, Secretary of the Interior, Jan. 30, 1928.

CROSS REFERENCES: For regulations pertaining to the determination of heirs and approval of wills, see Part 81 and §§ 161.30-161.32C. For individual Indian money regulations, see Part 221.

224.2 Enrolling non-full blood children. Where an Indian woman was married to a white man prior to June 7, 1897, and was at the time of her marriage a recognized member of the tribe even though she left it after marriage and lived away from the reservation, the children of such a marriage should be enrolled—and, also in the case of an Indian woman married to a white man subsequent to the above date but who still maintains her affiliation with the tribe and she and her children are recognized members thereof; however, where an Indian woman by marriage with a white man after June 7, 1897, has, in effect, withdrawn from the tribe and is no longer identified with

* See footnote on page 27.

*For statutory citation, see note to § 221.1.

it, her children should not be enrolled. In case of doubt all the facts should be submitted to the Indian Office Washington, D. C. for a decision.*† [Sec. 2]

224.3 Payments by check. All payments should be made by check. In making payments to competent Indians, each check should be drawn to the order of the enrollee and given or sent directly to him. Powers of attorney and orders given by an Indian to another person for his share in a payment will not be recognized. Superintendents will note in the "Remarks" column on the roll the date of birth of each new enrollee and the date of death of deceased annuitants.*† [Sec. 3]

224.4 Election of shareholders. An Indian holding equal rights in two or more tribes can share in payments to only one of them and will be required to elect with which tribe he wishes to be enrolled and to relinquish in writing his claims to payments to the other. In the case of a minor the election will be made by the parent or guardian.*† [Sec. 4]

224.5 Future payments. Indians who have received or applied for their pro rata shares of an interest-bearing tribal fund under the Act of March 2, 1907 (34 Stat. 1221; 25 U.S.C. 119, 121), as amended by the Act of May 18, 1916 (39 Stat. 128), will not be permitted to participate in future payments made from the accumulated interest.*† [Sec. 5]

PART 227—CREATION OF TRUSTS FOR RESTRICTED PROPERTY OF INDIANS, FIVE CIVILIZED TRIBES, OKLAHOMA

Sec.	Sec.
227.1 Application for trust.	227.7 Trust duration.
227.2 Obligations of trust company.	227.8 Trustee's security.
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227.4 Contents trust agreement.	227.10 Necessary forms.
227.5 Eligibility of appraisers.	227.11 Limit restricted property in trust.
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Section 227.1 Application for trust. Indians desiring to establish trust estates under the provisions of the said Act must make written application therefor to the Secretary of the Interior through the Superintendent or other official in charge of the Five Civilized Tribes Agency, Muskogee, Oklahoma. The application shall designate the trustee, the beneficiary or beneficiaries and the manner in which it is desired the corpus of the estate shall be distributed upon the termination of the trust. A form of application will, upon request, be furnished by the said Superintendent and should be filled out and executed in the presence of the Field Clerk or in the office of the Superintendent and duly attested by the Field Clerk or some other Government employee. The information required by the form of application and such other information as may be requested concerning the Indian and his affairs shall be carefully considered by the Superintendent who will affix his recommendation to the application and forward it to the Secretary of the Interior with his report, which

*†For statutory and source citations, see note to § 224.1.